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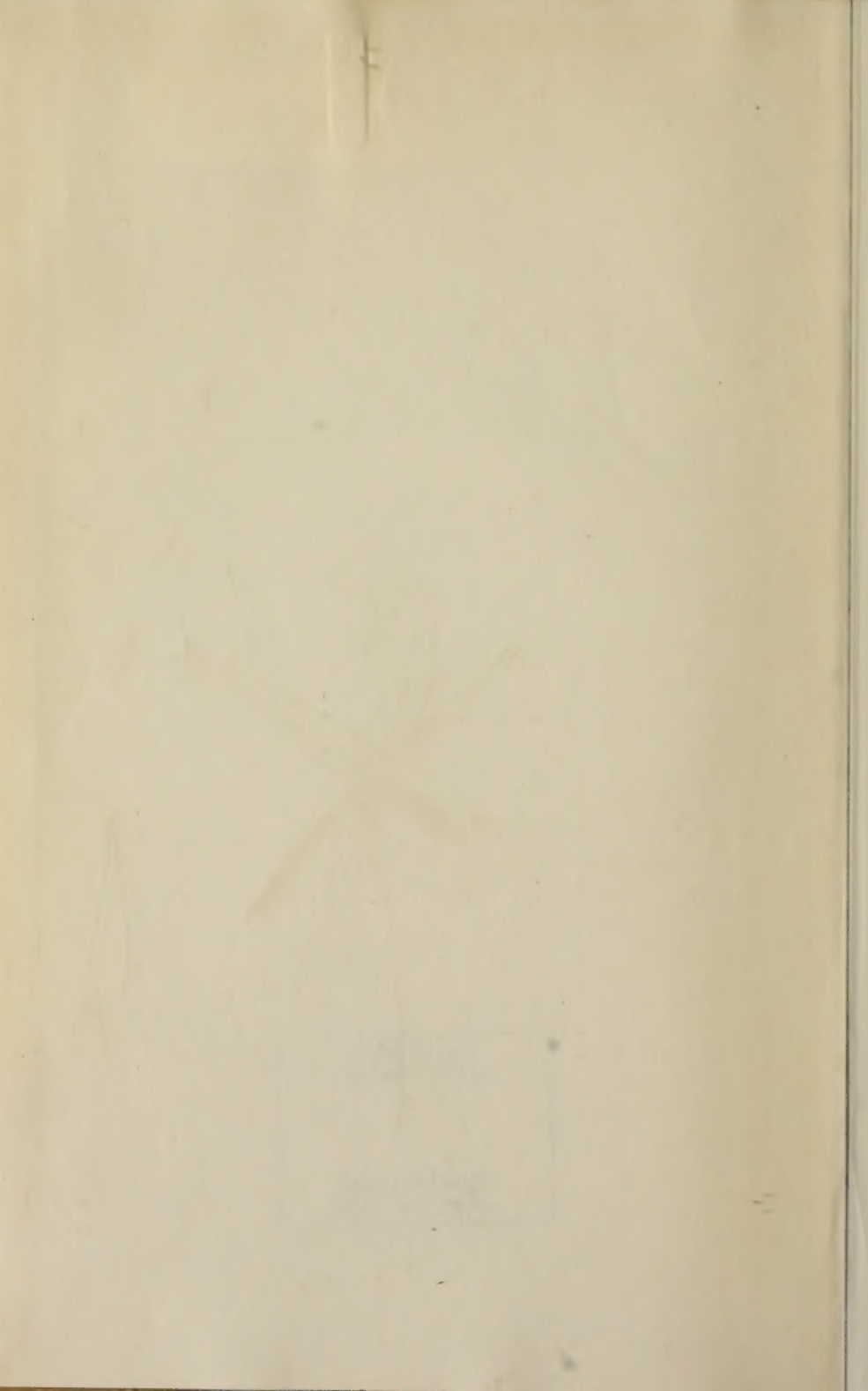
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# Journal of the Senate

## Legislature of the State of California

Fifty-fifth Session

1943

First Part of Session, January Fourth to January Thirty-first, Inclusive  
Second Part of Session, March Eighth to May Fifth, Inclusive

Lieutenant Governor Frederick F. Houser, President of the Senate  
Joseph A. Beek, Secretary





# Journal of the Senate

Legislature of the State of California

First Session

1879

San Francisco, California

Printed by the State Printer, under the authority of the Senate.

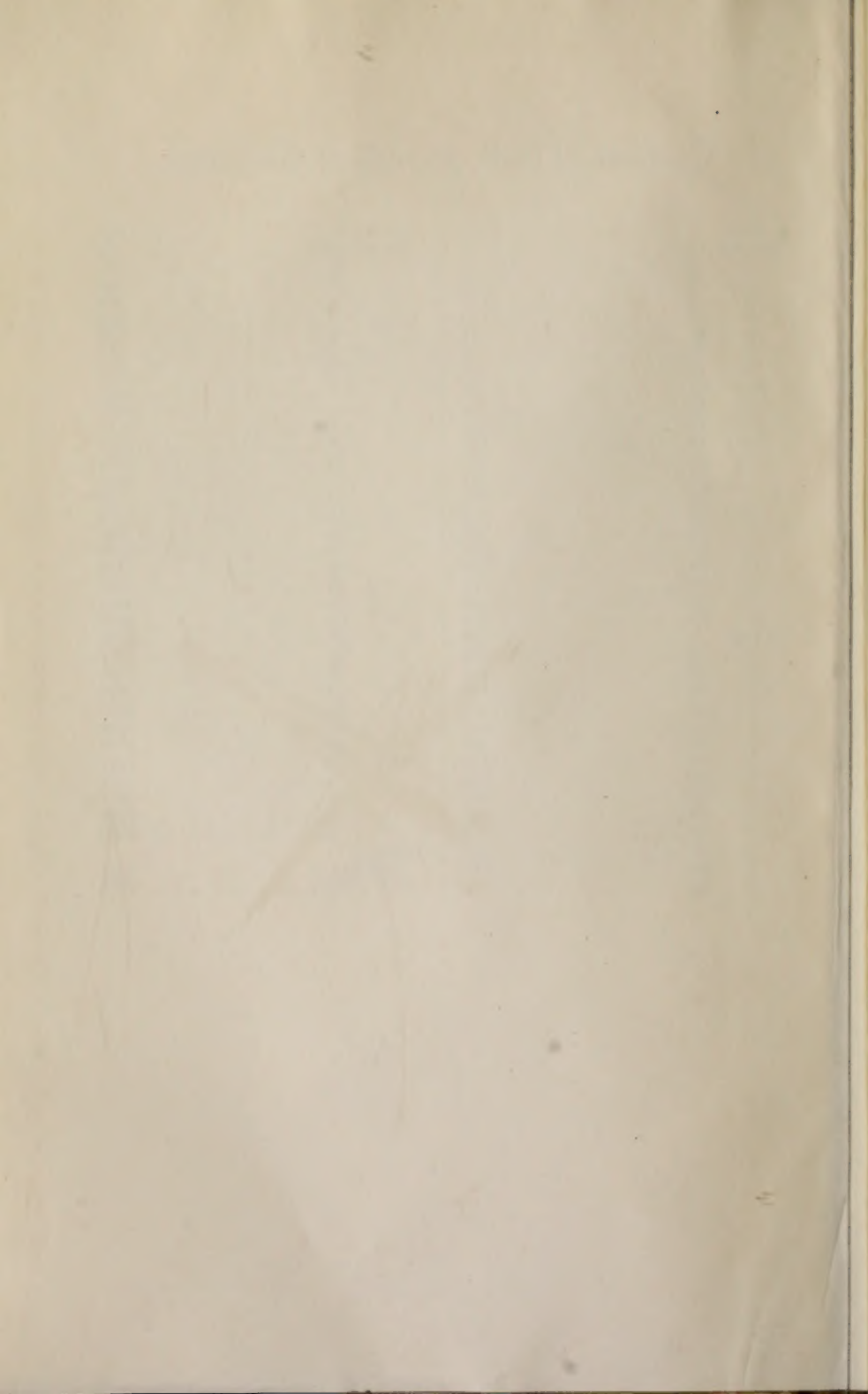
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## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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**SENATE DAILY JOURNAL**

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FIRST LEGISLATIVE DAY

FIRST CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Monday, January 4, 1943

The hour of 12 o'clock m. having arrived, Hon. Ellis E. Patterson, President of the Senate, called the Senators and Senators-elect to order, and announced that the Fifty-fifth Session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the Fifty-fourth Session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Joseph A. Beek, Secretary; Robert G. Alderman, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

**PRAYER**

By invitation of the President, prayer was offered by Rev. H. W. Opperman.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Governor Frank F. Merriam, of Long Beach.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. S. Lyon, District Attorney of El Dorado County; E. Y. Gray, and E. E. Clark, all of Placerville.

**RESOLUTIONS**

The following resolution was offered:

By Senator Slater:

**Senate Resolution No. 1**

*Resolved*, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate, and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and, on motion of Senator Slater, adopted.



## CERTIFICATE FROM SECRETARY OF STATE

By direction of the President, the Secretary read the following certificate of duly elected Senators of the Fifty-fifth Session of the Legislature of the State of California:

## STATE OF CALIFORNIA, DEPARTMENT OF STATE

I, FRANK M. JORDAN, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the General Election held on the third day of November, A.D. 1942, to represent the people of the State of California at the Fifty-fifth Session of the Legislature of said State, as appears from the statement of vote received from the county clerks of the various counties comprising the several Senatorial districts of the State of California, said statement of vote being a record of and on file in my office, viz:

State Senators-Elect		
Name	District	County or Counties Comprising District
Randolph Collier	Second	Del Norte, Siskiyou
George Milton Biggar	Fourth	Mendocino, Lake
Charles H. Deuel	Sixth	Butte
Clair Engle	Eighth	Tehama, Glenn, Colusa
W. P. Rich	Tenth	Yuba, Sutter
Herbert W. Slater	Twelfth	Sonoma
John F. Shelley	Fourteenth	San Francisco
Arthur H. Breed, Jr.	Sixteenth	Alameda
Byrl R. Salsman	Eighteenth	Santa Clara
Bradford S. Crittenden	Twentieth	San Joaquin
Hugh P. Donnelly	Twenty-second	Stanislaus
George J. Hatfield	Twenty-fourth	Merced, Madera
Jesse M. Mayo	Twenty-sixth	Tuolumne, Mariposa, Calaveras
Charles Brown	Twenty-eighth	Mono, Inyo
Hugh M. Burns	Thirtieth	Fresno
Frank W. Mixter	Thirty-second	Tulare
Jesse R. Dorsey	Thirty-fourth	Kern
Ralph E. Swing	Thirty-sixth	San Bernardino
Jack B. Tenney	Thirty-eighth	Los Angeles
Ed Fletcher	Fortieth	San Diego

## Hold-Over State Senators

Name	District	County or Counties Comprising District
Harold J. Powers	First	Modoc, Lassen, Plumas
Irwin T. Quinn	Third	Humboldt
Oliver J. Carter	Fifth	Trinity, Shasta
Jerrold L. Seawell	Seventh	Sierra, Nevada, Placer
H. E. Dillinger	Ninth	El Dorado, Amador, Alpine
Frank L. Gordon	Eleventh	Napa, Yolo
Thomas F. Keating	Thirteenth	Marin
Thomas McCormack	Fifteenth	Solano
T. H. DeLap	Seventeenth	Contra Costa
John Harold Swan	Nineteenth	Sacramento
Harry L. Parkman	Twenty-first	San Mateo
H. R. Judah	Twenty-third	Santa Cruz
Edward H. Tickle	Twenty-fifth	Monterey, San Benito
R. R. Cunningham	Twenty-seventh	Kings
Chris N. Jespersen	Twenty-ninth	San Luis Obispo
Clarence C. Ward	Thirty-first	Santa Barbara
James J. McBride	Thirty-third	Ventura
Thomas H. Kuchel	Thirty-fifth	Orange
Vacancy	Thirty-seventh	Riverside
E. George Luckey	Thirty-ninth	Imperial

WITNESS my hand and the Great Seal of the State of California, at office in Sacramento, this fourth day of January, A.D. 1943.

[SEAL]

FRANK M. JORDAN, Secretary of State

**ROLL CALL OF HOLD-OVER SENATORS**

The President directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Carter, Cunningham, DeLap, Dillinger, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Swan, Tickle, and Ward—18.

**ROLL CALL OF SENATORS-ELECT**

The President directed the Secretary to call the roll of Senators-elect.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Mayo, Mixter, Rich, Salsman, Shelley, Sater, Swing, and Tenney—20.

The President announced that the roll call disclosed 20 Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

**OATH OF OFFICE ADMINISTERED**

The Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Honorable Phil S. Gibson, Chief Justice of the Supreme Court of the State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

**ROLL CALL**

The President called the Senate to order, and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Sater, Swan, Swing, Tenney, Tickle, and Ward—38.

Whereupon the President announced their qualification, and declared that a quorum of all the Senators was present.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the session:

Senator Kuchel, on motion of Senator Seawell.

The following Senator was granted leave of absence for the balance of this legislative day:

Senator Hatfield, on motion of Senator Tenney.

**COMMUNICATIONS**

The following communication was received, read, and on motion of Senator McBride, ordered printed in the Journal:

PEARL HARBOR, T. H., January 4, 1943

*Senator James J. McBride, State Senate  
Sacramento*

Please extend my hearty greetings and best wishes to the Lieutenant Governor, Members of the Senate, and attaches. Things are beginning to roll now. Know you boys in the Senate will add momentum to keep us going. Hear the army has you crowded out. Tell them we have a lot of room. Give the bills the gun, Jimmy, and let's get it over with.

JOHN B. COOKE, Commander, U.S.N.

**TEMPORARY ORGANIZATION EFFECTED**

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

**RESOLUTIONS**

The following resolution was offered:

By Senator Swing:

**Senate Resolution No. 2**

*Resolved*, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro tempore;  
Secretary of the Senate;  
Sergeant-at-Arms;  
Minute Clerk, and  
Chaplain.

Resolution read, and on motion of Senator Swing, adopted.

**NOMINATIONS FOR AND ELECTION OF PRESIDENT  
PRO TEMPORE OF THE SENATE**

The President thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator Rich placed in nomination for the office of President pro tempore of the Senate the Honorable Jerrold L. Seawell of Placer, Nevada, and Sierra Counties, State Senator from the Seventh District.

Senators Powers and Mixter seconded the nomination of Senator Seawell.

On motion of Senator Slater, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For SENATOR JERROLD L. SEAWELL—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Whereupon the President declared Senator Jerrold L. Seawell of Roseville duly and unanimously elected President pro tempore of the Senate.

**NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE**

The President declared nominations for the office of Secretary of the Senate in order.



Senator Mayo placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

On motion of Senator Deuel, the nominations were declared closed. The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH A. BEEK—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swain, Swing, Tenney, Tickle, and Ward—37.

Whereupon, the President declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

#### NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Slater placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant at Arms of the Senate.

On motion of Senator Mayo, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH FRANCIS NOLAN—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swain, Swing, Tenney, Tickle, and Ward—37.

Whereupon, the President declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arms of the Senate.

#### RECESS

At 12.15 p.m., on motion of Senator Slater, the Senate recessed until 12.20 p.m., to hear remarks from former Governor Frank F. Merriam.

#### REASSEMBLED

At 12.20 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

#### NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE

The President declared nominations for the office of Minute Clerk of the Senate in order.

Senator Tickle placed the name of John F. Lea of Roseville in nomination for Minute Clerk of the Senate.

Senator Breed seconded the nomination of John F. Lea for Minute Clerk.

On motion of Senator Cunningham, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOHN F. LEA—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer,

Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Whereupon, the President declared John F. Lea duly and unanimously elected Minute Clerk of the Senate.

#### NOMINATIONS FOR AND ELECTION OF CHAPLAIN

The President declared nominations for the office of Chaplain of the Senate in order.

Senator Swan placed the name of Rev. Richard C. Dwyer of Sacramento in nomination for Chaplain of the Senate.

Senator Shelley seconded the nomination of Rev. Richard C. Dwyer for Chaplain of the Senate.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR REV. RICHARD C. DWYER—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Whereupon, the President declared Rev. Richard C. Dwyer duly and unanimously elected Chaplain of the Senate.

#### OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Jerrold L. Seawell, President pro tempore; Joseph A. Beek, Secretary; Joseph F. Nolan, Sergeant-at-Arms; John F. Lea, Minute Clerk, and Rev. Richard C. Dwyer, Chaplain of the Senate, appeared at the bar of the Senate, where the constitutional oath of office was administered to them by the Honorable Phil S. Gibson, Chief Justice of the Supreme Court of the State of California, and they subscribed to the same.

#### RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

##### Senate Resolution No. 3

*Resolved*, That the Standing Rules of the Senate of the Fifty-fourth Session, as amended, be and the same are adopted as Temporary Rules of this Fifty-fifth Session of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
 NOES—None.

#### COMMITTEE FROM THE ASSEMBLY

A committee from the Assembly, consisting of Assemblymen Maloney, Niehouse, and Erwin, appeared at the bar of the Senate, and informed the Members of the Senate that the Assembly had duly organized and was ready to proceed with the business of the State.

## MESSAGES FROM THE GOVERNOR

GOVERNOR'S OFFICE, SACRAMENTO, JANUARY 4, 1943:

*To the Honorable Members of the Senate:**State Capitol, Sacramento, California.*

GREETINGS. Will the Senate please find consent to the following appointments:

CYRUS W. COLE, Reed Arundel, U. S. N., Retired, San Diego, to the Board of Pilot Commissioners of San Diego, vice Jesse B. Cole, resigned, for the term at the pleasure of the Governor.

FLOYD KELLINGER, Stockton, vice John Tamm, Esq., F. J. Jensen, Stockton, vice Dan R. Wood, BARRY G. McDERMOTT, Stockton, vice S. J. DeHahn, Sr., L. A. MILLS, Stockton, vice Dr. PAUL KROGER, JESSE THOMPSON, Retired, and George Murphy, to the Board of Trustees of Southern State Hospital.

DR. H. P. JACOBSON, Los Angeles, to the Board of Trustees of Northern State Hospital, vice L. H. WOOD, Retired, for the term at the pleasure of the Governor.

PHILIP SOLOV, San Francisco, to the Board of Prison Commissioners for the Bays of San Francisco, San Pablo and Suisun, vice Bradford M. Martin, term expired.

JULIAN ALCO, San Francisco, to the State Board of Prison Directors, vice W. Earle Smith, term expired.

HARRY SELL, San Francisco, Member of the Board of Harbor Commissioners, vice E. A. McMillan, resigned.

CHRIS E. WARREN, Santa Barbara, vice Alvin H. Doughty, Appointment withdrawn, CLYDE DOWELL, Long Beach, vice Dr. L. P. Crutcher, term expired, EUGENE T. BRIDDERICK, and DONALD C. METCALF, term expired, A. J. SYMON, LAND, San Diego, vice Armstrong R. Carter, term expired, to the State Board of Education.

LEE O. TOOR, JR., Monte Rio, and E. C. KENTY, to the Superior State House, Board of Trustees.

L. G. TAGGART, Bakersfield, vice H. T. Gustafson, resigned, LYNN HARRIS, Stockton, vice Robert F. Gaudin, Jr., resigned, JOHN HESLER, Los Angeles, vice A. D. McDonald, deceased, to the California State Council of Defense.

CORNELIUS J. HANCOCK, Los Angeles, and EARL SHERMAN, President of the State Personnel Board.

MITCHELL TYSON, San Francisco, vice Captain N. J. Kane, to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

DR. W. EARLE SMITH, San Francisco, and P. J. McDERMOTT, Appointment withdrawn, to the State Board of Prison Directors.

Respectfully submitted.

CLIFFERT L. OLSON, Governor of California.

Referred to Committee on Rules.

## MOTION TO APPOINT COMMITTEE ON RULES

Senator Swing moved that Senators Seawell, Tickle, Powers, Deibel, and Brown be appointed as members of the Committee on Rules.

Motion carried.

## RESOLUTIONS

The following resolutions were offered:

By Senator McCormack:

## Senate Resolution No. 4

*Resolved*, That the President of the Senate appoint a Special Committee of Three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator McCormack, adopted.

## Appointment of Special Committee

The President announced the appointment of Senators Carter, Dillinger, and Jespersen as the Special Committee to call upon the Governor, and notify him of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

## By Senator Crittenden:

## Senate Resolution No. 5

*Resolved*, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and on motion of Senator Crittenden, adopted.

## Appointment of Special Committee

The President announced the appointment of Senators McBride, Breed, and Burns as the Special Committee to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

## By Senator Deuel:

## Senate Resolution No. 6

*Resolved*, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate has elected the following statutory officers:

<i>President pro tempore</i> .....	Jerrold L. Seawell
<i>Secretary of the Senate</i> .....	Joseph A. Beek
<i>Sergeant-at-Arms</i> .....	Joseph Francis Nolan
<i>Minute Clerk</i> .....	John F. Lea
<i>Chaplain</i> .....	Rev. Richard C. Dwyer

Resolution read, and on motion of Senator Deuel, adopted.

## By Senator Brown:

## Senate Resolution No. 7

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-fifth Session of the Legislature.

Senators	County	Mileage	Total at five cents per mile
Biggar, George M.	Mendocino	480	\$24 00
Breed, Arthur H., Jr.	Alameda	180	9 00
Brown, Charles	Inyo	1,292	64 60
Burns, Hugh M.	Fresno	338	16 90
Carter, Oliver J.	Shasta	330	16 50
Collier, Randolph	Siskiyou	590	29 50
Crittenden, Bradford S.	San Joaquin	94	4 70
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	164	8 20
Deuel, Charles H.	Butte	202	10 10
Dillinger, H. E.	El Dorado	100	5 00
Donnelly, Hugh P.	Stanislaus	182	9 10
Dorsey, Jesse R.	Kern	550	27 50
Engle, Clair	Tehama	286	14 30
Fletcher, Ed.	San Diego	1,146	57 30
Gordon, Frank L.	Napa	94	4 70
Hatfield, George J.	Merced	198	9 90
Jespersen, Chris N.	San Luis Obispo	666	33 30
Judah, H. R.	Santa Cruz	336	16 80
Keating, Thomas F.	Marin	210	10 50
Luckey, E. George	Imperial	1,292	64 60
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
McCormack, Thomas	Solano	124	6 20
Mixter, Frank M.	Tulare	444	22 20
Parkman, Harry L.	San Mateo	222	11 10
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rieh, Wm. P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	292	14 60
Seawell, Jerrold L.	Placer	38	1 90
Shelley, John F.	San Francisco	180	9 00
Slatar, Herbert W.	Sonoma	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Tickle, Edward H.	Monterey	474	23 70
Ward, Clarence C.	Santa Barbara	920	46 00



Officers	Count	Mileage	Total at ten cents per mile
Patterson, Ellis E., President	Los Angeles	891	\$89.10
Reck, J. A., Secretary	Orange	560	56.00
Alderman, Robert G., Minute Clerk	Marin	219	21.90
Nolan, Joseph F., Sergeant at Arms	Los Angeles	891	\$89.10

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Bures, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Lester, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32

**NOES**—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS**

The following resolution was introduced, and read:

**Senate Concurrent Resolution No. 1****Relative to Inaugural Ceremonies**

*Resolved by the Senate, the Assembly concurring.* That the Senate and Assembly meet in joint session in the Assembly Chamber at the hour of 3 p.m. on the twentieth day of January, 1943, for the inaugural ceremonies, and that a Committee of Three members of the Senate be appointed to confer with a like committee from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid by the Senate and Assembly out of their respective contingent funds, and not to exceed the sum of five hundred dollars (\$500), one half to be paid from the contingent fund of each house.

**Resolution read**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Lester, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32

**NOES**—None.

Resolution ordered transmitted to the Assembly

**Appointment of Committee**

Pursuant to the provisions of Senate Concurrent Resolution No. 1, the President announced the appointment of Senators Seawell, Tickle, and Rich as a committee to confer with a Committee of Three from the Assembly, to make arrangements for the inaugural ceremonies.

**RECESS**

At 12.30 p.m., on motion of Senator Seawell, the Senate recessed until 12.32 p.m. in order to permit the Honorable Robert W. Kenny to be sworn in as Attorney General of the State of California. The oath of office was administered by Honorable Elmer E. Robinson, Superior Court Judge of San Francisco, California. Attorney General Robert W. Kenny then briefly addressed the Members of the Senate.

**REASSEMBLED**

At 12.32 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

**APPOINTMENT OF COMMITTEE ON ATTACHES**

The President announced the appointment of the following Senators as members of the Committee on Attaches: Senators Tickle, Ward, Collier, DeLap, and Mayo.

**REPORT OF SPECIAL COMMITTEE**

Senator Carter, reporting for the Special Committee appointed to call upon His Excellency, Governor Culbert L. Olson, reported that the Governor had no communication to send to the Senate.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

*Resolved*, That the Speaker appoint a Committee of Three to inform the Senate that the Assembly is now duly organized, having elected the following statutory officers:

*Speaker*-----Hon. Charles W. Lyon  
*Speaker pro tempore*-----Hon. Thomas A. Maloney

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**RECESS**

At 12.45 p.m., on motion of Senator Seawell, the Senate recessed until 2.45 p.m.

**REASSEMBLED**

At 2.45 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

**RECESS**

At 2.46 p.m., on motion of Senator Seawell, the President declared the Senate at recess for the purpose of meeting with the Assembly in Joint Convention.

**IN JOINT CONVENTION**

ASSEMBLY CHAMBER,

SACRAMENTO, Monday, January 4, 1943

At 3 p.m., the Senate and the Assembly met in Joint Convention.

**ASSEMBLY ROLL CALL**

Hon. Charles W. Lyon, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Anderson, Armstrong, Bashore, Beck, Bennett, Berry, Brown, Burkhalter, Call, Carey, Carlson, Clarke, Collins, George D. Collins, Sam L. Crichton, Debs, Denny, Desmond, Dickey, Dills, Clayton A. Dills, Ralph C. Delworth, Doyle, Dunn, Erwin, Evans, Field, Ford, Gaffney, Gannon, Guthrie, Haggerty, Hastain, Hawkins, Heisinger, Holibaugh, Howser, Johnson, Kelless, Kilpatrick, King, Knight, John B. Kraft, Leonard, Lowrey, Lyons, Maloney, Massion, McCollister, McMullan, Middough, Miller, Nichouse, O'Day, Pellerier, Potter, Price, Robertson, Rosenthal, Sargent, Sawallisch, Sheridan, Smith, Stream, Thomas, Thompson, Thorp, Thurman, Waters, Watson, Weber, Werdel, Weybret, Wollenberg, and Mr. Speaker—75.

The Speaker declared a quorum of the Assembly present.

**SENATE ROLL CALL**

Hon. Ellis E. Patterson, President, directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators: Biggar, Brown, Burns, Carter, Collier, Crispenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gorman, Josephson, Judd, Keating, Luckey, Mayo, McBride, McCormack, Miller, Pittman, Powers, Quinn, Rosh, Salsman, Serwell, Shelley, Slater, Swan, Strong, Tenney, and Ward. 35

The President declared a quorum of the Senate present.

**REGULAR ORDER OF BUSINESS**

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California as follows:

**Of the Constitution (Article V):**

SEC. 4.5 The Legislature may regulate by law the manner of making returns of elections for Governor and Lieutenant Governor.

The legislation enacted at the Fifty-third Session of the Legislature regulating the manner of making returns of elections for Governor and Lieutenant Governor is hereby ratified and validated, and it shall have the same force and effect as if it had been passed after the adoption of this provision of the Constitution.

SEC. 15. A Lieutenant Governor shall be elected at the same time and place and in the same manner as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein.

**ANNOUNCEMENT**

The Speaker of the Assembly announced that the certificate of election from the Secretary of State had been received relative to the election of Earl Warren as Governor and Frederick F. Houser as Lieutenant Governor of the State of California.

**APPOINTMENT OF SENATE COMMITTEES OF ESCORT**

The President of the Senate announced the appointment of the following Senate Committees of Escort:

To escort Governor Culbert L. Olson and Governor-elect Earl Warren to the inaugural ceremonies: Senators Shelley, McBride, Fletcher, McCormack, Swan, and Powers.

To escort Lieutenant Governor-elect Frederick Houser to the inaugural ceremonies: Senators Burns, Carter, and Dillinger.

**APPOINTMENT OF ASSEMBLY COMMITTEES OF ESCORT**

Hon. Charles W. Lyon, Speaker of the Assembly, announced the appointment of the following Committees of Escort:

To escort Governor Culbert L. Olson and Governor-elect Earl Warren to the inaugural ceremonies: Assemblymen Robertson, Gaffney, Niehouse, Stream, Desmond, and Burns.

To escort Lieutenant Governor-elect Frederick F. Houser to the inaugural ceremonies: Assemblymen Field, Armstrong, and Lowrey.

**INAUGURAL CEREMONIES**

Call to order of the Joint Convention of the Legislature of the State of California.

Hon. Ellis E. Patterson, President of the Senate.

Hon. Charles W. Lyon, Speaker of the Assembly, presiding.

### REPORT OF COMMITTEES OF ESCORT

The Senate and Assembly Committees of Escort appeared at the platform in company with His Excellency, Culbert L. Olson, Governor; Hon. Earl Warren, Governor-elect, and Hon. Frederick F. Houser, Lieutenant Governor-elect.

Invocation was offered by Dr. Clarence A. Kircher.

### INTRODUCTION OF GOVERNOR CULBERT L. OLSON

Governor Culbert L. Olson was then presented to the Joint Convention by the Hon. Charles W. Lyon, Speaker of the Assembly.

### ADMINISTRATION OF OATH OF OFFICE

Hon. Earl Warren took and subscribed to the following oath, administered by Hon. Phil S. Gibson, Chief Justice of the Supreme Court of the State of California:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office of Governor of the State of California to the best of my ability, so help me God.

### INTRODUCTION OF GOVERNOR EARL WARREN

Hon. Charles W. Lyon, Speaker of the Assembly, then introduced Governor Earl Warren to the Joint Convention.

### INAUGURAL ADDRESS OF GOVERNOR EARL WARREN

Governor Earl Warren proceeded to address the Joint Convention as follows:

### INAUGURAL ADDRESS OF GOVERNOR EARL WARREN

Delivered to the Senate and Assembly in Joint Session

Monday, January 4, 1943

#### *Members of the Senate and the Assembly of the State of California*

We meet here today under conditions which strip the occasion of all gloss and pompous ceremony.

We meet as men and women assembled to undertake an emergency task—a task which for fulfillment will require that adherence to unity of purpose which we find in our fighting men as they respond to the call to their battle stations.

We meet here as representatives of the people of California in an hour of crisis. Hourly, thousands of those whom we represent will be offering their lives to protect our right to meet.

I feel that you legislators sitting before me will rise to a man in seconding the declaration that we must not leave these halls without a record of accomplishment in keeping with need. I know we are in agreement in the abstract thought that we have a patriotic duty to perform. But, more than that, I believe we are in agreement that we must immediately remove all mental barriers and get to work.

Thus, as we assemble at our battle stations, I appear before you, not only in compliance with statute, but because of an earnest wish to give you an understanding of my own thoughts in regard to our critical problems. I want to work with you. What we undertake and accomplish here during the next few months will radiate an influence upon the present and future well-being of every Californian and will contribute to the strengthening of the position of our Nation which is, in its entirety, being harnessed to the requirements of unprecedented mechanized global warfare.

The meaning of war—its compulsions, its disruptions, its distortions and its cold inclemency already shadows our lives and encompasses our thoughts. This Nation is, I repeat, caught in its entirety in the current of global strife. Where the ship of democracy sails we will sail for we are an integral part of the ship. We in California constitute a vital part of the ship structure—the exposed side of the ship at water's edge.



### Clear Thinking Required

As representatives of the people of California, we have been entrusted to find ways of gearing the machinery of State Government so as both to absorb the shocks imposed by war and to alleviate the severity of postwar uncertainties.

In rising to the abnormal responsibility imposed, it is obvious that we must cut out all the dry rot of petty politics, partisan rick-rack, inaction, dictatorial style, bourness and opportunistic thinking. We must seek with singleness of purpose to make use of every fiber of energy that can be tapped to close the niches of weakness which exist and harden the resistance to impacts to come.

There has never been a period in our history when the need for understanding and appreciation of the true concepts of democracy was so important. Nor, has there been a session of the California Legislature at which the full use of democratic processes was more imperative.

We are in the midst of an era in which doubt has been cast upon the efficiency of democratic government. We are at war because in another land a power mad sign painter capitalized upon the distress of a depressed and confused people to seize dictatorial powers. Once mobilized he raised his challenge to face man the world over in the belief that the Achilles heel of free government would be its indecision and slowness to act.

Our fighting men are disproving his false theory on far-flung battle fronts today but the theory will not be repudiated with finality until a decisive victory has been achieved. We glory in the caliber of our fighting men but let it never be misconstrued that they alone are carrying the responsibility of our day. Confronting us here on the home front is an equally imperative challenge—the challenge for perfection of that for which they fight—the broadening of popular understanding, faith and relevance in the machinery of democracy and its religious ideals.

We gather here in accordance with the democratic principles for which young men from our home towns are manning guns in Tunisia, over North Africa, over Burma, on Guadalcanal, in Iceland, England, over all continents of the world and on each of the seven seas. We have seen the signs of confusion arise over the slowness of democracies to function. Ours is an opportunity to restore confidence in those who have become distraught and misguided. Ours is an opportunity to strengthen faith in men's ability to work together for the common good.

I would not be here addressing you today if the people of this great State had not made their own analysis of their common problems and ordered a change in administration. They sent you here as legislators and honored me with the Governorship for one reason alone—they expect us to work together and produce results. They rely upon our ability to fix our minds upon common objectives which are in their interests and reach achievement in goals through cooperative action.

I share in this reliance. It is one of the reasons I have said many times that the immediate restoration of good will in California will be one of our primary objectives. I want to see State Government achieve a balance obtainable only through warm cooperation and courteous consideration. I recognize you, the Legislature, as a coordinate branch of democratic government, possessed of the dignity and the right to meet when you desire, and to plan and initiate legislative action as just as much in keeping with the public wish as that which I may suggest. I want to restore and maintain a balance of understanding and confidence which, through mutuality of effort, facilitates action in behalf of the people as a whole.

### Californians Are Not Timid

As we approach our respective tasks let me say: This State has never been afraid to be progressive. It has never been afraid to try new things which it understood. I know that you as legislators are responsive to the ideals, principles and forward outlook which has so pronouncedly dominated California thought and that you share in the belief of the voters that no clique, no faction and no party holds priority on all the rights of helping the common man.

I come before you today with a list of suggestions which I consider in need of immediate legislative attention. In making these suggestions, let me say at the outset that I believe we must, in facilitating the war effort, pursue what might be termed a policy of first things first. That which is involved in the war effort must of necessity be given preference.

There has accumulated in California a wide range of subject matter which, broadly interpreted, comes under the heading of "wartime legislative needs." Some of it calls for remodeling and streamlining existing social and humanitarian endeavors which show the strain of war conditions. Some of it calls for progressive innovations which correct abuses and advance the considerations given those engaged in war effort. Much of it calls for the introduction of broad protective programs which will blossom forth with their peak benefits after the war has ended. And, some of it is strictly martial in character, the direct result of our specific position as a theater of war.

The impelling force of your session will be the need for action in compliance with the needs of war. In part, these war-time needs arise from aggravations of long-

existing needs among the people. They loom as emergency in character today but they do so primarily because they have so far failed to win proper evaluation in our long-range planning. Ours is the challenge of so streamlining government that its efficiency meets the need of the day and at the same time moves forward in the recognition of older problems which we see accentuated by war.

In the latter we will meet the test of our knowledge of needs and also the test of our progressivism.

### Must Protect Public Health

There has arisen in California since the conditions of war became so manifest, a tremendous problem involving public health. Long established cities have found themselves transformed by population shifts into communities with burdens exceeding all previous conception. Even more startling has been the transformation of mere trailer camps into communities faced with the sanitary responsibilities of large cities.

Behind the outward veneer of these remarkable developments lurks a problem which must be given recognition by government. The strain upon sanitary facilities, the arrival of new peoples, and the extra hours of human effort required by war needs join in creating a health problem of undeniable magnitude. As we approach this problem, we must keep in mind the necessity of long range planning for the day will come when California becomes the funnel through which men, now fighting in strange lands throughout the world, will be returned to normal contacts. The tests of our ability to control and resist disease are destined to increase.

Nor is the broad consideration of the present and future protection of health the only problem accentuated by the rush of war workers to our State and the return of fighting men from disease-infested lands. Among those workers in production in this State are thousands undertaking tasks with which they are unfamiliar—tasks at which they are at first unskillful and without full appreciation of hazards. We must act to protect them, to protect our war production man power and to protect our structures which cushion, at least to some degree, the human suffering which is entailed.

### New Problems Confront Women

In our efforts to build protective services to the highest point of efficiency, we must direct new thought to those unprecedented considerations forced upon us by the emergency participation of women in war effort. We have seen women, by the thousands, respond patriotically to the call to relieve men needed elsewhere in war activities and, as they have responded, we have recognized the imposition of new strains upon our social structure. We must recognize that women have assumed their emergency burdens at the sacrifice of normal home life, normal family contacts and also, at the as yet unmeasured risk of impairment of health.

We must survey this field in its entirety to determine the extent to which human values are involved, for numbered among its deeper aspects is the question of stability of family influence. There must be no weakened generation in California chargeable to failure of the State to recognize the strains of this emergency upon either child welfare or sacrifices called for on the part of our women.

While our schools must, of necessity, perform services in connection with the war effort, we must guard against being sidetracked from appreciation of their fundamental purpose. We must remember that the schools are maintained for the training of our youth. Democracy is not a static form of government. It is maintained by constant struggle. Every generation finds a new assault being made against it by new forces with new devices and the struggle for freedom is always the greatest task of the future as it has been throughout the past. The permanence of a democracy will therefore depend upon the training and inspiration provided for its youth.

Nor should we permit the hysteria of war times to cause neglect in our responsibility to such of our youth as loses its way in these times of uncertainty. We want a program for child welfare designed to bring out the best in every child.

In this field there lies a neglected opportunity through which we can make a great additional contribution of future welfare. From out of a long experience in law-enforcement work, I have come to feel with certainty that we have been making a wrong approach to our crime problem. I am convinced we must revise our programs so that the emphasis is placed upon prevention instead of suppression. If we can bring our juvenile courts, our trial courts, our law-enforcement agencies and our penal institutions into harmony with such an approach, I am confident we will have made a definite contribution to our future welfare.

We have, I feel, already agreed upon the necessity of expanding the influence of the California Youth Correction Authority. I visualize such transfers and consolidations of existing agencies as will streamline, under this authority, all services in the interests of youth in dire need of a helping hand. In broader aspect, I visualize adherence to a policy in all government activities which reflects a sincere desire to help men, women and children to develop and unfold the best that is within them—something that can never be done under a policy which places reliance almost entirely upon crime suppression.

### Penal Reform Necessary

In our efforts to rehabilitate those whose missteps in adult life have led to State assumption of responsibility, I want to take every bit of politics out of the parole system and the pardoning power. I shall appeal to the Board of Prison Terms and Paroles only men of character, experience and a healthy normal approach to our prison problems. We must make certain that those who are putting their spot to society are not ground further into the mire by the pressure of the cruel heel of politics.

People, men, women and children, can not develop the best that is within them without doing useful work. Our practice of matter of fact confinement of people without affording them, through work, an outlet for body and mental energy, is wholly wrong. I want to stimulate the employment of all people in our penal institutions. I want to see them engaged in activities which develop their bodies and spur their desire to be restored to society.

I shall later ask you to consider a new approach to the parole problem. There lies within most men who have been removed from ordinary contact with society, a desire to prove their right to the confidence of their fellow men. Procedures could be established under which these men could be restored to community life and permitted, through rightful living, to earn pardon recognition from the courts in the community in which they have demonstrated a right to such consideration.

### Local Government

As we approach the serious emergency problems which have arisen as a result of the war, I want to express the hope that there can be developed a new correlation between the efforts of cities, counties and State agencies. I believe that the very essence of democracy is the right of people to govern themselves and this starts in local communities. Our State administration must be responsive to the needs of the people and it must counsel with and be ever respectful of the thoughts of smaller units of government. I say this because I believe it to be fundamental. People retain their interest in government only as they are encouraged to participate in it, and it is in local government that we find the greatest opportunity for participation and therefore the greatest reflection of public will.

### Man-power Utilization

We must, in our State Government, increase the flexibility of all agencies which are not yet fully participating in the war effort and break down those barriers which retard decision and action. In accomplishing this we will be doing no more than accepting the responsibility of leadership which is expected. We face no greater immediate challenge than to turn loose the full power of State energy in search of solutions for which farm, industrial and labor groups are now groping as they strive to meet unprecedented production demands.

We have desperate need at the moment of advancing in the solution of our critical farm labor problem. Our contribution to the better utilization of such manpower as is available will come only after study of the participation that can be expected of our men, women and children and of possible supplemental labor from sources developed in cooperation with the Federal Government. We must make certain that this study is not prolonged beyond the present brief seasonal respite from peak demand.

Our State has mushroomed in industrial growth and at the same time made heavy contributions to the armed forces. Proper emergency utilization of all labor otherwise available is becoming a matter, not only of State, but of National concern. It rises as a problem which we must recognize as far too serious to be hampered by false conceptions or the delays of red tape.

Supplementing this urgency consideration of man-power utilization there must be launched a companion study of postwar utilization. Patriotic duty is now causing dislocations which will later sorely test our recuperative powers. Yet, I hold that it is possible to plan now in a manner which will add to our strength when these postwar tests occur.

### California of the Future

The California I visualize after the war is not one which we have so far known. It is a greater California—a California which has recognized its resources and opportunities and made them ready for peacetime utilization.

There have been introduced into California during recent months vast shipbuilding, aircraft and war material industries which came here, not as a result of normal competitive advantages, but as a result of Nationally directed war effort. Regardless of how they came, they are shaping the destiny of our State and changing our economy. Whether these sources of man-power utilization and productive energy



remain with us after the war will depend, in a large measure, upon our appreciation of opportunity.

If we are to move forward rapidly after the war, we must do those things required to attract and hold these and other industries in competition with the rest of the world. To hold them we must make for ourselves every advantage which our geographical position, our climate, the rich deposits in our hills and our many other resources permit. We must probe beneath the surface and exploit those advantages which have heretofore been but vaguely recognized.

Proper development of these and other resources will inescapably call for new considerations in connection with highway planning. Here again is an activity of State Government which I hope can be raised to a scientific level far above the hindrances of petty politics. In substitute for a wholly political highway commission, I believe there should be set up a division of highways which will utilize in the full the research and planning done by our capable State engineers.

Ours is the task of so planning the conservation and development of our resources that industry feeds upon them for its own peacetime recovery and in so doing increases the utilization of our man power. In pursuance of this task we will be adhering to what I believe to be a fundamental principle of democratic government—the encouragement of free enterprise in a manner which benefits the people as a whole. I hold to the conviction that government and industry share joint obligation in this connection. It is the obligation to so plan and organize that our people have assurance of security and adequate return for services rendered—the opportunity to work.

As safeguards against extremes which may cause a lag in the full realization of our peacetime development, I urge the preparation of a manpower utilization program which can serve to take up the slack. We must avoid a return to the dole. We must set ourselves to the scientific preparation of a backlog of construction projects which coordinate in purpose and service the physical improvement of our State and the bolstering of morale through beneficial utilization of surplus man power.

#### **Pension Study Planned**

In supplement to these studies, it is my hope that a way can be found of improving the lot of our elder citizens through the broadening of our approach to the pension problem. They are the first to suffer in periods of labor surplus and the last to receive the benefits of industrial activity. They are therefore entitled to our consideration.

It is my conviction that our pension system should not be based upon the requirement of pauperism. I want it to be based upon social right. I believe, as most of you believe, that the ultimate solution of the pension problem will come through advances made on a National scale. Yet, we should not permit this thought to delay our own efforts to build and maintain a pension structure within the limits of our ability to pay.

No sound contribution can be made by us in the advancement of our own and National thinking on the pension problem without removing the issue from the field of politics and propaganda. There must be a correlation of all sincere thinking on the subject in order that we may move in unison toward the most practical goal obtainable. In furtherance of this thought, I am preparing to appoint a representative committee whose duty it shall be to examine the entire problem and prepare a basic report for your immediate consideration.

#### **Reorganize Civilian Defense**

California is caught, not only in the economic grasp of these uncertain times but faces specific uncertainties arising from actual military conflict. We reside in a theater of war. State leadership has no patriotic alternative but to assume responsibility for assisting all agencies in the protection of life, home and property.

We must guard against the emotional fluctuations produced by daily variances in the news of the war and proceed to place government in a position to perform with promptness and thoroughness all emergency services which may be required. We must offer the people a positive type of leadership—one backed with authority to act and advise—one which invites full public cooperation and confidence.

In making an approach to the reorganization of procedures surrounding our civilian defense efforts, we are all aware that there must, in the interests of speed and complete efficiency, be some further emergency power and authority in the State Government. In this connection, however, I would want you, as legislators, to satisfy yourselves in full measure that the innovations adopted will not destroy that fine balance between the executive and legislative processes which our National and State Constitutions contemplate.

There must be a new analysis made of the general scheme of civilian defense and law enforcement and it must be made with new conceptions of the need for closely knit action on the part of all city, county, State, National and volunteer



agencies. We must achieve a new balance of responsibility and cooperation between State and local governments.

It is my intention to treat the entire subject of civilian defense more fully in a special message to the Legislature and ask that you give its proposals your prompt consideration. It will be my request that you reorganize the entire existing defense structure in a cooperative effort to clarify, revitalize and complete our emergency protections.

It shall be my purpose to afford you the benefit of factual information developed in separate studies encouraged by my office and to urge your consultation with many men and women whom I have found possess broad understanding of specific phases of the problem. I take occasion now to commend to you the efforts of the officers and men of the State Guard who have labored under conditions to build and maintain that important branch of protective service. No amount of encouragement be omitted for that body of efficiency which has shown a patriotic willingness to mobilize for auxiliary law enforcement and other war services in home communities.

### Must Protect State Surplus

California is now favored with a sizeable surplus. It has come to us very largely from taxes upon war industry. It comes to us in trust, for it is the money of all the people of California.

This surplus, by its very existence, constitutes a constant temptation to everyone to spend it just because it is there. Everyone sees, according to his own lights, a way, a place and a need for spending it and in some instances even for purposes that have never before been considered State purposes.

I hold to the conviction that this money must be lifted above the disparting reach of grabbing tactics. If we yield to such temptations, this surplus will soon be transformed into a deficit by processes which will result in an actual drain of the interests of the people as a whole. I want to see this money either committed for essential State projects or conserved. It is my firm belief that we must use this money for the war effort which produced it and for essential services of government or conserve it faithfully for purposes which will relieve the distress which invariably follows wars.

### Budget-Making Policies

Later this month there will be presented, for your analysis, the Administration recommendation in regard to budgetary allotments. I can say to you now that the principle under which this budget is being prepared grants recognition to the cause, both in proposed curtailment of expenditures unrelated to war effort and in extra allowance to efforts which can be made the forerunners of better times for our people when the war has ended. We will make provision, not only for war needs but also for the humanitarian services which will keep our structure strong.

We are undertaking moves toward general economy at a time when our tax structure is producing revenue in surplus amounts. It follows, therefore, that we must, in the interests of already burdened taxpayers, proceed immediately to the examination of possibilities for tax reduction.

It is my belief that taxes can be reduced. In evaluating our financial position, however, I see danger signs which we can not afford to ignore to the point of extreme action. We must bear in mind that the conditions which have created our favorable revenue balance are of a highly transient nature and of a type likely to leave a swirl of new problems in their wake. It is not wise, under such circumstances, to blindly trade tax stability for temporary advantage.

It is my intention to render all service and assistance possible to the Legislature as it examines the opportunities for altering and reducing our revenue claims upon the people. In an effort to expedite the development of factual information, I am preparing to appoint a committee of representative citizens which will be charged with the responsibility of submitting recommendations for general consideration. I am proceeding in this manner in the belief that there is need for full discussion of all phases of the problem. It is a practice I shall follow whenever possible in dealing with difficult problems for it is predicated upon my belief that democracy thrives best when it encourages the suggestions of all.

### Civil Service Needs Protection

No State Administration can rise above the standards of public service which it maintains. In California we have endeavored to elevate and fix the standards of personnel through a comprehensive system of civil service. The provisions of our Constitution and the statutes on the subject entitle us to a position of leadership throughout the Nation.

There is a general consciousness today that the administration of these laws has, in recent years, been such that the entire structure of civil service is in danger. The situation is not the fault of civil service employees themselves for they have been zealous in trying to guard and respect the protections afforded them. It is the direct result of the brazen application of political pressure upon them. Such tactics must cease immediately. Civil service must be restored to its rightful place where the applicant for public service obtains a position through honest competition and merit and retains that position because of merit.

One can not probe, within the limitations of a single speech, into all the problems which lie before us, and it is not my purpose here to do so. It is my sincere hope that, through warm association and frequent exchanges of ideas, we can advance together in the solution of our common problems.

We meet at a time when the full might of our energy must be loosed to help rid the world of evil aggression which is ravenously feeding upon the rights of free men. Ours is the responsibility of organizing State efficiency in every direction which will help speed the military conclusion of the conflict.

Paralleling this endeavor must be the assumption of responsibility for preventing the backwash of emergency disruptions from undermining confidence in the structure of democracy itself. Our stake in the struggle is both the prevention of the eclipse of our right to improve our way of life and the prevention of the destruction of the way of life itself.

This is an era of crisis. Christianity itself will wander homeless over the world unless we fight for the right to harbor it in open covenant in our hearts and keep its light reflecting through our social, economic and political undertakings. These are times when the requisites for courage and cool deliberate action press upon us in inseparable demand. These are times when the formula of government must be derived from the deepest conceptions within men's hearts.

It is with this consciousness and with the determination to make our State Administration serve all the people that I assume my duties as Governor of California.

EARL WARREN, Governor of California.

#### ADMINISTRATION OF OATH OF OFFICE

Hon. Frederick F. Houser took and subscribed to the following oath administered by Hon. Phil S. Gibson, Chief Justice of the Supreme Court of the State of California:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and I will faithfully discharge the duties of the office of Lieutenant Governor of the State of California to the best of my ability, so help me God.

#### INTRODUCTION OF LIEUTENANT GOVERNOR FREDERICK F. HOUSER

Hon. Charles W. Lyon, Speaker of the Assembly, then introduced Lieutenant Governor Frederick F. Houser to the Joint Convention.

#### ADDRESS BY LIEUTENANT GOVERNOR FREDERICK F. HOUSER

Lieutenant Governor Frederick F. Houser then addressed the Joint Convention as follows:

We are gathered here today for the convening of the Legislature and for the inauguration of our chief executive officers at the most critical period in the history of our Country, of which we are all so proud.

Attacked treacherously and in violation of all the rules of international law, by foes without principle, we were caught by surprise and, until the last few weeks, have been forced to beat a slow and dogged retreat. The very treachery of the attack however united the people all over the Nation, solidified them as nothing else could have done. We became 100 per cent united in a grim determination to preserve the liberty and freedom which our ancestors some 160 years ago won for us, at bloody cost, upon such sacred ground as Saratoga and Valley Forge and Yorktown. And we are likewise 100 per cent united in our determination to defeat our betrayers so completely and overwhelmingly that never again will they be in a position to turn the entire world into a battlefield in order to satisfy their personal ambitions.

Now, therefore, more than ever is the time for cooperation—cooperation between the Federal Government and each of the 48 States, cooperation between Republicans and Democrats, and between Legislatures and Governors. Cooperation is always practiced by real statesmen, but today if we are to win this war we *must* work together as a team.

Now by cooperation I do not mean for one moment a surrender of all power to the legislative branch to the executive, for this is contrary to our entire philosophy of government, although I think we can all agree that even so long as Chief Executive must be given the greater power than these things permit. By cooperation I mean a give and take on the part of both branches of our Government in settling down on the part of each to consider the point of the other and to reach a fair and just agreement. Only in this manner can we move smoothly and rapidly toward our goal.

You have heard Governor Wagner today describe in detail his own attitude to State affairs. This inauguration should be brought to a rapid close but I can not conclude without stating some definite views on the functions of state and our views on certain important problems affecting our beloved State of California.

In my opinion there is tremendous work for State government. The Federal Government has been collecting money from our people since 1862 from California citizens where only four years ago it was collecting from California Indian Indians and the world as yet to come. If our efforts are to be any use in paying the Federal taxes which are necessary to run the war, and to the great post-war problems that looms, then State and local taxes must be cut to the bone. The State of California can well afford to cut taxes with the Federal Government. The State of California has \$100 million dollars each month and with a support of some \$100 million dollars each month of today.

Old age pensions should eventually be paid entirely by the Federal Government and not by the individual States. For some 11 years, however, I have advocated an amendment to our Old Age Pension Law by California providing for the payment of pensions as a matter of course and not as charity and the amount of the pension should be automatically increased while the pensioner should be allowed to earn additional income.

I sincerely trust that, in the next few years, both here in Sacramento and in Washington, great care will be exercised in separating the wheat from the chaff. We should recognize that good ideas can and do originate with both parties. Let us be sure to keep and implement those particularly good and valuable ones which have demonstrated their worth.

Another thing which we must be sure to plan for the future. A country without out products of wealth while people are working and the resources of our natural resources should be all ready to go into high gear just as soon as the war is won. As a Member of the Legislature in 1931, I introduced a bill along this same line, and have been preaching it ever since. A program of the State Legislature could now well be set aside and worked for the specific program.

The ideal for which our men are fighting here and dying there is not the money is to preserve the rights and liberties which are the essence of Democracy as you can't have a true Democracy without an independent Legislature that elected by the people. Our Legislature and our Congress are the only source of Democracy.

Having served as one of our six years I can assure you I have never regretted leaving, even though I will continue to be a part of the public affairs of the State of California and for the United States."

Knowing now as I do what Governor Wagner as I do I am convinced that we will all accept the great responsibility which is ours at this time and that California will have the finest session in its history. I sincerely hope the people can point with pride at these years and truly say: "They did more than for California and for the United States."

## ADJOURNMENT OF JOINT CONVENTION

There being no further business at 4:20 p.m., the Speaker of the Assembly adjourned the Joint Convention sine die.

## IN SENATE

### REASSEMBLED

At 4:35 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

**Assembly Concurrent Resolution No. 3**—Relative to the death of Godfrey Augustus Andreas.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 8

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 4, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
N. L. Levering, Journal Clerk-----	\$7 00
Harry Jordan, Bookkeeper to Sergeant-at-Arms-----	5 00
Margaret Douville, Assistant Secretary-----	7 00
Belle Tomasini, Assistant Secretary-----	7 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

## ADJOURNMENT

At 4.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Tuesday, January 5, 1943, out of respect to the memory of the late Assemblyman Godfrey Augustus Andreas.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

---

**SENATE DAILY JOURNAL**

---

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

---

**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Tuesday, January 5, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crocker, Curren, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gorman, Janssen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Meyer, Packard, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tuley, and Ward—37.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Hatfield, on motion of Senator Swing.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chris N. Jespersen, Jr., of Atascadero; Bert Turnbow of San Miguel, and Mrs. Chris N. Jespersen of Atascadero.

On request of Senators Swan and Engle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul D. Henderson of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Dan Rossi and Dr. Frank Gillotti of La Mesa.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1  
Assembly Bill No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 1**—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

## Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 1

## Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 1**—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

Bill read second time.

**Assembly Bill No. 1**—An act making an appropriation for the mileage of the members and statutory officers of the Assembly, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bill was read the first time:

**Assembly Bill No. 2**—An act to amend Sections 245 and 246 and to repeal Sections 268 and 269 of the Political Code relating to officers and employees of the Legislature, and declaring the emergency thereof to take effect immediately.

Referred to Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1943.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Concurrent Resolution No. 1**—Relative to the selection of the Legislative Counsel of California.

**Request for Unanimous Consent**

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1**

**Assembly Concurrent Resolution No. 1**—Relative to the selection of the Legislative Counsel of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Colner, Crutcher, Cunningham, Duell, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jenson, Judd, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Proctor, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, Tisdle, and Ward—35.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Concurrent Resolution No. 2**—Relative to accredited press representatives and the authentication thereof.

Referred to Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes—5.

SEAWELL, Chairman

**Request for Unanimous Consent**

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 2, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 2**

**Assembly Bill No. 2**—An act to amend Sections 245 and 246 and to repeal Sections 268 and 269 of the Political Code, relating to officers and employees of the Legislature, and declaring the urgency thereof, to take effect immediately.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered :

By Senator Swing :

*Resolved*, That Assembly Bill No. 2 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 2**—An act to amend Sections 245 and 246 and to repeal Sections 268 and 269 of the Political Code, relating to officers and employees of the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

**NOES**—None.

**Assembly Bill No. 2**—An act to amend Sections 245 and 246 and to repeal Sections 268 and 269 of the Political Code, relating to officers and employees of the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.



## RESOLUTIONS

The following resolution was offered:

By Senators Slater and Quinn:

**Senate Resolution No. 9**

Relative to the death of William J. Farrell

An extremely worthwhile and active life ended very unexpectedly at the close of the year in the passing of William J. Farrell of Petaluma, who at the time of his death was filling a place of great importance in the maintenance of civilian defense and identified with many other outstanding public activities.

When he stepped from a year of fine accomplishments as State Commander of the American Legion of the Department of California, Mr. Farrell was selected to supervise, in Northern California, volunteer observation lookout stations located in each of the counties of the State; earning high commendation for the patriotic and efficient manner in which he discharged his duties and at the same time best encouragement to those performing this service. Death found him right in the midst of his work.

During his occupancy of the post of State Commander of the American Legion, Mr. Farrell did much to strengthen and advance the objectives of the organization of former service men and was particularly solicitous of the well being of the widows and orphans of those who made the supreme sacrifice or were injured in World War No. 1. At the time of his passing he was patriotically and enthusiastically doing his part to promote the early and triumphant winning of World War No. 2, therefore, in the tribute to the memory of William J. Farrell, be it

*Resolved*, That when the Senate of the State of California adjourns this day, it do so out of respect to the memory of William J. Farrell, and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to have a suitably engrossed copy of this resolution prepared and delivered to members of the family of William J. Farrell.

Resolution read, and unanimously adopted by a rising vote of the Senate.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 2:** By Senator Swing—Approving a certain amendment to the charter of the County of San Bernardino, State of California.

**Request for Unanimous Consent**

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2**

**Senate Concurrent Resolution No. 2**—Approving a certain amendment to the charter of the County of San Bernardino, State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 3:** By Senator Burns—Relative to approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3, 1942.

**Request for Unanimous Consent**

Senator Burns asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3**

**Senate Concurrent Resolution No. 3**—Relative to approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 1:** By Senator Biggar—An act to add Chapter 9, comprising Sections 1141 to 1160, inclusive, to Part 3, Division 2 of the Labor Code, relating to the incorporation of labor organizations, their control and regulation, and picketing and the calling of strikes by such organizations.

Referred to Committee on Rules.

**Senate Bill No. 2:** By Senator Crittenden—An act to amend Section 691 of the Fish and Game Code, relating to striped bass.

Referred to Committee on Rules.

**Senate Bill No. 3:** By Senator Dillinger—An act to amend Sections 5713, 5901, 5911, 5931, 5932, 6550, and 7003, to add Sections 6602, 7103.5, 7133.5, 7208.5, and 7208.7 and Article 10.5, consisting of Sections 6525 to 6534, inclusive, to Chapter 6 of Division 8 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, and to repeal Chapter 6, consisting of Sections 7799 to 7882, inclusive, of Division 9, all of the Elections Code, relating to absent voting.

Referred to Committee on Rules.

**Senate Bill No. 4:** By Senator Eagle—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 5:** By Senator Fletcher—An act to add Chapter 9, comprising Sections 1150 to 1152, to Part 3 of Division 2 of the Labor Code, relating to accounts and to elections of labor organizations.

Referred to Committee on Rules.

**Senate Bill No. 6:** By Senator Gordon—An act to amend Sections 50 and 372 of the Vehicle Code, relating to the definition of "Exclusion Weight" and the payment of weight fees for commercial vehicles.

Referred to Committee on Rules.

**Senate Bill No. 7:** By Senators Jinkah and Fletcher—An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, marriages and deaths, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 8:** By Senator Mixer—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, and assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 9:** By Senator Parkman—An act to add Section 3721 to the Political Code, relating to assessment and taxation of property affected by the organization, formation, and incorporation of sanitary districts, declaring the urgency thereof and providing that it shall take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 10:** By Senator Quinn—An act to repeal Section 64.5 of the Fish and Game Code and to amend Section 1270 thereof, relating to District 14.

Referred to Committee on Rules.

**Senate Bill No. 11:** By Senators Swan, Slater, Swing, Luckey, Donnelly, McBride, Crittenden, Parkman, Tenney, Rich, Mixer, Seagull, Keating, Dorsey, and Deuel—An act to amend Section 3370 of the School Code and to amend Section 8821 of the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 12:** By Senator Swan—An act to add Sections 31.5 and 34.5 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3946, 7966, 8720, 8721, and 8722, and to repeal Section

2838 of the Elections Code, relating to nominations and party conventions.

Referred to Committee on Rules.

**Senate Bill No. 13:** By Senator Fletcher—An act to add Section 1160 to the Labor Code, relating to transfer of union work cards.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 4:** By Senator Seawell—Relative to Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bills Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 recommends that they be referred to committees as follows:

- Senate Bill No. 1—To Committee on Labor.
- Senate Bill No. 2—To Committee on Fish and Game.
- Senate Bill No. 3—To Committee on Elections.
- Senate Bill No. 4—To Committee on Local Government.
- Senate Bill No. 5—To Committee on Labor.
- Senate Bill No. 6—To Committee on Transportation.
- Senate Bill No. 7—To Committee on Public Health and Safety.
- Senate Bill No. 8—To Committee on Local Government.
- Senate Bill No. 9—Without reference to committee.
- Senate Bill No. 10—To Committee on Fish and Game.
- Senate Bill No. 11—To Committee on Education.
- Senate Bill No. 12—To Committee on Elections.
- Senate Bill No. 13—To Committee on Labor.

SEAWELL, Chairman

Bills referred to committees as recommended by the Committee on Rules.

#### RESOLUTIONS

The following resolution was offered:

By Senators Fletcher, Swan, and Biggar:

##### Senate Resolution No. 10

WHEREAS, By virtue of the fact that the Hon. Ellis E. Patterson held the office of Lieutenant Governor from the year 1939 to the year 1943 he was by constitutional provision President of the Senate during the Fifty-third and Fifty-fourth Sessions of the California Legislature; and

WHEREAS, In the discharge of his duties in the office of President of the Senate Lieutenant Governor Patterson distinguished himself by his courtesy, his diligent attention to the duties of his office, his obvious and conspicuous fairness and his willingness, and his kindly and friendly attitude toward members and officers of the Senate; now, therefore, be it

*Resolved*, That the Senate extends its most sincere felicitations to the Hon. Ellis E. Patterson and hereby expresses the hope that he may long cherish happy recollections of his experience as President of this body and the firm friendships established here; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to have a suitably engrossed copy of this resolution prepared and delivered to the Hon. Ellis E. Patterson.

Resolution read, and adopted unanimously.

#### ADJOURNMENT

At 12.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned out of respect to the memory of the late William J. Farrell, until 11 a.m., Wednesday, January 6, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 6, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beck at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Riggart, Breed, Brown, Burns, Carter, Cramer, Coffey, Cunningham, DeLap, Dond, Dillinger, Donnelly, Dorsey, Eagle, Egan, Gorman, Harrison, Judah, Keating, Lacey, Mayo, McBride, McCosker, Meyer, Packard, Powers, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swan, Swing, Tenney, Tinkle, and Ward—37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Hatfield, on motion of Senator Tenney.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 6, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 5

Assembly Concurrent Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Concurrent Resolution No. 4**—Relative to adjournment in respect to the memory of former Senator Dwight H. Hart.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 5** Relative to adjournment out of respect to the memory of Frank H. Cory.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 6** Relative to approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 7**—Relative to approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Referred to Committee on Rules.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Mayo:

##### Senate Resolution No. 11

Relative to representation of the Senate at the General Assembly of the Council of State Governments, Baltimore, Maryland, January, 1943

WHEREAS, The Sixth General Assembly of the Council of State Governments will be held in Baltimore, Maryland, January 24-27, 1943; and

WHEREAS, The 48 States will be represented at this meeting by persons in the executive and legislative departments of those States; and

WHEREAS, The Council of State Governments is a medium for the States to ascertain and work for a solution of problems common to them all, especially in the fields of wartime legislation, taxation, trade barriers and all other matters bearing upon cooperation of the States in the National war effort; now, therefore, be it

*Resolved by the Senate of the State of California*, That two members of the Senate, appointed by the Committee on Committees of the Senate, shall attend as delegates from, and represent, the Senate of the State of California at the meeting of the Council of State Governments in Baltimore, Maryland, January 24-27, 1943; and be it further

*Resolved*, That these delegates shall assist in the formulation of recommendations on problems of wartime legislation, taxation, trade barriers, and all other subjects pertaining to cooperation of the States in the National war effort; and be it further

*Resolved*, That the sum of eight hundred dollars (\$800) or so much thereof as may be necessary is hereby appropriated from the Contingent Fund of the Senate to defray the necessary expenses of the delegates.

Resolution read, and referred to Committee on Rules.

By Senator Tenney:

##### Senate Resolution No. 12

WHEREAS, Since the adjournment of the Fifty-fourth Session of the Legislature former Senator Dwight Hart has been called to his reward; and

WHEREAS, Senator Hart served the State of California during the Forty-third and Forty-fourth Sessions of the Legislature, representing the Twenty-ninth District, which was then a portion of Los Angeles County, with distinction to himself and satisfaction to his constituents; and

WHEREAS, The Honorable Dwight Hart has been known for many years as one of California's most successful hotel men, being known far and wide as a loyal friend, a gracious host and a highly ethical and successful businessman; now, therefore, be it

*Resolved*, That the Senate deplores the passing of the Honorable Dwight Hott and extends its most sincere sympathy to his family and that when the Senate adjourns this day it do so out of respect to his memory; and be it further

*Resolved*, That the Secretary be and he is hereby directed to forward to the family of Senator Hott a properly engrossed copy of this resolution.

Resolution read, and adopted unanimously.

By Senator Tickle:

#### Senate Resolution No. 13

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 4, 1943, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

	Seven days per week
Thomas A. Wright, Assistant Sergeant-at-Arms	\$5.00
Laura D. Peatrice, Assistant Engineering and Engraving Clerk	5.00
Robert Horbach, Assistant Sergeant-at-Arms	5.00
Harry Hammond, Assistant at Desk	5.00
Marguerite Bridges, Stenographer	5.00
Marguerite Hansen, Stenographer	5.00
Flora Graham, Stenographer	5.00
Isabelle Robbins, Stenographer	5.00
Maud Grimsbaw, Stenographer	5.00
Sue Garrett, Stenographer	5.00
Mildred Grayson, Stenographer	5.00
Delbert Keith Harter, Stenographer	5.00
Gertrude Parker, Stenographer	5.00
Mrs. Linnie Terry, Stenographer	5.00
Wanda Purkee, Stenographer	5.00
Leal Norton, Page	2.50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Piggan, Reed, Brown, Burns, Carter, Collier, Greenwood, Cunningham, Deuel, Dillinger, Donnelly, Dunsay, Eagle, Fletcher, Gordon, Jernstrom, Keating, Luckey, Mayo, McBride, Moxter, Parkman, Powers, Quinn, Samsom, Sewell, Slater, Swan, Swing, and Tenney—30

NOES: None

By Senator Tickle:

#### Senate Resolution No. 14

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 5, 1943:

	Per day
Leal Norton, Page	\$2.50

Resolution read, and adopted unanimously.

By Senator Tickle:

#### Senate Resolution No. 15

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 5, 1943, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	Seven days per week
Elizabeth Ditto, Stenographer	\$5.00
Rose J. Strel, Stenographer	5.00
Rose Raich, Stenographer	5.00
Jackie Allen, Stenographer	5.00
Chris Jespersen, Jr., Page	2.50
Frank W. Bennallack, Assistant Sergeant-at-Arms	5.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

By Senator Tickle:

#### Senate Resolution No. 16

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 6, 1943:

Chris Jespersen, Jr., Page-----	<i>Per day</i>
	\$2 50

Resolution read, and adopted unanimously.

#### INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 14:** By Senator Seawell—An act making an appropriation for the mileage of the members and statutory officers of the Senate, to take effect immediately.

#### Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Bill No. 14, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 14

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bill No. 14 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tenney—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 14**—An act making an appropriation for the mileage of the members and statutory officers of the Senate, to take effect immediately.

Bill read second time.



**Senate Bill No. 14**—An act making an appropriation for the mileage of the members and statutory officers of the Senate, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Josephson, Judah, Kenting, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tenney—32

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined

**Senate Concurrent Resolution No. 1**—Relative to *Integrating Communities*.

And reports that the same has been correctly enrolled, and presented to the Governor on the sixth day of January, 1943, at 10 a.m.

SEAWELL, Chairman

## INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 5:** By Senator Parkman—Approving certain amendments to the charter of the County of San Mateo, State of California, submitted to, voted for and ratified by the electors of said county at the general election held on the third day of November, 1942.

### Request for Unanimous Consent

Senator Parkman asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

**Senate Concurrent Resolution No. 5**—Approving certain amendments to the charter of the County of San Mateo, State of California, submitted to, voted for and ratified by the electors of said county at the general election held on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Kenting, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

# INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 6:** By Senator Breed—Approving a certain amendment to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1942.

## Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

**Senate Concurrent Resolution No. 6**—Approving a certain amendment to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

### Senate Resolution No. 17

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 6, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Mrs. Doris Benton, Stenographer-----	\$5 00
Thelma Smith, Stenographer-----	5 00
E. Clancy, Stenographer-----	5 00
Ann K. French, Stenographer-----	5 00
Roberta Felt, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 6, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred

Assembly Concurrent Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote—Ayes—5

SEAWELL, Chairman

## Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

**Assembly Concurrent Resolution No. 2**—Relative to accredited press representatives and the authentication thereof

## Motion to Amend

Senator Seawell moved the adoption of the following amendment

## Amendment No. 1

On page 1 of the printed resolution, at the end of line 21, strike out "Rule \_\_\_\_\_ Joint" and lines 22, 23, and 24; and insert in lieu thereof "the Joint Rules and Rules of the Senate and Assembly."

Amendment read and adopted.

## Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, as amended, at this time, for consideration.

## Consideration of Assembly Concurrent Resolution No. 2, as Amended

**Assembly Concurrent Resolution No. 2**—Relative to accredited press representatives and the authentication thereof

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

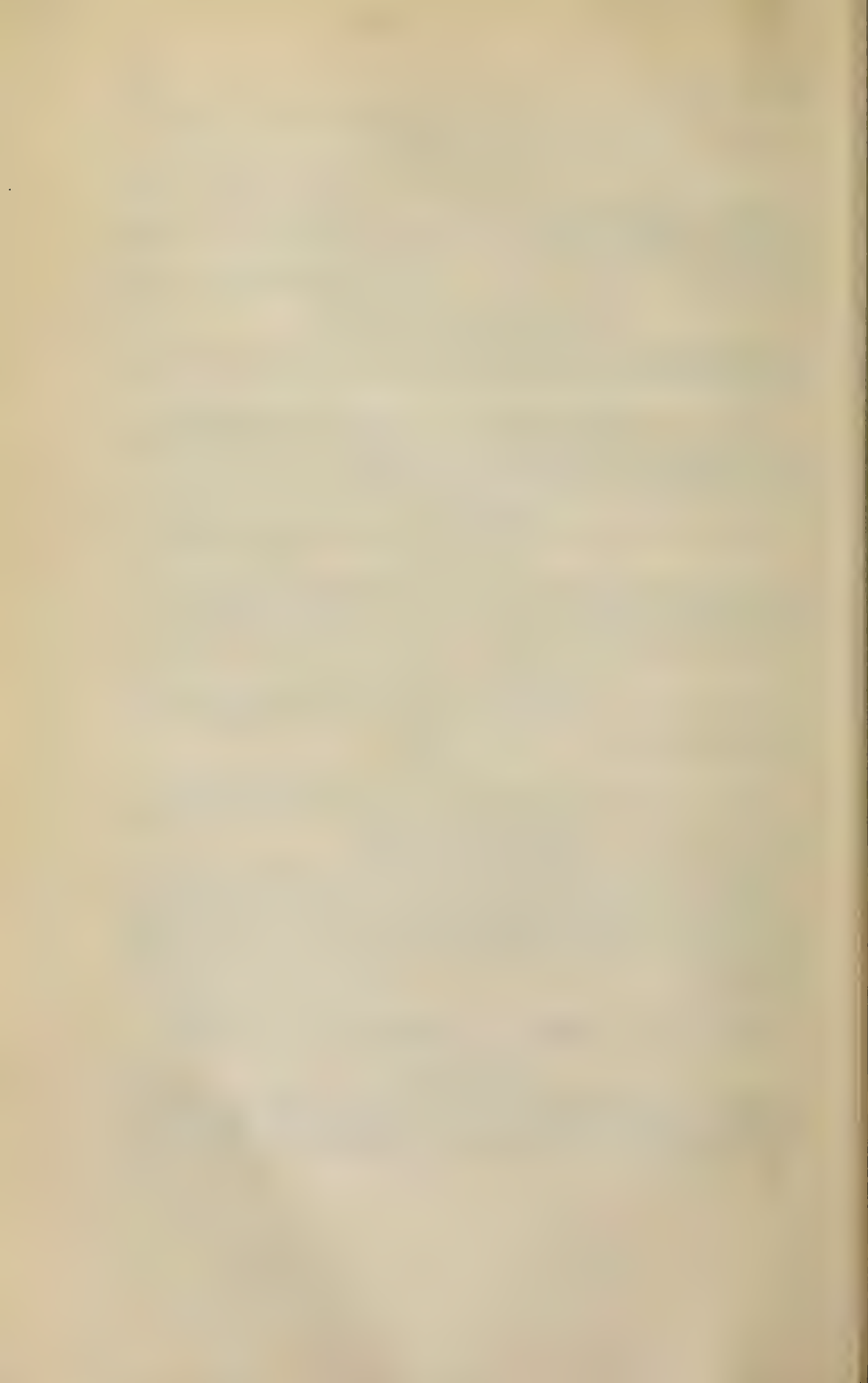
**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crippen, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swang, Tenney, Todd, and Ward—36.

**NOES**—None.

Resolution ordered reprinted, and transmitted to the Assembly.

## ADJOURNMENT

At 11.50 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Thursday, January 7, 1943, out of respect to the memory of the late Senator Dwight Hart.





# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 7, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Paragon, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Luckey.

Senator DeLap, on motion of Senator Jespersen.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Don Terry, of Hollywood; Mrs. Louis Shapiro, and Mrs. Louis Bennett, wife of Major Bennett, Chief Surgeon at Mather Field.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisors George A. Janssen, George P. Hellwig, Harry Bartell, Thomas E. Caldecott, Clifford Wixon, and Charles Beller, of Alameda County.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jesse R. Overturf, Superintendent of Schools, Sacramento; Dr. Nicholas Ricciardi, Presi-

dent of Sacramento Junior College, and Aubrey Douglas, of Sacramento.

On request of Senators Donnelly and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Patrick Coghlan, of Santa Barbara, and David R. Spurlock, of Turlock.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roscoe L. Patterson, of Visalia, member of the Board of Supervisors of Tulare County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Al Baudau, of Sonoma.

### COMMUNICATIONS

The following communication was presented by Hon. Frederick F. Houser, read, and on motion of Senator Deuel, ordered printed in the Journal:

**THE FARMERS' EDUCATIONAL AND CO-OPERATIVE UNION OF AMERICA  
CALIFORNIA DIVISION 2 224**

SAN JOSE, CALIFORNIA, December 7, 1942

Annual meeting of Members of the California Division of the Farmers' Educational and Co-Operative Union of America

We, the members and officers of the California Division of the Farmers' Educational and Co-Operative Union of America in annual meeting duly assembled on this seventh day of December, 1942, send our greetings and extend our sincere good wishes to our former State Senator John Phillips who is now a Congressman from California.

We take this occasion to make public acknowledgment of the sincere, intelligent and consistent service he rendered to our agriculture while a Member of the State Legislature. He believed in and was the consistent friend of the working farmer. During the tragic years of 1939-1940, John Phillips gave much of his time and well directed efforts to the problems of the debt burdened farmers. Many are the farm families who are still on their farms because of John Phillips and his associates and colleagues in the Legislature.

The loss to California agriculture by his retirement from the State Legislature is only mitigated by our confident knowledge that as a Member of Congress he goes to larger opportunities for service to agriculture generally and to the working farmer specially.

Our State secretary is hereby instructed to send a copy of this resolution to Congressman John Phillips. And we hereby also instruct our State president, R. V. Garrod, to personally deliver a copy to the President of the State Senate and to the Chairman of the State Senate Committee on Agriculture.

The foregoing is a true copy of a resolution unanimously passed at the time and place and on the occasion indicated.

MYRTLE TALBOT, Secretary

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on January 6, 1943, elected the following statutory officers:

Chief Clerk-----	Arthur A. Ohnimus
Minute Clerk-----	C. William Queale
Sergeant-at-Arms-----	Wilkie Ogg
Chaplain-----	Rev. Clarence A. Kircher

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1943

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1943

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 2

Senate Concurrent Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1943

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 5

Senate Concurrent Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 7, 1943

Mr. President: Your Committee on Rules, to which was referred:

Senate Bill No. 9

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote, Ayes 5.

SEAWELL, Chairman

## SECOND READING OF SENATE BILLS

**Senate Bill No. 9**—An act to add Section 4721 to the Political Code, relating to assessment and taxation of property affected by the organization, formation and incorporation of sanitary districts, declaring the urgency thereof and providing that it shall take effect immediately.

Bill read second time, and ordered to print and third reading.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 7, 1943

Mr. President: Your Committee on Rules, to which was referred:

Senate Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote, Ayes 5.

SEAWELL, Chairman

## Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Resolution No. 11, at this time, for consideration.

## CONSIDERATION OF SENATE RESOLUTION NO. 11

## Senate Resolution No. 11

Relative to representation of the Senate at the General Assembly of the Council of State Governments, Baltimore, Maryland, January, 1943

WHEREAS, The Sixth General Assembly of the Council of State Governments will be held in Baltimore, Maryland, January 24-27, 1943; and

WHEREAS, The 48 States will be represented at this meeting by persons in the executive and legislative departments of those States; and

WHEREAS, The Council of State Governments is a medium for the States to ascertain and work for a solution of problems common to them all, especially in the fields of wartime legislation, taxation, trade barriers and all other matters bearing upon cooperation of the States in the National war effort; now, therefore, be it

*Resolved by the Senate of the State of California*, That two members of the Senate, appointed by the Committee on Committees of the Senate, shall attend as delegates from, and represent, the Senate of the State of California at the meeting of the Council of State Governments in Baltimore, Maryland, January 24-27, 1943; and be it further

*Resolved*, That these delegates shall assist in the formulation of recommendations on problems of wartime legislation, taxation, trade barriers, and all other subjects pertaining to cooperation of the States in the National war effort; and be it further

*Resolved*, That the sum of eight hundred dollars (\$800) or so much thereof as may be necessary is hereby appropriated from the Contingent Fund of the Senate to defray the necessary expenses of the delegates.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 7, 1943

*To the Senate of the State of California*

I hereby respectfully withdraw from the consideration of your honorable body the following appointments submitted to your honorable body for approval on the fourth day of January, 1943:

CYRUS W. COLE, to the Board of Pilot Commissioners of San Diego.

FLOYD KLINGER, to the Board of Trustees of Stockton State Hospital;

BARRY G. McDERMOTT, to the Board of Trustees of Stockton State Hospital;

EARL E. ERWIN, to the Board of Trustees of Stockton State Hospital;

L. A. MILLS, to the Board of Trustees of Stockton State Hospital; and S. TRAVAILLE, to the Board of Trustees of Stockton State Hospital.

DR. H. P. JACOBSON, to the Board of Trustees of Norwalk State Hospital.

PHILIP SOLOV, to the Board of Pilot Commissioners for the Bays of San

Francisco, San Pablo and Suisun.

JULIAN ALCO, to the State Board of Prison Directors.

HARRY SEE, Member of the Board of Harbor Commissioners.

CURTIS E. WARREN, to the State Board of Education; CLYDE DOYLE, to the State Board of Education; EUGENE T. BRODERICK, to the State Board of Education, and A. J. SUTHERLAND, to the State Board of Education.

LEE O. TOOR, JR., to the Sonoma State Home, Board of Trustees.

L. G. TAGGART, to the California State Council of Defense; LEON HAPPEL, to the California State Council of Defense, and JOHN DESPOL, to the California State Council of Defense.

CORNELIUS J. HAGGERTY, to the State Personnel Board.

MITCHELL TYSON, to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

DR. W. EARLE SMITH, to the State Board of Prison Directors.

Respectfully,

EARL WARREN

Governor of the State of California

Message read, and referred to Committee on Rules.



## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 18

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 7, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Buster Pearl, Assistant at Desk	\$5.00
Dorothy Lages, Stenographer	5.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Daniel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Julek, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

By the Committee on Rules:

## Senate Resolution No. 19

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred dollars (\$200) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

SEAWELL, Chairman  
DEUEL  
TICKLE  
BROWN

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittendon, Daniel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Julek, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

## ADJOURNMENT

At 11.50 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, January 8, 1943.



CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

FIFTH CALENDAR DAY

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IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 8, 1943

The Senate met at 11 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators: Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Denei, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Josiah, Keating, Leach, Mates, McBrine, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swang, Tamm, Tickle, and Ward—29.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Swan, on motion of Senator Shelley.

Senator Burns, on motion of Senator Dorsey.

Senator Powers, on motion of Senator Keating.

Senator McCormack, on motion of Senator Slater.

Senator Engle, on motion of Senator Rich.

Senator Dillinger, on motion of Senator Ward.

Senator Carter, on motion of Senator Collier.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin H. Wilder of San Francisco.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 9	Assembly Concurrent Resolution No. 12
Assembly Concurrent Resolution No. 10	Assembly Concurrent Resolution No. 13
Assembly Concurrent Resolution No. 11	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 9**—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the twenty-sixth day of May, 1942.

## Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

**Assembly Concurrent Resolution No. 9**—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the special municipal election held therein on the twenty-sixth day of May, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Packman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 10**—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the second day of June, 1942.

## Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

**Assembly Concurrent Resolution No. 10**—Approving certain amendments to the charter of the City of Long Beach, State of Cali-



fornia, ratified by the qualified electors of said city at a general municipal election held therein on the second day of June, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Locke, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 11**—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the third day of November, 1942.

##### Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

**Assembly Concurrent Resolution No. 11**—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Locke, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tenney, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 12**—Relative to commendation of former Members of the Legislature serving in the armed forces of the United States.

##### Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 12, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 12

**Assembly Concurrent Resolution No. 12**—Relative to commendation of former Members of the Legislature serving in the armed forces of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### President of the Senate Presiding

At 11.30 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 13**—Relating to adjournment in respect to the memory of Frank J. Ruhstaller.

Above resolution ordered held at the desk without reference to committee.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 14

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 2

Senate Concurrent Resolution No. 5

Senate Concurrent Resolution No. 3

Senate Concurrent Resolution No. 6

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 8, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 5

Assembly Concurrent Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Concurrent Resolution No. 4**—Relative to adjournment in respect to the memory of former Senator Dwight H. Hart.

##### Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4**

**Assembly Concurrent Resolution No. 4**—Relative to adjournment in respect to the memory of former Senator Dwight H. Hart.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, Dand, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McGrade, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tinkle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**SECOND READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Concurrent Resolution No. 5**—Relative to adjournment out of respect to the memory of Frank H. Cory.

**Request for Unanimous Consent**

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5**

**Assembly Concurrent Resolution No. 5**—Relative to adjournment out of respect to the memory of Frank H. Cory.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, Dand, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McGrade, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tinkle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**SECOND READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Concurrent Resolution No. 6**—Relative to approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Above resolution ordered held at the desk without reference to committee.

**Assembly Concurrent Resolution No. 7**—Relative to approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Above resolution ordered held at the desk without reference to committee.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 20

*Resolved*, That the following named person be and is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning January 8, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amounts, and the Treasurer is hereby directed to pay the same:

Carl J. Johnson, Assistant Sergeant-at-Arms-----	<i>Seven days per week</i> \$5 00
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Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Tenney, Tickle, and Ward—25.  
NOES—None.

By Committee on Rules:

## Senate Resolution No. 21

*Resolved*, That the Senate consent to the request received from Governor Earl Warren on January 7, 1943, withdrawing certain appointments submitted to the Senate by Governor Culbert L. Olson on January 4, 1943, and that the Secretary be instructed to transmit to the Governor the communication from Governor Culbert L. Olson, announcing the appointments hereinabove referred to.

Resolution read, and, on motion of Senator Seawell, adopted.

## INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 15:** By Senator Swing—An act creating the Salary Emergency Fund, and making an appropriation to said fund for the purpose of providing salary and wage increases for State employees and providing that this act take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 16:** By Senator McCormack—An act to add Section 66a to the Code of Civil Procedure and to amend Section 737vv of the Political Code, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Solano, and providing for his compensation.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 17:** By Senator McCormack—An act to add Section 78a to the State Employees' Retirement Act, relating to retirement of members of the State Employees' Retirement System, and providing for retention in State service, upon conditions specified therein, of persons who have attained the age of compulsory retirement, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 18:** By Senator Engle—An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and



disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

Referred to Committee on Judiciary.

**Senate Bill No. 19:** By Senator Engle—An act to amend Sections 990, 990.1, and 990.5, of the Fish and Game Code, relating to commercial fishing licenses.

Referred to Committee on Fish and Game.

**Senate Bill No. 20:** By Senators Biggar and Fletcher—An act to diminish the causes of labor disputes burdening and obstructing business; declaring certain strikes, lockouts, and picketing unlawful; creating the Labor Relations Board and providing for its powers and duties; authorizing the Labor Relations Board to conduct hearings and elections; providing the Labor Relations Board with investigatory powers, including the power to issue subpoenas; making an appropriation therefor.

Referred to Committee on Labor.

**Senate Bill No. 21:** By Senator Breed—An act to amend Section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district.

Referred to Committee on Local Government.

**Senate Bill No. 22:** By Senator Breed—An act to repeal Sections 7 and 12 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," and to add Sections 7, 7.10, 7.20, 7.30, 7.40, 7.50, 7.60, 7.70, 7.80, 7.90, 7.100, 7.110, 7.120, 7.130, 7.140, 7.150, 7.160, 12, 12.10, 12.20, 12.30, 12.40, 12.50, 12.60, 12.70, 12.80, 12.90, 12.100, 12.110, 12.120,

12.130, and 12.140, providing for nomination of candidates for directors; the calling and holding of elections for the election of directors; the consolidation of said elections; the terms of office of the directors; the powers of a municipal utility district to acquire, construct, operate and dispose of works and property, to incur indebtedness, to levy and collect taxes, to exercise the power of eminent domain, to make contracts and stipulations, to invest moneys; and relating to the powers of a municipal utility district and elections generally; and the severability of the act, all relating to municipal utility districts.

Referred to Committee on Local Government.

**Senate Bill No. 23:** By Senators Biggar, Mayo, Salsman, Judah, Fletcher, Gordon and Cunningham—An act to add Sections 48, 49, 50 and 51 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3941, 3946, 7966, 8720, 8721 and 8722 of, and to repeal Sections 2838 of, the Elections Code, relating to nominations and party conventions.

Referred to Committee on Elections.

**Senate Bill No. 24:** By Senator Fletcher—An act to add Section 30.1 to the Fish and Game Code, relating to kelp.

Referred to Committee on Fish and Game.

**Senate Bill No. 25:** By Senator Gordon—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction and venue of the small claims court.

Referred to Committee on Judiciary.

**Senate Bill No. 26:** By Senator Gordon—An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justices' courts.

Referred to Committee on Judiciary.

**Senate Bill No. 27:** By Senator Gordon—An act to amend Section 538 of the Code of Civil Procedure, relating to the issuance of writs of attachment and the affidavit therefor.

Referred to Committee on Judiciary.

**Senate Bill No. 28:** By Senator Gordon—An act to amend Section 117d of the Code of Civil Procedure, relating to small claims court and the time for appearance therein.

Referred to Committee on Judiciary.

**Senate Bill No. 29:** By Senator Crittenden—An act to amend Sections 9201, 9202 and 9203 of the Health and Safety Code, relating to cemeteries.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 30:** By Senator Judah—An act to amend Section 660.5 of the Fish and Game Code, relating to salmon, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

**Senate Bill No. 31:** By Senators Tenney, Shelley and Breed—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 284, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Legislature and the members thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 32:** By Senator Fletcher—An act to amend Sections 9.2, 13, 55, 58 and 67 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 33:** By Senator Delap—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy.

Referred to Committee on Judiciary.

**Senate Bill No. 34:** By Senator Dillinger—An act to amend Sections 2453, 2454, 2600, 2621, 2626, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897, and the article heading of Article 4, of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631 and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Referred to Committee on Elections.

**Senate Bill No. 35:** By Senators Judah, Swing and Jespersen—An act to amend Sections 65, 66, 79, 83, 83b, 84, 86, 88, 93, 108 and 109 of, and to add Section 100b to, the State Employees' Retirement Act, relating to a retirement system for public employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 36:** By Senator Tenney—An act to establish the "World Peace Planning Commission" and prescribing its powers and duties; authorizing the World Peace Planning Commission to make investigations and public recommendations as to international affairs and problems and to promote world peace, tolerance, and recognition of the right to security and freedom, making an appropriation.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 37:** By Senators Breed, Tenney, Burns, Delap, Crittenden, Keating, Swan, Shelley, Gordon and McCormack—An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare an emergency, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 38:** By Senator Biggar—An act to provide dwelling accommodations for persons of low income and to provide a quick post-war means of employing unemployables due to eventual cessation of hostilities, including the creation of the State Loan Value and Mort-



gage Housing Commission, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Loan Value and Mortgage Housing Commission to issue revenue bonds and give security therefor and authorizing the commission to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of single dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurers.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 39:** By Senator Tenney—An act to add Section 1636.1 to Part 6, Chapter 1, Article 3 to the Labor Code, relating to employment agencies.

Referred to Committee on Labor.

**Senate Bill No. 40:** By Senator Tenney—An act to amend Sections 51 and 52 of the Civil Code, pertaining to equal rights of citizens, to prevent discrimination and provide a penalty.

Referred to Committee on Judiciary.

**Senate Bill No. 41:** By Senator Tenney—An act to add Sections 2751, 2805, 2806 and 2807 to the Labor Code, relating to employment, to prevent discrimination and provide a penalty.

Referred to Committee on Labor.

**Senate Bill No. 42:** By Senator Crittenden—An act to amend Section 13.02 of the Building and Loan Association Act, relating to the employment of attorneys by the Building and Loan Commissioner.

Referred to Committee on Financial Institutions.

**Senate Bill No. 43:** By Senator Crittenden—An act to add Section 13.16e to the Building and Loan Association Act, relating to reports of receipts and expenditures by the Building and Loan Commissioner during liquidating of building and loan associations.

Referred to Committee on Financial Institutions.

**Senate Bill No. 44:** By Senator Dorsey—An act to add Section 613.3 to the Streets and Highways Code, relating to State highways, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 45:** By Senator Dorsey—An act to add Section 10501.1 to the Insurance Code, relating to secret or fraternal societies, lodges, chapters or councils organized for the purpose of mutual protection and relief of their members.

Referred to Committee on Financial Institutions.

**Senate Bill No. 46:** By Senator Dorsey—An act to add Sections 647b and 647c to the Penal Code, relating to the crime of vagrancy, specifying acts constituting said crime, and providing for suspension of sentences therefor upon conditions set forth in this act, to take effect immediately.

Referred to Committee on Judiciary.



**Senate Bill No. 47:** By Senator Breed—An act to amend Sections 10200 and 10450 and to repeal Section 10453 of, and to add Section 10454 to, the Business and Professions Code, relating to the fees collected from real estate licenses, the funds in which such fees are deposited, and providing for the expenditure thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 48:** By Senators Hatfield and Tenney—An act to amend Section 83 of the State Civil Service Act, relating to examinations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 49:** By Senators Slater and Quinn—An act to amend Sections 2 and 3 of the Sabotage Prevention Act, relating to punishments, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 50:** By Senators Biggar, Fletcher, Parkman, Crittenden, Gordon, Tickle, Collier, McBride and McCordack—An act creating the "State Building Fund" for the purchase, acquisition, construction, improvement, and repair of State land, buildings, and equipment and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 51:** By Senator Cunningham—An act to add Sections 101 and 480.5 to the Fish and Game Code, relating to the creation of a new fish and game district and the taking of fish therein.

Referred to Committee on Fish and Game.

**Senate Bill No. 52:** By Senator Mixter—An act to add Section 5.876-1 to the School Code, and to add Section 14536.1 to the Education Code, relating to reemployment of retired teachers.

Referred to Committee on Education.

**Senate Bill No. 53:** By Senator Tenney—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Referred to Committee on Education.

**Senate Bill No. 54:** By Senator Tenney—An act to repeal Sections 2540.3, 2540.5 and 2540.9 of, and amend Section 2540.4 of the Elections Code, relating to the direct primary.

Referred to Committee on Elections.

**Senate Bill No. 55:** By Senator Fletcher—An act to amend Section 920 of the Political Code, relating to contracts made by officers.

Referred to Committee on Judiciary.

**Senate Bill No. 56:** By Senator Fletcher—An act to amend Section 11870 of the Insurance Code, relating to the insurance of public employees with the State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

**Senate Bill No. 57:** By Senator Quinn—An act to amend Section 340 of the Military and Veterans Code, relating to compensation insurance for members of the State Guard, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 58:** By Senator Fletcher—An act to add Section 5.3 to the Metropolitan Water District Act, relating to contracts for transportation of water.

Referred to Committee on Local Government.

**Senate Bill No. 59:** By Senator Mixer—An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal an act entitled "An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 60:** By Senator Hatfield—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 61:** By Senator Ward—An act to add Section 704 to the Civil Code, relating to the ownership of United States bonds by two or more persons, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 1:** By Senator Fletcher—Relative to old-age assistance.

Referred to Committee on Welfare and Institutions.

**Senate Joint Resolution No. 2:** By Senator Engle — Relative to memorializing the Congress of the United States to propose an amendment to the Constitution of the United States barring persons of Japanese descent from citizenship and requesting said Congress to propose said amendment for ratification by the Legislatures of the several States.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 3:** By Senator Engle — Relative to memorializing the Congress of the United States to initiate proper action and legislation to determine the identity, and forfeit the citizenship of those holding a dual citizenship in any other country and prohibiting such citizenship.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 4:** By Senator Dorsey—Relative to memorializing Congress to make an additional appropriation for completion of Madera and Friant-Kern Canals and related portions of the Central Valley Project and for installation of control gates at Friant

Dam and urging the War Priority Board to grant the necessary priorities for strategic material.

Referred to Committee on Water Resources.

**Senate Constitutional Amendment No. 1:** By Senator Biggar—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the reorganization, powers and duties of the Board of Forestry.

Referred to Committee on Natural Resources.

**Senate Concurrent Resolution No. 7:** By Senator Tickle—Relative to creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 8:** By Senators Tenney and Burns—Relative to the creation of a Joint Fact Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 9:** By Senator Swan—Relative to the appointment of James S. Dean as Assistant Director of Finance.

Referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 8, 1943.

MR. PRESIDENT: Your Committee on Rules has appointed Senators Mayo and Fletcher to the committee created under Senate Resolution No. 11.

Committee membership 5.

SEAWELL, Chairman.

## CONSIDERATION OF DAILY FILE

### THIRD READING OF SENATE BILLS

**Senate Bill No. 9**—An act to add Section 3721 to the Political Code, relating to assessment and taxation of property affected by the organization, formation and incorporation of sanitary districts, declaring the urgency thereof and providing that it shall take effect immediately.

Bill read third time.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer,

Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### ADJOURNMENT

At 12 noon, on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Monday, January 11, 1943, out of respect to the memory of the late Frank H. Cory, and former Senator Dwight H. Hart.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 11, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jendish, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## COMMUNICATIONS

The following communication was received, read, and on motion of Senator Seawell, ordered printed in the Journal:

LOS ANGELES COUNTY COUNCIL

THE AMERICAN LEGION, LOS ANGELES, CALIFORNIA, January 9, 1943

*Secretary of the Senate**State Legislature, Sacramento, California*

DEAR SIR: Attached please find copy of resolution, adopted at the regular meeting of the Los Angeles County Council, American Legion, held at Patriotic Hall, Los Angeles, on January 8, 1943.

Respectfully,

WALTER J. SULLIVAN, Commander

## Resolution

WHEREAS, This council has helped create and maintain military forces for the safety and protection of the United States and the State of California, and is much interested in the welfare and proficiency of these forces; and

WHEREAS, This council recently urged Governor Earl Warren and the Legislature to immediately undertake a reorganization and strengthening of California's military forces; now, therefore, be it

Resolved, That we urge Governor Warren and the Legislature to adopt the plan now before them, patterned after the National Guard Act, calling for

two active regiments of 1,250 officers and men each and trained, equipped reserves of 50,000 officers and men.

Adopted by the Los Angeles County Council of the American Legion in regular meeting assembled, January 8, 1943.

WALTER J. SULLIVAN, Commander  
L. M. WINDLE, Adjutant

Above communication referred to Committee on Military and Veterans' Affairs.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 9**—Relative to memorializing Congress to request the Jefferson Bicentennial Commission, Senator Carter Glass, Chairman, to invite the nations and peoples of the world to join with the people of the United States of America in observing and celebrating the Bicentennial of Jefferson's Day of Birth, April 13, 1943.

Referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 9

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 14**—An act making an appropriation for the mileage of the Members and statutory officers of the Senate, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of January, 1943, at 2.30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 11, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 2**—Approving a certain amendment to the charter of the County of San Bernardino, State of California;

**Senate Concurrent Resolution No. 5**—Approving certain amendments to the charter of the County of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held on the third day of November, 1942;

**Senate Concurrent Resolution No. 6**—Approving a certain amendment to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1942;

And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of January, 1943, at 11.30 a.m.

SEAWELL, Chairman

## MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 4, 1943; Tuesday, January 5, 1943; Wednesday, January 6, 1943; Thursday, January 7, 1943; and Friday, January 8, 1943; were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 62:** By Senator Fletcher—An act to amend Section 253 of the Revenue and Taxation Code, relating to exemptions from taxes on real property.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 63:** By Senator Fletcher—An act to amend Section 737kk of the Political Code, relating to the salary of superior judges in and for the County of San Diego.

Referred to Committee on Local Government.

**Senate Bill No. 64:** By Senator Tenney—An act to amend Sections 7a and 7e of the Municipal Court Act of 1925, relating to municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

**Senate Bill No. 65:** By Senator Tenney—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Referred to Committee on Judiciary.

**Senate Bill No. 66:** By Senator Tenney—An act to amend Section 28a of the Municipal Court Act of 1925, relating to bail in municipal courts in cities of the first and one-half class.

Referred to Committee on Judiciary.

**Senate Bill No. 67:** By Senator Tenney—An act to add Section 1428b to the Penal Code, relating to the destruction of old records in municipal courts.

Referred to Committee on Judiciary.

**Senate Bill No. 68:** By Senator Tenney—An act to amend Section 1461a of the Penal Code, relating to procedure in municipal courts.

Referred to Committee on Judiciary.

**Senate Bill No. 69:** By Senator Tenney—An act to amend Section 4300f of the Political Code, relating to jurors' fees in municipal courts.

Referred to Committee on Judiciary.

**Senate Bill No. 70:** By Senator Tenney—An act to amend Section 6301 of the Business and Professions Code, relating to boards of trustees of law libraries.

Referred to Committee on Business and Professions.

**Senate Bill No. 71:** By Senator Tenney—An act to add Section 7d to the Municipal Court Act of 1925, relating to additional compensa-

tion for attaches in municipal courts in cities of the first and one-half class entering military service.

Referred to Committee on Judiciary.

**Senate Bill No. 72:** By Senator Tenney—An act to add Section 7a $\frac{1}{2}$  to the Municipal Court Act of 1925, relating to compensation of attaches in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

**Senate Bill No. 73:** By Senator Tenney—An act to amend Section 7c of the Municipal Court Act of 1925, relating to municipal court attaches.

Referred to Committee on Local Government.

**Senate Bill No. 74:** By Senator Tenney—An act to add Chapter 4, comprising Sections 5700 to 5771, inclusive, to Division 5 of the Public Resources Code, relating to bridle trails; to declare the necessity of providing bridle trails for use of civilian defense, transportation and recreation, and the use of forest fire patrols; to provide for cooperation by State planning, regional planning, county and city planning boards, public works and other departments; to define the powers and duties of the California Trails Commission; to provide the exercise of such power; to provide for the planning, construction, maintenance and financing of trails.

Referred to Committee on Natural Resources.

**Senate Bill No. 75:** By Senator Tenney—An act to add Chapter 10.5, comprising Section 567, to Division 9 of the Vehicle Code, and to add Section 146 to the Streets and Highways Code, relating to equestrian crossings, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 76:** By Senator Tenney—An act to provide for the use of property belonging to public agencies for horseback riding.

Referred to Committee on Local Government.

**Senate Bill No. 77:** By Senator Biggar—An act to authorize the Bureau of Criminal Identification and Investigation to purchase or lease the teletype system maintained in and by the County of Mendocino for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the bureau between counties and cities and counties of this State, and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 78:** By Senator Gordon—An act to amend Section 4261 of the Political Code, relating to compensation for public services in counties of the thirty-second class.

Referred to Committee on Local Government.



**Senate Bill No. 79:** By Senator Gordon—An act to add Section 10406 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 80:** By Senators Dorsey, Mixer, and Cunningham—An act to amend Sections 10600, 10602, 10603, 10604, and 10607 of the Health and Safety Code, relating to proceedings to establish records of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 81:** By Senator Dorsey—An act to amend Section 6359 of the Revenue and Taxation Code, relating to the sales and use taxes, and exemptions therefrom, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 82:** By Senators Slater and Keating—An act making an appropriation to the State Board of Prison Directors for the establishment of a psychopathic hospital for insane prisoners at San Quentin Prison.

Referred to Committee on Finance.

**Senate Constitutional Amendment No. 2:** By Senator Fletcher—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 14 of Article XIII, relating to exemptions of property on account of military service.

Referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 3:** By Senator Gordon—A resolution proposing to the people of the State of California an amendment to the Constitution of said State by amending Section 23 of Article IV thereof, relating to an allowance to members of the Legislature for attendance at special or extraordinary sessions.

Referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 4:** By Senator Swan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article II thereof, relating to voting qualifications.

Referred to Committee on Elections.

#### RESOLUTIONS

The following resolution was offered:

By Senator Dorsey:

#### Senate Resolution No. 22

WHEREAS, The United States is in a state of war; and  
WHEREAS, Every source of strength is being enlisted, encouraged, and applied in the National efforts to win the war; and  
WHEREAS, It is the desire and intention of this honorable body and of the people of this great State of California to be helpful and to stimulate and encourage National war aims, purposes, and activities; and

WHEREAS, The Senate of the State of California is in full sympathy and accord with National war aims, purposes, and activities and with the thought and purpose of making this Fifty-fifth Session of the Legislature of this great State a war Legislature directing its efforts to the consideration and enactment of all measures needed to assist in the successful prosecution of the war and the defense of the people of this great State in full cooperation with military authorities; and

WHEREAS, It is desirable and fitting that some suitable concrete and visible design and slogan be adopted by this honorable Senate to symbolize and remind our people of our and their loyal and steadfast sentiment in our National war aims, purposes, and activities; now, therefore, be it

*Resolved by the Senate of the State of California*, That the members of this body do now adopt, for the purposes herein set forth, as a symbol a large "V" which shall be colored a navy blue and shall adopt as a slogan the words "Victory in '43", which blue "V" and slogan shall be printed on all letterheads to be hereafter used for all correspondence and on all documents used in all departments and agencies of the State Government during this emergency in which the United States is engaged in war; and be it further

*Resolved*, That this session of the Legislature of the State of California be designated, known, and referred to as the Victory Session; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to have a copy of this resolution communicated to the director of each department of the State Government.

Resolution read, and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Concurrent Resolution No. 6**—Approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 7**—Approving a certain amendment to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

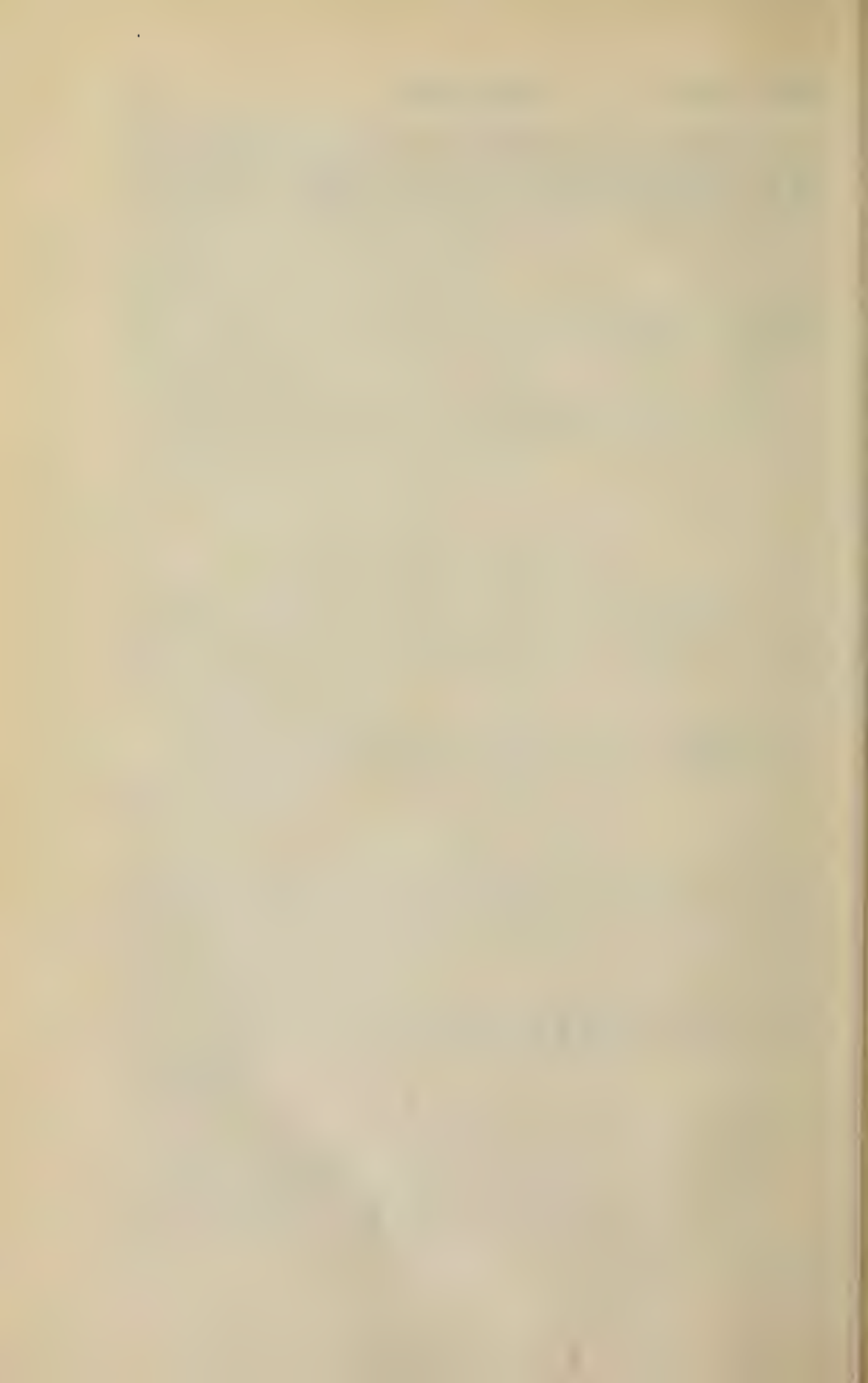
**Assembly Concurrent Resolution No. 13**—Relating to adjournment in respect to the memory of Frank J. Ruhstaller.

Resolution read, and unanimously adopted.

Resolution ordered transmitted to the Assembly.

**ADJOURNMENT**

At 11.25 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Tuesday, January 12, 1943, out of respect to the memory of the late Frank J. Ruhstaller.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

NINTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 12, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eingle, Fletcher, Hatchell, Judah, Larkins, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salzman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Gordon, on motion of Senator Slater.

Senator Keating, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Max Shaffrath of Berkeley.

On request of Senators Tenney and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert M. Dulin of Beverly Hills, President of the State Board of Education.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 11, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 23

*Resolved*, That the following named person be and is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning January 10, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Mrs. Ruth Ortman, Stenographer-----	\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

By Senator Tickle:

## Senate Resolution No. 24

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 11, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
H. B. Thomas, Assistant Sergeant-at-Arms-----	\$5 00
T. A. Ryan, Assistant at Desk-----	5 00
Marian Skelly, Stenographer-----	5 00
Margaret A. Sweeny, Chief Stenographer-----	6 00
Florence Tenney, Stenographer-----	5 00
Jane Dulhanty, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Hatfield, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

By Senator Tickle:

## Senate Resolution No. 25

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 12, 1943, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Alysse Osmonson, Stenographer	\$5 00
Med Anderson, Assistant at Desk	5 00

#### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—28.

**NOES**—None.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 4

Senator Seawell moved that Senate Bill No. 4 be withdrawn from Committee on Local Government, and referred to Committee on Rules.

Motion carried.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 83:** By Senator Hatfield—An act to amend Section 36 of, and to add Section 8b to, the California Water District Act, relating to districts organized under said act.

Referred to Committee on Water Resources.

**Senate Bill No. 84:** By Senator Hatfield—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

Referred to Committee on Agriculture.

**Senate Bill No. 85:** By Senator Mayo—An act to amend Section 4282 of the Political Code, relating to compensation for public services in counties of the fifty-third class.

Referred to Committee on Local Government.

**Senate Bill No. 86:** By Senator Mayo—An act to amend Section 4275 of the Political Code, relating to compensation for public services in counties of the forty-sixth class.

Referred to Committee on Local Government.

**Senate Bill No. 87:** By Senator Mayo—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class.

Referred to Committee on Local Government.

**Senate Bill No. 88:** By Senator DeLap—An act to amend Section 1065 of the Fish and Game Code, relating to sardines, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

**Senate Bill No. 89:** By Senator Fletcher—An act to add Section 9.5 to the Metropolitan Water District Act, relating to the annexation of unincorporated territory.

Referred to Committee on Local Government.

**Senate Bill No. 90:** By Senator Slater—An act making an appropriation to the State Park Commission for the restoration work at Fort Ross.

Referred to Committee on Finance.

**Senate Bill No. 91:** By Senator Tenney—An act to add Chapter 15, comprising Sections 135 and 136, to Division 1 of the Welfare and Institutions Code, relating to public assistance, providing for determination of the respective liabilities of responsible relatives of recipients thereof to reimburse the public agencies granting such assistance, and giving to relatives who have made such reimbursement a right of contribution against other relatives responsible for the support of the recipients.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 92:** By Senator Hatfield—An act to amend Section 1135 of the Labor Code, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

**Senate Bill No. 93:** By Senator Hatfield—An act to repeal Section 1135 of the Labor Code, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

**Senate Bill No. 94:** By Senators Tenney, Biggar, Salsman, Ward, Luckey, Quinn, Burns, Powers, Engle, Hatfield, Mayo, Breed, and Slater—An act to amend Sections 990, 990.1, and 990.5 of the Fish and Game Code, relating to commercial fishing licenses.

Referred to Committee on Fish and Game.

**Senate Bill No. 95:** By Senator Tenney—An act to amend Section 1 of an act entitled "An act authorizing any city, county, city and county, or district to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency hereof; to take effect immediately," approved December 23, 1941, relating to the granting of emergency powers to local governmental agencies and public districts including provisions for the transfer, sale, lease, or use of public property of such agencies or districts, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Local Government.

**Senate Bill No. 96:** By Senator Tenney—An act to add Section 57.8 to the Unemployment Insurance Act, relating to eligibility for benefits.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 97:** By Senator Tenney—An act to add Sections 2751, 2805, 2806, 2807, and 2808 to the Labor Code, relating to employment, to prevent discrimination and provide a penalty.

Referred to Committee on Labor.

**Senate Bill No. 98:** By Senator Dorsey—An act to amend Section 2009 of the Code of Civil Procedure, relating to the use of affidavits



in a proceeding to establish the fact of birth, death, or marriage, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 99:** By Senator Tenney—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Referred to Committee on Judiciary.

**Senate Bill No. 100:** By Senator Tenney—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Referred to Committee on Judiciary.

**Senate Bill No. 101:** By Senator Tenney—An act to amend Section 4300k of the Political Code, relating to the payment of fees.

Referred to Committee on Judiciary.

**Senate Bill No. 102:** By Senator Tenney—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Senate Bill No. 103:** By Senator Breed—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 104:** By Senator Breed—An act to amend Section 5 of The Personal Income Tax Act of 1935 and Section 17052 of the Revenue and Taxation Code, relating to rates of personal income taxation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 105:** By Senators Engle, Carter, and Swan—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of feeble-minded persons and epileptics.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 106:** By Senators Brown and Engle—An act to amend Sections 330a and 331 of the Penal Code, relating to slot machines or devices.

Referred to Committee on Judiciary.

**Senate Bill No. 107:** By Senators Engle, Carter, McBride, and Swan—An act to amend Section 996 of the Political Code, relating to an office becoming vacant.

Referred to Committee on Judiciary.

**Senate Bill No. 108:** By Senators Engle and Swan—An act to amend Section 39 of the Public Utility District Act, relating to public utility district taxation.

Referred to Committee on Local Government.

**Senate Bill No. 109:** By Senator Quinn—An act to amend Section 453 of the Agricultural Code, relating to the inspection and condemnation of milk, cream, and products thereof.

Referred to Committee on Agriculture.

**Senate Bill No. 110:** By Senator Quinn—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Referred to Committee on Fish and Game.

**Senate Bill No. 111:** By Senator Quinn—An act to amend Sections 423, 450, and 452 of the Probate Code, relating to the administration of estates of decedents.

Referred to Committee on Judiciary.

**Senate Bill No. 112:** By Senators Quinn, Tenney, Slater, Hatfield, Judah, and Shelley—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 113:** By Senator Quinn—An act to amend Section 3.324 of the School Code and to amend Section 8730 of the Education Code, relating to taxation in elementary school districts.

Referred to Committee on Education.

**Senate Bill No. 114:** By Senator McCormack—An act to add Section 512 to the Vehicle Code, relating to the regulation of driving speed, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 115:** By Senator Salsman—An act to add Section 1951.5 to the Code of Civil Procedure, relating to the destruction of court exhibits.

Referred to Committee on Judiciary.

**Senate Bill No. 116:** By Senator Salsman—An act to add Section 4101b to the Political Code, relating to deposits by county clerk in county treasury.

Referred to Committee on Judiciary.

**Senate Bill No. 117:** By Senator Salsman—An act to amend Sections 203 and 231 of, and to add Section 204f to, the Code of Civil Procedure, relating to the preparation of jury lists by the jury commissioner.

Referred to Committee on Judiciary.

**Senate Bill No. 118:** By Senator Salsman—An act to add Section 6366 to the Revenue and Taxation Code, relating to sales and use taxes, and exemptions therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 119:** By Senator Shelley—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 120:** By Senator Breed—An act to amend Section 4951 of, and to add Sections 4659, 4865, and 4866 to, the Health and Safety Code, relating to the powers of sewer maintenance districts and districts formed under Chapter 2, Part 3, Division 5, of said code.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 121:** By Senator Cunningham—An act to amend Section 3456a of the Political Code, relating to reclamation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 122:** By Senators Breed and DeLap—An act to repeal Sections 11 and 21 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," to amend Section 13 and to add Sections 11, 11.10, 11.20, 11.30, 11.40, 11.50, 11.60, 11.70, 21, 21.10, 21.20, 21.30, 21.40, 21.50, 21.60, 21.70, 21.80, 21.90, and 21.100, providing for the powers of the board of directors to determine all questions of policy, to supervise and regulate all utilities owned and operated by a municipal utility district, to appoint a general manager and other officers, assistants, and employees, to contract for or employ services, and to provide for the performance of work or services, to create the positions necessary to carry on the functions of the district and to abolish positions and establish salary ranges; providing for the tenure and removal of the general manager; and relating to the powers of the board of directors generally; the powers and duties of the general manager; also providing for the adoption and administration of a civil service system, specifying the positions included therein and excepted therefrom, providing for appointments based on merit and discharge for cause, period of probation, suspensions, adoption of rules by the general manager, providing for the making of appointments without examination during the present emergency; and relating to civil service generally; and the severability of the act; and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

**Senate Bill No. 123:** By Senator DeLap—An act to amend Section 4244 of the Political Code, relating to the compensation of public personnel in counties of the fifteenth class.

Referred to Committee on Local Government.

**Senate Bill No. 124:** By Senator DeLap—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Referred to Committee on Transportation.

**Senate Constitutional Amendment No. 5:** By Senator Fletcher—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 12 of Article IV, relating to vacancies in the Legislature.

Referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 6:** By Senators Mayo, Tenney, DeLap, Rich, Burns, Collier, Powers, Luckey, Keating, Gordon, Cunningham, Parkman, Dorsey, Slater, Hatfield, McBride, McCormack, Crittenden, Mixer, Dillinger, Salsman, Engle, Judah, Biggar, Brown, Seawell, Quinn, Tickle, Fletcher, Breed, Ward, and Deuel—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 8b to Article V thereof, relating to appointments by the Governor.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 10:** By Senator Dillinger—Relative to the creation of a Joint Committee on the Tax Structure of the State to study, investigate, and report on the subject of taxation in the State.

Referred to Committee on Rules.

#### RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

##### Senate Resolution No. 26

WHEREAS, The State Printer has compiled and published the 1942 California Blue Book pursuant to the provisions of the Statutes of 1941; and

WHEREAS, It is fitting that the Members of the Senate should receive copies of the California Blue Book in order that they and their constituents may be better acquainted with the information therein contained; and

WHEREAS, A number of the members have been elected to the Fifty-fifth Session of the Legislature who were not Members of the Fifty-fourth Session of the Legislature, and who therefore have not previously received copies of the California Blue Book of 1942; and

WHEREAS, A number of librarians acting in public libraries of California communities have applied to the State Librarian for copies of the California Blue Book of 1942 so that they may provide it for reference for the public; now, therefore, be it

*Resolved*, That the Secretary of the Senate is authorized to deliver to the Members of the Fifty-fifth California Senate copies of the California Blue Book of 1942 as follows: To each Member of the Fifty-fifth California Senate who was not a Member of the Fifty-fourth California Legislature, 10 copies; and to each Member of this Fifty-fifth California Senate who was a Member of the Fifty-fourth California Legislature, upon his written request to the Secretary of the Senate, five copies of the California Blue Book of 1942; and be it further

*Resolved*, That the Secretary of the Senate is instructed to deliver to the State Librarian of California, 125 copies of the California Blue Book of 1942, from which number copies shall be provided for public libraries in California or for exchange with libraries of other States.

Resolution read, and referred to Committee on Rules.

#### COMMUNICATIONS

The following communication was received, read, and on motion of Senator Seawell, ordered printed in the Journal:

##### CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA

January 12, 1943

*Mr. Joseph A. Beek, Secretary of the Senate  
State Capitol, Sacramento, California*

DEAR SIR: This is to inform you that the Capitol Correspondents Association has been organized in accordance with provisions of Assembly Concurrent Resolution



No. 2 adopted at this Fifty fifth Session of the State Legislature, and that the standing committee of the association is composed of the following :

W. A. Wells, Associated Press, Chairman  
John W. Dunlap, United Press  
Robert C. Weakley, International News  
Wesley E. Robbins, Oakland Tribune, Secretary.

The standing committee requests that press cards of one color be issued to accredited press representatives authenticated for the purpose of assignment of press seats and desks in the Senate, and that press cards of a different color be issued to authenticated visiting members of the press.

Yours very truly,

WESLEY E. ROBBINS  
Secretary to the Standing Committee

### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 12, 1943

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto.

L. G. TAGGART, of Bakersfield, immediate Past State Commander of the Veterans of Foreign Wars, to the State Council of Defense.  
LEON HAPPEL, of Stockton, California, present Commander of the American Legion, Department of California, to the State Council of Defense.  
JEANETTE E. DALEY, of San Diego, California, former Member of the Assembly and a legislative appointee to the State Council of Defense until expiration of her membership in the Assembly, to the State Council of Defense, vice John Despol, term expiring at the pleasure of the Governor.

Respectfully,

EARL WARREN  
Governor of the State of California

Message read, and referred to Committee on Rules.

### ADJOURNMENT

At 11.50 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Wednesday, January 13, 1943.



**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

EIGHTH LEGISLATIVE DAY

TENTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Wednesday, January 13, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Seawell.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer W. Heald of El Centro, District Attorney of Imperial County.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Percy Whiteside, publisher of Tulare Daily Times, Tulare, and Hon. Ford A. Chatters, former Assemblyman, of Lindsay.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. C. C. De Young of Stockton.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bryte M. Peterson of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dave Bird, Chairman, Board of Supervisors of San Diego County.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Tamagni of Calistoga, Joseph E. Moore, Fred Grigsby, Ralph E. Miniahen, Jack Behrens, Thomas Maxwell, and Wallace Everetts, all of Napa, members of the Board of Supervisors.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 191

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 191**—An act to amend Section 961 of the Code of Civil Procedure and Section 1247k of the Penal Code, relating to rules on appeal prescribed by the Judicial Council, extending the time for the reporting of such rules and the time of taking effect thereof, and providing that this act shall take effect immediately.

Referred to Committee on Rules.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 26

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

### CONSIDERATION OF SENATE RESOLUTION NO. 26

#### Senate Resolution No. 26

WHEREAS, The State Printer has compiled and published the 1942 California Blue Book pursuant to the provisions of the Statutes of 1941; and

WHEREAS, It is fitting that the Members of the Senate should receive copies of the California Blue Book in order that they and their constituents may be better acquainted with the information therein contained; and

WHEREAS, A number of the Members have been elected to the Fifty-fifth Session of the Legislature who were not Members of the Fifty-fourth Session of the Legislature, and who therefore have not previously received copies of the California Blue Book of 1942; and

WHEREAS, A number of librarians acting in public libraries of California communities have applied to the State Librarian for copies of the California Blue Book of 1942 so that they may provide it for reference for the public; now, therefore, be it

*Resolved*, That the Secretary of the Senate is authorized to deliver to the Members of the Fifty-fifth California Senate copies of the California Blue Book of 1942 as follows: To each Member of the Fifty-fifth California Senate who was not a Member of the Fifty-fourth California Legislature, 10 copies; and to each Member of this Fifty-fifth California Senate who was a Member of the Fifty-fourth California Legislature, upon his written request to the Secretary of the Senate, five copies of the California Blue Book of 1942; and, be it further



*Resolved*, That the Secretary of the Senate is instructed to deliver to the State Librarian of California, 125 copies of the California Blue Book of 1942, from which number copies shall be provided for public libraries in California or for exchange with libraries of other States.

Resolution read, and unanimously adopted.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Bill No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## SECOND READING OF SENATE BILLS

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026 1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

#### Amendment No. 1

On page 1, line 8, of the printed bill, strike out "because of service", and insert "to continue to serve".

#### Amendment No. 2

On page 1, line 9, of the printed bill, after "States", insert "or in the armed forces of the State of California".

#### Amendment No. 3

On page 1, line 22, of the printed bill, strike out "because of service", and insert "to continue to serve".

#### Amendment No. 4

On page 1, line 23, of the printed bill, after "States", insert "or in the armed forces of the State of California".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 191

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 191, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 191

**Assembly Bill No. 191**—An act to amend Section 961 of the Code of Civil Procedure and Section 1247k of the Penal Code, relating to rules on appeal prescribed by the Judicial Council, extending the time for the reporting of such rules and the time of taking effect thereof, and providing that this act shall take effect immediately.

## Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 191 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 191**—An act to amend Section 961 of the Code of Civil Procedure and Section 1247k of the Penal Code, relating to rules on appeal prescribed by the Judicial Council, extending the time for the reporting of such rules and the time of taking effect thereof, and providing that this act shall take effect immediately.

Bill read second time.

**Assembly Bill No. 191**—An act to amend Section 961 of the Code of Civil Procedure and Section 1247k of the Penal Code, relating to rules on appeal prescribed by the Judicial Council, extending the time for the reporting of such rules and the time of taking effect thereof, and providing that this act shall take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was introduced :

**Senate Joint Resolution No. 5:** By Senator Biggar—Relative to memorializing the Supreme Court of the United States to reconsider the principles enunciated in its decision in the case of *Jones v. Opelika*.

**Request for Unanimous Consent**

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 5, at this time, for consideration.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5**

**Senate Joint Resolution No. 5**—Relative to memorializing the Supreme Court of the United States to reconsider the principles enunciated in its decision in the case of *Jones v. Opelika*.

Resolution read.

**Motion to Refer Senate Joint Resolution No. 5**

Senator Cunningham moved that Senate Joint Resolution No. 5 be referred to Committee on Rules.

Motion carried.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was introduced :

**Senate Joint Resolution No. 6:** By Senator Shelley—Relative to petitioning the Honorable Claude E. Wickard to alleviate the food shortage resulting from increased population in the State.

**Request for Unanimous Consent**

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, for consideration.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6**

**Senate Joint Resolution No. 6**—Relative to petitioning the Honorable Claude E. Wickard to alleviate the food shortage resulting from increased population in the State.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

**AYES**—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.  
**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time :

**Senate Bill No. 125:** By Senators Crittenden, Fletcher, and Gordon—An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 126:** By Senator Fletcher—An act making an appropriation for surveys, investigations, explorations, studies and preliminary plans for conservation, development and utilization of the water resources of San Diego County and supplemental supplies which may be obtained and imported from outside of said county.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 127:** By Senator Dorsey—An act to amend Section 2181 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 128:** By Senator DeLap—An act to repeal Section 14407 of the Health and Safety Code, relating to repayment of the cost of furnishing fire fighting equipment and services.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 129:** By Senator Shelley—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amount.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 130:** By Senator Shelley—An act to amend Section 7 of the Unemployment Insurance Act, relating to the exclusions from employment.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 131:** By Senator Shelley—An act to amend Section 9 of the Unemployment Insurance Act, relating to employers subject to the act.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 132:** By Senator Parkman—An act to add Sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Referred to Committee on Judiciary.

**Senate Bill No. 133:** By Senator Rich—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

Referred to Committee on Local Government.

**Senate Bill No. 134:** By Senator Rich—An act to amend Sections 737yy and 737fff of the Political Code, relating to the annual salaries of the judges of the superior courts of Sutter and Yuba Counties.

Referred to Committee on Local Government.

**Senate Bill No. 135:** By Senators Collier and Judah—An act to add Chapter 3, comprising Section 2650, to Division 4 of the Welfare and Institutions Code, to repeal certain laws and parts of laws therein specified, relating to relief and public assistance due to and caused by unemployment, abolishing the State Relief Administration, the State Relief Commission and the office of State Relief Administrator and prohibiting the expenditure of money for certain purposes.

Referred to Committee on Welfare and Institutions.



**Senate Bill No. 136:** By Senator DeLap—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code, to be known as Chapter 111-B, relating to the assignment of accounts receivable and providing for the giving of notice thereof.

Referred to Committee on Judiciary.

**Senate Bill No. 137:** By Senator Ward—An act to add Section 47a to the State Employees' Retirement Act, relating to the rights and privileges of members absent by reason of employment in war industries.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 138:** By Senator Ward—An act to add Section 152.6 to the State Civil Service Act, relating to leaves of absence.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 139:** By Senators Brown and Engle—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 7:** By Senators Deuel, Mayo, and Breed—A resolution to propose to the people of the State of California an amendment to the Constitution by amending Section 3 of Article VI and repealing Section 26 of Article VI, relating to the election of judges.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 11:** By Senator Tickle—Creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Referred to Committee on Rules.

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of L. G. Taggart, Leon Happel, and Jeanette E. Daley as members of the State Council of Defense.

The President put the question, "Will the Senate confirm and consent to the appointment of L. G. Taggart, Leon Happel, and Jeanette E. Daley?"

The roll was called, with the following result:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

##### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of L. G. Taggart, Leon Happel, and Jeanette E. Daley as members of the State Council of Defense.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, chairman

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Concurrent Resolution No. 4**—Relative to Joint Rules of the Senate and Assembly.

Resolution read, ordered printed, and to third reading.

## NOTICES OF MOTIONS TO AMEND RULES

By Senator Seawell:

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rule No. 12 as follows:

Change the number of members constituting the following committees in the following manner:

Business and Professions: Decrease number of members from 11 members to 9 members.

Education: Decrease number of members from 11 members to 9 members.

Elections: Decrease number of members from 11 members to 7 members.

Financial Institutions: Decrease number of members from 11 members to 9 members.

Judiciary: Increase number of members from 11 members to 13 members.

Labor: Decrease number of members from 11 members to 7 members.

Local Government: Decrease number of members from 11 members to 9 members.

Military and Veterans Affairs: Decrease number of members from 11 members to 9 members.

Natural Resources: Decrease number of members from 11 members to 9 members.

Public Health and Safety: Decrease number of members from 11 members to 9 members.

Public Utilities: Decrease number of members from 11 members to 7 members.

Water Resources: Decrease number of members from 11 members to 9 members.

By Senator Seawell:

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rule No. 13 as follows:

Amend the third paragraph of said rule to read as follows:

"The rooms, passages, and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives, authenticated by the Standing Committee of the Capitol Correspondents Association."

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 9**—An act to add Section 3721 to the Political Code, relating to assessment and taxation of property affected by the organization, formation and incorporation of sanitary districts, declaring the urgency thereof and providing that it shall take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirteenth day of January, 1943, at 11:40 a.m.

SEAWELL, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.  
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 15** — Relative to the California State Council of Defense.

Referred to Committee on Rules.

ADJOURNMENT

At 12.25 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Thursday, January 14, 1943.





# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY  
ELEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO  
Thursday, January 14, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Cunningham, on motion of Senator Swing.

Senator DeLap, on motion of Senator Swan.

Senator Jespersen, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Francis P. Farquhar and Lewis Lilly, both of San Francisco.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elinor Davenport and Mrs. J. D. Davenport, both of Beverly Hills.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. C. C. Baker, former State Senator of Salinas.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kent Fuller of Needles, representing the City of Needles in matters of great importance to the health and welfare of the people of that city.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles H. Kelley of Pasadena.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dean Fisher, publisher of the Merced Sun Star, Merced.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 4

Senate Concurrent Resolution No. 4

And reports the same correctly engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

### Senate Resolution No. 27

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work January 9, 1943:

	<i>Per day</i>
Carl J. Johnson, Assistant Sergeant-at-Arms.....	\$5 00

Resolution read and unanimously adopted.

## NOTICE OF MOTION TO AMEND RULES

By Senator Seawell:

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rule No. 47 as follows:

Following Subdivision 13 in said rule, insert the following:

"14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage."

Amend present Subdivision 21 in said rule to read as follows:

"To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage."

Renumber subdivisions of said rule, numbers to run consecutively under each classification.

## CONSIDERATION OF DAILY FILE

### THIRD READING OF SENATE BILLS

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 140:** By Senators Engle, Luckey, Cunningham, Slater, McBride, Ward, Dorsey, Tenney, Burns, Dillinger, Deuel, Hatfield, McCormack, Quinn, Powers, Brown, Salsman, and Collier—An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

Referred to Committee on Judiciary.

**Senate Bill No. 141:** By Senators Rich and DeLap—An act to amend Section 373 of the Civil Code and Section 411 of the Code of Civil Procedure, relating to service of summons.

Referred to Committee on Judiciary.

**Senate Bill No. 142:** By Senators Rich and DeLap—An act to amend Section 688.1 of the Code of Civil Procedure, relating to liens upon causes of action and judgments.

Referred to Committee on Judiciary.

**Senate Bill No. 143:** By Senator Fletcher—An act to amend Sections 582, 583, 584, 585, 587, 588, 589, 590, 591, 592, 593, 594, and 596 of the Fish and Game Code, relating to kelp and other aquatic plants.

Referred to Committee on Fish and Game.

**Senate Bill No. 144:** By Senator Dillinger—An act to amend Section 1203.6 of the Fish and Game Code, relating to pheasants.

Referred to Committee on Fish and Game.

**Senate Bill No. 145:** By Senator Mixter—An act making an appropriation to the California Polytechnic School for the cultivation of herbs, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

**Senate Bill No. 146:** By Senator Crittenden—An act to amend Section 1 of an act entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, relating to appropriation of waters by the State Department of Finance.

Referred to Committee on Water Resources.

**Senate Bill No. 147:** By Senators Gordon, Swan, and Mixter—An act to amend Section 5.876 of the School Code and to amend Section 14536 of the Education Code, relating to the employment of persons retired under the State Teachers Retirement Act and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 148:** By Senator Crittenden—An act to amend Section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the County of San Joaquin.

Referred to Committee on Local Government.

**Senate Bill No. 149:** By Senator Crittenden—An act to repeal Sections 7032, 7033, 9032, and 9033 of the Insurance Code, all relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 150:** By Senator Ward—An act providing for substitution of fiduciaries during wartime, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 151:** By Senators Ward and Shelley—An act to amend Section 13 of The Personal Income Tax Act and Section 18431 of



the Revenue and Taxation Code, relating to filing returns, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 152:** By Senators Ward and Shelley—An act to add Section 5.1 to the Personal Income Tax Act and Section 17053.5 to the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 153:** By Senator Dillinger—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

Referred to Committee on Local Government.

**Senate Bill No. 154:** By Senator Quinn—An act to repeal Section 64.5 of, and to amend Section 1270 of, the Fish and Game Code, relating to District 14, declaring the urgency thereof to take effect immediately.

Referred to Committee on Fish and Game.

**Senate Bill No. 155:** By Senators Judah, Hatfield, Quinn, Luckey, Powers, and Tenney—An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 156:** By Senators Judah, Quinn, Luckey, Powers, Tenney, and Hatfield—An act to add Sections 261 and 262 to the Revenue and Taxation Code, relating to veterans' exemptions, and prescribing a penalty for filing false claims.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 157:** By Senator Donnelly—An act to add Section 19628 to the Business and Professions Code, relating to the money in the Fair and Exposition Fund.

Referred to Committee on Business and Professions.

**Senate Bill No. 158:** By Senator Donnelly—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

Referred to Committee on Judiciary.

**Senate Concurrent Resolution No. 12:** By Senator Fletcher—Relative to approving certain amendments to the charter of the County of San Diego, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the third day of November, 1942.

#### Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12**

**Senate Concurrent Resolution No. 12**—Relative to approving certain amendments to the charter of the County of San Diego, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, JANUARY 14, 1943

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 15

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes—4; absent—1.

SEAWELL, Chairman

**REQUEST FOR UNANIMOUS CONSENT**

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15**

**Assembly Concurrent Resolution No. 15**—Relative to the California State Council of Defense.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—Senators Carter, Donnelly, Shelley, and Swan—4.

Resolution ordered transmitted to the Assembly.

**ADJOURNMENT**

At 11.55 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, January 15, 1943.

**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

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**SENATE DAILY JOURNAL**

TENTH LEGISLATIVE DAY

TWELFTH CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Friday, January 15, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward. 34.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Swan.

Senator Engle, on motion of Senator Luckey.

Senator Parkman, on motion of Senator Tickle.

Senator Jaspersen, on motion of Senator Seawell.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Dave Wright of Napa.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Warren, and Mr. and Mrs. Elmer Larsen of Stockton.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 10**—Relative to the allocation and distribution of food and farm labor.

## Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 10, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 10

**Assembly Joint Resolution No. 10**—Relative to the allocation and distribution of food and farm labor.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 18**—Relative to adjournment out of respect to the memory of Herbert Johnson Evans.

## Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 18, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 18

**Assembly Concurrent Resolution No. 18**—Relative to adjournment out of respect to the memory of Herbert Johnson Evans.

Resolution read, and unanimously adopted by a rising vote.



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 15, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Concurrent Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Revenue and Taxation.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution re-referred to Committee on Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, JANUARY 15, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Joint Resolution No. 5

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, JANUARY 15, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted, as amended.

Committee membership 5; committee vote: Ayes 5

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, JANUARY 15, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## SECOND READING OF SENATE BILLS

**Senate Concurrent Resolution No. 8** Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 3, line 5, of the printed measure, after "act", insert "only".

**Amendment No. 2**

On page 3 of the printed measure, strike out lines 6 and 7, and insert "any recess hereof;"

**Amendment No. 3**

On page 3, line 8, of the printed measure, strike "any ses", and strike out all of lines 9 and 10, and insert: "the session of the Fifty-fifth Legislature".

**Amendment No. 4**

On page 4, line 1, of the printed measure, strike out "fifty thousand dollars (\$50,000)", and insert: "ten thousand dollars (\$10,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 9, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 9

**Assembly Joint Resolution No. 9**—Relative to memorializing Congress to request the Jefferson Bicentennial Commission, Senator Carter Glass, Chairman, to invite the nations and peoples of the world to join with the people of the United States of America in observing and celebrating the Bicentennial of Jefferson's Day of Birth, April 13, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

## Senate Resolution No. 28

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred dollars (\$200) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

SEAWELL, Chairman  
DEUEL  
BROWN  
POWERS  
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

By Senator Shelley:

## Senate Resolution No. 29

Relating to the death of John McLaren

Today the City of San Francisco pays tribute to John McLaren. For many years the city has every spring set aside a day for honoring him. On those occasions, in the beautiful parks created by him, across the green lawns and among the flowers which out of his knowledge and his love of them he made to grow from shifting sands, children joined in pageantry to pay joyful and loving tribute to "Uncle John," while in the press and wherever people met together was told again the story of the young Scot who brought to San Francisco his youth, his art, and a great vision, and of how nothing could daunt him through the more than 60 years in which he made that vision a reality.

The man was no less miraculous than his works, and at the age of 96 John McLaren's works were manifold. Throughout the city stretches the great park and playground system. There is the memory of the magnificently beautiful Panama-Pacific International Exposition, unforgettable after almost 30 years. There is the matchless Golden Gate Park. His great genius won for him innumerable honors, including the George Robert White Medal, presented by the Massachusetts Horticultural Society. He was made an Associate of Honor of the Royal Horticultural Society of London. One of the fine parks of the city bears his name.

To the home the people of San Francisco built for him in Golden Gate Park, death came on January 12th. Today, not in the parks and playgrounds, but in its great city hall where his body lies in state, San Francisco pays a final tribute to John McLaren; therefore, be it

*Resolved by the Senate of the State of California*, That when this Senate does this day adjourn, it do so out of respect to the memory of, and as its tribute to John McLaren; and be it further

*Resolved*, That the Secretary be and he is hereby instructed to have suitable engrossed copies of this resolution forwarded to members of the family of John McLaren.

Resolution read, and unanimously adopted by a rising vote.

## AMENDMENTS TO STANDING RULES

### Amendment to Rule No. 12

Pursuant to the provisions of Senate Rule No. 21 and notice given on January 13th, Senator Seawell moved the adoption of the following amendment to Senate Rule No. 12:

Change the number of members constituting the following committees in the following manner:

Business and Professions: Decrease number of members from 11 members to 9 members.

Education: Decrease number of members from 11 members to 9 members.

Elections: Decrease number of members from 11 members to 7 members.

Financial Institutions: Decrease number of members from 11 members to 9 members.

Judiciary: Increase number of members from 11 members to 13 members.

Labor: Decrease number of members from 11 members to 7 members.

Local Government: Decrease number of members from 11 members to 9 members.

Military and Veterans Affairs: Decrease number of members from 11 members to 9 members.

Natural Resources: Decrease number of members from 11 members to 9 members.

Public Health and Safety: Decrease number of members from 11 members to 9 members.

Public Utilities: Decrease number of members from 11 members to 7 members.

Water Resources: Decrease number of members from 11 members to 9 members.

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

### Amendment to Rule No. 13

Pursuant to the provisions of Senate Rule No. 21, and notice given on January 13th, Senator Seawell moved the adoption of the following amendment to Senate Rule No. 13:

Amend the third paragraph of said rule to read as follows:

"The rooms, passages, and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives, authenticated by the Standing Committee of the Capitol Correspondents Association."

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

**Amendment to Rule No. 47**

Pursuant to the provisions of Senate Rule No. 21, and notice given on January 14th, Senator Seawell moved the adoption of the following amendment to Rule No. 47:

Following Subdivision 13 in said rule, insert the following:

"14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage."

Amend present Subdivision 21 in said rule to read as follows:

"To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage."

Renumber subdivisions of said rule, numbers to run consecutively under each classification.

Amendment read.

**Parliamentary Inquiry**

Senator Hatfield made inquiry of the Chairman of the Rules Committee, Senator Seawell, as to the interpretation of the Rules Committee of the proposed amendment in relation to a Senate bill, containing an urgency clause, which had been amended in any manner in the Assembly—specifically he asked whether under the proposed amendment such a bill would require 27 votes for concurrence in the Assembly amendment.

Senator Seawell answered that the Rules Committee interpreted the proposed amendment to require 27 votes for concurrence in the Assembly amendments under the instances suggested by Senator Hatfield.

Senator Hatfield requested that the Senate Journal recite his inquiry and Senator Seawell's statement in reply thereto to indicate the understanding and intention of the Senate in its vote on the proposed amendment.

**Ruling by President**

The President stated that his interpretation of the proposed amendment to the Rules was that 27 votes would be required to concur in Assembly amendments in such case, but that he reserved the right to change his interpretation when called upon to rule on this point should a further study of the amended rule convince him that his present interpretation was wrong.

The question being on the adoption of the amendment to Rule No. 47.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

**NOES**—None.

**STANDING RULES OF THE SENATE**

Senator Seawell moved that the Temporary Rules, adopted January 4th, as amended, be adopted as the Standing Rules of the Fifty-fifth Session of the Senate.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

**NOES**—None.



## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, JANUARY 15, 1943

*To the Honorable Members of the Senate of the California Legislature*

GREETINGS: I am about to appoint a Citizens' Tax Committee which will be charged with the responsibility of making a detailed analysis of California tax and financial problems with the view of developing suggestions for gearing our fiscal system to the exigencies of war.

I would be happy to have your committee meet with this Citizens' Committee whenever possible and am anxious that both the Senate and Assembly avoid themselves of all background material which may be offered the committee during hearings which will be held during the month of February.

It is my hope that through its hearings the Citizens' Committee will develop a broad background of factual information which will be of definite assistance to the Legislature in weeks to come.

Respectfully,

EARL WARREN, Governor of California

## CONSIDERATION OF DAILY FILE

## THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution No. 4**—Relative to Joint Rules of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, and Tickle—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

## APPOINTMENT OF STANDING COMMITTEES

SENATE CHAMBER, January 15, 1943

MR. PRESIDENT: Your Committee on Rules is delivering to you the appointments and respective chairmen of the Senate Committees provided for in the Standing Rules of the Senate.

SEAWELL, Chairman

**Committee on Agriculture** (11 members)—Crittenden, Chairman; Luckey, Vice Chairman; McCormack, Mixter, Jespersen, Powers, Gordon, McBride, Dillinger, Donnelly, and Hatfield.

**Committee on Business and Professions** (9 members)—Shelley, Chairman; Judah, Vice Chairman; Fletcher, McBride, Swan, Burns, Hatfield, Cunningham, and Dillinger.

**Committee on Education** (9 members)—Slater, Chairman; Jespersen, Vice Chairman; Deuel, Biggar, Ward, Carter, Swan, Donnelly, and Salsman.

**Committee on Elections** (7 members)—Breed, Chairman; Dillinger, Vice Chairman; McCormack, Ward, Tickle, Biggar, and Crittenden.

**Committee on Finance** (11 members)—Mixter, Chairman; Tenney, Vice Chairman; Swing, Rich, Jespersen, Tickle, Fletcher, Quinn, DeLap, Breed, and Collier.

**Committee on Financial Institutions** (9 members)—McBride, Chairman; Salsman, Vice Chairman; Crittenden, Deuel, Parkman, Seawell, Cunningham, Shelley, and Luckey.

**Committee on Fish and Game** (11 members)—Gordon, Chairman; Burns, Vice Chairman; Slater, Powers, Keating, Brown, Mayo, Luckey, Carter, Judah, and Engle.

**Committee on Governmental Efficiency** (11 members)—Swing, Chairman; Powers, Vice Chairman; McCormack, Rich, Parkman, Seawell, Keating, DeLap, Collier, Luckey, and Burns.

**Committee on Judiciary** (13 members)—DeLap, Chairman; Carter, Vice Chairman; Swing, Rich, Crittenden, Keating, Quinn, Ward, Dorsey, Tenney, Salsman, Engle, and Hatfield.

**Committee on Labor** (7 members)—Biggar, Chairman; Dorsey, Vice Chairman; Fletcher, Shelley, Judah, Swan, and Brown.

**Committee on Local Government** (9 members)—Cunningham, Chairman; Donnelly, Vice Chairman; Slater, Mayo, Breed, Swan, Engle, Salsman, and Deuel.

**Committee on Military and Veterans Affairs** (9 members)—Quinn, Chairman; Slater, Mixer, DeLap, Luckey, Dorsey, Tenney, Swing, and Engle.

**Committee on Natural Resources** (9 members)—Fletcher, Chairman; Brown, Vice Chairman; Parkman, Biggar, Cunningham, McBride, Mayo, Dorsey, and Tenney.

**Committee on Public Health and Safety** (9 members)—Keating, Chairman; Gordon, Biggar, Carter, Donnelly, Dillinger, Burns, Jespersen, and Collier.

**Committee on Public Utilities** (7 members)—Parkman, Chairman; Swan, Vice Chairman; Gordon, Tickle, Fletcher, McBride, and Salsman.

**Committee on Revenue and Taxation** (11 members)—Rich, Chairman; Tickle, Vice Chairman; Swing, McCormack, Parkman, Quinn, DeLap, Collier, Breed, Ward, and Tenney.

**Committee on Transportation** (11 members)—McCormack, Chairman; Hatfield, Vice Chairman; Slater, Jespersen, Quinn, Breed, Mayo, Shelley, Judah, Burns, and Powers.

**Committee on Water Resources** (9 members)—Collier, Chairman; Engle, Vice Chairman; Rich, Mixer, Crittenden, Cunningham, Carter, Dorsey, and Hatfield.

**Committee on Welfare and Institutions** (11 members)—Mayo, Chairman; Ward, Vice Chairman; Mixer, Gordon, Keating, Shelley, Brown, Dillinger, Judah, Donnelly, and Deuel.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 159:** By Senator Gordon—An act to amend Section 737bb of the Political Code, relating to the salary of the judge of the superior court in and for the County of Napa.

Referred to Committee on Local Government.

**Senate Bill No. 160:** By Senators Deuel, Gordon, Carter, and Swan—An act to amend Sections 154, 159, 160, 161, 740, 741, 742, 743, 744, 745, 747, 749, 834, 835, 836, 869, 901, 903, 905, 906, 907, 908, 909, 910, 911, 1000, 1001, 1002, 1003, 1004, 1005, 1050, 1075, 1076, 1120, 1124, 1125, 1127, 1129, 1150, 1152, 1153, 1175, 1176, 1177, 1178, 1179, 1200 and 5252 of the Welfare and Institutions Code, to add Sections 1008, 1009, 1010, 1011, 1014, 1015, 1049, and 1077 thereto, to repeal Sections 1007 and 1202 thereof, to repeal Article 2 of Chapter 3 of Part 1 of Division 2 thereof, comprising Sections 1020, 1021, 1022, 1023, and 1024, and Article 5 of said chapter, comprising Sections 1100, 1101, and 1102, and to amend and renumber Section 155.5 of said code to be Section 1000.5, all relating to the Youth Correction Authority, providing for commitments thereto by the juvenile courts, transferring thereto the correctional schools and forestry camps now subject to the jurisdiction of the State Department of Institutions, and specifying the powers and duties of the Youth Correction Authority and its officers and employees in regard to the inmates of such institutions and to other persons committed to the authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 161:** By Senators Deuel, Gordon, Carter, and Swan—An act to amend Sections 1731.5 and 1732 of the Welfare and

Institutions Code, relating to commitments to the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 162:** By Senators Deuel, Gordon, Carter, and Swan—An act to add Section 1714.5 to the Welfare and Institutions Code, and to amend Sections 1717 and 1718 thereof, relating to the Youth Correction Authority, and providing for the appointment of temporary members thereof.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 163:** By Senators Deuel, Gordon, Carter, and Swan—An act to add Section 1767.3 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and providing for the return to the custody of the authority of persons committed thereto who are at liberty on parole or otherwise.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 164:** By Senators Deuel, Gordon, Carter, and Swan—An act to add Section 1752.7 to the Welfare and Institutions Code, relating to the collection of statistics and other information by the Youth Correction Authority, and requiring public officers and employees to furnish statistics and other information to the authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 165:** By Senators Deuel, Gordon, Carter, and Swan—An act to amend Section 1755 of the Welfare and Institutions Code, relating to the support of persons committed to the Youth Correction Authority while such persons are confined in public institutions.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 166:** By Senators Deuel, Gordon, Carter, and Swan—An act to add Section 1760.7 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 167:** By Senators Deuel, Gordon, Carter, and Swan—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the Youth Correction Authority to apply to the Governor for requisitions for the return of persons committed thereto.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 168:** By Senator Hatfield—An act to amend Section 2.600 of, to add Section 2.600-1 to, the School Code, to amend Section 3661 of, and to add Section 3661.1 to, the Education Code, relating to the formation of union or joint union high school districts.

Referred to Committee on Education.



**Senate Bill No. 169:** By Senator Collier—An act to amend Section 2614 of, and to add Section 5137.5 to, the Revenue and Taxation Code, relating to payment of taxes under protest.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 170:** By Senator Collier—An act to amend Sections 3691, 3699, 3705 and 3707 and to repeal Section 3707.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 171:** By Senator Salsman—An act to add Section 6364 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 172:** By Senator Fletcher—An act to add Chapter 9, comprising Sections 1150 to 1165, to Part 3 of Division 2 of the Labor Code, relating to labor organizations, their management and control and the rights of members therein, including but not limited to the conduct of elections, receipts and expenditures and records thereof and accounting therefor, and membership fees, assessments and dues.

Referred to Committee on Labor.

**Senate Bill No. 173:** By Senator Collier—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

Referred to Committee on Natural Resources.

**Senate Bill No. 174:** By Senator Shelley—An act to amend Sections 11 and 16 of the "California Small Loan Act," as set forth in Chapters 953 and 1045 of the Statutes of 1939, relating to the licensing and regulation of persons engaged in the business of lending, or negotiating the lending, of money.

Referred to Committee on Financial Institutions.

**Senate Bill No. 175:** By Senator Shelley—An act to amend Sections 12 and 17 of the "Personal Property Brokers Act," as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to the licensing and regulation of persons engaged in business as personal property brokers, and of persons engaged in business as brokers in negotiating loans made by personal property brokers.

Referred to Committee on Financial Institutions.

**Senate Bill No. 176:** By Senator Shelley—An act to amend Sections 12 and 17 of the "Personal Property Brokers Act," as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to the licensing and regulation of persons engaged in business as personal property brokers, and of persons engaged in business as brokers in negotiating loans made by personal property brokers.

Referred to Committee on Financial Institutions.

**Senate Bill No. 177:** By Senator Shelley—An act to amend Sections 11 and 16 of the "California Small Loan Act," as set forth in Chapters 953 and 1045 of the Statutes of 1939, relating to the licensing and



regulation of persons engaged in the business of lending, or negotiating the lending, of money.

Referred to Committee on Financial Institutions.

**Senate Bill No. 178:** By Senator Shelley—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 179:** By Senator Shelley—An act to amend Section 3070 of the Labor Code, relating to the Apprenticeship Council.

Referred to Committee on Labor.

**Senate Bill No. 180:** By Senator Tenney—An act to add Section 350.5 to the Political Code, relating to the sale or rental of tools or equipment of the State, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 181:** By Senator Tenney—An act to amend Section 702 of the Welfare and Institutions Code, and to add Article 7.5, comprising Sections 760 to 761.5, inclusive, to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to conduct inimical to the welfare of minors, providing for the exercise of jurisdiction by the juvenile court over persons who engage in such conduct, defining such conduct as crime and providing for the punishment thereof.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 182:** By Senator Tenney—An act to amend Sections 573, 720, 721, 722, 726, and 734 of the Welfare and Institutions Code, and to add thereto Sections 572.1, 572.2, 721.1, 721.2, 722.1, 722.2, 722.3, 722.4, and 724.5, relating to juvenile court proceedings and to procedures therein and in connection therewith.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 183:** By Senator Tenney—An act to amend Section 293 of the Elections Code, relating to registration of voters.

Referred to Committee on Elections.

**Senate Bill No. 184:** By Senator Gordon—An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 185:** By Senator Biggar—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Referred to Committee on Agriculture.

**Senate Bill No. 186:** By Senator Biggar—An act to amend Section 737.5 of the Agricultural Code, relating to bonds of distributors of fluid milk and fluid cream.

Referred to Committee on Agriculture.

**Senate Bill No. 187:** By Senators Biggar and Hatfield—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Referred to Committee on Agriculture.

**Senate Bill No. 188:** By Senators Powers and Seawell—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 189:** By Senators Powers and Luckey—An act to amend Section 369 of the Agricultural Code, relating to estrays.

Referred to Committee on Agriculture.

**Senate Bill No. 190:** By Senator Judah—An act to amend Section 1152 of the Fish and Game Code, relating to shooting from boats or vehicles.

Referred to Committee on Fish and Game.

**Senate Bill No. 191:** By Senator Judah—An act to add Sections 103.9, 615.3 and 615.4 to the Fish and Game Code, relating to creation of new fish and game district and the taking of fish therein.

Referred to Committee on Fish and Game.

**Senate Bill No. 192:** By Senator Judah—An act to repeal Sections 180 and 181 of the Fish and Game Code, relating to fish refuges.

Referred to Committee on Fish and Game.

**Senate Bill No. 193:** By Senator Brown—An act to amend Section 2.173 of the School Code and to amend Section 2593 of the Education Code, relating to the lapsing of school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 194:** By Senator Dorsey—An act to amend Section 38c of the State Employees' Retirement Act, relating to city retirement systems.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 195:** By Senator Dorsey—An act to add Section 38h to the State Employees' Retirement Act, relating to city retirement systems.

Referred to Committee on Local Government.

**Senate Bill No. 196:** By Senator Keating—An act to amend Section 650.5 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

**Senate Bill No. 197:** By Senators Carter and Keating—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 198:** By Senators Carter and Keating—An act to amend Section 4808 of the Penal Code, relating to the membership of the Advisory Pardon Board.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 199:** By Senators Carter and Keating—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Referred to Committee on Judiciary.

**Senate Bill No. 200:** By Senator Carter—An act to amend Section 1481 of the Penal Code, relating to habeas corpus proceedings.

Referred to Committee on Judiciary.

**Senate Bill No. 201:** By Senators Carter and Keating—An act to amend Section 1203, 2a of the Penal Code, relating to probation and terms of imprisonment.

Referred to Committee on Judiciary.

**Senate Bill No. 202:** By Senators Carter and Keating—An act to amend Section 1557 of the Penal Code, relating to the return of fugitives from justice.

Referred to Committee on Judiciary.

**Senate Bill No. 203:** By Senators Carter and Keating—An act to amend Sections 2009, 2023 and 2033 of the Penal Code, relating to the transfer of prisoners between prisons.

Referred to Committee on Judiciary.

**Senate Bill No. 204:** By Senators Carter and Keating—An act to add Article 3, comprising Sections 2400 to 2404, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

Referred to Committee on Judiciary.

**Senate Bill No. 205:** By Senators Carter and Keating—An act to amend Sections 2681, 2682, 2684 and 2685 and to repeal Section 2683 of the Penal Code, relating to the disposition of insane prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 206:** By Senators Carter and Keating—An act to amend Section 2762 of the Penal Code, relating to employment of prisoners at road camps.

Referred to Committee on Judiciary.

**Senate Bill No. 207:** By Senators Carter and Keating—An act to amend Section 2920 of the Penal Code, relating to credits and terms of imprisonment.

Referred to Committee on Judiciary.

**Senate Bill No. 208:** By Senators Carter and Keating—An act to amend Section 3024 of the Penal Code, relating to minimum sentences of imprisonment.

Referred to Committee on Judiciary.

**Senate Bill No. 209:** By Senators Carter and Keating—An act to add Section 3041a to the Penal Code and to amend Sections 3043 and 3045 of the Penal Code, relating to paroles.

Referred to Committee on Judiciary.

**Senate Bill No. 210:** By Senators Carter and Keating—An act to add Section 3064a to the Penal Code, relating to paroles.

Referred to Committee on Judiciary.

**Senate Bill No. 211:** By Senators Carter and Keating—An act to amend Sections 1217, 3600, 3602, 3603 and 3605 of the Penal Code, relating to the death penalty.

Referred to Committee on Judiciary.

**Senate Bill No. 212:** By Senators Carter and Keating—An act to add Section 2873.1 to the Penal Code, relating to the sale of animals and fowls raised at the prisons.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 213:** By Senators Carter and Keating—An act to amend Section 2092 of the Penal Code, relating to prisons.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 13:** By Senators Hatfield and Crittenden—Relative to a Fact-Finding Committee on the Labor Supply for Agricultural and Industrial Enterprises, and defining its powers and duties.

Referred to Committee on Rules.

**Senate Joint Resolution No. 7:** By Senators Shelley, Slater, Quinn, Keating, Judah, and Luckey—Relative to memorializing and petitioning the Congress of the United States to pass the bill generally known as the Lea-Welch Bill suspending the exemption from tolls in favor of United States Government traffic over the Golden Gate Bridge during the war emergency and for six months thereafter.

#### Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 7, at this time, for consideration.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NO. 7

**Senate Joint Resolution No. 7**—Relative to memorializing and petitioning the Congress of the United States to pass the bill generally known as the Lea-Welch Bill suspending the exemption from tolls in favor of United States Government traffic over the Golden Gate Bridge during the war emergency and for six months thereafter.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, and Ward—26.

**NOES**—None.

Resolution ordered transmitted to the Assembly.



MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

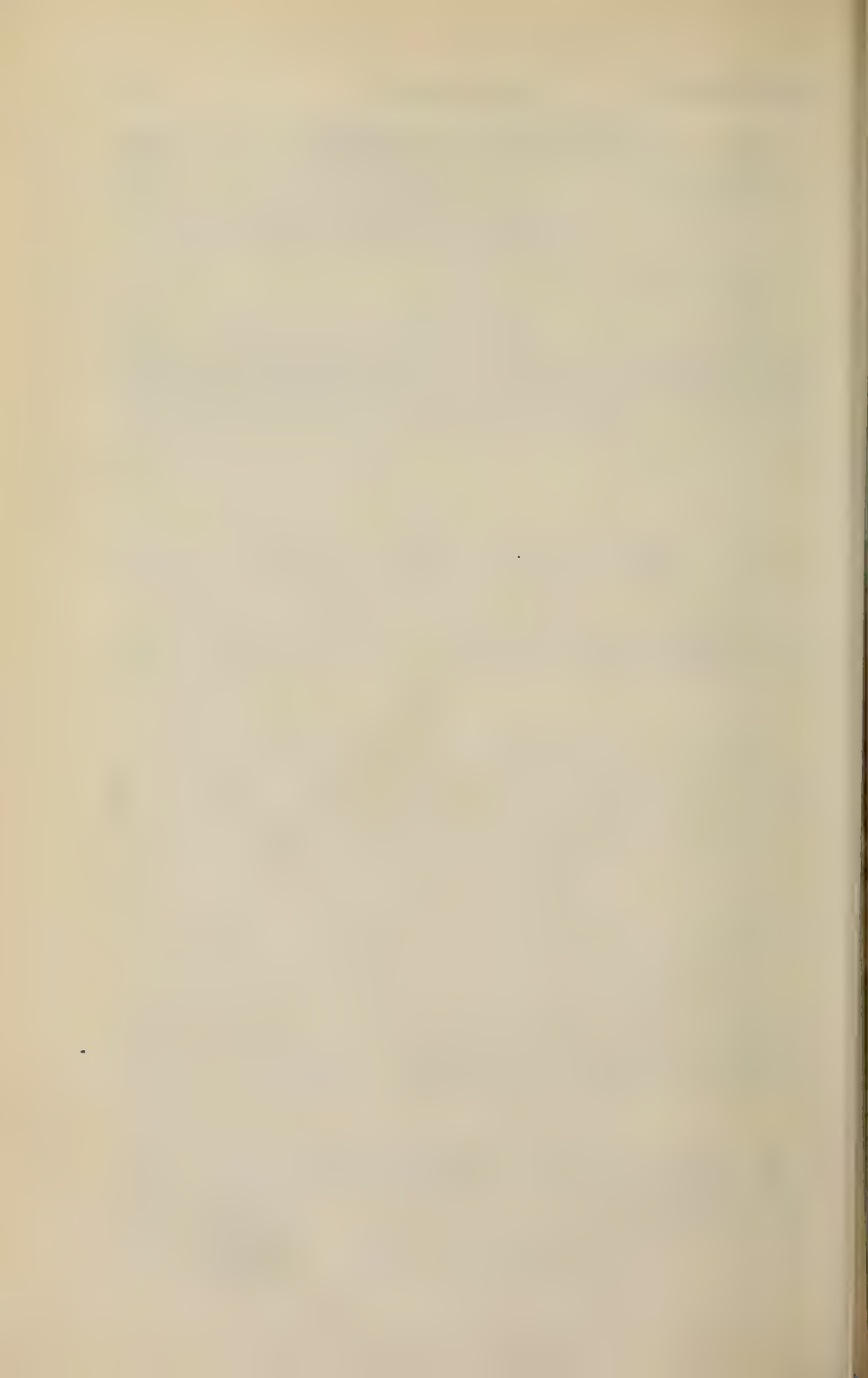
Senate Concurrent Resolution No. 12

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly  
By CARROLL A. DUDLEY, Assistant Clerk

Above resolution ordered enrolled.

ADJOURNMENT

At 1 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Monday, January 18, 1943, out of respect to the memory of the late Senator Herbert Johnson Evans, and John McLaren, superintendent of Golden Gate Park, San Francisco.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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# SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

FIFTEENTH CALENDAR DAY

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## IN SENATE

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SENATE CHAMBER, SACRAMENTO

Monday, January 18, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Riggall, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Shelley, on motion of Senator Powers.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Millard M. Barnum of San Francisco, Leo Anderson, and John D'Aule, both of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Barney Ferguson of San Francisco.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. J. Galbe, Royal Norwegian Consul General, of San Francisco.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Clinton T. Duffy, Warden of San Quentin.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 8

And reports the same correctly engrossed.

SEAWELL, Chairman

#### MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 11, 1943; Tuesday, January 12, 1943; Wednesday, January 13, 1943; Thursday, January 14, 1943; and Friday, January 15, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 14:** By Senator Swing—Approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the third day of November, 1942.

##### Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

**Senate Concurrent Resolution No. 14**—Approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 15:** By Senators Dorsey, Carter, Mixer, Gordon, Slater, Engle, Luckey, Keating, McBride, Deuel, Cunningham, and Burns—Relative to designating this session of the Legislature "The Victory Session."



## Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

**Senate Concurrent Resolution No. 15** Relative to designating this session of the Legislature "The Victory Session."

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Harfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Rich, Salsman, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 214:** By Senator Breed—An act to add Section 30022.2 to the Business and Professions Code, relating to money collected under the California Terminal Weighing Act.

Referred to Committee on Business and Professions.

**Senate Bill No. 215:** By Senator Breed—An act to add Section 30031.5 to the Business and Professions Code, repealing an act entitled "An act to prohibit prizefighting," approved March 9, 1893.

Referred to Committee on Business and Professions.

**Senate Bill No. 216:** By Senator Breed—An act to add Section 30034.5 to the Business and Professions Code, repealing Chapter 436 of the Statutes of 1933, relating to horse racing.

Referred to Committee on Business and Professions.

**Senate Bill No. 217:** By Senator Breed—An act to add Section 30045 to the Business and Professions Code, repealing certain acts and parts of acts therein specified, relating to auctioneers.

Referred to Committee on Business and Professions.

**Senate Bill No. 218:** By Senator Breed—An act to add Section 30022.1 to the Business and Professions Code, repealing certain laws, relating to the tare on baled hops.

Referred to Committee on Business and Professions.

**Senate Bill No. 219:** By Senator Breed—An act to add Article 4, comprising Section 12925 to Chapter 9 of Division 5 of the Business and Professions Code and to add Section 30022.4 to the Business and Professions Code, relating to wool products and repealing acts and parts of acts specified herein.

Referred to Committee on Business and Professions.

**Senate Bill No. 220:** By Senator Breed—An act to add Article 3, comprising Sections 12915 to 12921, inclusive, to Chapter 9 of Division 5 of the Business and Professions Code, and to add Section 30022.3 to the Business and Professions Code, thereby codifying and revising the law relating to the baling and pressing of hay and repealing acts and parts of acts specified herein.

Referred to Committee on Business and Professions.

**Senate Bill No. 221:** By Senator Breed—An act to add Article 7.5, comprising Sections 7125 and 7126 to Chapter 9 of Division 3 of, and to add Section 30016.5 to, the Business and Professions Code, thereby consolidating and revising the law relating to workmen's compensation reports of licensed contractors, and repealing acts and parts of acts therein specified.

Referred to Committee on Business and Professions.

**Senate Bill No. 222:** By Senator Breed—An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein.

Referred to Committee on Business and Professions.

**Senate Bill No. 223:** By Senator Breed—An act to add Chapter 2, comprising Sections 11500 to 11628, inclusive, and Chapter 3, comprising Sections 11650 to 11658, inclusive, to Part 2 of Division 4 of the Business and Professions Code, to add Section 30043 to the Business and Professions Code and to amend Section 325 of the Revenue and Taxation Code, thereby consolidating and revising the law relating to the surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; the powers and duties of cities, counties and towns with reference to the surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof and repealing acts and parts of acts specified therein.

Referred to Committee on Business and Professions.

**Senate Bill No. 224:** By Senator Breed—An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11018, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof and repealing acts and parts of acts specified therein.

Referred to Committee on Business and Professions.

**Senate Bill No. 225:** By Senator Swing—An act to add Section 1213 to Article 1, Chapter 22, Division 3 of the Probate Court, relating to giving notice.

Referred to Committee on Judiciary.

**Senate Bill No. 226:** By Senator Dorsey—An act to amend Section 204a of the Code of Civil Procedure, relating to the appointment of a jury commissioner in certain counties.

Referred to Committee on Judiciary.

**Senate Bill No. 227:** By Senator Fletcher—An act to amend Section 6361 of the Business and Professions Code, relating to provision of library quarters for law libraries, by counties, by defining such provision.

Referred to Committee on Business and Professions.

**Senate Bill No. 228:** By Senator Fletcher—An act to amend Section 6361 of the Business and Professions Code, relating to law libraries.

Referred to Committee on Business and Professions.

**Senate Bill No. 229:** By Senator Fletcher—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Referred to Committee on Natural Resources.

**Senate Bill No. 230:** By Senator Fletcher—An act to amend Section 429 of the Fish and Game Code, relating to veterans.

Referred to Committee on Fish and Game.

**Senate Bill No. 231:** By Senator DeLap—An act to add Section 4.350-1 to the School Code and to add Section 6114 to the Education Code, relating to the payment of school district employees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 232:** By Senator DeLap—An act providing for the taking of a census in cities.

Referred to Committee on Local Government.

**Senate Bill No. 233:** By Senator Fletcher—An act to amend Section 4 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Referred to Committee on Water Resources.

**Senate Bill No. 234:** By Senator Salsman—An act making an appropriation to the State Department of Education for the acquisition of real property for the San Jose State College.

Referred to Committee on Education.



**Senate Bill No. 235:** By Senator Swan—An act to add Section 2020.7 to the Welfare and Institutions Code, relating to aid to the aged, and granting burial and funeral expenses for recipients of such aid.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 236:** By Senators Swan and Engle—An act to amend Section 429 of the Fish and Game Code, relating to hunting and fishing licenses issued to aged persons.

Referred to Committee on Fish and Game.

**Senate Bill No. 237:** By Senator Seawell—An act to add Section 7513 to the Business and Professions Code, relating to night watchmen in unincorporated areas.

Referred to Committee on Business and Professions.

**Senate Bill No. 238:** By Senator Seawell—An act to amend Section 4285 of the Political Code, relating to compensation for public services in counties of the fifty-sixth class.

Referred to Committee on Local Government.

**Senate Bill No. 239:** By Senator Seawell—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the exclusion of territory.

Referred to Committee on Local Government.

**Senate Bill No. 240:** By Senator Burns—An act making an appropriation for the purchase of land for the Fresno State College.

Referred to Committee on Education.

**Senate Bill No. 241:** By Senator Fletcher—An act to amend Section 8 of The Personal Income Tax Act and Sections 17301 and 17305 of the Revenue and Taxation Code, relating to the personal income tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 242:** By Senator Luckey—An act to add Section 332.5 to the Penal Code, relating to nuisances.

Referred to Committee on Judiciary.

**Senate Bill No. 243:** By Senator Luckey—An act to add Section 6384 to the Revenue and Taxation Code, relating to the sales tax and exemptions therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 244:** By Senator Dorsey—An act to amend Sections 3 and 8 of The Personal Income Tax Act, and to add Sections 17356 and 18404.5 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.



**Senate Bill No. 245:** By Senator Fletcher—An act to amend Section 4 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 246:** By Senators Dencl, Swan, Gordon, and Carter—An act to amend Section 3000 of, and to add Sections 3000.5, 3000.7, and 3005.5 to, the Penal Code, relating to membership on the Board of Prison Terms and Paroles.

Referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 8:** By Senator Seawell—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the introduction of legislative bills.

Referred to Committee on Rules.

**Senate Bill No. 247:** By Senator Mixer—An act to amend Section 4041.18 of the Political Code of the State of California, relating to jurisdiction and powers of boards of supervisors.

Referred to Committee on Local Government.

**Senate Bill No. 248:** By Senator Mixer—An act to amend Section 1325 of the Streets and Highways Code, relating to county bridges and subways.

Referred to Committee on Transportation.

**Senate Bill No. 249:** By Senator Mayo—An act to repeal an act entitled "An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of Congress entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 1, 1911, as amended," approved by the Governor September 20, 1934, relating to the acquisition of land in the State by the United States.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 250:** By Senators Hatfield, Donnelly, and Salsman—An act to add Section 615 to the Streets and Highways Code, establishing a new State highway.

Referred to Committee on Transportation.

**Senate Bill No. 251:** By Senators Brown and Engle—An act relating to claims against the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities,

counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers and or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 252:** By Senator Carter—An act to amend Section 2943 of the Penal Code, relating to the discharge of prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 253:** By Senator Carter—An act to amend Sections 4530, 4531 and 4532 of the Penal Code, relating to escapes.

Referred to Committee on Judiciary.

**Senate Bill No. 254:** By Senator Carter—An act to amend Sections 4570, 4571, 4572, 4573 and 4574 of the Penal Code, relating to unauthorized communications with the prisons and prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 255:** By Senator Carter—An act to amend Section 2082 of the Penal Code, relating to the distribution of photographs and descriptions of prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 256:** By Senator Carter—An act to amend Section 4701 of the Penal Code, relating to the jurisdiction of criminal actions for escapes and attempts to escape.

Referred to Committee on Judiciary.

**Senate Bill No. 257:** By Senator Carter—An act to amend Sections 2708, 2709 and 2877 of the Penal Code, relating to the sale of prison made goods.

Referred to Committee on Judiciary.

**Senate Bill No. 258:** By Senator Carter—An act to amend Section 2710 of the Penal Code, relating to working revolving funds for the State prisons, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 259:** By Senator Carter—An act to add Section 2710.1 to the Penal Code, relating to the Folsom Working Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 260:** By Senator Carter—An act to add Section 2710.2 to the Penal Code, relating to the California Institution for Men Working Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 261:** By Senator Carter—An act to amend Section 2720 of the Penal Code, relating to the Jute Mill Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 262:** By Senator Carter—An act to make an appropriation for the construction, maintenance and support of prison camps.

Referred to Committee on Finance.

**Senate Bill No. 263:** By Senator Carter—An act to add Section 2710.3 to the Penal Code, relating to the Prison Camp Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 264:** By Senator DeLap—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 8:** By Senator Crittenden—Relative to memorializing the Secretary of Agriculture, the War Man Power Commission, and the Director of Selective Service in relation to grapes and raisins as essential farm products.

Referred to Committee on Agriculture.

#### RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

#### Senate Resolution No. 30

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 18, 1943, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Carl Johnson, Assistant Sergeant-at-Arms.....	\$5 00
Mabel Erdman, Stenographer.....	5 00
Arthur Dryden, Assistant at Desk.....	5 00
Myra F. Harness, Stenographer.....	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution No. 8**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Resolution read.

**Motion to Re-refer Senate Concurrent Resolution No. 8**

Senator Rich moved that Senate Concurrent Resolution No. 8 be re-referred to Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Biggar, Breed, Carter, DeLap, Dillinger, Gordon, McCormack, Rich, Salsman, and Swan—10.

**NOES**—Senators Brown, Burns, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Seawell, Swing, Tenney, Tickle, and Ward—23.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 4, line 4, of the printed measure, as amended, after "day", and before the semicolon insert "(no expenses or mileage shall be payable during the session of Legislature except that this shall not prevent the payment of expenses or mileage during the constitutional recess)".

Amendment read and adopted.

**Consideration of Senate Concurrent Resolution No. 8, as Amended**

**Senate Concurrent Resolution No. 8**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Resolution ordered transmitted to Assembly.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Seawell moved that the following Report of the Interim Committee on Economic Planning be printed in the Journal.

Motion carried.

**Final Report of Interim Committee on Economic Planning**

Created by Senate Resolution No. 27, adopted January 17, 1942

*Committee:* ROBERT W. KENNY AND JOHN PHILLIPS

*Economic Counsel:* INDUSTRIAL SURVEY ASSOCIATES

*Legal Counsel:* PERRY H. TAFT

**Introductory****To the President and Members of the California Senate**

The Senate resolution by which this committee was created last January charged us to gather and analyze facts relating to the transfer of peacetime industry and man power to war production, to aid in securing complete utilization of California's industrial capacity for wartime purposes, to encourage well conceived planning by labor, management, and government for the war effort and the postwar adjustment; and, finally, to report its findings before March 15, 1943, and to recommend such legislative measures as would further these aims.

The members of this committee did not realize at the outset how many serious problems would come to our attention, or how much study and activity would be involved in carrying out our assignment. As we have pointed out in our preliminary reports, California has a tremendously heavy threefold assignment in the winning of this war.



We must produce vast quantities of food and fiber from our farms.

We are No. 1 State in the production of war equipment from our factories and shipyards.

We were far on the way, when the figures became secret, toward becoming No. 1 State in the production of fighting men from Army, Navy, and Marine Corps training centers.

Besides all this, we are in the combat zone, required to protect ourselves against the constant danger of enemy attack. From our seaports huge convoys must carry men and supplies to all parts of the Pacific, returning to our harbors with men and ships injured in battle. Thus California citizens must cope with more varied and more difficult wartime problems than most States are having to face.

This report is the result of 34 public hearings held throughout the State, as well as a great deal of correspondence and personal contact with business men, industrial workers, manufacturers, farmers, and public officials. We have published four preliminary reports dealing with specific problems of outstanding importance.\* We have been in close touch with organizations representing industrial management, agriculture, labor, and government. We have worked in cooperation with various Federal agencies, and with committees of the House of Representatives and the United States Senate investigating wartime conditions in California.

To these committees, to all the public agencies and private organizations, and to the hundreds of individual citizens who have given generously of their time and knowledge to assist us, we desire to express our very great appreciation. Without their help we could not have obtained the comprehensive picture that forms the background of this report.

We are grateful also to the California Senate, which gave us this opportunity to receive such intensive education in the wartime economic problems of our State.

ROBERT W. KENNY  
JOHN PHILLIPS

January 15, 1943.

#### Four Major Problems of 1943

Shortages of MANPOWER, FOOD, GOODS, and TRANSPORTATION will head the list of economic problems facing every California citizen in 1943, and all four will be more serious than in most other States, for reasons that are not yet widely understood.

Chief among these reasons is that the burden of feeding, housing, transporting, and otherwise serving our out-size population is far greater than any published figures have yet revealed.

The Census of April, 1940, gave us a population of 6,885,000 civilians and 22,400 in the armed forces. Today the total of these two categories is well in excess of 8,000,000, and still rising. Even without any National shortages of labor, food, goods, and transport it would have been extremely difficult to adjust our economy to serve the needs of so many new people in two and one-half years. It would have been doubly difficult because these people have had to be served on a scale all out of proportion to their numbers, great as those numbers have been. They have not moved into all parts of the State evenly, but are located in heavy concentrations, some of which are in hitherto small communities like Barstow and Benaica, or in comparatively small cities like San Bernardino and Richmond. These people have more money to spend for goods and services than any previous large groups of newcomers have ever had. They need more laundry work, for instance, especially the soldiers—and they eat more restaurant meals. In fact they've upped the State's food consumption *nearly 50 per cent*, as will be mentioned later in this report. They are continually on the move—to and from their daily jobs, hunting better jobs and better housing, going on leave over weekends, or traveling to distant points on ships and troop trains.†

It would be a difficult job, at best, to meet such demands by so many people—even without rationing, priorities, price ceilings, or dim-outs. That's why California's war-time economic problems are tough.

Although the four major problems listed in the first paragraph of this report are closely inter-related, it may be useful to review them one at a time, beginning with MANPOWER because it has strong claims for first place.

#### Manpower Demands Can Not Be Met

Mr. McNutt's latest figure of 65,000,000 for the total United States working forces and General Hershey's latest figure of over 10,000,000 (counting officers) in the armed forces by the end of 1943 do not convey what this will mean in the State of California. With the aid of the Division of Labor Statistics of the State Department

\* On Transportation, issued last March; on Agriculture, issued last June; on Small Business, issued in August; on Child Care, issued in December.

† While freight revenues of the four main railroads operating in California increased over 50 per cent in 1942, their passenger revenues increased over 120 per cent!

of Industrial Relations, and with the cooperation of Federal agencies, we have tried to secure well-founded figures reflecting California's manpower problem. Here they are in concise form:

*Estimated Distribution of Labor Force in California*

	November 1, 1940	November 1, 1942	Estimate for year ended 1943
Nonagricultural employees <sup>(1)</sup>			
Manufacturing -----	472,000	980,000	1,230,000
Government <sup>(2)</sup> -----	282,000	404,000	480,000
Other nonagricultural <sup>(3)</sup> -----	1,270,000	1,246,000	1,115,000
Total nonagricultural -----	1,924,000	2,630,000	2,825,000
Agricultural workers (family and hired) -----	353,000	385,000	325,000
Proprietors, self-employed, domestic, etc. -----	410,000	265,000	215,000
W.P.A., N.Y.A., and other limited employment -----	306,000	100,000	90,000
Total labor force -----	2,993,000	3,380,000	3,455,000

<sup>(1)</sup> Wage and salaried workers only; excludes proprietors of unincorporated businesses, self-employed persons, family workers, and domestics. Public emergency employees (W.P.A., C.C.C. and N.Y.A.) are also excluded.

<sup>(2)</sup> Federal, State, and local government civilian employees, including workers in Navy yards and arsenals and employees of Government-owned utilities.

<sup>(3)</sup> Includes mining, construction, transportation, public utilities, trade, service, and miscellaneous.

Withdrawals from our available labor force to military service during the past two years have been in the neighborhood of 275,000, and Selective Service proposes to withdraw about the same number additionally in 1943. This number, together with the additional labor demands indicated in the table above, *total more than twice the number added to our labor force in 1942*. Even by the most extreme dislocation of "nonessential" workers, and the fullest use of women, youths, and elderly persons, these demands appear impossible to meet. Some of them will have to be scaled down.

Senator Sheridan E. Downey, speaking on the floor of the Senate in Washington on December 11th after holding joint hearings with our committee at Sacramento and Los Angeles, described the California manpower problem in these terms:

Beyond any doubt in California \* \* \* we are moving into a condition of such extreme gravity, of such extreme danger, that unless the most active and energetic steps are taken we may expect serious consequences not only to the farmers but likewise to the civilian population and to the military program.

Consequences of the manpower shortage on our farms will be discussed under the heading of FOOD in this report. Consequences in other areas of our economy are already evident to every citizen. Breakdowns in transportation service and garbage collection for lack of manpower may be just as serious as breakdowns in aircraft or shipyard work. Measures thus far adopted by the War Manpower Commission have been weak and spotty in their effect, as recent reports of the Tolan and Truman Committees have set forth.

One small answer to the manpower problem, an answer that will fast grow bigger, is the reemployment of discharged Soldiers and Sailors unfit for military service. Many of these will have serious physical handicaps, but many will be adaptable to a wide range of not-too-strenuous jobs. No special channels for placing these men in civilian employment have been developed by Federal agencies, but the State Department of Education, through its rehabilitation program, is working on the matter with the Red Cross and military authorities.

#### Better Use of Existing Manpower

Our greatest reserves of manpower, however, are still in the ranks of workers already on the pay rolls of war industrial plants and Government agencies. Much has been said about lengthening the work week, but the fact is that California's 600,000 war industry employees are already putting in an average of over 45 hours weekly, while a number of "bottleneck" plants are working more than 50 hours. By Presidential order the hours per week of Federally employed workers are raised to 48. There are, however, three other sources of tremendous potential increase in the effectiveness of our working force:

1. Increased efficiency through better planning, supervision, plant layout, and training.
2. Decreased turnover of labor through better personnel practices, housing, transportation, etc.
3. Decreased absenteeism through higher morale and stricter discipline by labor unions and employers.

Absenteeism averages almost 10 per cent daily in most of California's war plants, twice the normal peace-time figure for large industries. Man hours lost through

absenteeism at the Consolidated Aircraft Plant at San Diego are equivalent to 36 Liberator bombers per month, according to President Harry Woodhead.

Man power, like every other major wartime problem, can not be dealt with by itself—it involves food, housing, transportation, and many other factors. We shall therefore continue with a brief review of some of these factors before offering recommendations for constructive action.

### Food Shortage Will Increase

Mr. Wickard's guarded words about the Nation's 1943 food supply do not reveal the concern which the Department of Agriculture and other Federal agencies should feel regarding the situation in California.

Some of the food shortages we are now experiencing are aggravated by unfair quotas, price ceilings, by Government hoarding against future military needs, but the most important fact to keep in mind is that we face a decreasing production to meet an expanding consumption—not for a few months, not for 1943, but for as far ahead as we can see.

While our State's civil population has increased by over half a million in the last two and a half years, *our food-consuming populace has expanded by what amounts to 3,000,000, or nearly 50 per cent.* This calculation, based upon various reliable indices is most simply explained by two apparent facts—first, men in military camps eat nearly twice what they did in civil life; second, war industry workers, partly because they need it and partly because they can afford it, eat 50 per cent more than the previous average per capita. Besides this tremendous jump in our food consumption, there is an undiscussed but enormous amount of food being shipped from California ports to Hawaii and the South Pacific.

*If there were no lack of farm labor, transportation, or agricultural machinery, California would still be short of food for the duration.* We would need to bring in large quantities of food from other States; States which are now experiencing shortages of their own.

It becomes doubly important, therefore, to maintain California's food production and distribution at the highest possible levels. Our ability to do this depends upon labor supply, transportation, farm machinery, and farm prices.

What is the outlook for an adequate farm labor supply in 1943?

In our special agricultural report issued last June, we said:

Farm labor is building planes, ships, and army cantonments. Farm labor is serving in our armed forces on sea and land and in the air. Farm labor is confined in Japanese relocation areas. Farm labor is going back home to other States where jobs are now to be had. As peak harvest seasons arrive and as further inroads are made on the farm labor supply, serious crop losses will be inevitable.

In spite of phenomenally favorable weather, which permitted the fall harvests to be extended over a much longer period than could normally be expected, *crop losses directly attributable to labor scarcity last year amount to more than 130,000 tons of food, valued at \$3,500,000.* So testified Arthur Shultz, economist of the Agricultural Extension Service at the University of California, before a joint hearing of this committee and Senator Downey's Farm Labor Committee at Sacramento.

To understand what this foreshadows for 1943, the following essential points should be kept in mind:

1. Decreased production appears inevitable this year because of the severe shortage already existing in key farm men—truck and tractor drivers, irrigators, milkers, etc. The Farm Bureau Federation estimates that only half the necessary number of such men are still on the farms. For their services the farmer must compete with war industries in which the average wages have gone from \$27 up to \$52 per week.

2. Decreased production also appears certain this year on account of the growing scarcity of farm machinery—not only the scarcity, but the difficulty involved in getting what may be available. The questionnaires and procedures so perplexing to the farmer have been widely publicized, but little has been done to simplify them. Nor has there been effective recognition of the highly mechanized nature of California agriculture, and the fact that much of our farm machinery is used right through the calendar and around the clock.

Among the many problems facing farmers who need equipment is the securing of what is owned by Japanese evacuees. The War Relocation Authority has listed 754 pieces, as of last October, owned by Japanese farmers in Southern California alone—including 270 tractors, 126 disk harrows, 117 plows, 105 cultivators, 25 automatic spray machines, etc. While some of this equipment has since been purchased and put into operation, much of it is still idle, and no means exist for assuring its return to use. The War Relocation Authority is now considering how this might be done. Certainly the situation calls for prompt and vigorous treatment.

3. Decreased production, such as is already reported in meat, dairy products, and several vegetable crops, *tends to accelerate toward disastrous outcomes.* Slaughtered dairy cows can not produce milk or calves; neglected orchards can not be repaired



in a single year; time lost in planting or harvesting in one season can not be made up in the next.

4. None of the Federal Farm Programs yet advanced has given the producer of food assurance or recognition comparable to what is given the producer of planes or ships under a cost-plus-fixed-fee contract and an efficiency rating system providing incentive for outstanding accomplishment. A farmer can not afford to hoard labor at high wages against the time when he will need it. No one awards him a flag for a heavy tomato crop or pins a medal on his best dairy milker. No Government official says to him in effect, "Just get out the food; we'll see that you're supplied with everything you need to do it."

When the necessity of some such help for the farmer is recognized, it may be too late to prevent widespread hunger. Already headlines in the California press have said: "Food Lack Curbs Ship Work"—reporting definite evidences of malnutrition due to empty grocery shelves.

5. Against the certainty of decreased production we must set the certainty of increased demand. Even with rationing our expanding population and military forces will need increased amounts of food, and the more territory we liberate from our enemies the more supplies we must send to feed starving peoples overseas. That is the National Program, and it is not a short-term program; it may extend far into the postwar period; days of abundance in California will not return when hostilities cease.

A great deal has been said about the new prosperity of farmers, and official statistics show that National net farm income for 1942 went up 45 per cent over 1941. A full discussion of farm finances as related to food production in 1943 would exceed the limitations of this report, but it should be pointed out that many price regulations affecting major California crops still prevent farm operators from paying wages for labor comparable to war industries, and that regardless of high food prices farmers are not likely to plant crops unless they can see a fair chance of harvesting them and getting them to market.

#### Impressive Warnings

An impressive warning has been voiced by Charles C. Teague of Santa Paula, President of the National Council of Farm Cooperatives, in these words:

Before this war is over, the production of food will be generally recognized as being of even more importance than the production of airplanes, ships, guns, and tanks. It is not being given the place that its importance warrants by those planning our war strategy.

Unless speedily remedied, the shortage of farm labor will seriously restrict future production of essential foods for the civilian population, the armed forces and our allies to an extent that may imperil winning the war.

Similar warnings have been uttered by many groups familiar with various phases of the food problem, from the House Agricultural Committee to the Butchers' Union. There is general agreement on two points—general food rationing should be instituted without further delay, and effective measures should be taken to assure farmers their essential man power and equipment.

#### Goods and Materials

The number of business establishments on record with the California State Board of Equalization decreased by 19,000 during the first 10 months of 1942. Casualties will be higher from now on, due to the fast-spreading shortage of things to sell and people to sell them. Sheets and pillowcases, infants' wear, garden tools, and fountain pens are among the present scarcities, and before the year is out there will be very few articles of common use unaffected by war limitations. As we turn to substitutes, they in turn will run short—much more rapidly than we have foreseen.

In our Report on the War-Time Problems of Small Business, issued last August, we said:

Priorities on goods and ceilings on prices, mounting taxes and shrinking stocks, long-term leases and short-lived tires, more red tape and less good help—these are the things that are causing gray hairs to sprout on many heads that thought war with all its horrors might possibly be good for business.

The shrinkage in the number of retail establishments has been somewhat paralleled by the closing of doors in small manufacturing plants, though here the situation has been relieved in many communities by the spread of war contracts from Government agencies and major industries. In Bakersfield, Stockton, Fresno, Sacramento, Lodi, Monterey, and San Diego there have been effective "facilities groups" organized with the assistance of the War Production Board, and these groups have been successful in obtaining numerous contracts. In Sacramento alone, in November and December, 52 war contracts were allotted to local plants.

In other cities this program has been less successful, but a checkup by our committee with the local chambers of commerce in the closing weeks of 1942 indicated



that in general there was little distress amongst manufacturing plants which were able to turn out any sort of war material.

The effect of business close-outs may be more adverse upon the general public than upon the proprietors and employees, most of whom can readily obtain new jobs at increased pay. Many closed establishments produced only marginal incomes, some operated at an actual loss. Others were substantial concerns, kept up through years of painstaking effort.

At this date several Federal agencies are preparing orders that will close many more establishments, and are considering possible means of re-employment. Meanwhile serious difficulties are arising over houses and mortgages which require State action to adjust, as will be mentioned later in this report. And the re-entry of "liquidated" proprietors into business after the war will raise some important questions on our long range plans.

### California Runs on Rubber

The most ominous news on the transportation front is the delay in the Synthetic Rubber Program, the causes of which have been aired in the press by Mr. Jeffers. Further and drastic curtailment of motor transport has already been shadowed by Eastman of O.D.T., and for California this would mean grave complication of the problems of food, manpower, and materials.

Highway carriers handled two-thirds of the total value of intra-State freight business in 1941. California has no rail network to replace these carriers if tires are not available, nor have we any such facilities for rail passenger traffic to exist in many eastern States. Troop movements have severely straitened the facilities we have; civilian travel between Los Angeles and San Diego is almost impossible.

California's truck and bus lines face grave problems not only in tires, repair parts, and the limited number of vehicles available, but also in manpower for maintenance and operation. All these problems are aggravated by the 45-mile speed limit. However desirable such a limit may be for passenger cars, it results in added wear on rubber and equipment when applied to trucks and buses. This fact has been established in careful tests by the State Railroad Commission, which reports that engines, gears, brakes, tires, and men are all wearing out faster as the buses and the trucks move slower.

It would seem logical for the Office of Defense Transportation to consult the State Railroad Commission regarding possible modification of Federal regulations to fit California's special conditions.

### Commuter Transport Near Breakdown

In addition to the major railroads and highway transport lines, California's city and interurban carriers face serious difficulties in manpower and equipment. Staggered hours, extra maintenance crews, women operators, and the repair of old equipment to service have temporarily eased their problems, but as more automobiles are laid up and more of the carriers' equipment wears out beyond repair, new crises will occur, and greater public inconvenience will result. Already overcrowded cars and buses have increased the labor turnover at defense plants. In several cities the transit services are operating on the verge of critical disruption, and only the greatest care will prevent total breakdown.

To the management and workers in our transportation systems our committee desires to express profound admiration for the way in which they have been coping with their extremely difficult problems. There is a task as essential to victory as the building of ships and planes, and the ability with which they have handled their expanding assignment has been too little appreciated.

### Other Problems

The four major problems reviewed on the preceding pages are by no means the only ones in California's wartime economy. We have dealt with them specifically because they are new and basic. Related to them are many others, some of which will be referred to later in this report where possible legislative action is discussed.

One of these problems is the care of the children of working mothers, which was the subject of our committee's latest preliminary report issued last month. Legislation to meet this problem has already been introduced in the Assembly, and its provisions have been given wide publicity. But the enactment of a statute is only one step in dealing with this increasingly difficult situation. Careful and continuous attention must be given to it by local leadership in every war industry center.

Another problem, which is not new but which war conditions have greatly aggravated, is the increase of crime, and more particularly of juvenile delinquency. War excitement, decreased home supervision due to absent fathers and working mothers, overcrowded housing and inadequate recreation, loss of trained police personnel, contributed to the sudden rise in crime and delinquency rates. In many of its aspects this is an economic problem, and it should be attacked vigorously by the ablest leaders of industry, labor, education, religion, and government.

Citizens' crime prevention committees have been established in various communities, and Governor Warren has made this significant statement in his recent inaugural address:

From out of a long experience in law-enforcement work, I have come to feel with certainty that we have been making a wrong approach to our crime problem. I am convinced we must revise our programs so that the emphasis is placed upon prevention instead of suppression. If we can bring our juvenile courts, our trial courts, our law-enforcement agencies and our penal institutions into harmony with such an approach, I am confident we will have made a definite contribution to our future welfare.

We have, I feel, already agreed upon the necessity of expanding the influence of the California Youth Correction Authority. I visualize such transfers and consolidations of existing agencies as will streamline, under this authority, all services in the interests of youth in dire need of a helping hand. In broader aspect, I visualize adherence to a policy in all Government activities which reflects a sincere desire to help men, women, and children to develop and unfold the best that is within them—something that can never be done under a policy which places reliance almost entirely upon crime suppression.

### All Solutions Need Local Initiative

As we have pointed out in our earlier reports, there is more need today than ever before for resourceful and imaginative action on the part of individual business men and business organizations, farmers and farm organizations, and citizens and civic groups generally. This is true in spite of increasing regimentation by Government agencies, for these agencies operate on Nationwide programs that often overlook local conditions, and their regulations are often subject to change when these local conditions can be demonstrated to require changes or when a better plan of local administration is vigorously presented.

Among the many examples of effective local action that have come to the attention of this committee, the largest number have involved plans for the harvesting of crops. An outstanding case in point is Ukiah, where growers and town citizens despaired of replacing farm labor drained off by other wartime activities. Local leaders early recognized, however, that their problem must be solved in their own community—no help was likely to be sent them from other areas. Under the leadership of their chamber of commerce and their local press they developed plans for using the services of every person in the community at the time of greatest need, with the result that they were able to harvest all their crops without loss. They are now preparing to do the same thing again in 1943.

The San Francisco Regional Service Council and the San Francisco Chamber of Commerce promoted citizen harvest programs which brought more than 20,000 city residents into near-by farm areas for part-time week-end and vacation work. The American Women's Volunteer Services conducted women's harvest camps in seven areas, with more than a thousand women taking part.

Three thousand Ventura citizens responded to calls through the local newspapers to work in the walnut groves, citrus orchards, and bean fields. In the Fresno area 10,000 city dwellers turned out over Labor Day and succeeding week ends for the grape harvest. In Kern County the schools were closed for a late fall vacation so that students could help save the cotton crop. At Chico a well-conceived student organization was set up early in the spring in the local high school and junior college, under student management, to secure maximum turnout for farm work. Effective local farm labor programs were developed in San Joaquin County, Stanislaus County, Los Angeles County, and many others.

In the industrial field the most striking results of local initiative have been where "facilities groups," or manufacturing pools, have been set up to handle war contracts. Fifty-two such contracts were placed with Sacramento firms in the last two months of 1942, and war production in very substantial amounts is being turned out by "small business" groups in Lodi, Stockton, Monterey, Bakersfield, Fresno, and San Diego. The Aircraft Parts Association of Los Angeles and the San Francisco Defense Works are examples of similar groups in the larger industrial centers. While much of the success of these smaller plants in getting war business has depended on the active help of the War Production Board and the military procurement offices, nothing could have been done until local plant owners had gotten together and taken vigorous, intelligent action.

### Federal Wartime Agencies

While all solutions to wartime problems begin and end in the local community, Federal agencies centered at Washington usually set the formula by which these solutions are sought.

One of the most interesting and instructive phases of our committee's work has been its contacts with the W.P.B., the O.P.A., the O.D.T., the War Relocation Authority, the War Manpower Commission, the Department of Agriculture, the National Housing Agency, and others among the several hundred Federal agencies engaged in wartime administration. We have been alternately pleased, bewildered,

amazed, and disappointed at what we have observed of the functioning of these agencies. Most of them are staffed by earnest and intelligent persons who are trying their best to carry out difficult and often confusing assignments. Sometimes the confusion in their assignments extends to the point where two agencies in the same building are doing identical work, each unaware of the other's activity. One such instance has come to our attention within the present month. A representative of our committee inquired about an important agricultural problem, and finally found an official who said that his office had the entire matter in hand. A few days later another Government agency, learning by accident of our interest in the problem, directed us to another Federal office which claimed to have sole jurisdiction, and which was proceeding in total ignorance of the existence of the agency previously contacted.

It is to be expected in wartime, with new and gigantic tasks daily confronting us, that a great deal of confusion will arise and a great deal of overlapping in Government activities will occur. The officials at Washington are not supermen; they are at best a cross-section of our general leadership in labor and management. They have not suddenly been endowed with greater ability; they have not suddenly acquired broader backgrounds of knowledge and understanding.

But there is one policy of Federal wartime administration in which we feel that a basic mistake has been made, and that is the by-passing of State and local government agencies. This may have happened partly by intent, and partly because urgent wartime problems, such as housing, manpower, and transportation, have cropped up in scattered areas not coterminous with political subdivisions. However it developed, this practice appears to be wasteful, confusing, impractical, and democratically unsound. We believe that the familiar Federal-agency pattern, which now consists of central offices at Washington, where all policy is made, regional offices in less than a dozen cities, where administration is partly decentralized, and scattered local offices, where details of administration are carried out, might well be revised to gear in with State, county, and municipal government departments.

#### Action by the State Government

In addition to the efforts of Federal agencies and local initiative to assist California's war production, it is evident that public agencies within the State itself must do their part. In this connection, serious thought should be given to the existing legal structure in California. Certain statutes enacted in peacetime may be impeding our war effort, in factory or field, and for want of essential new legislation we may be unable to meet some of our war-time problems.

It is gratifying to this committee to observe that much constructive thought has been given to this important problem by many organizations, including agricultural groups, civic clubs, women's organizations, chambers of commerce, trade associations, and public agencies. From their study a number of tangible suggestions have developed. These suggestions are briefly reviewed in this report, so that they may be considered by the Legislature during its first regular war-time session.

The State Chamber of Commerce held a war conference December 2d, the Motor Vehicle Legislative Advisory Committee met December 4th, the California Commission on Interstate Cooperation met December 7th, the California Teachers' Association convened December 12th, and the California Congress of Parents and Teachers held a session December 16th, all these meetings being held at Los Angeles. The California League of Cities convened at San Francisco December 18th, and the State Department of Agriculture held a legislative conference at Sacramento December 21st and 22d. Labor organizations and other groups have likewise included war legislation on the agenda of recent meetings.

The California Commission on Uniform State Laws has also developed legislative recommendations relating to the war effort.

Four representatives from the State of California attended a Federal-State Conference on War Restrictions at Washington in May. Meeting at the call of President Roosevelt, they considered State laws impeding the National War Program, and our committee submitted a brief on California statutes to the conference which was included in the published proceedings. Governor Olson attended a Governors' Conference at Asheville, North Carolina, last May to consider the particular problem of State Motor Vehicle Laws, and it should be of interest to the Legislature to know that in this field, as well as in others, California's statutes have been found to be among the most progressive and least in need of change.

The Council of State Governments held a Regional Conference on State War Legislation December 8th at Los Angeles, attended by State, local, and private officials from the five southwestern States, at which war measures were discussed.

#### Two Ways To Proceed

The war-time legislative suggestions arising from these various groups might be dealt with in two procedures. The first would call for code-by-code amendment and new enactments, upon the assumption that the Legislature, as the law-making



body of California, should remove all impediments to full war production and hold itself in readiness for a special session should the measures now passed fail to meet every contingency. Where the amendment or enactment of any statute may seem to involve the surrender of social or economic values desirable to be retained, limited-term action can be taken in a manner assuring the restoration of those values upon the termination of the war. In other cases where there is doubt that proposed new war-time measures should remain in peace-time effect, similar statutory limitations may be provided.

The second procedure would be a quicker but more unusual method of accomplishing the same result. It would call for the passage of a few emergency laws placing in the executive branch, acting pursuant to prescribed standards and through designated officials, the power to meet any war situation that might arise, whether or not the Legislature were in session. It is for the Legislature to consider the wisdom and necessity of measures of such a broad and novel character.

#### **Legislation That May Be Needed**

With respect to the first procedure above mentioned, the following items cover most of the suggestions that have come from the groups previously referred to:

##### **(1) Agricultural Code:**

The existing testing and inspection laws for dairies, as well as the critical materials requirements for milk containers, involve problems because of the growing milk shortage.

The existing statutes on oleomargarine should be considered in the light of the butter supply problem.

The existing labeling and standards statutes for fruits, vegetables, nuts, eggs, and honey need to be reviewed in light of the labor supply and shipping problems.

The existing statutes on containers present problems because of the shortage of shoo, nails, and other critical materials.

The existing statutes on commercial feeds and fertilizers need to be appraised in the light of the existing shortages of supply.

The right of municipalities to amend State standards on milk and dairy products needs study in view of the shortages of these commodities.

##### **(2) Business and Professions Code:**

Amendment may be desirable to the statutes on nurses, dentists, and physicians to enable out-of-State persons in these professions to qualify more quickly to practice in California, in view of the growing manpower shortage.

Legislation may be needed to provide for the licensing and regulation of defense training schools to eliminate abuses that now exist in the operation of some of them.

Existing statutes relating to contracts in restraint of trade which have been held invalid from a constitutional standpoint should be viewed in the light of collusive bidding and contracting practices on defense work.

##### **(3) Civil Procedure Code:**

The existing statutes covering the acknowledgment of documents need be considered in the light of the problems faced by members of the armed forces who need to have documents notarized.

##### **(4) Fish and Game Code:**

The existing statute on sardine fishing seasons needs to be considered in the light of the demands for increased food and fish meal for poultry.

##### **(5) Health and Safety Code:**

Legislation might be needed for the establishment by the State Board of Health of sanitation and health zones, to take care of areas which may be severely damaged by enemy attack.

Legislation might provide for the establishment by the State Fire Marshal of rules and regulations for fire defense mobilization throughout the State to care for areas which may be exposed to fire damage due to enemy attack.

The existing statutes on vital statistics present certain problems faced by defense workers and members of the armed forces who need birth certificates.

The existing statutes on narcotics should be considered in the light of the need for greater protection to the members of the armed forces in California.

Legislation may be needed for the establishment of war housing authorities so that adequate housing can be more readily created for defense workers in California.

##### **(6) Labor Code:**

The existing statutes relating to the employment of women over eight hours a day or 48 hours a week should be considered in relation to the manpower shortage.



(7) *Military and Veterans Code:*

The existing statutes bearing on veterans' assistance should be viewed in the light of the increasing dependency problems of members of the armed forces.

The existing statutes covering the State Guard should be considered with a view toward making the Guard a more effective organization than presently constituted.

(8) *Motor Vehicle License Tax Act:*

The present requirement by statute of permit when hauling is done by one farmer for another needs to be considered in the light of truck and tire conservation.

(9) *Probate Code:*

Legislation to provide for the devolution of property where both husband and wife die at the same time should be considered in the light of California's status as a combat zone.

(10) *School Code:*

Legislation to provide for child care centers using school facilities needs to be given prompt consideration.

Legislation to provide for vacation harvest camps using school facilities should be considered in view of the agricultural labor shortage.

With respect to the above, the existing statutes covering the days of the week and the total number of days of school sessions should be viewed with regard to releasing students for work during peak harvests.

(11) *State Bank Act:*

The present loan limitations statute needs to be considered in the light of the recent amendment to the National Bank Act pertaining to loans on defense contracts.

(12) *Vehicle Code:*

The existing statutes covering the payment of license fees to operate motor vehicles should be considered with a view toward exempting from the payment defense workers who may be located in California only temporarily.

Legislation may be needed to assist California in conforming to the National speed limit of 35 miles per hour.

Legislation to vest in local traffic officers the power to enforce military orders should be considered in view of California's status as a combat zone.

Likewise, with respect to proposed legislation on lighting requirements in dim-out areas.

(13) *Welfare and Institutions Code:*

The existing statutes relating to the licensing of child care centers and nurseries need to be considered in relation to the man power shortage as well as the need for closer supervision of such facilities.

Legislation to provide for emergency aid and welfare service for those affected by disaster or enemy attack should be considered.

There is another wartime problem, so difficult that it may call for more than minor revision of existing statutes—the distress of lessees and lessors of property whose income is curtailed or cut off by war restrictions. In the early 1930's a somewhat similar problem was met in various States by moratorium statutes, most of which caused more distress than they cured.

A solution of the present problem has already been sought in California courts on the English theory of "economic frustration," and at least one such case is now before the appellate department of the Superior Court of Los Angeles County. If the theory is upheld that property leases may be canceled where Federal war regulations have severely curtailed business, relief may be afforded to lessees but abuses and more uncertainties may also result.

The Legislature rather than the courts may be the best source of remedy for this situation, which is rapidly growing more serious. Some form of debt adjustment procedure, rather than a general moratorium, would seem to be worthy of consideration. In any event the problem calls for very careful attention.

**A War Powers Act?**

The second approach to the problem is based upon the assumption that a war emergency may require legislative action when the Legislature is not in session, and that the Governor or his designated representative should be in a position to meet the emergency. Proposed statutes to cover this procedure have been broadly described as "War Powers Acts," and several types of such acts have already been adopted in other States.

New York passed a War Powers Act in 1942 which provided for the creation of a War Council composed of the Governor, Lieutenant Governor, Attorney General, several appointees of the Governor, and representatives of the Legislature. The Council acts as a unit and adopts rules and orders to effect its policies. It can

acquire property and dispose of it for the safety of the civilian population, with just compensation therefor.

Massachusetts passed an act in 1941, amended in 1942, creating an Emergency Commission in the executive branch. It differs from the New York Act in that the commission is only advisory to the Governor, who actually effects the purposes of the act. There is no legislative membership on the commission, suspension of existing statutes is permitted, and ratification by the Legislature is provided for.

The suggested war powers acts for California all embody the essential features of the New York or Massachusetts acts. An act suggested by the Council of State Governments in addition to its proposed war powers act is an Executive Statutory Suspension Act. These two appear to be combined in the Massachusetts law. The League of California Cities has drawn an act, similar to the Council of State Government's proposal, which includes machinery for the creation of protective regions where designated representatives of a War Council would administer the act, as well as certain home rule provisions. It has also been suggested that the Chief Justice of the State Supreme Court might be a member of the War Council.

It is apparent that this type of legislation, whatever form it may take, should be considered carefully by the Legislature in view of its broad and unusual character. It must be conceded that events move so swiftly that code-by-code revision may not provide for every possible emergency that may occur. The question may, therefore, reduce itself to a practical problem of either having the Governor and a War Council exercise certain broad powers when the Legislature is not in session, or to try to make all needed wartime legislative changes now and have the Legislature in readiness for a special session if the necessity arises.

Serious thought should be given to the legality of any war powers act in view of the conservative construction of the California Constitution as to the separate functions of the three branches of State Government. New York's provision for legislative participation would seem helpful in this respect, but the Massachusetts procedure of subsequent legislative ratification of the acts of the Emergency Commission and Governor would appear to ignore the possibility of judicial attack in a legislative interim.

#### **War Problems Must Be Met Promptly**

Above all, however, is the urgency of legislative recognition that wartime problems must be met fully and promptly. One has only to read the proceedings of the Federal-State Conference on War Restrictions already alluded to, and to examine some of the proposed Congressional wartime legislation, to realize that Congress or the President will not hesitate to act under their general war powers to deal with problems in States which fail to meet them in their own way. Our Legislature should move constructively now to demonstrate the ability of our State Government to act effectively. Governor Warren has stated this ably in his inaugural address:

There has accumulated in California a wide range of subject matter which, broadly interpreted, comes under the heading of wartime legislative needs. Some of it calls for remodeling and streamlining existing social and humanitarian endeavors which show the strain of war conditions. Some of it calls for progressive innovations which correct abuses and advance the considerations given those engaged in the war effort \* \* \* The impelling force of your session will be the need for action in compliance with the needs of war. In part, these wartime needs arise from aggravations of long-existing needs among the people. They loom as emergency in character today but they do so primarily because they have so far failed to win proper evaluation in our long range planning. Ours is the challenge so to streamline our Government that its efficiency meets the need of the day and at the same time moves forward in the recognition of older problems which we see accentuated by war.

#### **Interpreting Existing Statutes**

Another remedial approach to the statutory problems is a constructive and imaginative interpretation of existing laws affecting wartime situations. The Attorney General must not subvert the intention of the statutes as set forth by the Legislature, because, as already stated, California's Constitution sets up the Legislature as the sole law making agency of the State Government. Consistent with the intent of existing laws, however, the Attorney General should make every effort to interpret them in a manner that will promote full participation in the war effort.

#### **Action by State Administrative Departments**

A final remedial approach to the problem here set forth is administrative action by the State departments. It is gratifying to observe the tenor of the new Governor's speech and the indication therein that the war effort is the paramount concern of the State at this time. No further elaboration need be made here, as Governor Warren has stated that he intends to utilize the various State administrative departments in a manner designed to meet war problems. Many departments have already been operating on this basis, with very constructive results.

### We Should Make Post-war Plans Now

While we are working all out to hasten the day of military victory, we in California would be remiss indeed if we did not also give careful thought to solving the inevitably difficult problems of the post-war period. It is safe to say that no other State is experiencing greater war-time dislocations than California; no State will face a bigger task of readjustment when the war ends. To say that we should win the war first and face that readjustment when it is upon us is to disclaim all responsibility for wise planning; more than that, it betrays the trust of our fighting men and of our citizens working on the home front. They look to their State Government for leadership in safeguarding their future; we must not let them down. They will want real jobs; not apple carts in the park.

In considering how we can best provide for the guidance and coordination of post-war planning, both public and private, that is essential to any success, we believe that we should look first to existing facilities at our disposal. We have research departments in some of our industries, utilities, trade associations, chambers of commerce, labor organizations, and civic groups. We have large planning resources in our colleges and universities. We have a State Planning Board, an agency which might be strengthened and equipped to serve as a clearing house for well-integrated efforts. By whatever means such a clearing house is set up, we should do it now, by appropriate executive or legislative action, so that all existing sources of facts and plans may be fully and effectively utilized in this challenging task.

### Recommendations

Having thus very briefly reviewed some of California's current economic problems and the means of meeting them, we desire to conclude this report with a few broad recommendations growing out of our year of hearings, research, and observation. These recommendations are supplementary to those which we have set forth in our earlier reports. They are offered for study not only by the Legislature but by every public official and citizen concerned for the winning of the war and the peace.

1. An *appropriate Legislative Committee* should continue the work which our Interim Committee has carried on, keeping in close touch with economic developments throughout the State and bringing them to the attention of agencies and individuals best able to deal with them effectively. Its first task should be to study the whole structure of regulative war agencies to determine how Federal, State and local machinery can be geared more closely into a smoother running set-up founded upon a theory of Federal-State partnership rather than the development of all sufficient Federal functions. In this study the Attorney General's Office could render considerable assistance.

2. A *Round table Conference* of representatives of Federal, State and local war agencies should be held, possibly at the invitation of the Governor to promote mutual understanding of functions, resources, and problems. The need for this has come to our attention repeatedly, and we believe that such an informal conference would be warmly welcomed by officials in every field of war-time administration. By the mere exchange of information it would have immensely valuable results.

3. *The California Delegation in Congress* can render extremely valuable service, as it has in fact been doing already, by bringing the particular problems of California's economy frequently and vigorously to the attention of Government departments. It would be impossible for the best intentioned and ablest administrators 3,000 miles away to understand them adequately. These problems are many and critical, and they are changing from day to day. In this war nothing is static, and California is very much in this war.

### RECESS

At 12.30 p.m., on motion of Senator Jespersen, the Senate recessed, to hear remarks of the Honorable J. Galbe, Royal Norwegian Consul General of San Francisco.

### REASSEMBLED

At 12.35 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding



## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, JANUARY 18, 1943

*Honorable Joseph A. Beek, Secretary, Senate of California  
Sacramento, California*

DEAR MR. BEEK: I transmit to you herewith for the Senate printed report of Acts of Executive Clemency for the period 1941-1943, prepared and printed by Governor Culbert L. Olson, and now delivered to you at the request of Mr. Stanley Mosk, his former Executive Secretary.

Respectfully,

W. T. SWEIGERT, Executive Secretary

**Message of Governor Concerning Pardons, Commutations, and Reprieves  
Granted by Governor Culbert L. Olson for Period 1941-1943**

*To the Members of the Senate and Assembly of the State of California*

In accordance with the provisions of Section 1 of Article VII of the Constitution of California, I hereby transmit to you a report of the cases of pardon, commutation of sentence and reprieve issued by me from January 1, 1941, to January 4, 1943.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

**Commutations of Sentence**

FRANK E. ADAMS, San Quentin No. 56009, convicted by a jury in San Diego County, May 4, 1934, of kidnapping for purpose of robbery and robbery, second degree. Recommended by the Board of Prison Terms and Pardons and the Advisory Pardon Board. Sentence commuted from life to 16 years, April 14, 1942.

FRANK EUGENE BACKUS, Folsom No. 20658, pleaded guilty to crime of forgery and two priors in Riverside County, November 30, 1936, and since confined in prison. Recommended by the State Board of Prison Directors, the Advisory Pardon Board and the State Supreme Court. Commutation of sentence to the extent of removing the habitual criminal status granted April 14, 1942.

OSCAR L. BIGELOW, Folsom No. 22495, convicted in Los Angeles County, April 19, 1935, for robbery first degree and a prior offense. A commutation of sentence to time served was recommended by the Advisory Pardon Board and by the State Supreme Court, and was granted on February 8, 1941.

LEWIS BLACK, Los Angeles County Probationer 40544, HARRY DANSKY, Los Angeles County Probationer No. 40548, BEN KELLER, San Quentin No. 68210, ALFRED LUSHING, Chino No. 754, SAMUEL BLUMENBERG, San Quentin No. 68208, convicted by a jury in Los Angeles County during 1939 of conspiracy. Each served a prison term of nearly a year, and all but Lushing, Keller and Blumenberg are free at the present time. Clemency recommended by the Advisory Pardon Board. Commutation of sentence to time served granted December 31, 1942.

JOHN BORZZEN, Folsom No. 20249, pleaded guilty to the crime of grand theft and four priors to Glenn County on March 26, 1936. He was adjudged to be an habitual criminal by the court under the provisions of Section 644 of the Penal Code. He was received at Folsom Prison under a life sentence. Recommended by District Attorney at time case was tried, Honorable W. T. Belieu; the Advisory Pardon Board. A certificate of conduct reveals that applicant's conduct at Folsom Prison has been good. Commutation of sentence to time served granted December 21, 1942.

LAURA BONZANI, No. 435, California Institution for Women at Tehachapi, convicted of murder, first degree, and robbery, second degree, in San Francisco County on December 30, 1938. The trial judge, Honorable I. M. Golden, of the Superior Court of San Francisco, and the Advisory Pardon Board recommended that this applicant's sentence be commuted to time served. Commutation to time served granted April 15, 1942.

FLOYD C. BRITTON, Folsom No. 20035, whose sentence was commuted to a term less than life under date of November 23, 1942. Mr. Albert H. Mundt, Assistant Secretary of the Board of Prison Terms and Pardons at Folsom requested that a specific number of years for the term to be served by this applicant be set. Commutation of sentence to 25 years granted December 18, 1942.

EDWARD BROOKS, Folsom No. 15154. Convicted by a jury in Los Angeles County on February 29, 1928, of the crime of second degree burglary. He had three prior convictions of felonies and was adjudged to be an habitual criminal and is presently in prison under a life sentence. Recommended by Advisory Pardon Board; C. W. E. Bond, Supervisor of Educational Activities at Folsom Prison; and the State Supreme Court. Commutation of sentence to time served granted December 31, 1942.

J. C. BUCKMASTER, Folsom No. 21492, pleaded guilty to forgery and five priors, Fresno County, January 19, 1938, and given a life sentence as an habitual



criminal. The Advisory Pardon Board and the State Supreme Court recommended his sentence be commuted to the extent of removing the habitual criminal status. Granted December 23, 1941.

EMERY COLBY BUZZELLI, San Quentin No. 64156, convicted in Los Angeles County October 5, 1939, of the crime of murder in the first degree and under sentence of death. The Advisory Pardon Board recommended that the sentence be commuted to life imprisonment, thereby preventing a possible miscarriage of justice. The applicant had previously been convicted of a felony, and his application was therefore submitted to the Supreme Court, a majority of the justices recommending executive clemency. Sentence commuted from death to life imprisonment August 6, 1941.

T. C. CLAPPER, Folsom No. 16825, was convicted of the crime of forgery and three priors in Fresno County on March 21, 1931, and was sentenced to life imprisonment as an habitual criminal. Recommended by Board of Prison Terms and Pardons and Advisory Pardon Board. Commutation of sentence to remove habitual criminal status granted December 21, 1942.

ROBERT COWAN, San Quentin No. 63103, convicted in Los Angeles County May 15, 1940, of murder in the second degree and conspiracy to commit assault with a deadly weapon and extortion. George Stahlman, who as Deputy District Attorney prosecuted this applicant, wrote to the Advisory Pardon Board pointing out that the responsibility and punishment which the law attaches to this offense were in excess of the actual wrong done by this applicant. The present District Attorney, Hon. John F. Dockweiler, stated his office had no objection to the granting of a commutation of sentence; Honorable Isaac Pacht, President of the State Board of Prison Directors, with whom Mr. Hickok, investigator for the State Division of Criminal Identification and Investigation had discussed the case, wrote recommending the granting of clemency; and the Advisory Pardon Board, pursuant to the investigation, recommended that the sentence be commuted to time served. The file also contains letters from several persons, including members of the industry, professional and business men, of Los Angeles, on behalf of this applicant. Commutation of sentence to time served granted July 9, 1941.

ALFRED DI DONATO, San Quentin No. 43225, convicted of murder in the first degree in Fresno County, July 27, 1927. He was released on parole August 31, 1939. Justice of the Peace John E. Burke of the Second Township, Fresno County, Sheriff George J. Overholt, and Hon. Charles R. Barnard, the 1941 judge, now of the Fourth Appellate District, District Court of Appeal, recommended that a pardon be granted, and each stated his belief that applicant had since his release lived an exemplary life and would not again offend. Pardon granted February 11, 1941.

LLOYD W. DYE, San Quentin No. 54090, convicted by a jury in Los Angeles County of murder, first degree, during April, 1922, confined in prison since that date. Justice Thomas P. White of the District Court of Appeal, who was the trial judge, at the time of applicant's conviction, recommended applicant's release subject to parole supervision. At the first trial applicant was convicted of murder in the second degree, the judgment was reversed on appeal, but at the second trial he was convicted of first degree murder. The Advisory Pardon Board recommended a commutation of sentence to 16 years. Granted October 15, 1941.

T. J. ELLI, also known as Roland Helaire, San Quentin No. 67148, was convicted of the crime of murder in the first degree in Los Angeles County on August 29, 1941. Recommended by District Attorney John F. Dockweiler, Judge A. A. Scott of the Los Angeles County Superior Court and the Advisory Pardon Board. Commutation of sentence from death to life imprisonment granted December 18, 1942.

ALLEN ELLIS, San Quentin No. 45798, was convicted in Fresno on July 28, 1928, of murder in the first degree. His death sentence was commuted to life imprisonment in July 1929, without possibility of parole. Commutation of sentence recommended by the Board of Prison Directors. A commutation of sentence from life without possibility of parole to a commutation of sentence with possibility of parole granted December 31, 1942.

FRED FLOTH, Folsom No. 17335, convicted by a jury in Glenn County, during May, 1935, of the crime of issuing fictitious checks, and two priors. A commutation of sentence to remove the habitual criminal status was recommended by the Board of Prison Terms and Pardons, from Judge W. T. Belieu of Glenn County, who was the prosecuting attorney in 1935, and by the Advisory Pardon Board. In view of the prior convictions of felonies, the case was submitted to the State Supreme Court, and a majority of its justices recommended executive clemency. Sentence commuted to extent of removing the habitual criminal status, July 17, 1941.

CHARLES FRENCH, JR., San Quentin No. 65597, 18 years of age, pleaded guilty to robbery, first degree, Placer County, October 14, 1940, and since then confined in prison. Commutation of sentence recommended by the State Board of Prison Directors, and by the Advisory Pardon Board. District Attorney Lowell L. Sparks of Placer County and Judge J. B. Landis of the Superior Court of that county expressed the belief that due to his youth this applicant should not be confined in a State penitentiary. Edward O'Gaffney, Executive Secretary of the Youth

Counsel Organization of San Francisco, requested an opportunity to aid this applicant if released. Sentence commuted to time served, October 13, 1941, with a direction to this applicant to subject himself to the guidance and assistance of Mr. O'Gaffney.

**HARRY A. FRENCH**, San Quentin No. 60710, was convicted of the crime of murder in the first degree in Modoc County on August 6, 1937. On August 15, 1939, commutation of sentence from death to life imprisonment was granted. Recommended by Advisory Pardon Board. Commutation of sentence from life to 25 years granted December 21, 1942.

**GEORGE GARTLER**, San Quentin No. 65106, convicted of the crime of murder, second degree, Los Angeles County, May 14, 1940. Deputy District Attorney George Stahlman of Los Angeles County, who prosecuted this applicant, in a letter discussing the case in some detail, recommended the granting of clemency, and present District Attorney John F. Dockweiler stated his office had no objection to such action. The Advisory Pardon Board recommended that sentence be commuted to time served. Commutation of sentence to time served granted April 4, 1941.

**A. GEISHECKER**, San Quentin No. 35605, pleaded guilty to the crime of murder in the first degree in San Francisco County on November 17, 1921, and was given a life sentence. He served approximately 15 years in prison and a road camp and was paroled October 15, 1936. Parole authorities permitted him to go to Massachusetts in October, 1938, and he is still under the supervision of the parole authorities of that State. Recommended by: State Parole Officer Allen Moore; Chairman Reuben L. Lurie, Dept. of Correction, Mass.; Parole Officer William F. Kirkwood, Mass.; Advisory Pardon Board. Commutation of sentence to time served granted December 28, 1942.

**PAUL M. GREEN**, Folsom No. 19131, was convicted of the crime of grand theft in Los Angeles County on January 17, 1934. He had previously been twice convicted of felonies and was received at prison on May 19, 1934, under a life sentence as an habitual criminal. Recommended by the following: State Board of Prison Directors, Advisory Pardon Board and Supreme Court of California. Commutation of sentence to time served granted December 18, 1942.

**HAROLD L. HUFF**, Folsom No. 20609, pleaded guilty to issuing fictitious check in Riverside County during 1936, and prior conviction. He was sentenced as an habitual criminal and has been in Folsom prison since November, 1936. Commutation of sentence to time served granted by the Board of Prison Terms and Pardons, the Advisory Pardon Board and the State Supreme Court. Granted December 31, 1942.

**JOHN N. KARNES**, San Quentin No. 63622, convicted by a jury in Los Angeles County, June 2, 1939, of first degree robbery and a prior conviction of a felony. Commutation of sentence to time served recommended by the Board of Prison Terms and Pardons, the Advisory Pardon Board, and the State Supreme Court. Granted April 14, 1942.

**SHIRLEY KAYE**, Tehachapi No. 434, convicted by a jury in San Francisco County December 30, 1938, of murder in the first degree and robbery in the second degree, and presently confined in prison. The Advisory Pardon Board, stating that this applicant was in no way the actual participant that caused the death of the victim, recommended that her sentence be commuted to time served. Granted October 13, 1941.

**BARNEY LEE**, San Quentin No. 68572, 14 years of age, received at San Quentin Prison to serve an indeterminate sentence of five years to life imprisonment, having been convicted by a jury in Monterey County of the crime of murder in the second degree. Sentence commuted to commitment to the jurisdiction of the Youth Correction Authority, pursuant to the terms and provisions of the Youth Correction Authority Act, an action which was recommended by the Board of Prison Terms and Pardons, the State Board of Prison Directors, and Warden Clinton T. Duffy of San Quentin, and taken pursuant to Section 2655 of the Penal Code and Section 731 of the California Welfare and Institutions Code, which require segregation of persons under 16 years of age from adults in State Penal Institutions, a segregation not made possible by facilities in San Quentin Prison. Dated August 11, 1942.

**THOMAS P. LUTTRELL**, San Quentin No. 32479, convicted by a jury in Tulare County on March 14, 1919, of the crime of murder in the second degree. He served 12½ years in prison and was then released on parole. A commutation of sentence to time served was recommended by Constable Rennie C. Brown of Lemon Cove Township, District Attorney Haight of Tulare County, Sheriff Sherman of Tulare County, Sheriff Overholt of Fresno County, State Parole Officer Chadwick, and the Advisory Pardon Board. Granted December 31, 1942.

**NELLIE MAY MADISON**, Tehachapi No. 56387, was convicted of the crime of first degree murder in Los Angeles County on July 5, 1934. She is presently serving in the California Institution for Women at Tehachapi. Recommended by the Board of Trustees of the California Institution for Women at Tehachapi and the Advisory Pardon Board. Also letters certifying to high character of applicant from Reverend Michael Mangin, St. Malachy's Church, Tehachapi; Reverend Joseph J. Truxaw, Los Angeles; and Bishop Joseph T. McGuiken, Los Angeles. Six members

of the trial jury, including the foreman, signed a petition indicating that had certain additional facts been brought out at the trial they would have voted for acquittal. Commutation of sentence to 15 years granted December 31, 1942.

**RICHARD MCCLURE**, San Quentin No. 39954, pleaded guilty to grand theft and two prior convictions of felony in Riverside County during December, 1936, and given a life sentence as an habitual criminal. The Board of Prison Terms and Paroles, which during 1938 had recommended a commutation of sentence to 10 years, again made that recommendation in March, 1940. The Advisory Pardon Board made a similar recommendation, and the State Supreme Court recommended the granting of executive clemency. Sentence commuted to 10 years October 14, 1941.

**THEODORE MCGEE**, Folsom No. 20290, convicted by a jury, Riverside County, February, 1936, of escape and three prior offenses. Since none of applicant's offenses involved crimes of violence, the Advisory Pardon Board recommended a commutation of sentence to the extent only of removing the habitual criminal status, and a similar recommendation was made by the State Supreme Court. Granted April 14, 1942.

**JOE MCGRAW**, Folsom No. 19048, was convicted by a jury in Los Angeles County of the crime of assault with a deadly weapon and prior conviction, March 7, 1934. He was adjudged an habitual criminal and sentenced to life. Commutation to time served recommended by State Board of Prison Directors, the Advisory Pardon Board and the State Supreme Court. Granted December 31, 1942.

**TALTON H. NANCE**, San Quentin No. 61351, was convicted of the crime of assault in Los Angeles County on December 29, 1937. He was given a 20 year aggregate term and has been confined in prison for a period of 14 years and one-half year term. Recommended by Supervisor of Education at San Quentin, Mr. Herman A. Buckner, and Advisory Pardon Board. Nance's former commander in the Navy stated Nance would be accepted when released. Lt. Comdr. L. W. Mills, Security Officer at the United States Naval Air Station at Norfolk, Virginia, said Nance's naval experience would be of value to this Country at the present time. Commutation of sentence to time served granted December 18, 1942.

**HURSHIEL NEAL**, San Quentin No. 61963 and Chino No. 587, was convicted by the court in Los Angeles County on April 7, 1938, of the crime of robbery in the first degree and kidnaping for the purpose of robbery. He served approximately three years in prison and was transferred to California Institution for Men at Chino, where he is now an inmate. Recommended by Board of Prison Terms and Paroles and Advisory Pardon Board. Commutation of sentence to 16 years granted December 21, 1942.

**ALEXANDER C. OCHOA**, San Quentin No. 50592, was convicted by a jury in Los Angeles County of murder in the first degree during July, 1931. He was received at San Quentin under sentence of death and his sentence was commuted by a former Governor to life imprisonment. Recommended by the State Board of Prison Directors and by the Advisory Pardon Board. Modification of commutation of sentence to permit parole consideration granted December 31, 1942.

**RICHARD N. PAASKE**, San Quentin No. 30604, convicted of murder in the first degree in Santa Barbara County on May 24, 1917. He served 14 years in prison and 10 years on parole. A commutation of sentence to time served was recommended by the State Board of Prison Directors, State Prison Officer Clarkwick, District Attorney Heckendorf of Santa Barbara County, Sheriff James Ross of Santa Barbara County, and the Advisory Pardon Board.

**WILLIAM PERKINS**, San Quentin No. 58765, was convicted by a jury in San Bernardino County, March 6, 1936, of the crime of murder in the first degree, and was given a life sentence. He is presently confined in prison. Recommended by Honorable Isaac Paehl, President of the State Board of Prison Directors, and the Advisory Pardon Board. Two of the jurors who convicted Perkins have since stated they have changed their opinion. Applicant has maintained his innocence throughout. Commutation of sentence to time served granted December 21, 1942.

**CLARENCE ALLEN PETERSON**, Folsom No. 20413, convicted of the crime of forgery and three prior convictions in Los Angeles County on May 25, 1936. Presently serving at Folsom as an habitual criminal. Recommended by District Attorney John F. Dockweiler, Advisory Pardon Board, and the State Supreme Court. Commutation of sentence to remove the habitual criminal status granted December 31, 1942.

**LINDEN WALLACE PUGH**, Folsom No. 21079, pleaded guilty to the crime of forgery in Los Angeles County during 1937. He was received at Folsom as an habitual criminal and remains confined in that institution at the present time. Recommended by the State Supreme Court and the Advisory Pardon Board. Commutation of sentence to the extent of removing the habitual criminal status granted December 31, 1942.

**HENRY G. RAMIREZ**, San Quentin No. 62026, convicted in Los Angeles County, March 4, 1948, of kidnaping for purpose of robbery and robbery first degree, and given a life sentence. The Board of Prison Terms and Paroles and the Advisory Pardon Board recommended a commutation of sentence to 16 years. Granted October 15, 1941.



CYRIL R. RUSSELL, San Quentin No. 56910, pleaded guilty to the crime of violation of Section 269 of the Penal Code, and robbery first degree in Los Angeles on September 14, 1934. He has been confined since that date. Recommended by the Board of Prison Terms and Paroles. Office of District Attorney John F. Dockweiler of Los Angeles County stated it would enter no opposition to any course of action taken by the board. Commutation of sentence from life to 16 years granted December 31, 1942.

RALPH EDWARD SAMPSON, San Quentin No. 63212, pleaded guilty to the crime of kidnaping for the purpose of robbery and robbery in the second degree in Sonoma County during March, 1939, and was given a life sentence. A commutation to 16 years recommended by the Board of Prison Terms and Paroles; Judge Donald Geary of the Sonoma County Superior Court; District Attorney Toland C. McGettigan of Sonoma County; and the Advisory Pardon Board. Granted August 6, 1942.

MATTHEW ANTHONY SCHMIDT, San Quentin No. 30704, was convicted in Los Angeles on January 10, 1916, of the crime of murder in the first degree. The Advisory Pardon Board recommended a commutation of sentence to time served, in view of the facts that he was incarcerated for a period of 22 years and his conduct as a parolee was satisfactory. Sentence commuted to time served, December 21, 1942.

WALTER E. SCOTT, San Quentin No. 26718, convicted by a jury in San Francisco of the crime of murder in the first degree. He served 11 years in San Quentin Prison and 18½ years on parole. The State Board of Prison Directors, the District Attorney of San Francisco County, State Parole Officer Chadwick, and the Advisory Pardon Board recommended a commutation of sentence to time served. Granted December 31, 1942.

FELIX SEERMAN, San Bernardino County Jail No. 48408, convicted of receiving stolen property in San Bernardino County, November 29, 1940, and confined in the county jail. Recommended by the trial judge, Hon. Charles L. Allison, on the ground that applicant was suffering from osteomyelitis which intermittently gives him much pain and totally disables him, as testified by Dr. J. H. Titus, of Ontario, examiner for the Veterans' Administrative Facility, applicant being an honorably discharged World War veteran. Sentence commuted to a term of 60 days. Dated November 16, 1941.

PETER SHIELDS, Folsom No. 15092, pleaded guilty to crime of burglary, second degree, and three prior convictions, in San Joaquin County on January 28, 1928. He has been confined in Folsom Prison for a period of nearly 15 years, having been given a life sentence as an habitual criminal. The Advisory Pardon Board and the State Supreme Court recommended a commutation of sentence to remove the habitual criminal status. Granted December 31, 1942.

WILMER C. SPIVEY, Folsom No. 19796, found guilty in Stanislaus County during March, 1935, of robbery, first degree, and two prior convictions, and since then confined in prison. A commutation of sentence to the extent of removing the habitual criminal status recommended by the State Board of Prison Directors; District Attorney Leslie A. Geary of Stanislaus County; the Advisory Pardon Board; and the State Supreme Court. Granted April 14, 1942.

SCOTT C. STONE, San Quentin No. 43045, convicted by a jury in Los Angeles County of first degree murder during 1925. In 1927 his death sentence was commuted to life imprisonment. During 1930, when an application for commutation of sentence to time served was under consideration by a former Governor, Deputy Public Defender G. A. Benedict of Los Angeles wrote stating his experience in that office led him to conclude that there was serious doubt of applicant's guilt. Mr. Harry C. Hickok, Special Investigator for the State Division of Criminal Identification and Investigation stated there was insufficient evidence to have convicted applicant. The prosecuting attorney stated he and his assistant had doubted applicant's guilt, but that public sentiment was aroused and, despite conflicting testimony, "it did not take them long to convict him." Applicant is aged and ill, and has been assured a home if released. The Advisory Pardon Board, following a special investigation, recommended a commutation of sentence to time served. Granted July 31, 1941.

ANASTASIA SUNIGA, Folsom No. 6121, pleaded guilty to the crime of murder in Kern County during 1905. Released on parole February 5, 1916. Recommended by the State Board of Prison Directors, former State Parole Officer Charles C. Cox; Rodney F. Clark, Under-Sheriff of Imperial County; Mr. Frank Ames of Imperial County, applicant's employer and of whose household applicant has long been a trusted member; and by the Advisory Pardon Board. Applicant, who was 22 years of age at the time, had joined three others in a robbery which resulted in the death of the victim, and served his prison term and 25 years on parole with an excellent record. Pardon granted August 4, 1941.

JIM TANDY, Folsom No. 8880, was convicted by a jury in Los Angeles County October 14, 1913, of the crime of rape. He served 10 years in prison and has been on parole the last 19 years. Recommendations received from State Parole Officer, Board of Prison Directors and Advisory Pardon Board. Commutation of sentence to time served granted December 21, 1942.



TONY TOLEDO, Folsom No. 16463, pleaded guilty to forgery and two prior convictions, Tulare County, September 20, 1933. Commutation of sentence to remove the habitual criminal status recommended by the State Board of Prison Terms and Paroles, the Advisory Pardon Board and the State Supreme Court. Granted April 14, 1942.

JOSEPH TROCHE, San Quentin No. 44667, was convicted by a jury in El Dorado County during January, 1928, of murder in the first degree. He was received at San Quentin under a death sentence, which was commuted May 29, 1936, to life imprisonment. Commutation to 25 years recommended by the Board of Prison Directors, and the Advisory Pardon Board. Granted December 31, 1942.

RAYMOND C. WEST, San Quentin No. 50448, convicted of murder, first degree, Sacramento County, April 24, 1931. His death sentence was commuted by Governor James Rolph, Jr., upon the condition he remain in prison for the rest of his natural life. State Parole Officer Allen Moore and the Advisory Pardon Board recommended that the clause "without possibility of parole" be amended to a commutation of sentence with possibility of parole, thus permitting applicant to make application to the Board of Prison Terms and Paroles for consideration of his release under parole supervision at the discretion of that board. Granted April 15, 1942.

DAI QUON WONG, San Quentin 56709, convicted in Kings County, October 8, 1934, of murder in the first degree, and since then confined in prison. The Advisory Pardon Board, after considering the facts of the case, including the fact that applicant was convicted purely on circumstantial evidence, and citing his exemplary behavior during his entire term of imprisonment, recommended that his sentence be commuted. Commutation of sentence to 12 years granted April 14, 1942.

CHARLES M. WYATT, San Quentin No. 58365, convicted in Los Angeles County November 18, 1935, of the crime of kidnapping for purpose of ransom and robbery first degree and grand theft. In November 1939, the State Board of Prison Terms and Paroles recommended that this applicant's term be commuted from life to 16 years, and the trial judge, Hon. Henry M. Willis of the Los Angeles County Superior Court, made a similar recommendation. Sentence commuted to 16 years April 4, 1941.

EDWARD JACKSON YOUNG, San Quentin No. 65575, pleaded guilty to the crime of grand theft in Shasta County, October 11, 1940. Honorable Albert F. Ross, of the Superior Court of Shasta County, the trial judge, recommended any possible leniency for this applicant, whom he believed to be entirely rehabilitated, and stated that probation would have been granted had the law given the court power to consider it. District Attorney Lawrence Carr of Shasta County expressed views favorable to the granting of a commutation, and the Advisory Pardon Board recommended that the sentence be commuted to time served. Commutation of sentence to time served granted March 7, 1941.

WILLIAM A. YOUNG, San Quentin No. 65410, convicted of murder in Los Angeles County, August 19, 1940. Recommended by Judge Parker M. Hall of the Los Angeles County Superior Court and by the State Supreme Court. The record indicates that the crime was committed in the heat of passion and with a motive of premeditation. Sentence commuted to life imprisonment October 13, 1941.

## Pardons

WILLIAM J. ANDERSON, San Quentin No. 38167, was convicted of the crime of robbery by a jury in Los Angeles County during July, 1923. He served 18 months in prison and two years eight months on parole. Pardon recommended by former Prosecuting Attorney Wm. C. Doran, Judge Paul J. McCormick, and the Advisory Pardon Board. Granted December 31, 1942.

CHARLES ANDREWS, San Quentin No. 38107, was convicted by a jury in Los Angeles County during July, 1923, of the crime of criminal syndicalism. He served one and one-half years in prison and 11 months on parole, his term expiring December 12, 1925. Recommended by State Parole Officer John E. Chadwick and Advisory Pardon Board, in view of his good conduct since release from prison. Pardon granted December 18, 1942.

HELEN ARDELLIE Tehachapi Nos. 460 A. and 460 A., and PERCY G. FLUMMERFELT, San Quentin Nos. 63562 and 63562 A. were convicted of the crime of grand theft in Los Angeles County in 1939, and of grand theft and violation of Corporate Securities Act in Alameda County during 1940. They served prison terms in Tehachapi and San Quentin respectively; applicant Ardelle served four and one-half months as a parolee and applicant Flummerfelt's parole term will expire November 7, 1943. Recommended by Board of Trustees of the California Institution for Women at Tehachapi; State Board of Prison Terms and Paroles; State Parole Officer Allen Moore; the Advisory Pardon Board and the State Supreme Court. Pardon granted January 3, 1943.

JUE ART, Folsom No. 13168, pleaded guilty to the crime of murder in the first degree in Santa Clara County on February 14, 1922. He served in San Quentin and Folsom for 104 years and was released on parole August 23, 1932. Recommended by the Advisory Pardon Board in view of the fact that he is regularly

employed and has responded to parole supervision. Pardon granted December 28, 1942.

L. P. ASHLEY, San Quentin No. 65852, pleaded guilty to the crime of escape in Tulare County on December 9, 1940. He served 14 months in prison and since his release February 6, 1942, has been on parole. Favorable recommendations made by District Attorney Walter C. Haight and the Advisory Pardon Board. Pardon granted December 28, 1942.

DON WILBER AVERY, San Quentin No. 60735, pleaded guilty to the crime of escape in Santa Barbara County in August, 1937. He completed his full sentence in a road camp and in prison and was discharged February 22, 1940. Recommended by: Sheriff James Ross of Santa Barbara County; Superior Court Judge Atwell Westwick, Santa Barbara County; and the Advisory Pardon Board. Pardon granted December 21, 1942.

WILLIAM BAKER, San Quentin No. 35713, was convicted by a jury in Los Angeles County during December, 1921, of the crime of criminal syndicalism. He served three years three months in prison and nine months on parole, his term expiring December 11, 1925. Recommended by the Advisory Pardon Board. Pardon granted December 21, 1942.

ADOLPHUS BALDWIN, San Quentin No. 61567, convicted of grand theft in Los Angeles County, January 17, 1938. Released on parole March 11, 1940. Recommended by former District Attorney Buron Fitts, present District Attorney John F. Dockweiler, Judge Thomas L. Ambrose of the Superior Court, and Under-Sheriff A. C. Jewell, all of Los Angeles County; and by the Advisory Pardon Board. Pardon granted January 3, 1942.

CLARENCE EDWARD BALLAMY, Folsom No. 17840, pleaded guilty to grand theft, San Bernardino County, May 2, 1932. Discharged January 4, 1934. Pardon recommended by former District Attorney Stanley Russell, Superior Court Judge Charles L. Allison, and Sheriff Emmett L. Shay, all of San Bernardino County, and by the Advisory Pardon Board. Granted December 23, 1941.

PETER BEAZLEY, Sacramento City Police Department No. 9691F, was convicted of the crime of criminal syndicalism in Sacramento County on January 18, 1923. Recommended by the Advisory Pardon Board. Former District Attorney Hugh B. Bradford (now City Attorney of Sacramento), wrote that from the facts presented it would appear to him to be a meritorious case. Pardon granted December 21, 1942.

WILLIAM BELL, San Quentin No. 54151, convicted of manslaughter, Los Angeles County, May 4, 1933. His term expired on December 13, 1936. Pardon recommended by State Parole Officer John E. Chadwick, by Justice William C. Doran of the District Court of Appeal, who was the trial judge in this case, and by the Advisory Pardon Board. Granted March 18, 1941.

RICHARD BENDIG, San Quentin No. 35714, was convicted by a jury in Los Angeles County on December 9, 1921, of the crime of criminal syndicalism. He served 18 months in prison and the same period on parole, his term expiring December 11, 1924. Recommended by the Advisory Pardon Board. Pardon granted December 21, 1942.

PETE BERTOLLI (also known as Bartoli), San Quentin No. 33127, was convicted in Sacramento County on October 29, 1919, of the crime of rape. He served three years six months in prison and two years on parole, his term expiring April 24, 1925. Recommendations made by District Attorney Otis D. Babcock; Sheriff Donald Cox of Sacramento County and applicant's employer, R. Rosenberg & Sons of Sacramento. Pardon granted December 28, 1942.

R. V. BERRY, San Quentin No. 50354, convicted by a jury in Monterey County, June 5, 1931, of the crime of robbery, second degree. Term expired, December 6, 1937. Recommended by State Parole Officer John E. Chadwick and by the Advisory Pardon Board. Granted August 6, 1941.

JAMES G. BOLTHERRE, San Quentin No. 38866, pleaded guilty to burglary first degree in Ventura County on December 23, 1923. He served five years and five months in prison and four years on parole. Recommended by Hon. Merle J. Rogers, who was the trial judge; State Parole Officer John E. Chadwick; and the Advisory Pardon Board. Granted December 31, 1942.

LEROY BREMMER, Folsom No. 17497, convicted by a jury in Los Angeles County, November 16, 1931, of grand theft. Sentence commuted to time served January 17, 1934. Mayor Fletcher Bowron of Los Angeles, who was trial judge in this case, recommended a pardon be granted, and Grant B. Cooper, chief Deputy District Attorney of Los Angeles County, who prosecuted applicant, joined in the recommendation. The Advisory Pardon Board recommended that applicant be pardoned, and the State Supreme Court recommended favorable action on his application. Granted November 10, 1941.

MARSHALL F. BROCKWAY, San Quentin No. 53174, pleaded guilty to the crime of burglary in the second degree in Los Angeles on November 7, 1932. He served 14 months in prison, until his term expired on February 7, 1934. Recommended by Mayor Fletcher Bowron of Los Angeles (then Trial Judge); Chief

Deputy District Attorney Grant B. Cooper of Los Angeles; and the Advisory Pardon Board. Pardon granted December 31, 1942.

GEORGE EDWARD BROWN, San Quentin No. 34165, convicted by a jury in San Diego County, October 28, 1920, of murder in the second degree. Released on parole December 4, 1935. The State Parole Officer wrote April 9, 1941, stating applicant had been steadily employed and his conduct good since his release. Pardon granted December 24, 1941.

HORACE W. BROWN, San Quentin No. 47035, pleaded guilty to the crime of burglary, second degree, in Stanislaus County, May 13, 1920. Term expired November 30, 1933. Recommended by former District Attorney R. R. Fowler and by Sheriff G. M. Hogan of Stanislaus County, State Parole Officer Charles C. Cox, and the Advisory Pardon Board. Granted July 11, 1941.

GOODMAN BRUDNEY, San Joaquin No. 19017

EUGENE CAPLIN, San Joaquin No. 18728

ETHEL L. COCHRAN, San Joaquin No. 19024

BOYD W. COON, San Joaquin No. 18692

STEVE L. DADUK, San Joaquin No. 18690

RAMEN DUREM, San Joaquin No. 19018

H. HOWARD EDMONDS, San Joaquin No. 18691

ESTELLE REAVA FELLS, San Joaquin No. 19023

ALAN NORTHCOTE FITE, San Joaquin No. 19019

HARRIET HOFFMAN, San Joaquin No. 19025

EARL JOHN KINNA, San Joaquin No. 19021

HERBERT NABOISEK, San Joaquin No. 19020

PHILIP GEORGE NASH, San Joaquin No. 18735

IDA POLLACK, San Joaquin No. 19027

MERLE REESE, San Joaquin No. 19026

FRANCES MARION SCHULTZ, San Joaquin No. 19028

JESSIE SMITH

CLARENCE MARTIN VICKLAND, San Joaquin No. 19020.

These applicants convicted during June, July and August, 1940, in San Joaquin County of violation of Section 87 of the Penal Code. After release on appeal they were remanded, upon conviction, to the custody of the Sheriff and each served approximately two months in the San Joaquin County Jail with the exception of Jessie Smith, who was not confined but released on the Sheriff's order. On July 3, 1941, they were granted commutations of sentence to time served and from that date until the present their records have been entirely clear. Recommended by the Advisory Pardon Board. Pardon granted December 28, 1942.

HIRAM BURBANK, San Quentin No. 32652, who pleaded guilty to the crime of rape in Los Angeles County on May 11, 1919. He served six and one half years in prison and 16½ years on parole. Recommended by the Advisory Pardon Board. Granted December 14, 1942.

CARL F. BURNS, Folsom No. 20359, convicted by a jury in Orange County, July 15, 1932, of the crime of grand theft. Term expired July 15, 1937. Pardon recommended by Leo J. Fris, who as Deputy District Attorney prosecuted the case; former District Attorney Sam L. Collins of Orange County, Superior Court Judge G. K. Scovel of Orange County, and the Advisory Pardon Board. Granted April 14, 1942.

JOHN BURROWS, San Quentin No. 58030; ROBERT FITZGERALD, San Quentin No. 59031; VICTOR H. JOHNSON, San Quentin No. 58032; JOHN SOUZA, San Quentin No. 58035; REUEL STANFIELD, San Quentin No. 58034, convicted in Stanislaus County during September, 1935, of the crime of reckless possession of explosives. Each served approximately three and one-half years in prison and on parole. Pardon recommended by the State Parole Officer and the Advisory Pardon Board. Granted December 28, 1942.

DELBERT BYRNE, San Quentin No. 47612, pleaded guilty to the crime of forgery of endorsement in Fresno County during October, 1929. He served two years five months in prison and a road camp and two years on parole, his term expiring March 1, 1934. Recommended by Honorable C. E. Beaumont, Judge of United States District Court; State Parole Officer Allen Moore; and the Advisory Pardon Board. Pardon granted December 28, 1942.

JOE CARDINALE, Contra Costa County No. 7512, convicted by a jury of the crime of rape, March 8, 1929, and sentenced to one year in the county jail upon recommendation of the jury. Judge A. L. Pierovich of Amador County wrote stating he had studied the transcript of the case and felt that it indicated the jury had decided the offense was not so serious as the charge would indicate. He also stated that applicant has a fine family, is a self-sustaining and self-reliant man, and desires



to attain citizenship. The District Attorney at time of trial recommended a pardon, as did the Advisory Pardon Board. Granted August 6, 1941.

STEPHEN N. CARLILE, San Quentin No. 38344, pleaded guilty to embezzlement in Los Angeles County, September, 1923. Term expired March 15, 1926. The Advisory Pardon Board recommended that applicant be pardoned, since his conduct and behavior in the 15 years since his discharge had been entirely satisfactory, and he was now seeking restoration of his civil rights as a resident of Oklahoma. Granted October 15, 1941.

PETER CHRISTOPULOS, San Quentin No. 41169, pleaded guilty to the crime of criminal conspiracy to commit perjury in Contra Costa County, August 14, 1925. Term expired December 15, 1927. Recommended by Sheriff John A. Miller and by District Attorney A. B. Tinning of Contra Costa County, by State Parole Officer John Chadwick, and by the Advisory Pardon Board. Granted July 17, 1941.

HERBERT CLARK, San Quentin No. 49636, pleaded guilty to the crime of forgery in Los Angeles County January 10, 1931. Term expired September 7, 1934. Recommended by State Parole Officer John E. Chadwick and by the Advisory Pardon Board. Granted October 13, 1941.

FRED CHARLES CLEMORE, San Quentin No. 58346, pleaded guilty to the crime of burglary, second degree, Ventura County, November 21, 1935. Term expired November 29, 1938. Recommended by the following Ventura County officials: Judge Louis C. Drapeau, of the superior court; Sheriff L. Howard Durley, District Attorney Arthur Waite, and Edward Henderson, formerly judge of the superior court; also by the Advisory Pardon Board. Granted July 17, 1941.

JOHNNIE COCON, San Quentin No. 45285, convicted by a jury in Los Angeles County on April 17, 1928, of burglary, second degree. Term expired January 24, 1933. Recommended by Superior Court Judge Thurmond Clark, who was the prosecuting attorney, by former Superior Court Judge Edward Henderson, and by the Advisory Pardon Board. Granted October 13, 1941.

THOMAS CONNORS, San Quentin No. 40950, was convicted by a jury in Sacramento County during June, 1925, of the crime of attempt to influence a juror. He served one year and nine months in prison and was fully discharged on March 8, 1927. Recommended by the trial judge, Charles O. Busick, and the Advisory Pardon Board. Pardon granted December 18, 1942.

CLIFFORD CONWAY, San Quentin No. 30490, was convicted by a jury in San Francisco County during March, 1917, of the crime of murder in the first degree. He was given a life sentence, served 22 years in prison and is presently on parole. In view of good conduct in prison and on parole, recommended by State Parole Officer Allen Moore; the Advisory Pardon Board. Pardon granted December 29, 1942.

EDWARD CONWAY, San Quentin No. 29936, who was convicted by a jury in San Mateo County during September, 1916, of the crime of manslaughter. He served two years, seven and one-half months in prison and one year on parole. Pardon recommended by District Attorney Ferrell of San Mateo County, Parole Officer Chadwick, and the Advisory Pardon Board. Granted December 31, 1942.

CARL C. COON, Los Angeles County Probationer No. 42115, convicted in March, 1939, of grand theft. Originally sentenced to San Quentin Prison, upon a rehearing his sentence was suspended and five years probation granted, to expire April 23, 1945. Pardon recommended by Hon. Orlando H. Rhodes, judge of the superior court; Hon. William J. Mohr, Chief of the Santa Monica Fire Department, of which applicant is an employee; Judge Thomas L. Ambrose of the Superior Court of Los Angeles County; and the Advisory Pardon Board. Granted April 14, 1942.

JOSEPH V. COSCA, San Quentin No. 35002, pleaded guilty to crime of burglary, second degree, San Diego County, June 2, 1921. He served one year, 11 months in prison and one year on parole. Recommended by the sheriff, district attorney, and trial judge, San Diego County, State Parole Officer, Advisory Pardon Board, and State Supreme Court. Granted December 31, 1942.

HENRY COWELL, San Quentin No. 59182, pleaded guilty to the crime of violation of Section 288a of the Penal Code in San Mateo County on July 6, 1936. He served three years 114 months in prison and has been on parole since June 26, 1940. Recommended by: Sheriff James J. McGrath; Judge Maxwell McNutt; Charles Seeger, Chief of the Pan American Union, Music Division, Washington, D. C. In addition, character references received from Leopold Stokowski, Edwin Franko Goldman, Percy Grainger, and others. Pardon granted December 29, 1942.

JOHN H. CROWNOVER, San Quentin No. 44526, pleaded guilty to crime of grand theft, Los Angeles County, December 10, 1927. The presiding judge, Hon. Carlos S. Hardy recommended that a pardon be granted; Los Angeles County District Attorney John F. Dockweiler stated his office has no objection to the granting of an act of clemency; and the Advisory Pardon Board recommended that applicant be pardoned. Granted April 14, 1942.

FRANK DA GLAU, San Quentin No. 55646, was convicted in Yolo County on February 26, 1934, of assault with intent to commit rape. He served 154 months in prison and two years on parole. Recommended by Sheriff Monroe of Yolo



County; District Attorney C. C. McDonald of Yolo County; and the Advisory Pardon Board. Granted December 31, 1942.

JESUSITA REA D'AGOSTINI, San Quentin No. 36368, convicted by a jury in Alameda County during 1922 of manslaughter. Her term expired November 4, 1928. Pardon recommended by former District Attorney Frank W. Deering and the Advisory Pardon Board, citing applicant's good conduct throughout the 12 years since discharge. Granted April 14, 1942.

THOMAS W. DANIELS, San Quentin No. 62094, was convicted by a jury in Los Angeles County during July, 1937, of violation of the Corporate Securities Act, and grand theft. He served two years, 10 months in San Quentin Prison and has been under parole supervision since May 1, 1941. Pardon recommended by district attorney, Los Angeles County; Superior Court Judge Dudley S. Valentine, and the Advisory Pardon Board. Granted December 31, 1942.

CLARENCE J. DAVIS, San Quentin No. 34019, pleaded guilty to the crime of Jew and lascivious act in San Joaquin County on September 8, 1920. He served 14 months in prison and two years and five months on parole, his term expiring April 9, 1924. Recommended by the Advisory Pardon Board. Chief of Police of the City of Stockton and the present District Attorney R. M. Dunne, stated that they would have no objection to the granting of a pardon. Pardon granted December 18, 1942.

J. T. DENTON, San Quentin No. 58184, convicted by a jury in San Joaquin County, October 14, 1935, of the crime of manslaughter. Served three years and two months in prison and four years on parole. Pardon recommended by Sheriff Martin Ansbro and District Attorney Raymond M. Dunne of San Joaquin County; Sheriff George R. Houx of Colusa County, to whom applicant has been known since 1900 as honest, industrious and as having borne an excellent reputation in his community; and by the Advisory Pardon Board. Granted April 14, 1942.

ANNA DE RITIS, Tehachapio No. 57265, convicted in Los Angeles County, January 28, 1935, of the crime of manslaughter. Term expired May 7, 1940. Mrs. Emily D. Latham, State Parole Officer for the California Institution for Women at Tehachapi, Hon. Isaac Paehl, who was the trial judge, and the Advisory Pardon Board recommended that the applicant receive a pardon, such proceeding to her continuous and exemplary life as housewife and mother since release on parole. Pardon granted April 19, 1941.

JEUNE DICK, Los Angeles County Probationer No. 47904, convicted December 20, 1939, of the crime of simple assault. Served 10 days in the county jail and was granted two years on probation. Santa Monica Chief of Police C. E. Webb stated that as one year of probation had been served and his department had had no further trouble concerning this applicant, she was probably entitled to consideration. The Advisory Pardon Board concurred in that recommendation, and a pardon was granted April 21, 1941.

EDWARD M. DIGARDI, convicted in Martinez, Contra Costa County on January 8, 1940, of shooting robins in violation of Section 1179 of the Fish and Game Code. He was fined \$25, of which \$10 was paid and \$15 suspended. Applicant has filed his request for appointment to the Naval Reserve forces of the United States, and while he would be accepted despite this conviction, its existence on his record requires clearance from Washington and a resulting long delay. The records of the Criminal Identification and Investigation Division disclose no other offense by this applicant. His employer, Herbert W. Erskine, San Francisco attorney, stated he is an industrious and earnest worker, is reliable and would make a fine soldier and officer. Granted April 14, 1942.

CHARLES DILLON, San Quentin No. 39450, convicted by a jury in Fresno County May 17, 1924, of the crime of embezzlement. He served 18 months in prison and 18 months on parole. Recommended by: Chief of Police R. T. Wallace; Former Chief of Police Frank Traux; Trial Judge J. E. Woolley; Advisory Pardon Board. Other public officials and leading citizens have also written on behalf of this applicant. Pardon granted December 28, 1942.

LEO HORTON DONNELLY, San Quentin No. 62797, pleaded guilty to violation of Section 504 of the Penal Code (embezzlement by public officer), in San Joaquin County, December 14, 1936. He served one year 11 months in prison and one year one and one half months on parole. The following made recommendations: Chief of Police H. A. Vogelsang of Stockton; Sheriff Martin Ansbro of San Joaquin County; Trial Judge D. M. Young; State Parole Officer Allen Morse, and the Advisory Pardon Board. Also City Manager W. R. Hogan and J. P. Campbell, City Auditor of Stockton, as well as a number of leading citizens of Stockton, wrote, expressing their confidence in this applicant. Pardon granted December 18, 1942.

WARREN C. EARLE, San Quentin No. 48521, was convicted of the crime of grand theft, four counts to run concurrently, in Los Angeles County during April, 1930. He served one year and seven months in prison and two years on parole. Recommendations made by State Parole Officer John E. Chadwick, and Advisory Pardon Board. District Attorney John F. Dockweiler stated his office would offer no objection to any course of action taken by the Advisory Pardon Board. Pardon granted December 21, 1942.

WALTER H. ELIASSEN, San Quentin No. 54835, pleaded guilty to the crime of forgery and grand theft in Alameda County on September 25, and October 10, 1933. His term expired on July 16, 1938. The trial judge, Hon. Frank M. Ogden, recommended that the applicant be pardoned, and eight other Alameda County Superior Court judges submitted similar recommendations, based on Mr. Eliassen's excellent record of conduct and industry since his release on parole. The Advisory Pardon Board concurred in those recommendations. Pardon granted April 12, 1941.

EDWARD HESS ELIISON, San Quentin No. 39404, pleaded guilty to the crime of burglary in the second degree in Los Angeles County during March 1924. Probation was denied. He served three years and three months in prison and about one year on parole, his term expiring August 10, 1928. Favorable recommendation made by the Advisory Pardon Board, District Attorney John F. Dockweiler and Chief of Police C. B. Horrall of Los Angeles. Judge before whom he pleaded guilty recommended pardon be granted if his record since release was clear. Pardon granted December 21, 1942.

THOMAS ENRIGHT, San Quentin No. 55361, convicted of the crime of rape in Yolo County, January 22, 1934; term expired May 9, 1937. The District Attorney, Hon. C. C. McDonald, recommended a pardon since evidence showed the applicant had not actually assaulted the prosecutrix, but had eventually assisted her in getting away from others guilty of the assault, and further stating that Enright's conduct before and since the offense had been excellent. Sheriff F. D. Monroe of Yolo County wrote a similar recommendation, and the applicant's employer asked that the pardon application receive favorable consideration. The Advisory Pardon Board concurred in the foregoing favorable recommendations. Pardon granted February 11, 1941.

I. HARRY EPSTEIN, San Quentin No. 51309, convicted in Los Angeles County of the crime of grand theft, December 17, 1931. Term expired January 16, 1938. Recommended by Sheriff Biscailuz of Los Angeles County and by District Attorney John F. Dockweiler in that his office stated it would oppose no action the Advisory Pardon Board might see fit to take. The Advisory Pardon Board considered the case and recommended that applicant be extended pardon relief. Granted April 14, 1942.

OSCAR ADOLPH ERICKSON, San Quentin No. 68686, was convicted of the crime of criminal syndicalism in Imperial County in June, 1930. He served two years one and one-half months in prison and one year one and one-half months on parole, his term expiring January 18, 1934. Recommended by Charles C. Coxe, then State Parole Officer. Pardon granted December 18, 1942.

JAY S. FENTON, Folsom No. 13457 (IT), convicted in Los Angeles County, June 4, 1923, of violation of Section 476 of the Penal Code. Term expired June 6, 1929. The office of the District Attorney of Los Angeles County, finding no record of law violation by this applicant since his conviction in 1923, stated there appeared to be no reason for denying a pardon. The Advisory Pardon Board recommended a pardon in view of the applicant's exemplary conduct since discharge. Granted April 12, 1941.

AMADIO FINALI, San Quentin No. 29460, was convicted by a jury in Shasta County on March 14, 1916, of the crime of manslaughter. He served two years 10 months in prison and a road camp and one year four months on parole. The official records indicate his conduct has been entirely satisfactory. Recommended by C. W. Leiminger, Deputy District Attorney at the time of this conviction; State Parole Officer Allen Moore and the Advisory Pardon Board. Pardon granted December 28, 1942.

JOHN FITZGERALD, San Quentin No. 57873, pleaded guilty to the crime of bigamy in Los Angeles County, June 26, 1935. Term expired July 20, 1938. Pardon recommended by State Parole Officer John E. Chadwick, who cited applicant's 23 years honorable service in the United States Army, and his good record except for the instant offense, and the Advisory Pardon Board made a similar recommendation. Pardon granted March 18, 1941.

AUGUSTINE FOPIANO, San Quentin No. 45345, was convicted by a jury in Alameda County on May 3, 1928, for the crime of robbery in the first degree. He served four years four and one-half months in prison and two years one month on parole, his term expiring November 5, 1934. Recommendations made by the Advisory Pardon Board and the applicant's employer. Applicant stated he desired a pardon in order that he might better serve his country in some branch of the service. Pardon granted December 18, 1942.

CHARLES FRANKS, San Quentin No. 47229, pleaded guilty to violation of Section 288, Penal Code, in Contra Costa County during June, 1929. Subsequent to a thorough investigation by the Division of Criminal Identification and Investigation, the Advisory Pardon Board considered this application and recommended that it be granted. Pardon dated April 14, 1942.

CLARENCE L. FREDERICK, San Quentin No. 53698, pleaded guilty to the crime of grand theft in Monterey County during February, 1933. Probation was denied and he served two years one month in prison and the same period on parole, his term expiring April 22, 1937. Recommended by Honorable H. G. Jorgensen, Judge of the Superior Court; Sheriff Alex H. Bordges; Undersheriff George D.

McMillan; Honorable Anthony Brazil, present District Attorney (all of Monterey County); Mayor Edmund J. Leach of Salinas; Former District Attorney Harry L. Noland; State Parole Officer Allen Moore; and the Advisory Pardon Board. Also recommended by applicant's present employers and a number of prominent business and professional men in the community. Pardon granted December 31, 1942.

LOUIS W. FRIEDMAN, San Quentin No. 74934, pleaded guilty in Santa Clara County during April, 1933, of issuing checks without sufficient funds. Term expired November 20, 1936. Recommended by Sheriff William J. Essig of Santa Clara County; State Parole Officer John E. Chadwick; and the Advisory Pardon Board. Pardon granted April 14, 1942.

WILLIAM GEORGE GALLACHER, San Quentin No. 41492, convicted in Sacramento County, August 21, 1925, of violation of Section 25 of the Motor Vehicle Act. Term expired December 22, 1927. Pardon recommended by former District Attorney J. J. Henderson; the trial judge, Hon. Charles O. Busick; State Parole Officer John E. Chadwick; District Attorney Otis D. Babcock; and the Advisory Pardon Board. Granted January 5, 1942.

ABRAHAM GARCIA, Folsom No. 9177, pleaded guilty to the crime of robbery in Los Angeles during June, 1914. He served one year four months in prison and was then fully discharged. During 1923, he was arrested in Los Angeles on a charge of receiving stolen property and was paroled by the county authorities approximately three months later. With that exception he has maintained an entirely satisfactory record for 28 years. Recommended by the Advisory Pardon Board and numerous prominent business men in his community, who testified to his industry, integrity and honesty over a period of more than 28 years. Pardon granted December 31, 1942.

GEORGE CARTLER, San Quentin No. 65103, and ROBERT COWAN, San Quentin No. 65103, convicted by a jury in Los Angeles County during May, 1940, of second degree murder, and conspiracy. Each was granted a commutation of sentence in July, 1941, upon favorable recommendations by the Los Angeles district attorney, State Board of Prison Directors and the Advisory Pardon Board. Many letters from prominent citizens in all walks of life in Southern California have been received certifying to applicants' complete rehabilitation. Granted December 31, 1941.

LOIS PRESTON GILBERT, Tehachapi No. 423, was found guilty by the court in Los Angeles County of the crime of conspiracy to commit grand theft. She served approximately three years in prison and was released on parole September 30, 1941. Mrs. Emily Latham, State Parole Officer for the California Institution for Women and the Advisory Pardon Board recommended favorably in this case. Pardon granted December 28, 1942.

CLAUDE M. GILL, San Joaquin County probationer, pleaded guilty to three counts of grand theft in San Joaquin County on March 24, 1938. He was subsequently granted probation upon condition that restitution be made. Sheriff Martin Ambros wrote stating Gill had turned all of his earnings in to the court and was continuing to make every effort to repay his obligation in full, and Sheriff Ambros felt he was entitled to a pardon and that such action would enable him to increase his earnings and hasten restitution. The county probation officer and the Advisory Pardon Board expressed the same views and the board recommended that applicant be pardoned conditionally upon his paying back the balance of the sum involved. Pardon granted April 15, 1941, upon condition the applicant repay, through the probation officer, the specific sums due to each of three specific persons, the pardon to become final when the sums shall have been paid in full.

JOHN CARROLL GILLUM, San Quentin No. 51567, was convicted by a jury in Santa Clara County on February 10, 1932, of the crime of assault to murder. Probation was denied and he served three years one and one-half months in prison and two and one-half years on parole, his term expiring October 2, 1937. Recommended by: Sheriff George W. Lahr; C. C. Cottrell, Esq., attorney at San Jose (the district attorney at the time this case was up); District Attorney Fred L. Thomas; Superior Court Judge R. R. Syer; State Parole Officer Allen Moore; the American Can Company (applicant's employer); and the Advisory Pardon Board. Pardon granted December 28, 1942.

WONG GIM, San Quentin No. 35550, convicted by a jury in Fresno County on October 31, 1921, of murder in the first degree. He served 13 years in prison and has been under parole supervision since November 5, 1934. Pardon recommended by Sheriff Overholt of Fresno County, former District Attorney Gearhart of Fresno County and the Advisory Pardon Board. Granted December 31, 1942.

WONG GIT, San Quentin No. 23103, pleaded guilty to crime of murder in the first degree, Alameda County, September 29, 1908. Released on parole November 7, 1923. Pardon recommended by the State Board of Prison Directors, State Parole Officer John E. Chadwick, and the Advisory Pardon Board. Granted April 18, 1942.

MANUEL TATO GOMEZ, San Quentin No. 64893, pleaded guilty to the crime of violation of Section 7052 of the Health and Safety Code in Los Angeles County on March 22, 1940. Probation was denied and he served two years in prison and was released on April 8, 1942. He has been serving as a parolee since he was



released by Federal authorities on bond April 21, 1942, in view of warrant for his deportation. Recommended by District Attorney John F. Dockweiler and the Advisory Pardon Board. Pardon granted December 31, 1942.

ANGEL RUIZ GONZALEZ, Los Angeles County No. 35445, pleaded guilty to receiving stolen property, September 14, 1923. Term expired March 14, 1924. United States Commissioner David B. Head recommended that applicant be pardoned, his ultimate object being to secure United States citizenship. Pardon also recommended by Sheriff Eugene Biscailuz of Los Angeles County. Chief Joseph E. Dunn of the Bureau of Investigation of the District Attorney's Office of Los Angeles reported that his investigation developed no information that would suggest other than favorable action. Pardon recommended by the Advisory Pardon Board. Granted November 10, 1941.

CLINTON H. GOODWIN, San Quentin No. 34301, pleaded guilty to the crime of robbery in Los Angeles County on December 16, 1920. He served two years nine months in prison and three years three months on parole, his term expiring December 24, 1926. The following made recommendations: State Parole Officer Allen Moore, Detective Lieutenant Charles E. Ewing of the Pasadena Police Department, Reverend Ira E. King, Chaplain of Los Angeles City and County Jails, Reverend R. H. Epperson, President of the United Christian Jail Workers Assn., G. N. Millikan, manager of Crane Co. of Pasadena. Further recommendations made by members of the clergy and professions in Pasadena. District attorney at the time of trial is deceased; the present district attorney made no recommendation but rested matter with Advisory Pardon Board. Advisory Pardon Board recommended favorably. Pardon granted December 21, 1942.

CHARLES E. GREENFIELD, San Quentin No. 26101, pleaded guilty to the crime of murder first degree in Los Angeles County on August 12, 1912. He was in prison and a road camp from November 2, 1912, to December 14, 1924, when he was released on parole. Recommended by: Celine E. Ewers (to whom he was paroled); Prosecuting Attorney J. D. Fredericks; State Parole Officer John E. Chadwick; Advisory Pardon Board. Pardon granted December 28, 1942.

CHARLES FREDERICK GROSSKLAUS, San Quentin No. 26617, convicted by a jury in San Diego County, June 13, 1913, of seduction under promise of marriage. Term expired January 18, 1917. Recommended by the Advisory Pardon Board in view of applicant's clear record during the 24 years since his discharge. Granted October 13, 1941.

GILBERTO GUTIERREZ, San Quentin No. 67067, pleaded guilty to violation of Section 288 of the Penal Code in San Francisco, August 21, 1941. On condition that this applicant be deported to Nicaragua, his native country, where employment awaits him, a pardon was recommended by Honorable Juan Jose Martinez-Lacayo, Consul General of Nicaragua, the trial judge, the district attorney of the County of San Francisco, and the Advisory Pardon Board. Pardon granted upon condition applicant be deported to Nicaragua without cost to the State of California or the Government of the United States. Dated March 12, 1942.

WILLARD HALE, alias Willard Hanselman, San Quentin No. 42294, convicted by a jury in San Francisco, June 6, 1926, of robbery, first degree. Term expired December 9, 1932. Recommended by Gene Kenyon, District Manager of the Works Projects Administration for Northern California, applicant being employed by that agency in a supervisory position of trust and responsibility; and by the Advisory Pardon Board. Granted October 15, 1941.

LEROY HALEY, San Quentin No. 66005, was convicted by a jury in Sacramento County on January 10, 1941, of the crimes of kidnaping for purpose of robbery with bodily harm, mayhem, robbery first degree, and kidnaping. He was received at prison under three life terms without possibility of parole and is presently confined in prison. A thorough investigation of the case was made by Mr. Owen Kessel, investigator for the State Division of Criminal Identification and Investigation, and the Advisory Pardon Board, after this investigation, recommended favorably. Pardon granted December 18, 1942.

WHITNEY ANNIS HANSLEY, Folsom No. 21040, Convicted in Los Angeles on May 20, 1936, of the crime of robbery first degree and one prior conviction. He served in prison from that date until April 7, 1941, when he was released on parole. Applicant served from September, 1941, until this year as pilot with China National Aviation Corp., evacuating officials and military personnel, as well as civilians, from battle zones in China and Burma. Recommended by District Attorney John F. Dockweiler; Advisory Pardon Board, and the State Supreme Court. Pardon granted December 31, 1942.

JOHN WILLIAM HARRIS, JR., San Quentin No. 60394, pleaded guilty in Tehama County, May 24, 1937, to crime of grand theft. Discharged May 25, 1939. Sheriff J. N. Froome, District Attorney Clair Engle, and Judge H. S. Gans of the Superior Court, each of Tehama County, recommended applicant receive a pardon, and his application was also recommended favorably by State Parole Officer Allen Moore and by the Advisory Pardon Board. Granted June 18, 1942.

WILLIAM T. HEATHCOTE, San Quentin No. 37877, pleaded guilty to crime of burglary in the second degree, Los Angeles County, during April, 1923. Term



expired September 18, 1925. In view of applicant's entirely satisfactory record since that time, the Advisory Pardon Board recommended his citizenship be restored by the granting of a pardon. Granted April 14, 1942.

GEORGE ELLIOTT HATT, San Quentin No. 36917, pleaded guilty to the crime of burglary, second degree, in Tulare County, on February 18, 1922. Term expired June 19, 1924. Favorable recommendations were made by State Parole Officer John E. Chadwick, Sheriff Sherman and District Attorney Haight of Tulare County, Chief of Police Greening of the City of Berkeley, and the Advisory Pardon Board, from whose communications it appears that Mr. Hatt during the 17 years since his discharge from parole has completely rehabilitated himself by his own efforts in obtaining a higher education and constructive employment. Pardon granted May 6, 1941.

NEIL W. HIBBARD, San Quentin No. 54603, pleaded guilty to crime of grand theft in Los Angeles County on August 18, 1933. Two other counts of grand theft dismissed. Probation denied. He served two years and one month in prison and two years and one month on parole, his term expiring October 26, 1937. Recommended by Chief of Police C. B. Horrall of Los Angeles, Advisory Pardon Board, several business and professional men in Los Angeles. District Attorney made no recommendation but stated he had no objection to any action the Advisory Pardon Board might take. State Parole Officer stated he would concur in Advisory Pardon Board recommendation if Hibbard's record was clear. Pardon granted December 21, 1942.

RAYMOND HILL, San Francisco Police Department No. 47085, was convicted by a jury of the crime of robbery, second degree, in the county of San Francisco on April 11, 1932. He was sentenced by the Superior Court to San Quentin Prison, but judgment sustained and he served one year in the County Jail at San Francisco; discharged February 22, 1933. Recommended by Trial Judge Honorable Louis H. Ward and Advisory Pardon Board. Pardon granted December 21, 1942.

WONG HING, San Quentin No. 31296, was convicted by a jury in San Francisco County of the crime of murder in the first degree, during January, 1918. He served 16 years and two months in San Quentin Prison and has since been under parole supervision. Clemency recommended by former District Attorney of San Francisco, former Judge E. C. Hart, State Parole Officer Chadwick, Sheriff Martin Ambrose of San Joaquin County, and Deputy Sheriff Gailbreath of San Joaquin County. Pardon granted December 31, 1942.

PAUL W. HOLT, San Quentin No. 52768, pleaded guilty to the crime of violation of Section 146 of the Motor Vehicle Act, in Los Angeles County, July 26, 1932. Sentence expired January 8, 1935. Pardon recommended by State Parole Officer Chadwick; Los Angeles Deputy Chief of Police Homer B. Cross, and the Advisory Pardon Board. Granted January 13, 1941.

ARAM JOSEPH HOVSEPIAN, San Quentin No. 60825, convicted in Fresno County, September 3, 1937, for the crime of grand theft. His term expired on September 13, 1939. Sheriff George J. Overholt and Judge Dan F. Conway of the Superior Court, of Fresno County, Judge M. K. Gibbs of the Fresno City Police Court, and Fresno Chief of Police R. T. Wallace, each recommended that this applicant be pardoned. The Advisory Pardon Board concurred in the foregoing recommendations that Mr. Hovsepian's long record of industry and integrity, and the esteem in which he is held in his community entitle him to receive a full pardon. Granted March 19, 1941.

BEN HUNTER, San Quentin No. 55008, pleaded guilty to embezzlement of public moneys in Kern County November 16, 1933. Term expired January 25, 1937. Recommended by Acting Chief of Police Robert C. Knight of Bakersfield; former Judge Allen B. Campbell of Kern County; Sheriff John E. Longstake of Kern County; and the Advisory Pardon Board. Pardon granted April 14, 1942.

GEOFFREY GRAHAM HUTTON, Los Angeles County probationer No. 14251, pleaded guilty to violation of Section 146 of the California Vehicle Act, Los Angeles County, October 28, 1930. He was granted three years probation on condition that he serve the first year in the county jail. Hon John M. Zuk, Chief Deputy Probation Officer of Los Angeles County, the Chief of Police of the City of Los Angeles, and the Advisory Pardon Board recommended the granting of a pardon. Granted March 18, 1941.

WILLIAM F. JAMES, Los Angeles County probationer No. 33044, who was convicted by a jury in Los Angeles County, September 23, 1937, of the crime of forgery. Recommended by Sheriff E. W. Biscailuz and John F. Dockweiler, District Attorney, both of Los Angeles County, and by the Advisory Pardon Board. Granted December 14, 1942.

FRANK JOHNSON, San Quentin No. 55076, pleaded guilty to crime of assault with intent to commit robbery, Lassen County, November, 1933. Term expired June 29, 1937. The Advisory Pardon Board considered this application and, finding applicant's conduct had been exemplary since his release and that he enjoys the respect of his community, recommended he be pardoned. Granted April 14, 1942.

G. W. C. JONES, Folsom No. 6525, found guilty in San Mateo County during 1906 of the crime of murder. He served 15 years in prison and 21 years under parole supervision. Recommended by District Attorney Gilbert D. Ferrell of San Mateo, Sheriff James J. McGrath of San Mateo, and the Advisory Pardon Board. Granted December 14, 1942.

CHEW JUEY, Folsom No. 15857, convicted in San Francisco County, November 19, 1921, of murder in the first degree. Released on parole December 15, 1932. Pardon recommended by State Parole Officer Charles C. Cox; Chief of Police William J. Quinn of San Francisco; Honorable Frank J. Hennessy, now United States Attorney for the Northern District of California; District Attorney Matthew Brady and Treasurer Duncan Matheson of San Francisco County; and the Advisory Pardon Board. Granted March 10, 1942.

PAUL KELLY, San Quentin No. 43814, convicted by a jury in Los Angeles County during May, 1927, of the crime of manslaughter. Term expired February 2, 1931. Recommended by Federal Court Judge J. F. T. O'Connor; the trial judge, Hon. Charles S. Burnell; State Parole Officer John E. Chadwick; and the Advisory Pardon Board. Granted February 24, 1942.

THEODORE J. KING, San Quentin No. 33974, pleaded guilty to the crime of burglary second degree in Los Angeles County on August 11, 1920. He completed his term in prison and was discharged October 20, 1923. Recommended by the Advisory Pardon Board. District Attorney's office offered no objection. Pardon granted December 21, 1942.

FRANK KIRK, San Quentin No. 45607, pleaded guilty to the crime of robbery in the first degree in San Diego County during June, 1928. He served five years seven and one-half months in prison and at a road camp and one year 10½ months on parole. Chief of Police Clifford E. Peterson, San Diego, wrote that he knew of no reason why Kirk should not receive a pardon. Recommended by: Honorable Shelley J. Higgins, former Judge of the Superior Court; State Parole Officer John E. Chadwick; the Advisory Pardon Board. Pardon granted December 28, 1942.

GEORGE WORDELL KILICK, San Quentin No. 61226, pleaded guilty in Los Angeles County, May 6, 1936, to issuing checks without sufficient funds. Term expired February 12, 1941. The Advisory Pardon Board stated its belief applicant had made a proper adjustment and effected complete rehabilitation, and it recommended he be pardoned. Pardon granted April 14, 1942.

LOUELLA KNOTT, Tehachapi No. 547, convicted by a jury in Butte County on March, 1929, and August, 1940, of embezzlement. Released on parole in October, 1940. Recommended by Sheriff R. H. Taylor of Butte County, Hon. Lish Pool, Butte County Probation Officer, Elizabeth M. Maxwell, Deputy District Attorney of Butte County, the Chairman and four members of the Butte County Board of Supervisors, Emily D. Latham, Secretary of the Board of Trustees of the Institution for Women at Tehachapi, and by many residents and leading citizens of applicant's community. Granted October 19, 1942.

WILLIAM KOHLER, San Quentin No. 56796, pleaded guilty to the crime of bigamy in Sacramento County during October, 1934. He served two years three months in prison and a road camp and was discharged on expiration of his term, February 8, 1937. Favorably recommended by former District Attorney Neil R. McAllister and the Advisory Pardon Board. Pardon granted December 28, 1942.

RICHARD JULIUS HIRMAN KREBS, San Quentin No. 42785, otherwise known as Jan Valtin, pleaded guilty to crime of assault with deadly weapon, Los Angeles County, during October, 1926. Term expired April 23, 1933. Applicant, who was 21 years of age at time offense was committed, has no subsequent record of violation of the law, and his worthiness to receive a pardon has been attested by letters on his behalf received from more than 60 persons who are leading citizens in cities and other communities all over the United States, including publishers, editors, business men, educators and clergymen. Pardon granted November 30, 1941.

CHARLES M. KROESEN, San Quentin No. 61732, was convicted by a jury in Monterey County on March 27, 1938, of the crime of violation of Section 500 of the Vehicle Code (negligent homicide), and violation of Section 480 of the Vehicle Code (failure to stop and render aid resulting in death of person). He served one year six months in prison and nine months on parole, his term expiring June 30, 1940. Recommended by Sheriff of Monterey County, District Attorney, Trial Judge, State Parole Officer and the Advisory Pardon Board. Pardon granted December 28, 1942.

BERNARD KYLER, San Quentin No. 38307, convicted January 5, 1923, in Sacramento County, after three trials, of the crime of criminal syndicalism. Was discharged from San Quentin Prison January 21, 1936. Pardon recommended by the Advisory Pardon Board. Granted January 15, 1941.

ALBERT I. LASKER, San Quentin No. 48816, was convicted in Los Angeles on July 16, 1930, of the crime of making false entries in corporation books. Probation was denied. He served two years one month in prison and the same period on parole. Recommended by: F. G. Stanford of Hyland Stanford Corporation, Los Angeles, and various business and professional men in Los Angeles, and the Advisory Pardon Board. The District Attorney's Office stated it would interpose no

objection to any action the Governor might deem just. Pardon granted December 21, 1942.

ROBERT T. LATHOM, San Quentin No. 22015, pleaded guilty to the crime of forgery in Los Angeles County on February 11, 1907. He served two years four months in prison and upon completion of his term on June 13, 1912, he was discharged. The former District Attorney John D. Fredericks stated he favored the granting of a pardon in this case, while the present District Attorney desired to leave the matter entirely in the hands of the Advisory Pardon Board. The Advisory Pardon Board made a favorable recommendation. Pardon granted December 28, 1942.

GLADYS LAURIDSEN, San Quentin No. 47707, pleaded guilty to violation Section 288a Penal Code, Humboldt County, October 30, 1929. Term expired June 6, 1933. Pardon recommended by former District Attorney S. E. Metzler of Humboldt County; Sheriff A. A. Ross of Humboldt County; and the Advisory Pardon Board; these recommendations stating that applicant has been attending a State college while also continuing her employment as a housekeeper and as director of a recreation project, and that her record since discharge has been entirely honorable. Granted April 14, 1942.

ANTONE J. LAWRENCE, Folsom No. 5360, was convicted of murder in the first degree in Santa Clara County during April, 1903. He served 14 calendar years in prison, and was released on parole May 12, 1917. Pardon recommended by Sheriff Emig of Santa Clara County, Sheriff Wilkie of Sonoma County, State Parole Officer Cox, and the Advisory Pardon Board. Granted December 31, 1942.

ROBERT LOUIS LEIBENZ, San Quentin No. 57069, pleaded guilty to violation of Section 288 Penal Code, Stanislaus County, during December, 1934. Recommended by Superior Court Judge B. C. Hawkins, former Deputy District Attorney Robert B. Fowler, and present District Attorney Leslie A. Cleary, and Sheriff G. M. Hogan, all of Stanislaus County, and by the Advisory Pardon Board. The recommendations presented the view that while offenses of the kind charged can not be condoned, there were exceptional factors in favor of applicant in the present case. Granted May 14, 1942.

CHARLES LESSE, San Quentin No. 33376, convicted of the crime of criminal syndicalism in Humboldt County, January 22, 1940. His term expired August 25, 1923. The Advisory Pardon Board considered his application for pardon and recommended that it be granted in view of the fact applicant's conduct had apparently been entirely satisfactory during the 17 years since his discharge, and that applicant had submitted affidavit swearing he is opposed to overthrow of the American Government by force and violence. Pardon granted June 17, 1941.

EDWARD HARRISON LEWIS, San Quentin No. 54165, pleaded guilty to grand theft, Los Angeles County, May 1, 1935. Term expired December 13, 1936. Recommended by District Attorney John F. Dockweiler of Los Angeles, Chief of Police Charles H. Kelley of Pasadena, State Parole Officer John E. Chadwick, and the Advisory Pardon Board. Granted April 14, 1942.

MANUEL LOUIS LICON, San Quentin No. 54215, convicted in Alameda County, May 25, 1933, of the crime of manslaughter. Pardon recommended by Chief of Police B. A. Wallman of Oakland; John E. Chadwick, State Parole Officer; and the Advisory Pardon Board. Manager George A. Brown of the Industrial Workshop for the Blind, Los Angeles, wrote that he had investigated applicant's personal and occupational life and found him to be an excellent citizen living an exemplary life. Pardon granted December 23, 1941.

CLARENCE TEMPLE LINDON, San Quentin No. 38673, was convicted by a jury in San Francisco of the crime of robbery (old law), on November 5, 1926. He served four years four months in prison and at a prison road camp and four years seven months on parole, having been discharged October 31, 1932. Recommended by Honorable Matthew Brady, District Attorney, San Francisco; State Parole Officer Allen Moore; and the Advisory Pardon Board. Trial Judge Michael J. Roche wrote that he would abide by any decision the Advisory Pardon Board might make. Pardon granted December 29, 1942.

ANGELO SANTO LIONETTI, San Quentin No. 32830, was convicted of the crime of bigamy in Marin County on June 27, 1919. For the past 19 years he has been known as Thomas H. Lonay. Served two years in prison and was discharged on July 1, 1921. Recommended by Judge Edward I. Butler of the Marin County Superior Court (who was district attorney at the time of conviction), and the Advisory Pardon Board. The present district attorney and the trial judge each stated that if applicant had been a good law-abiding citizen since his discharge it would seem proper to grant a pardon. Pardon granted December 18, 1942.

WALTER LIPS, San Quentin No. 37242, convicted by a jury in Los Angeles County of the crime of bribery during December, 1922. Term expired February 28, 1927. Recommended by Federal Judge Paul J. McCormick, who was the trial judge, and by the Advisory Pardon Board. Granted October 13, 1941.

ROBERT EDWARD LOHEIDE, San Quentin No. 46787, pleaded guilty to the crime of assault to commit robbery in Monterey County during March of 1929. He served his full term in prison, and at a road camp, and was discharged on June 18, 1934. Highly recommended by the former District Attorney A. E. Warth, Sheriff



Ross (Humboldt County), and the Advisory Pardon Board. Present district attorney stated he would be in favor of a pardon if applicant had shown he had become entirely rehabilitated. Also appeared in the file a petition by the leading public officials of the City of Eureka and of Humboldt County. Pardon granted December 18, 1942.

NENO LOMBARDO, San Quentin No. 30845, was convicted in San Joaquin County, April 18, 1917, of the crime of murder in the first degree. He was paroled during August, 1926. Pardon recommended by former Assistant District Attorney Robert D. Duke, who prosecuted this applicant; Hon. Charles Seudero, former Chief of Police of the City of Pittsburg; Hon. Charles E. Hamilton, present Chief of Police of the City of Pittsburg; Constable Joseph Rodda of 6th Township, Contra Costa County; and Hon. Michael J. Gatto, Justice of the Peace, Pittsburg, each recommended the granting of a pardon. Granted February 10, 1941.

REHINO LOPEZ, San Quentin No. 30300, convicted by a jury in San Bernardino County on February 3, 1917, of the crime of rape. Term expired September 1, 1931. The late Warren V. Tryon, Judge of the Superior Court of Del Norte County, where applicant now resides, wrote stating he could see no reason for withholding clemency. Pardon recommended by District Attorney C. A. Deguan and by Sheriff Austin Huffman of Del Norte County, and former District Attorney T. W. Duckworth of San Bernardino County. The Advisory Pardon Board found that this applicant's record since expiration of his term had been most satisfactory and the board members recommended that his application be granted. Pardon granted October 13, 1941.

CHARLES A. LOZENSKY, San Quentin No. 38018, pleaded guilty to the crime of grand larceny in Humboldt County, during June, 1923. Term expired June 29, 1926. Recommended by Sheriff A. A. Rose of Humboldt County, and by the Advisory Pardon Board. Granted August 6, 1941.

THOMAS ODOM LUCKETT, San Quentin No. 60677, was convicted by a jury in Imperial County on July 29, 1937, of the crime of abortion (violation of Section 274 of the Penal Code). Probation was denied and he served one year seven months in prison and two years on parole, his term expiring February 28, 1941. In view of his excellent conduct since release, recommendations were made by the Sheriff of Imperial County; Superior Court Judge V. N. Thompson; State Parole Officer John E. Chadwick and the Advisory Pardon Board. Pardon granted December 28, 1942.

NG LUN, Folsom No. 12257, pleaded guilty to the crime of murder in the first degree in Santa Clara County February 14, 1922. He served 10½ years in San Quentin and Folsom and was released on parole August 18, 1932. Sheriff W. J. Emig of Santa Clara County and Honorable John P. Fitzgerald, the present district attorney, both stated they would have no objection to granting leniency in this case. Recommendations made by: State Parole Officer Allen Moore, Constable O. M. Hiserman of Alisal Township and the Advisory Pardon Board. Pardon granted December 28, 1942.

CLARENCE HOWARD MACBETH, San Quentin No. 58187. Convicted by a jury in Stanislaus County during October, 1935, of the crime of forgery. He served 14 months in prison and 14 months on parole, his term expiring February 23, 1938. Recommended by: State Parole Officer Allen Moore; Trial Judge E. N. Rector; Chief of Police J. A. Greening of the City of Berkeley; and the Advisory Pardon Board. Pardon granted December 31, 1942.

BENJAMIN MARTINEZ, San Quentin No. 30590. Convicted in San Francisco, April 4, 1917, of receiving stolen property. Term expired August 7, 1918. Recommended by District Attorney Matthew Brady of San Francisco; Mayor Z. S. Leymel and Police Court Judge M. K. Gibbs of Fresno; and by the Advisory Pardon Board. Granted April 14, 1942.

HERBERT G. MAYES, San Quentin 53816, pleaded guilty to crime of grand theft, Monterey County, March, 1923. He served two years, nine months in prison and 10½ months on parole. Pardon recommended by district attorney of Monterey County, Parole Officer Allen Moore, and the Advisory Pardon Board. Granted December 31, 1942.

LEONARD THOMAS MAYHEW, San Quentin No. 46823, convicted in Alameda County of the crime of grand theft during March, 1929. Discharged October 29, 1932. Recommended by Judge Thomas C. Gould of the Superior Court of Los Angeles County, who stated he had known the applicant well and favorably between the years 1916 and 1925, and also during the past two years. Also recommended by the Advisory Pardon Board. Granted July 17, 1941.

LELAND G. McARTHUR, Los Angeles County probationer No. 19562, pleaded guilty to the crime of grand theft in Los Angeles County on December 21, 1932. Placed on probation for 20 years. He has presently served over seven years of that term. Recommendations submitted by: Chief of Police J. H. McClelland of Long Beach; J. H. Hawkins, Marshal of the City of Long Beach; Honorable Lyman B. Sutter, City Prosecutor of Long Beach; Ralph L. Clock, Esq., one of the leaders of the State Bar of California; Honorable W. W. Brady, clerk of the municipal court; Trial Judge Robert Walker Kenny. Honorable William Brayton, deputy in



charge of the Long Beach office of the Los Angeles County district attorney stated that office would have no objection to granting a pardon. Pardon granted December 21, 1942.

WILLIAM W. McCANDLESS, San Quentin No. 52350, was convicted of the crime of embezzlement of public moneys in Los Angeles County during February, 1932. Completed his term on August 11, 1936. Favorably recommended by the trial judge, Hon. Elliot Craig of the Los Angeles County Superior Court; and by the Advisory Pardon Board. Granted January 15, 1941.

CLARENCE McCLOUGH, San Quentin Nos. 44324 and 45009, pleaded guilty to robbery, first degree, Sacramento County, November, 1927. He served seven years in prison and two years, eight months on parole. Pardon recommended by the Board of Prison Terms and Paroles, Trial Judge Carlos S. Hardy, Chief of Police Herrard of Los Angeles, the prosecuting attorney, Parole Officer Chadwick, and the Advisory Pardon Board. Granted December 31, 1942.

EDWARD McDONALD, Folsom No. 20360, was convicted by a jury in Yuba County May 17, 1936, of burglary, second degree. He served three years and five months in prison and has been on parole since October 18, 1939. Pardon recommended by Superior Court Judge Steel of Yuba County, District Attorney Beeman, and Chief of Police LaFortune of Marysville, the Advisory Pardon Board and the State Supreme Court. Granted December 31, 1942.

HARRY S. McDONALD, San Quentin No. 59236, pleaded guilty to the crime of violation of Section 288 of the Penal Code in Trinity County on July 24, 1936. He was released on parole on June 5, 1939. District Attorney Edwin J. Regan and State Parole Officer John E. Chadwick each stated he had no reason for opposing clemency for this applicant. An investigation of the circumstances brought forth sufficient doubt of this applicant's guilt to warrant termination of his parole. Pardon granted April 15, 1941.

HENRY A. MEHRMANN, San Quentin No. 42966, pleaded guilty to forgery in Alameda County, December 8, 1926. Term expired July 9, 1930. Recommended by Judge Lincoln S. Church of the Superior Court of Alameda County; Chief B. A. Wallman of the Oakland Police Department; State Parole Officer John E. Chadwick, and the Advisory Pardon Board. Granted April 14, 1942.

JAMES B. MELTON, San Quentin No. 55785, pleaded guilty to burglary, second degree, Los Angeles County, March 23, 1934. He served two years in prison and was discharged March 31, 1936. Pardon recommended by Los Angeles District Attorney, and the Advisory Pardon Board. Granted December 31, 1942.

JOAQUIN MENDONCA, San Quentin No. 37011, was convicted by a jury in Alameda County on November 2, 1922, of the crime of violation of Section 286 of the Penal Code. He served two years nine months in prison and a road camp and three years two and one-half months on parole, his term expiring October, 1928. The District Attorney at the time of trial (Ezra W. Decoto) and Chief of Police B. A. Wallman both stated that they had no objection to the granting of a pardon. Recommendation made by the Advisory Pardon Board. Pardon granted December 28, 1942.

JOHN H. MEYERS, San Joaquin County Probationer, was convicted of the crime of negligent homicide October 8, 1941. Granted probation for two years and fined \$500 payable at \$50 a month. On December 10, 1941, fine reduced to \$400 and on December 11, 1941, the balance was paid. On December 17, 1941, applicant appeared before the court and was allowed to change his plea to not guilty, and was released from further probationary obligations. Recommended by: Captain Leland S. Drais, California Highway Patrol; District Attorney R. M. Dianne, Trial Judge D. M. Young, Adult Probation Officer W. B. Young (all of San Joaquin County), Mr. L. O. Snyder, Pacific Division Manager of Minneapolis-Moline Power Implement Co.; Advisory Pardon Board. Pardon granted December 18, 1942.

JAMES MONROE, San Quentin No. 48809, convicted in Los Angeles County September 17, 1928, of burglary and robbery first degree. His term expired January 17, 1938. The trial judge, Honorable B. Rey Schauer, now a judge of the Supreme Court, wrote that he would favor the granting of a pardon if applicant's rehabilitation had been established. H. L. Spears, member of the State Board of Prison Directors, who wrote stating that applicant is a very reputable and exceptionally good citizen, and recommended that a pardon be granted. The Advisory Pardon Board made a similar recommendation. Pardon granted February 10, 1941.

ANDREWS MONTGOMERY, San Quentin No. 53683, pleaded guilty to crime of forgery, Riverside County, February 14, 1933. Term expired October 19, 1934. Recommended by Chief of Police Lyle J. Sanard of the City of Palm Springs, Sheriff C. F. Rayburn of Riverside County, former District Attorney Earl Redwine, present District Attorney John Neblett, and Superior Court Judge O. K. Norton of Riverside County, State Parole Officer John E. Chadwick, and the Advisory Pardon Board. Granted August 22, 1942.

HAIG MOSESIAN, San Quentin No. 46630, pleaded guilty to robbery first degree, Fresno County, February 16, 1929. Term expired August 17, 1935. Recommended by Judge K. M. Gibbs, of the Police Court of the City of Fresno; Fresno

Chief of Police R. T. Wallace; Sheriff George J. Overholt, and District Attorney W. C. Tupper of Fresno County, and the Advisory Pardon Board. Granted July 11, 1941.

VICTOR C. MUNGARI, Folsom No. 15130, pleaded guilty to issuing insufficient funds check in Alameda County during February, 1928. He served three years and 10 months in Folsom and five years on parole. Recommended by the State Parole Officer, the Advisory Pardon Board and State Supreme Court, and by five public officials of Ventura County, where he presently resides. Pardon granted December 31, 1942.

ALBERT MUNOZ, San Quentin No. 36581, convicted in Santa Cruz County during June, 1922, of murder in the first degree. He was released on parole on December 19, 1932. Attorney J. E. Gardner of Watsonville, who acted as special prosecutor on behalf of the People in the case against this applicant, stated in a letter of some length that evidence of the shooting of the victim in this case was circumstantial, that three codefendants who had been convicted of first degree murder and sentenced to life imprisonment had all been paroled, that he has been impressed with applicant's appearance and reports received of his conduct, and that he felt that the two-fold purposes of the law in inflicting punishment (those of restraint of crime and of rehabilitation of the convict), had been fully served in this case. State Parole Officer John E. Chadwick sent the Advisory Pardon Board a lengthy letter similarly discussing the case and making a like recommendation, and the Advisory Pardon Board concurred in the favorable recommendation. Pardon granted May 9, 1941.

FRANCIS R. MURPHY, San Quentin No. 59276, pleaded guilty to the crime of manslaughter in Sacramento County, August 5, 1936. He was paroled two years later. The trial judge, Hon. Martin I. Welsh, now Judge of the United States District Court, and State Parole Officer John E. Chadwick each recommended a conditional pardon; Sheriff Martin Ambrose of San Joaquin County, Sheriff Charles J. Ogle of Sacramento County, District Attorney E. B. Lynch and Sheriff Jack Thornton of Solano County, and the Advisory Pardon Board each recommended this applicant for the relief he requested. Pardon, conditional upon payment by applicant of a stated sum per month to the son of the victim parents, granted February 10, 1941.

HUGH PRENTISS MURRAY, San Quentin No. 49939, pleaded guilty to the crime of grand theft in Sacramento County during March 24, 1931. He served one year, nine and one-half months in prison and nine and one-half months on parole. Recommended by the former prosecuting attorney, Hon. Neil R. McAllister, and the Advisory Pardon Board. Granted December 31, 1942.

AMILE NAHIAS, San Quentin No. 40933. Convicted in Merced County on October 7, 1931, of the crime of grand theft. He served one year and one-half months in prison and seven months on parole, his term expiring June 9, 1933. Recommended by: State Parole Officer Allen Moore, Judge H. S. Shaffer of Merced County and the Advisory Pardon Board. Pardon granted December 31, 1942.

DAN NUNES, San Quentin No. 33171, convicted of mayhem, Sacramento County, November, 1919. Released September, 1920. Recommended by Deputy District Attorney Clifford A. Russell of Sacramento, who had been in charge of the prosecution; by District Attorney Otis D. Babcock, and by the Advisory Pardon Board. Granted December 5, 1941.

SPENCER W. OAKLEY, convicted in Los Angeles Municipal Court July, 1941, of speeding in an automobile, sentenced to 90 days in jail and fined \$150. Applicant is at present a patient undergoing treatment at Agnews State Hospital, and attendant psychiatrists agreed in their testimony that applicant was not responsible for the offense committed. Pardon recommended by Dr. A. J. Rosanoff, Director of the Department of Institutions, upon condition that State hospital authorities impose conditions upon applicant's future discharge so as to protect the public from a repetition of the offense. Granted upon the foregoing condition, July 28, 1942.

HARRY H. O'BRIEN, San Quentin No. 51002, pleaded guilty to the crime of robbery, first degree, Los Angeles County, October 15, 1931. Term expired July 16, 1938. Recommended by Hon. Harry L. Allison, San Bernardino County Clerk, applicant now residing in that community, and by State Parole Officer John E. Chadwick. Granted May 16, 1942.

MARY OGLESBEE, Tehachapi No. 58852, pleaded guilty to the crime of forgery in Tulare County on March 25, 1936. She served two years two and one-half months in Tehachapi and nine months on parole, her term expiring March 27, 1939. Recommended by Chief Probation Officer of Tulare County; Mrs. Emily D. Latham, State Parole Officer for the Tehachapi Institution; Sheriff S. B. Sherman of Tulare County; District Attorney Walter C. Haight; and the Advisory Pardon Board. Pardon granted December 31, 1942.

MARTIN OHANNESIAN, San Quentin No. 33161, pleaded guilty to the crime of grand larceny (two counts) in Fresno County on November 14, 1919. He served two years 11 months in prison and a road camp and one year four months on parole, his term expiring January 31, 1923. Chief of Police R. T. Wallace wrote that he had no objection to the granting of a pardon. Recommended by: Honorable W. C.

Tupper, present district attorney; Honorable Campbell E. Beaumont, the prosecuting attorney; Trial Judge Honorable H. Z. Austin, State Parole Officer Allen Moore; the Advisory Pardon Board. Pardon granted December 21, 1942.

B. OLIVERO, San Quentin No. 23882, pleaded guilty to the crime of forgery in Shasta County October 25, 1909. He served one year nine months in prison and seven months on parole. His conduct has been entirely satisfactory since expiration of term more than 31 years ago. Recommended by Honorable W. W. Sublett, Sheriff of Shasta County; W. D. Tillotson, district attorney at the time applicant pleaded guilty; and the Advisory Pardon Board. Pardon granted December 31, 1942.

JOHN OLSEN, San Quentin No. 62631, pleaded guilty to crime of negligent homicide, Alameda County, November 4, 1938. Recommended by Superior Court Judge Edward J. Tyrrell of Alameda County, State Parole Officer Allen Moore, and the Advisory Pardon Board. Granted May 15, 1942.

JOHN ORLANDO, San Quentin No. 37650, convicted by a jury in Sacramento County, March 23, 1923, of the crime of criminal syndicalism. Term expired June 30, 1926. Recommended by the trial judge, Hon. Charles O. Borsick of Sacramento, former District Attorney William V. Cowan; and the Advisory Pardon Board, which stated applicant had advised that body in writing that he was opposed to the overthrow of the United States Government by means of force and violence. Granted April 14, 1942.

A. W. PAGE, San Quentin No. 53125, convicted by a jury in Los Angeles County during October 1932 of grand theft and violation of the Corporate Securities Act. Term expired June 5, 1936. Recommended by the trial judge, Hon. W. T. Aggeler, now deceased, who stated that at the time probation was sought for this applicant, many letters were received from responsible persons in Los Angeles County and other parts of the United States speaking highly of applicant's past record. The Los Angeles County District Attorney's office wrote stating it had no objection to granting of clemency, and the Advisory Pardon Board recommended a pardon. Granted October 10, 1942.

PETE PAPPIS, San Quentin No. 27605, pleaded guilty to crime of grand larceny, Sacramento County, April 15, 1914. Sentence expired during May, 1915. Recommended by the Advisory Pardon Board. Pardon granted November 10, 1941.

HARRY S. PHILLIPS, San Quentin No. 47142, pleaded guilty to the crime of robbery, first degree, in Los Angeles County on May 7, 1929. He served three years six months in prison and three years on parole, his term expiring December 1, 1935. Office of the District Attorney of Los Angeles County made no recommendation, but rested the case with the Advisory Pardon Board. Prosecuting Attorney George Bush wrote that his office would enter no opposition to application for pardon, as did the Trial Judge Hartley Shaw. Recommended by the Advisory Pardon Board.

ROY PIERCE, San Quentin No. 33703, pleaded guilty to the crime of robbery in Los Angeles County during April, 1920. He served five years in prison and one year nine months on parole, his term expiring more than 15 years ago. Office of District Attorney Bureau Fitts stated it desired to rest the case with the Advisory Pardon Board. Recommended favorably by Chief of Police Charles W. Duffin of San Francisco and the Advisory Pardon Board. Pardon granted December 28, 1942.

IRVING PIVINICK, San Quentin No. 33499, pleaded guilty to the crime of grand larceny in Los Angeles County, February 20, 1920. Term expired March 27, 1923. The present District Attorney of Los Angeles County, Hon. John F. Dockweiler, wrote stating that under present practice this applicant would have been convicted under Section 503 of the Vehicle Code and granted probation or sentenced to the county jail. Mr. Dockweiler stated he could see no reason for withholding pardon if the applicant's subsequent record had been good. State Parole Officer John E. Chadwick wrote a letter setting forth similar views; and the Advisory Pardon Board recommended that the application for pardon be granted. Pardon granted April 19, 1942.

C. ELROD POHL, San Quentin No. 47743 and 47732-A, convicted of and pleaded guilty to grand theft in Alameda and Fresno Counties in October, 1929, and January, 1930, respectively. Term expired May 23, 1935. Recommended by Judge T. R. Thomson of the Superior Court of Fresno County; Howard C. Ellis, Esq., formerly Assistant Commissioner of Corporations of the State of California; Superior Court Judge Thomas M. Foley and Municipal Court Judge George B. Harris of San Francisco; State Parole Officers John E. Chadwick and Allen Moore; and the Advisory Pardon Board. Granted June 18, 1942.

ERNEST PORTILLO, Los Angeles County No. 50193, pleaded guilty to contributing to delinquency of a minor in Los Angeles County during February, 1925. He served a sentence in the county jail and in a road camp. Recommended by the Los Angeles District Attorney, by Governor Sidney P. Osborn of Arizona, and the Advisory Pardon Board. Granted December 31, 1942.

RALPH E. POWELL, San Quentin No. 35047, convicted by a jury in Los Angeles County on June 3, 1921, of the crime of bribery. He served one year and one-half month in prison and two years on parole. Recommended by the Advisory Pardon Board. Granted December 31, 1942.



JOE PUREZA, San Quentin No. 48367, was convicted of the crime of possession of a still in Alameda County on April 10, 1930. Probation denied by the court and he served 15½ months in prison and 13 months on parole, his term expiring August 11, 1932. Recommended by State Parole Officer Allen Moore and the Advisory Pardon Board. Pardon granted December 31, 1942.

WEE QUOOEY, San Quentin No. 28577, was convicted by a jury in San Joaquin County on May 18, 1915, of the crime of murder in the first degree. He was given a life sentence and he served 12 years in prison and a road camp and since his release July 11, 1927 he has been on parole. Clemency recommended by the State Board of Prison Directors; Chief of Police H. A. Vogelsang; C. P. Rendon, Esq., who was the deputy district attorney; State Parole Officer John E. Chadwick; and the Advisory Pardon Board. Pardon granted December 28, 1942.

KARL RAENTSCH, San Quentin No. 44901, convicted in Los Angeles County, May, 1927, of embezzlement. Term expired January 28, 1933. The Advisory Pardon Board stated applicant has been steadily employed since discharge and his conduct entirely satisfactory, and recommended he be pardoned. Regarding restitution, applicant submitted affidavits to effect the woman defrauded can not be found, but in the event of future contention by her or anyone in her behalf that restitution has not previously been made, applicant has waived the Statute of Limitations. Granted April 14, 1942.

HAROLD C. RAMBO, San Quentin No. 50163, pleaded guilty to robbery, first degree, Shasta County, during April, 1931. Term expired October 13, 1935. Recommended by Sheriff W. W. Sublett of Shasta County; District Attorney Lawrence W. Carr of Redding; and the Advisory Pardon Board. Granted April 14, 1942.

RAYMOND RAZILLARD, San Quentin No. 37252, pleaded guilty to the crime of burglary in the second degree, in Los Angeles County, December 23, 1922. He served two years seven months in San Quentin and one year on parole. Recommended by District Attorney John F. Dockweiler of Los Angeles County, Judge John W. Shenk, now Associate Justice of the Supreme Court, State Parole Officer Allen Moore, and the Advisory Pardon Board. Granted December 31, 1942.

J. P. REITZ, San Quentin No. 41693, pleaded guilty to the crime of violation of Section 476a of the Penal Code in Fresno County on January 29, 1926. He served approximately 14 months in prison and one year, nine and one half months on parole, his term expiring January 30, 1929. Recommended by: Chief of Police R. T. Wallace of Fresno; District Attorney George R. Lovejoy, Fresno County; State Parole Officer John E. Chadwick; Hon. Charles R. Barnard, Presiding Justice, District Court of Appeal, Fourth Appellate District; and the Advisory Pardon Board. Pardon granted December 21, 1942.

FRANK RICCA, San Quentin No. 61973, pleaded guilty to the crime of grand theft in Siskiyou County, May 12, 1938. Term expired January 15, 1940. Recommended by Judge James M. Allen, of the Superior Court of Siskiyou County; Judge C. J. Luttrell, formerly of that court and now of Yreka; Sheriff Ben J. Richardson and District Attorney Charles E. Johnson of Siskiyou County; State Parole Officer John E. Chadwick; and the Advisory Pardon Board. Granted July 17, 1941.

JOHN MARION RICHARD, San Quentin No. 51115, pleaded guilty to the crime of robbery second degree in San Joaquin County on November 16, 1931. He served two years one and one-half months in prison and three years on parole, his term expiring approximately five and one-half years ago. Present district attorney and the chief of police stated they had no opposition to the granting of clemency in this case. Recommended by: Trial Judge Honorable D. M. Young; State Parole Officer Allen Moore; and the Advisory Pardon Board. Pardon granted December 31, 1942.

ALBERT J. ROBINSON, San Quentin No. 46373, pleaded guilty to the crime of grand theft in Los Angeles County on December 21, 1928. Term expired May 22, 1933. State Parole Officer John E. Chadwick recommended that applicant be pardoned if his conduct since release from parole had been satisfactory. The Advisory Pardon Board's investigation disclosed that applicant's record for conduct and industry during the seven and one-half year period he had been free of parole was entirely satisfactory and the board members recommended the granting of a pardon. Granted April 12, 1942.

JULES ROTH, San Quentin No. 56269, convicted of grand theft and violation of Corporate Securities Act, Los Angeles County, October 20, 1932. Term expired October 23, 1939. Recommended by Superior Court Judge B. Rex Schauer, District Attorney John F. Dockweiler, former District Attorney Byron Fitts, three State Parole Officers, and the Advisory Pardon Board. Granted September 29, 1942.

SOL RUEBEN, San Quentin No. 29904, pleaded guilty to issuing fictitious check in Los Angeles County during September, 1916. He served one year two and one-half months in prison and one year and one-half month on parole. He was recommended by the Los Angeles County District Attorney, the State Parole Officer and the Advisory Pardon Board. Granted December 31, 1942.

RALPH BOOTH SAFFEELS, San Quentin No. 49975, pleaded guilty to the crime of forgery in Tulare County on March 30, 1931. He served 14 months in prison and 14 months on parole, until the expiration date of his term on July 31,



1933. Recommendations made by Constable R. B. Abbot of Visalia Township and the Advisory Pardon Board. State Parole Officer reported that applicant's parole record was entirely satisfactory. Pardon granted December 28, 1942.

ALEXANDER SALMON, San Quentin No. 51233, pleaded guilty to the crime of violation of Section 288 of the Penal Code in Santa Barbara County during December, 1931. Sheriff James Ross of Santa Barbara County wrote that he would have no objection to executive clemency. Recommended by State Parole Officer Allen Moore and the Advisory Pardon Board. Pardon granted December 29, 1942.

JOE SAMA, San Quentin Nos. 34534 and 36680, convicted in Alameda County during January, 1921, of attempt to commit robbery. The Advisory Pardon Board recommended his application be granted in view of his 16 years of entirely satisfactory conduct since July, 1925, the date of his discharge. Pardon granted October 15, 1941.

GEORGE P. SANBORN, San Quentin No. 57756, pleaded guilty to crime of embezzlement in Sonoma County during January, 1935. His term expired July 8, 1939. Hon. W. Earle Smith, member of the State Board of Prison Directors, wrote urging that, in view of Mr. Sanborn's positive rehabilitation and his splendid services as Manager of the Prison Association of California, he be granted a pardon, and a similar recommendation was volunteered by State Parole Officer John E. Chadwick. District Attorney Toland C. McGettigan of Sonoma County wrote pointing to this applicant's excellent reputation and character both before and since his involvement in the instant difficulty. The trial judge, Hon. Donald Gentry, Judge of the Sonoma County Superior Court, recommended clemency. The Advisory Pardon Board also expressed the foregoing recommendations. Pardon granted February 11, 1941.

ROBERT V. SANDLIN, San Quentin No. 54973, pleaded guilty to issuing insufficient funds check, Los Angeles County, during October, 1932. Recommended by State Parole Officer Allen Moore, and by the Advisory Pardon Board. Granted June 18, 1942.

NILO SARIOLO, San Quentin No. 54752, convicted by a jury in Alameda County August 31, 1933, of the crime of robbery in the first degree. He served four years six and one-half months in prison and at a road camp and was discharged therefrom. Recommended by Chief B. A. Wallman of the City of Oakland, Judge F. M. Ogden of the Alameda County Superior Court, and the Advisory Pardon Board. Granted December 31, 1942.

RICHARD SARTORI, San Quentin No. 33180, convicted by a jury of robbery, Fresno County, May 12, 1919. Discharged January 23, 1924. Recommended by Chief of Police William L. Maher of San Bruno, and by the Advisory Pardon Board, which stated applicant had proved beyond a doubt his desire to lead an honest, sober and industrious life. Granted October 15, 1941.

SHIRLEY SCHUER, San Quentin No. 49859, pleaded guilty to the crime of robbery, second degree, in Sacramento County, March 11, 1931. He was discharged November 13, 1938. Pardon recommended by former District Attorney Ned R. McAllister and by Sheriff Donald Cox of Sacramento County. The trial judge, Hon. John F. Pullen, now presiding justice of the district court of appeal, recommended the granting of a pardon if the applicant's prison and parole record had been good. The Advisory Pardon Board recommended that applicant serve additional time under parole supervision before being granted a pardon, and the pardon was granted seven months thereafter, or on February 7, 1941.

WILLIAM MADISON SCHRUM, San Quentin No. 63671, was convicted of the crime of grand theft from person in Los Angeles County on May 31, 1939. He served two years, four and one-half months in San Quentin, and has been on parole since October 31, 1941. Recommended by the Advisory Pardon Board. Pardon granted December 21, 1942.

HARRY W. SELDEN, San Quentin No. 28935, pleaded guilty to burglary, first degree, Los Angeles County, during October, 1915. Term expired June 11, 1917. Recommended by the Advisory Pardon Board, in view of applicant's record of entirely satisfactory conduct during the 25 years since his release. Granted May 1, 1942.

LILLIAN GLADYS SELLAS, San Quentin No. 49710, was convicted by a jury in San Bernardino County during February, 1931, of burglary in the second degree. She served two years and one month in prison and 18 months on parole. Recommended by Judge F. A. Leonard of the Superior Court of San Bernardino County, State Parole Officer John E. Chadwick, and the Advisory Pardon Board. Granted December 31, 1942.

JOHN L. SHAEFER, San Quentin No. 59628, pleaded guilty to the crime of issuing check with intent to defraud (violation of Sec. 476a of the Penal Code), in Merced County during November, 1936. Probation was denied. He served two years and one month in prison and one year and six and one-half months on parole. Recommendations by: Chief of Police E. L. Walter of the City of Atwater; Hon. N. Lucius Cornell, Sheriff of Merced County; District Attorney A. A. Henderson of Merced; Honorable H. S. Shaffer, Judge, Superior Court, Merced County; State Parole Officer, and Advisory Pardon Board. Granted December 21, 1942.

**JACK SIEGEL**, Santa Monica Police Department No. 847, pleaded guilty to the crime of petty theft in the Police Court of the City of Santa Monica, Los Angeles County, on January 4, 1926. He served his 30 day sentence in Los Angeles County Jail and has not since come in conflict with any civil law enforcement authorities. Applicant is subject to deportation because he made a one day trip across the California-Mexican border to Tia Juana some years ago. Recommended by Chief of Police C. E. Webb of Santa Monica and the Advisory Pardon Board. Pardon granted December 18, 1942.

**WALTER E. STIGAFOOSE**, who pleaded guilty in Los Angeles County on May 14, 1936, to the crime of robbery, first degree, and grand theft. He served three years in prison and one year 11 months on parole. Recommended by Hon. John E. Chadwick, State Parole Officer; the Office of the District Attorney, Los Angeles; Pastor D. V. Alderman of Riverside Union Church; and the Advisory Pardon Board. Pardon granted December 21, 1942.

**DOUGLAS L. SKELLY**, San Quentin No. 59317, was convicted of the crime of grand theft in Los Angeles County, April 3, 1936, and was released on parole September 7, 1938. Mr. Joseph H. Stephens, member of the Board of Prison Terms and Paroles, and Mr. David F. Bush, former chairman of that board, recommended a pardon in view of the applicant's excellent showing while under parole supervision, and their recommendation was concurred in by State Parole Officer Charles C. Cox, whose successor, State Parole Officer John E. Chadwick, also made a favorable recommendation, based upon a report of an investigation previously made and submitted to the Board of Prison Terms and Paroles.

**ROBERT B. SMITH**, San Quentin No. 60629, pleaded guilty to the crime of forgery and grand theft in Los Angeles County during July, 1937. He served two years in prison and one year eight months on parole. Recommended by Chief of Police V. B. Browne of the City of Glendale, State Parole Officer Allen Moore, and the Advisory Pardon Board. Granted December 31, 1942.

**JAMES HARRIMAN SPENCER**, San Quentin No. 38475, pleaded guilty to the crime of grand larceny in Kings County on October 15, 1923. His term expired March 31, 1926. Recommended by Sheriff L. P. Loftis of Kings County, and by Judge William R. McKay of the Los Angeles Municipal Court, formerly prosecuting attorney of Kings County. District Attorney Roger R. Walsh of Kings County wrote stating his office had no objection to the granting of a pardon. The Advisory Pardon Board recommended pardon relief. Granted October 13, 1941.

**DAVID W. STILWELL**, San Quentin No. 45350, who pleaded guilty to the crime of grand theft in Kern County on April 27, 1928. He served two and one-half years in prison and two years and three months on parole. The following have submitted recommendations: Chief of Police Robert C. Knight of Bakersfield; Judge Robert B. Lambert, Kern County Superior Court; Sheriff John E. Loustalot of Kern County; the Advisory Pardon Board; and Reverend Dr. Herbert L. Herberts, Minister, Park Congregation Church in Los Angeles, and Chaplain, First Engineer Regiment, California State Guard. Granted December 21, 1942.

**GEORGE M. STUDLEY**, Folsom No. 19771, pleaded guilty to the crime of grand theft in Marin County during March, 1932. He served two years nine months in prison and five and one-half months on parole, his term expiring December 4, 1936. Recommended by the Advisory Pardon Board. Pardon granted December 31, 1942.

**JOSEPH R. SUME**, Folsom No. 13435, pleaded guilty to the crime of forgery in San Mateo County during January, 1925. He served two years and nine and one-half months in prison and 10 months on parole. Recommended by Sheriff J. J. McGrath of San Mateo County, District Attorney Gilbert D. Ferrell of San Mateo County, the Advisory Pardon Board, and the State Supreme Court. Granted December 31, 1942.

**LEWIS G. TATE**, San Quentin No. 51565. Convicted in Alameda County on February 2, 1932, of the crime of forgery. He served one year four months in prison and one year on parole, his term expiring June 16, 1934. Recommended by Chief of Police B. A. Wallman of Oakland; State Parole Officer Allen Moore; and the Advisory Pardon Board. Pardon granted December 31, 1942.

**GEORGE D. TAYLOR**, San Quentin No. 54505, pleaded guilty to the crime of robbery in the second degree in Los Angeles County during July, 1933. Sentence expired December 29, 1936. Recommended by the Advisory Pardon Board. Granted October 12, 1941.

**JAMES GIBSON TAYLOR**, San Quentin No. 54178, pleaded guilty to the crime of forgery in Fresno County during July, 1928. He served two years two and one-half months in prison and a road camp and he was discharged July 27, 1935, having completed his term. The trial judge, Honorable H. Z. Austin, recommended favorable action, as did Honorable C. W. Garner, Justice of the Peace, and the Advisory Pardon Board. The chief of police stated he had no objection to a pardon being granted. Pardon granted December 28, 1942.

ALICE ROBINA THOMAS, San Bernardino County Jail No. 47884, pleaded guilty to petty theft, San Bernardino County, April 21, 1941; subsequently discharged. Advisory Pardon Board recommended pardon be granted to enable applicant to secure naturalization and prevent deportation to Canada, she having resided in San Bernardino County most of her life. Granted April 14, 1942.

CHARLES EDWARD THOMAS, San Diego County Jail No. 43406, pleaded not guilty but was convicted by a jury in San Diego County during April, 1933, of the crime of statutory rape and of violation of the Juvenile Court Law. He completed his sentence of nine months in the San Diego County Jail on December 7, 1933. The district attorney made no recommendation but said that his office would leave the matter entirely with the Advisory Pardon Board. Favorably recommended by the trial judge and the Advisory Pardon Board. Pardon granted December 28, 1942.

J. S. THURMOND, San Quentin No. 59770, pleaded guilty to grand theft, Los Angeles County, December 17, 1936. Discharged March 27, 1941. Recommended by State Parole Officer John E. Chadwick and the Advisory Pardon Board. Granted September 9, 1942.

GEORGE W. TONEY, San Quentin No. 54387, convicted by second jury, Butte County, June 22, 1933, of the crime of murder in the second degree, first jury, having disagreed by a vote of six to six. Paroled November 30, 1938; term will expire November 30, 1942. The Sheriff of Butte County at time of crime recommended favorably. Judge Donald Geary of Sonoma County, where this applicant now lives, wrote recommending a pardon if applicant's service of sentence and performance of parole requirements seemed to signify payment of his debt to society; District Attorney Jack M. McPherson and State Parole Officer John E. Chadwick each wrote stating he had no objection to pardon being granted; and the Advisory Pardon Board recommended favorably.

JOHN J. TOUCHY, Folsom No. 18728, pleaded guilty to the crime of forgery and prior conviction in Los Angeles County during September, 1933. He served three years seven months in prison and one year on parole. Recommended by the State Board of Prison Directors, the State Parole Officer, Sheriff Martinez of San Mateo County, the Advisory Pardon Board, the State Supreme Court and the Advisory Pardon Board. Granted December 31, 1942.

PIETRO TRESKA, San Quentin No. 36712, pleaded guilty to the crime of burning insured property in Fresno County during July, 1922. Probation was denied. He served three years in prison and in a road camp and 18 months on parole. Recommended by former State Parole Officer John E. Chadwick; the Hon. B. W. Gearhart, Congressional Representative for the Ninth District of California; and the Advisory Pardon Board. Pardon granted December 21, 1942.

OLIVER L. TRIBBLE, San Quentin No. 37476, pleaded guilty to the crime of robbery in Tulare County during February, 1923. He served four years five months in prison and a road camp and four years eight and one-half months on parole, his term expiring February 13, 1932. Favorable recommendations made by District Attorney Walter C. Haight; State Parole Officer Allen Moore; the Advisory Pardon Board. Pardon granted December 28, 1942.

H. A. TROVATEN, San Quentin No. 50630, pleaded guilty to the crime of man-slaughter in Alameda County on August 3, 1931. He served four and one-half years in prison and at a road camp and 18 months on parole. Recommended by Chief of Police B. A. Walman of Oakland, Chief of Police Pfaffm of the City of Piedmont, and the Advisory Pardon Board. Granted December 31, 1942.

WILLIAM P. WEBER, San Quentin No. 61235, pleaded guilty in Orange County, December 17, 1937, to violation of Section 480 of the Vehicle Code. Sentence expired March 19, 1941. Recommended by Superior Court Judge Franklin G. West of Orange County; D. R. McMillan, Orange County Probation Officer; Sheriff Jesse L. Elliott; District Attorney George F. Holden, and Superior Court Judge James L. Allen, all of Orange County; and by the Advisory Pardon Board. Granted April 14, 1942.

JULIUS EDGAR WEMER, San Quentin No. 35756, convicted in Fresno County, December 12, 1931, of first degree murder. Released on parole October 15, 1934. State Parole Officer Charles C. Cox and the Advisory Pardon Board recommended a pardon. Granted January 16, 1941.

CORWIN TOWNSEND WILBURN, San Quentin No. 45095, pleaded guilty to crime of violation of Section 146 of the Motor Vehicle Act. San Joaquin County, March 22, 1928. Term expired February 25, 1930. Recommended by Sheriff Martin Ansbros of San Joaquin County and by the Advisory Pardon Board. Granted April 14, 1942.

HUGH CARLTON WILLIAMS, San Quentin No. 42331, who was convicted by a jury in Tulare County during June, 1926, of the crime of driving an automobile while under the influence of liquor. He was denied probation by the court, and served 14 months in prison and 14 months on parole. His term expired October 16, 1928. Recommended by State Parole Officer Allen Moore; Assistant District Attorney Leroy McCormick of Tulare County; and the Advisory Pardon Board. Pardon granted December 21, 1942.



LESTER WILLIAMS, San Quentin No. 60559, was convicted in San Joaquin County, July 31, 1935, of conspiracy to violate, and of violation of Sections 45 and 61 of the Penal Code. Recommended by Sheriff Martin Ansbro of San Joaquin County, by State Parole Officer John E. Chadwick, and by the Advisory Pardon Board. Applicant has an opportunity for employment in the defense program. Granted August 4, 1941.

LESTER GUY WILLIAMS, San Quentin No. 45213, convicted in Alameda County on April 10, 1928, of the crime of burning insured property. His term expired August 12, 1930. State Parole Officer John E. Chadwick recommended leniency if the applicant's record since discharge had been good, and the Advisory Pardon Board, citing his steady employment and good conduct, recommended that a pardon be granted. Applicant pardoned May 6, 1941.

VANCE WILSON, San Quentin No. 44228, was convicted by a jury in Los Angeles County on September 12, 1927, for the crime of asking, receiving and agreeing to receive a bribe. He served 18 months in prison and the same period on parole, his term expiring October 15, 1930. Recommended by Lieut. of Detectives J. J. O'Brien, Chief of Police Fred Hoelscher, Sheriff James Ross, Superior Court Judge Atwell Westwick, Police Judge Fred T. Harsh, Percy C. Heckendorf (all of Santa Barbara), and the Advisory Pardon Board. Pardon granted December 18, 1942.

WILLIE WONG, San Quentin No. 25757, convicted by a jury in Colusa County on May 12, 1912, of murder in the second degree. He served 10 years in prison and remained under parole supervision until the present. Recommended by Sheriff Houx and District Attorney Ford of Colusa County, State Parole Officer Allen Moore, and the Advisory Pardon Board. Granted December 31, 1942.

C. L. YARBROUGH, San Quentin No. 57120, pleaded guilty to the crime of violation of Section 424 of the Penal Code (embezzlement and falsification of accounts by public officer), in Ventura on January 10, 1935. He served one year seven months in prison and two and one-half years on parole, his term expiring February 11, 1939. The following made recommendations: District Attorney M. Arthur Waite of Ventura County; Sheriff L. Howard Durley; and the Advisory Pardon Board. Pardon granted December 30, 1942.

JULIUS H. ZOLINSKY, San Quentin No. 37477, pleaded guilty to the crime of forgery in Tulare County on February 19, 1923. He served one year in prison and two years on parole. Recommended by Hon. J. M. Fluty, Chief of Police of the City of Visalia; Hon. Walter C. Haight, District Attorney, Tulare County; and the Advisory Pardon Board. Pardon granted December 21, 1942.

B. JOSEPH ZUKAS, Tulare County Jail No. 12605, was convicted of the crime of violation of Section 87 of the Penal Code in Tulare County on May 6, 1940. Recommended by the Advisory Pardon Board. Applicant presently serving in the United States Army and would be eligible for promotion if he were pardoned. Pardon granted December 18, 1942.

### Reprieves

DELMAR A. ARNOLD, San Quentin No. 66279, convicted of criminal conspiracy to commit robbery, robbery first degree, and murder, first degree, in San Francisco County. Ninety-day reprieve granted to enable Advisory Pardon Board to complete investigation of Arnold's application for commutation of sentence to life imprisonment. Granted July 27, 1942, extending date of execution to November 13, 1942.

MAURICE LOUIS BRIGGS, San Quentin No. 67034, convicted August 7, 1941, Los Angeles County, of murder in the first degree, and scheduled to be executed July 10, 1942. Thirty-day reprieve required for reason Governor unable to consider case without a favorable recommendation of a majority of justices of the Supreme Court, applicant having more than one conviction of a felony. Dated July 7, 1942.

EMERY BUZZELL, San Quentin No. 64156, convicted of first degree murder in Los Angeles County during September, 1939. Ninety-day reprieve granted at the request of the Advisory Pardon Board to permit psychiatric examination of applicant by Dr. A. J. Rosanoff, Director of the Department of Institutions, and subsequent consideration by the Advisory Pardon Board members. Granted February 3, 1941.

EMERY BUZZELL, San Quentin No. 64156, convicted of first degree murder in Los Angeles County, during September, 1939. The Advisory Pardon Board and the State Supreme Court each recommended that the application of a commutation of sentence from death to life imprisonment be granted. However, the record having contained unfavorable recommendations by the trial judge and the district attorney, the Governor found it necessary to extend the date set for execution so that he might give the case additional study and attention. Applicant reprieved to August 8, 1941.

DEWEY CLARK, San Quentin No. 65615, and HENRY E. JONES, San Quentin No. 65616, convicted by a jury in San Joaquin County on October 16, 1940, of murder in the first degree. Sixty-day reprieve granted to enable the State Supreme Court to consider applications for commutation of sentence to life imprisonment. Dated January 30, 1942.



STEVE CRIMM, San Quentin No. 59669, convicted in Sacramento County, March 1, 1941, of murder in the first degree, scheduled to be executed May 22, 1942. Ninety-day reprieve granted to permit the Advisory Pardon Board opportunity to complete investigation and consideration of the application for a commutation of sentence to life imprisonment. Dated May 15, 1942.

T. J. ELIE (also known as Roland Helaire), San Quentin No. 67148, convicted of first degree murder, Los Angeles County, July 25, 1941. Ninety day reprieve granted to enable the Advisory Pardon Board to complete its investigation of application for commutation of sentence from death to life imprisonment. Dated September 28, 1942.

ARTHUR FRAZIER, San Quentin No. 66280, convicted of criminal conspiracy to commit robbery, robbery first degree, and murder first degree, San Francisco County. Ninety day reprieve granted to enable Advisory Pardon Board to complete investigation of Frazier's application for commutation of sentence to life imprisonment. Granted July 27, 1942, extending date of execution to November 13, 1942.

ARTHUR FRAZIER, San Quentin No. 66280, convicted of the crimes of criminal conspiracy to commit robbery, robbery first degree, and murder first degree, San Francisco County, November 13, 1942. Reprieve of one week granted since his two confederates were to be executed same day and lethal gas chamber at San Quentin is able to accommodate but two persons per day. Dated November 12, 1942.

ELDON R. HAWK, San Quentin No. 65590, convicted of first degree murder in Yolo County, during October, 1940, and under sentence of death. Applicant had applied for a commutation of sentence to life imprisonment and had subsequently withdrawn his application, but had asked for a reprieve of three weeks to enable him to arrange his personal affairs. Granted August 5, 1941.

GORDON HAWKINS, San Quentin No. 65144, convicted of murder in the first degree in Sacramento County on June 3, 1940, and scheduled to be executed June 20, 1941. A reprieve of one week was granted to permit the Governor to study the application for commutation of sentence to life imprisonment, to determine whether there were any extenuating circumstances which will place this application in a different category from those of the other two persons simultaneously convicted of the same offense. Dated June 17, 1941.

GORDON HAWKINS, San Quentin No. 65144, scheduled to be executed June 27, 1941. Reprieve of 30 days granted at request of the trial judge and foreman of the jury that convicted applicant, who wished to present additional information. Granted June 19, 1941.

GORDON HAWKINS, San Quentin No. 65144, scheduled to be executed July 25, 1941. Thirty-day reprieve granted to permit the Governor an opportunity to consider the many conflicting facts and circumstances offered concerning this application for commutation of sentence to life imprisonment, an opportunity denied him during the 30 day bill signing period following the close of the legislative session. Granted July 17, 1941.

GORDON HAWKINS, San Quentin No. 65144, scheduled to be executed August 29, 1941. Applicant's codefendant had submitted facts extending over a period of many years and requiring additional study. Reprieve granted to November 28, 1941. Dated August 19, 1941.

BARZEN HOYT, San Quentin No. 66281, convicted of criminal conspiracy to commit robbery, robbery first degree, and murder first degree, in San Francisco. Ninety-day reprieve granted to permit Advisory Pardon Board to complete investigation and consideration of application for commutation of sentence from death to life imprisonment. Granted July 27, 1942, extending date of execution to November 13, 1942.

WILLIAM JOHANSEN, San Quentin No. 65594, convicted of murder in San Francisco County in October, 1940, scheduled to be executed June 6, 1941. A ninety day reprieve was granted at the request of the Advisory Pardon Board, to permit it to conduct an adequate investigation into the application for a commutation of sentence to life imprisonment. Reprieved to September 5, 1941; reprieve dated May 28, 1941.

HENRY E. JONES, San Quentin No. 65616, convicted of first degree murder, San Joaquin County, December 12, 1941. The Advisory Pardon Board requested applicant be reprieved so that the board might have an opportunity to investigate his application for a commutation of sentence to life imprisonment. A 60-day reprieve granted, extending date of execution to February 13, 1942. Dated November 24, 1941.

JOHN E. REED, San Quentin No. 65306, convicted by a jury in San Bernardino County on July 19, 1940, of the crime of murder in the first degree. The Advisory Pardon Board requested additional time within which to conduct an adequate investigation into this application for a commutation of the death sentence to life imprisonment. A ninety-day reprieve was granted June 17, 1941.

MIKE SIMEONE, San Quentin No. 65145, convicted of first degree murder in Sacramento County, June 3, 1940, scheduled to be executed June 20, 1941. A reprieve of one week was required to enable thorough study of this application to determine whether there were any extenuating circumstances which will place the

application in a different category from those of the other two persons simultaneously convicted of the same offense. Granted June 17, 1941.

MIKE SIMEONE, San Quentin No. 65145, scheduled to be executed June 27, 1941. Thirty-day reprieve granted at request of trial judge and foreman of the jury, who wished to present additional information. Granted June 19, 1941.

MIKE SIMEONE, San Quentin No. 65145, scheduled to be executed July 25, 1941. Thirty-day reprieve granted to permit the Governor an opportunity to consider the many conflicting facts and circumstances offered concerning this application for commutation of sentence to life imprisonment, an opportunity denied him during the 30-day bill signing period following the close of the legislative session. Granted July 17, 1941.

MIKE SIMEONE, San Quentin No. 65145, scheduled to be executed August 29, 1941. Applicant's codefendant had submitted facts extending over a period of many years and requiring additional study. Reprieve granted to November 28, 1941. Dated August 19, 1941.

THOMAS B. SMITH, San Quentin No. 64605, convicted of first degree murder in Stanislaus County, February 3, 1940. A reprieve of 60 days granted to enable the Advisory Pardon Board to complete investigation and consider the application for a commutation of sentence from death to life imprisonment. Granted February 3, 1941.

EITHIEL LETA JUANITA SPINELLI, Tehachapi No. 533, convicted of murder in the first degree in Sacramento County, June 3, 1940, and sentenced to be executed June 20, 1941. Thirty-day reprieve granted at request of trial judge and foreman of the jury, who wished to present additional information. Granted June 19, 1941.

EITHIEL LETA JUANITA SPINELLI, Tehachapi No. 533, scheduled to be executed July 18, 1941. Thirty-day reprieve granted to permit Governor an opportunity to consider the many conflicting facts and circumstances offered concerning this application for commutation of sentence to life imprisonment, an opportunity denied him during the 30-day bill signing period following the close of the legislative session. Granted July 17, 1941.

EITHIEL LETA JUANITA SPINELLI, Tehachapi No. 533, scheduled to be executed August 22, 1941. Applicant had submitted facts extending over a period of many years and requiring additional study. Reprieve to November 21, 1941. Dated August 19, 1941.

ALFRED HORACE WELLS, San Quentin No. 59917-A, convicted of first degree murder, three counts, San Bernardino, and sentenced to be executed August 7, 1942. Four months reprieve requested by the Advisory Pardon Board to permit completion of its investigation of applicant's application for commutation of sentence to life imprisonment, the one month in addition to normal 90-day extension for such purpose being made necessary by cancellation of one of the board's monthly meetings. Granted August 1, 1942.

WILLIAM A. YOUNG, San Quentin No. 65410, convicted of murder in Los Angeles County on August 19, 1940, and scheduled to be executed June 20, 1941. A 90-day reprieve was granted at the expressed request of the Advisory Pardon Board to permit that body to make an adequate investigation into the case pursuant to the application for a commutation of sentence from death to life imprisonment. Dated June 13, 1941.

WILLIAM A. YOUNG, San Quentin No. 65410, convicted of murder in Los Angeles County August 19, 1940, and sentenced to be executed September 19, 1941. Reprieved to October 17, 1941, to permit submission of his case to the Supreme Court, his prior conviction of a felony precluding an act of executive clemency without a favorable recommendation by the justices of that court. Dated September 16, 1941.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

#### ADJOURNMENT

At 12.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Tuesday, January 19, 1943.

**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

TWELFTH LEGISLATIVE DAY

SIXTEENTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Tuesday, January 19, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Dorsey, on motion of Senator Seawell.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Al B. Brayer of Roseville.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward Davis of Tulalake, California; and M. A. Bowman of Merrill, Oregon.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence Fletcher of Piedmont.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carl Stanley, Jack White, and Bob Schmeiser, all of Fresno.



## COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

STATE LANDS COMMISSION  
SACRAMENTO, CALIFORNIA, January 5, 1943

*To the Senate of the State of California*

Pursuant to the provisions of Section 6211 of the Public Resources Code (formerly Chapter 800, Statutes of 1917), we respectfully report that, according to advices received, certificates of title have been issued to August 1, 1942, by the registrars of land titles under the Torrens Law in 18 of the 58 counties of California as follows:

Alameda -----	179	San Bernardino -----	7,825
Fresno -----	119	San Diego -----	7,176
Humboldt -----	349	San Francisco -----	7
Imperial -----	548	San Luis Obispo -----	1
Kern -----	168	Santa Barbara -----	846
Los Angeles -----	120,300	Santa Cruz -----	288
Merced -----	1	Sonoma -----	656
Orange -----	9,286	Tulare -----	100
Riverside -----	312	Ventura -----	6

The Torrens Act provides that upon the original registration of any land a sum equal to one-tenth of 1 per cent of the assessed value of the land, including permanent improvements thereon as the same were valued for county taxation the last time said land and permanent improvements or either thereof were assessed for county taxes next preceding the filing of the petition, shall be collected by the registrar and paid to the State Treasurer to be credited to the "Torrens Title Assurance Fund."

The books of the State Treasurer show at the close of business June 30, 1942, a cash balance of \$46.38 in the "Torrens Title Assurance Fund," and a net deficit of \$7,164.50.

The State Treasurer in a letter addressed to this office January 6, 1939, stated that all of the assets of the "Torrens Title Assurance Fund" were liquidated in an effort to satisfy a judgment in favor of Thomas Edwin Gill and Myla Ritzinger Gill against the "Torrens Title Assurance Fund." The following excerpt from said letter is taken from the Biennial Report of the State Treasurer, dated June 30, 1938:

In the Superior Court of the State of California, in and for the County of Imperial, Department No. 2, the case of *Thomas Edwin Gill and Myla Ritzinger Gill*, Plaintiffs, vs. *C. G. Johnson*, as Treasurer of the State of California, and *Friend James Austin*, Defendants, came to trial November 18, 1935. The cause was submitted for decision on November 19, 1935, and the decision rendered on January 15, 1936, resulted in the Plaintiffs obtaining judgment for the sum of \$65,000 against Charles G. Johnson, as Treasurer of the State of California, and directed payment to be made out of the Torrens Title Assurance Fund. However, on March 10, 1936, a modification of findings and judgment ruling on motion for new trial was made by the court, ordering that the judgment be amended to conform to the findings and conclusions by substituting the amount of \$48,000 instead of \$65,000; and motion for a new trial was denied. This judgment provides for interest to be paid at the rate of 7 per cent per annum on the unpaid balance from January 15, 1936.

As indicated in our Biennial Report referred to above, \$46.88.48 has been paid to Mr. Gill on this judgment, leaving a remaining unpaid balance, according to our records, of \$1,101.52, plus 7 per cent interest on the original amount of the judgment, or \$48,000, from January 15, 1936, to the date of the first partial payment, and on the principal balances subsequent to the dates of the partial payments.

The final disposition of this litigation will be found in Volume 21, California Appellate Reports, at page 649.

Respectfully submitted.

STATE LANDS COMMISSION  
Division of State Lands, Sacramento  
By P. S. OTTOSON, Executive Officer



## MESSAGES FROM THE ASSEMBLY

SENATE CHAMBER, SACRAMENTO, January 18, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 15  
Assembly Bill No. 162  
Assembly Bill No. 213

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 15**—An act to amend Section 6 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 162**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 213**—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to motor vehicles, and declaring the urgency of this act.

Referred to Committee on Transportation.

## MESSAGES FROM THE GOVERNOR

GOVERNOR'S OFFICE, SACRAMENTO, January 19, 1943

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointment, and respectfully request your confirmation thereof and consent thereto:

JOHN J. HAMLYN, of Sacramento, California, attorney at law, former counsel for the California State Employees Association; former Chief Deputy of the Legislative Counsel of California, Fred B. Wood.

To the State Personnel Board, for the term ending January 15, 1953, vice E. H. Christian, term expired.

Respectfully,

EARL WARREN  
Governor of the State of California

Message read, and referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 19**—Relative to permission to leave the State for certain Members of the Senate and the Assembly for attendance at the meeting of the Council of State Governments.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 19, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19**

**Assembly Concurrent Resolution No. 19**—Relative to permission to leave the State for certain Members of the Senate and the Assembly for attendance at the meeting of the Council of State Governments.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

**ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1943**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 36

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

**ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1943**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 48

Assembly Bill No. 143

Assembly Bill No. 235

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **H. F. LEWRIGHT**, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 36**—An act to amend Section 4 of the Budget Act of 1941, relating to approval of withdrawals from appropriations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 48**—An act to amend Section 6.37 of, and to add Section 6.38 to, the School Code, and to add Sections 18058 and 18059 to the Education Code, relating to the letting of contracts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 143**—An act making an appropriation for the additional support of the California Polytechnic School, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 235**—An act to add Section 92.1 to the Agricultural Code, relating to the basis of allocation to county, district or

combined county and district fairs, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 14.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 12—Approving certain amendments to the charter of the County of San Diego, State of California, voted for and ratified by the qualified electors of said county at a general election held therein on the third day of November, 1942;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighteenth day of January, 1943, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Approving amendments to the charter of the County of Fresno, State of California, which were submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 3, 1942;

Senate Joint Resolution No. 7—Relative to memorializing and petitioning the Congress of the United States to pass the bill generally known as the Lee Welch Bill suspending the exemption from tolls in favor of United States Government traffic over the Golden Gate Bridge during the war emergency and for six months thereafter;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of January, 1943, at 11.15 a.m.

SEAWELL, Chairman

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 49

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading.

#### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 18, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 37

Senate Bill No. 180

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred, Senate Bill No. 95

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 122

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

**MOTION TO CORRECT THE JOURNAL**

Senator Hatfield moved that the Senate Journal of January 15th be corrected by inserting, on page 96, following the heading "Parliamentary Inquiry", the following:

Senator Hatfield made inquiry of the Chairman of the Rules Committee, Senator Seawell, as to the interpretation of the Rules Committee of the proposed amendment in relation to a Senate bill, containing an urgency clause, which had been amended in any manner in the Assembly—specifically he asked whether under the proposed amendment such a bill would require 27 votes for concurrence in the Assembly amendment.

Senator Seawell answered that the Rules Committee interpreted the proposed amendment to require 27 votes for concurrence in the Assembly amendments under the instances suggested by Senator Hatfield.

Senator Hatfield requested that the Senate Journal recite his inquiry and Senator Seawell's statement in reply thereto to indicate the understanding and intention of the Senate in its vote on the proposed amendment.

Motion carried.

**RESOLUTIONS**

The following resolution was offered:

By Senator McCormack:

**Senate Resolution No. 31**

Relative to the Senate Investigating Committee on State Building and Construction created by Senate Resolution No. 151, adopted June 14, 1941

*Resolved by the Senate of the State of California*, That the Senate Investigating Committee on State Buildings and Grounds created by said Senate Resolution No. 151, is continued as a committee at this session, with those members it had on January 1, 1943, who are now Members of the Senate and with all the powers and duties defined and conferred by said Resolution No. 151, with power to act until the making of its final report to the Senate, the date for which is extended to March 15, 1943; and there is hereby made available from the Contingent Fund of the Senate at this session for expenses of the committee and its members and for any expenses, charges, or claims it may incur, to be disbursed as in said Resolution No. 151 prescribed, a sum of money equal to the unexpended and unencumbered balance of the amount originally made available by said Resolution No. 151.

Resolution read, and referred to Committee on Rules.



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed John J. Hamlyn, as a member of State Personnel Board;

Has had the same under consideration, and respectfully recommends that the said appointment be confirmed by the Senate.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

## Motion Confirming Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of John J. Hamlyn of Sacramento as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of John J. Hamlyn?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Calder, Collier, Crenshaw, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Meyer, Patterson, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Trade, and Ward—36.

NOES—None.

## Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of John J. Hamlyn to the State Personnel Board.

## RESOLUTIONS

The following resolution was offered:

By Senators Hatfield and Donnelly:

## Senate Resolution No. 32

Requesting the making of a preliminary survey for a State highway

WHEREAS, There are no east-west State highways between the San Joaquin Valley and the sea coast between the existing State highways through the Altamont Pass and the Pacheco Pass, a distance of over 50 miles; and

WHEREAS, Under the provisions of Section 75 of the Streets and Highways Code the California Highway Commission may authorize preliminary surveys to determine the advisability of extending the State Highway System; now, therefore, be it

*Resolved by the Senate of the State of California*, That the California Highway Commission is hereby requested and directed to authorize such preliminary surveys as are necessary to determine the advisability of the creation of a new State highway from a point between the towns of Patterson and Newman in the San Joaquin Valley and the City of San Jose, and to report the results of such preliminary surveys as soon as possible and not later than the beginning of the Fifty-sixth Regular Session of the Legislature.

Resolution read, and referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1943

MR. PRESIDENT: Your Committee on Rules announces the following weekly committees' schedule:

## Weekly Committees Schedule

Monday—		Room
Labor	9 a.m.	406
Water Resources	On adjournment	415
Judiciary	8 p.m.	414
Transportation	8 p.m.	406
Tuesday—		Room
Public Utilities	9 a.m.	406
Public Health and Safety	9 a.m.	414
Fish and Game	On adjournment	414
Agriculture	8 p.m.	406
Revenue and Taxation	8 p.m.	414
Wednesday—		Room
Finance	9 a.m.	414
Military and Veterans Affairs	On adjournment	406
Welfare and Institutions	On adjournment	415
Judiciary	8 p.m.	414
Thursday—		Room
Business and Professions	9 a.m.	406
Education	9 a.m.	414
Local Government	On adjournment	406
Governmental Efficiency	8 p.m.	414
Friday—		Room
Financial Institutions	9 a.m.	415
Elections	On adjournment	406

## On Call of Chairman—

Committee on Rules

SEAWELL, Chairman

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 265:** By Senator DeLap—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Referred to Committee on Local Government.

**Senate Bill No. 266:** By Senator Engle—An act to amend Section 19c of the California Irrigation District Act, relating to the appointment or election of officers.

Referred to Committee on Water Resources.

**Senate Bill No. 267:** By Senator Engle—An act to amend Sections 21285 and 21336 of the Water Code, relating to the appointment or election of officers of an irrigation district.

Referred to Committee on Water Resources.

**Senate Bill No. 268:** By Senator Rich—An act to amend Section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee, districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Referred to Committee on Water Resources.

**Senate Bill No. 269:** By Senator Mixter—An act to add Section 207 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to licensees in military service.

Referred to Committee on Financial Institutions.

**Senate Bill No. 270:** By Senator Quinn—An act making an appropriation for the acquisition of real property for the Humboldt State College.

Referred to Committee on Finance.

**Senate Bill No. 271:** By Senators Quinn, Tenney, Powers, Luckey, and Hatfield—An act to amend Section 3,750 of the School Code and to amend Section 10151 of the Education Code, relating to the establishment of courses in military science and tactics in the public secondary schools.

Referred to Committee on Education.

**Senate Bill No. 272:** By Senator Breed—An act validating grants by municipal corporations to the United States of America for military or naval purposes.

Referred to Committee on Judiciary.

**Senate Bill No. 273:** By Senators Quinn, Tenney, Slater, and Luckey—An act relating to the publication and disposal of newspapers printed in foreign languages.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 274:** By Senator Gordon—An act to amend Sections 9904 and 10072 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 275:** By Senator Gordon—An act to amend Section 117b of the Code of Civil Procedure, relating to the small claims affidavit and order.

Referred to Committee on Judiciary.

**Senate Bill No. 276:** By Senator Fletcher—An act making an appropriation for the repair of San Dieguito Dam.

Referred to Committee on Finance.

**Senate Bill No. 277:** By Senator Crittenden—An act to amend Section 13.16 of the "Building and Loan Association Act," relating to the powers and duties of the Building and Loan Commissioner, and to building and loan associations.

Referred to Committee on Financial Institutions.

**Senate Bill No. 278:** By Senators Brown and Engle—An act to amend Section 4532 of the Penal Code, relating to escapes.

Referred to Committee on Judiciary.

**Senate Bill No. 279:** By Senators Parkman and Brown—An act to amend Section 6359 of the Revenue and Taxation Code, relating to the sales and use tax and exemptions therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 280:** By Senator Hatfield—An act to add Section 68 to the Code of Civil Procedure, relating to State officers, including judges of the superior court, and providing for the rights of such officers after service in the armed forces, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 281:** By Senators Hatfield and Donnelly—An act to add Section 616 to the Streets and Highways Code, creating an additional State highway.

Referred to Committee on Transportation.

**Senate Bill No. 282:** By Senator Tenney—An act to add Section 604.11 to the Vehicle Code, relating to ambulances.

Referred to Committee on Transportation.

**Senate Bill No. 283:** By Senator Tenney—An act to add Section 486 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

**Senate Bill No. 284:** By Senator Tenney—An act to amend Section 8 of an act entitled "An act to authorize the establishment of a civil service system in the counties of the State, the creation of the office of civil service commission and describing the powers thereof, and prohibition of certain political activities and providing penalties for the violation of said provisions," approved July 22, 1939, relating to dismissals, suspensions and demotions.

Referred to Committee on Local Government.

**Senate Bill No. 285:** By Senator Tenney—An act to amend Section 131, and to repeal Sections 131.5, 132 and 133 of the Civil Code, relating to judgments of divorce.

Referred to Committee on Judiciary.



**Senate Bill No. 286:** By Senator Tenney—An act to amend Section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Referred to Committee on Fish and Game.

**Senate Bill No. 287:** By Senator Tenney—An act to add Section 6103.5 to the Business and Professions Code, relating to attorneys at law, and providing additional causes for suspension and disbarment.

Referred to Committee on Business and Professions.

**Senate Bill No. 288:** By Senator Biggar—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceeding brought by the Attorney General in the Court of Claims of the United States in behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 643.

Referred to Committee on Finance.

**Senate Bill No. 289:** By Senator Mayo—An act to amend Sections 5439, 5440 and 5450 of the Public Resources Code, relating to public recreation districts.

Referred to Committee on Natural Resources.

**Senate Bill No. 290:** By Senators Biggar and Fletcher—An act to add Chapter 9, comprising Sections 1140 to 1165.5, inclusive, to Part 3, Division 2 of the Labor Code, relating to relations of employers and employees, the incorporation of labor organizations, their control and regulation, and picketing and the calling of strikes by such organizations.

Referred to Committee on Labor.

**Senate Bill No. 291:** By Senators Mayo, Seawell, Powers, McCormack, Parkman, Dillinger, and Brown—An act to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who have been forced to cease operations because of the war, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Natural Resources.

**Senate Bill No. 292:** By Senator Powers—An act to repeal Section 1153 of the Probate Code, relating to return and publication of a report every six months by the public administrator.

Referred to Committee on Judiciary.

**Senate Bill No. 293:** By Senator Powers—An act to amend Sections 241 and 242 of the Code of Civil Procedure, relating to the composition and constitution of grand juries.

Referred to Committee on Judiciary.

**Senate Bill No. 294:** By Senator Powers—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

**Senate Bill No. 295:** By Senator Powers—An act to add Section 359.5 to the Agricultural Code, relating to reports of operators of refrigeration plants concerning fresh meat stored or kept therein for other persons.

Referred to Committee on Agriculture.

**Senate Bill No. 296:** By Senator Powers—An act to amend Section 737y to the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Modoc.

Referred to Committee on Local Government.

**Senate Bill No. 297:** By Senator Powers—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

**Senate Bill No. 298:** By Senator Ward—An act to amend Section 8 of The Personal Income Tax Act and Section 17306 of the Revenue and Taxation Code, relating to war losses.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 299:** By Senator Ward—An act to amend Section 328b of the Civil Code, relating to the transfer by trustees.

Referred to Committee on Judiciary.

**Senate Bill No. 300:** By Senator Ward—An act to amend Section 2261 of the Civil Code and Section 105 of the Bank Act, relating to the investment of trust funds by trustees

Referred to Committee on Judiciary.

**Senate Bill No. 301:** By Senator Ward—An act to add Section 704 to the Civil Code, relating to the ownership of United States savings bonds or other obligations of the United States registered in the name of two persons as co-owners or registered in the name of one person with a named survivor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 302:** By Senator Ward—An act to add Section 214 to the Revenue and Taxation Code, relating to the exemption from taxation of merchandise arrested by war conditions from actually continuing to move in interstate or foreign commerce, declaring the urgency thereof and providing that this act take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 303:** By Senator Donnelly—An act to add Section 92.1 to the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 304:** By Senator Donnelly—An act to add Article 3 to Chapter 3 of Division 1 of the Agricultural Code, relating to the establishment of an advisory commission for local agricultural fairs.

Referred to Committee on Agriculture.

**Senate Bill No. 305:** By Senator Donnelly—An act to amend Sections 80 and 92 of the Agricultural Code, relating to agricultural fairs.

Referred to Committee on Agriculture.

**Senate Constitutional Amendment No. 9:** By Senators Mayo and Dillinger—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII thereof, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 10:** By Senator Hatfield—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 8.5 to Article VI thereof, relating to State officers, including judges of the superior court, and providing for the rights of such officers after service in the armed forces.

Referred to Committee on Local Government.

#### RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

#### Senate Resolution No. 33

WHEREAS, Death has taken Hugh L. Smith, who was born in San Francisco and has, since 1935, been a judge of the municipal court of that city; and

WHEREAS, Hugh L. Smith, in his youth, won fame in the traditional American sport of baseball, first on the sandlots of San Francisco and later as a member of the Los Angeles Club of the Pacific Coast League; and

WHEREAS, Hugh L. Smith contributed richly to the community life of his city, through his work on the municipal bench, his interest in baseball, and his membership in various organizations, including the Olympic Club, the University of San Francisco Alumni Association, and the Native Sons of the Golden West; and

WHEREAS, Hugh L. Smith leaves, besides his many friends, his widow, Mrs. Grace O'Brien Smith, and three sons: Hugh Smith, Jr., now serving in the United States Navy; James Smith, a candidate for Marine Officers School at Quantico, Virginia; and Justin Smith, a student in San Francisco; and

WHEREAS, It is the wish of the Senate of the State of California to express its appreciation of the public service rendered by Judge Hugh L. Smith, and to convey its sympathies to his family; now, therefore, be it

*Resolved by the Senate of the State of California, That when this Senate adjourns today it do so out of respect to the memory of Judge Hugh L. Smith: and be it further*

*Resolved, That the Secretary be and he is hereby directed to transmit a suitably engrossed copy of this resolution to the family of Judge Hugh L. Smith.*

Resolution read and adopted by rising vote.

#### ADJOURNMENT

At 3.35 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Wednesday, January 20, 1943, out of respect to the memory of the late Hugh L. Smith.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 20, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tuckle, and Ward—37.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Engle, on motion of Senator Carter.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George E. Bryans and Chester R. Cleator, both of San Diego.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Sutter and L. M. Brown, both of San Francisco.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John T. Pillsbury of Oakland.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Dan Williams of Merced.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lloyd Cullen, Lloyd Wood, City Superintendent of Schools, and James Burke, President of Santa Rosa Board of Education, all of Santa Rosa, and Supervisor J. D. Cox of Healdsburg.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. D. Boucher of San Diego, Mrs. Mary E. Snow of Vista, and Mrs. Eva C. Wheeler of Los Angeles.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Waterstreet and Mrs. H. J. Ziegemeir, both of Fairmont Hotel, San Francisco, and Mrs. Belle Kelley of Palace Hotel, San Francisco.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Transportation.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered re-referred to Committee on Transportation.

#### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 59

Assembly Bill No. 235

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 7

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Concurrent Resolution No. 7**—Creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 49, of the printed bill, strike out "forty thousand dollars (\$40,000)", and insert "twenty thousand dollars (\$20,000)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

**Senate Resolution No. 31**

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

**REQUEST FOR UNANIMOUS CONSENT**

Senator McCormack asked for, and was granted, unanimous consent to take up Senate Resolution No. 31, at this time, for consideration

**CONSIDERATION OF SENATE RESOLUTION NO. 31**

Relative to the Senate Investigating Committee on State Building and Construction created by Senate Resolution No. 151, adopted June 14, 1941

*Resolved by the Senate of the State of California*, That the Senate Investigating Committee on State Buildings and Grounds created by said Senate Resolution No. 151, is continued as a committee at this session, with those members it had on January 1, 1943, who are now Members of the Senate and with all the powers and duties defined and conferred by said Resolution No. 151, with power to act until the making of its final report to the Senate, the date for which is extended to April 15, 1943; and there is hereby made available from the Contingent Fund of the Senate at this session for expenses of the committee and its members and for any expenses, charges, or claims it may incur, to be disbursed as in said Resolution No. 151 prescribed, a sum of money equal to the unexpended and unencumbered balance of the amount originally made available by said Resolution No. 151.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

**RESOLUTIONS**

The following resolution was offered:

By the Committee on Rules:

**Senate Resolution No. 34**

*Resolved*, That the Senate Committee to Investigate Conditions at the Penal and Correctional Institutions of This State, as provided by Senate Resolution No. 152 of the Fifty-fourth Session of the Legislature, be and the same is hereby continued and authorized to serve during this Fifty-fifth Session of the Legislature and that all of the provisions of said Senate Resolution No. 152 of the Fifty-fourth Session be and the same are hereby continued for this session, and that the personnel of the committee appointed pursuant to said resolution be the same except Senator Myhand, term expired; and be it further

*Resolved*, That the sum of two thousand nine hundred eighty and 75/100 dollars (\$2,980.75) or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for expenses of said committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be

distributed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the State Treasurer, the said amount of two thousand nine hundred eighty and 75/100 dollars (\$2,980.75) being the unexpended balance of the sum of five thousand dollars (\$5,000) which was originally appropriated for the use of this committee by Senate Resolution No. 152 of the Fifty-fourth Session of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 290

Senator Biggar moved that Senate Bill No. 290 be withdrawn from Committee on Labor, for purpose of amendment.

Motion carried.

#### CONSIDERATION OF SENATE BILL NO. 290

**Senate Bill No. 290**—An act to add Chapter 9, comprising Sections 1140 to 1165.5, inclusive, to Part 3, Division 2 of the Labor Code, relating to relations of employers and employees, the incorporation of labor organizations, their control and regulation, and picketing and the calling of strikes by such organizations.

Bill read second time.

#### Motion to Amend

Senator Biggar moved the adoption of the following amendments:

##### Amendment No. 1

On page 2 of the printed bill, strike out line 7.

##### Amendment No. 2

On page 2, line 8, of the printed bill, strike out "before", and insert "1141.5. Before".

##### Amendment No. 3

On page 2, lines 11 and 12, of the printed bill, after "surety in", strike out "the sum of ten dollars (\$10) per member", and insert "a sum commensurate with the position held and".

##### Amendment No. 4

On page 2, line 17, of the printed bill, after "form", insert a period.

##### Amendment No. 5

On page 2 of the printed bill, strike out lines 18 to 26, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 194

Senator Seawell moved that Senate Bill No. 194 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Local Government.

Motion carried.



## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 49**—An act to amend Sections 2 and 3 of the Sabotage Prevention Act, relating to punishment, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 37**—An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare an emergency, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 180**—An act to add Section 350.5 to the Political Code, relating to the sale or rental of tools and equipment of the State, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 95**—An act to amend Section 1 of an act entitled "An act authorizing any city, county, city and county, or district to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations: declaring the urgency hereof; to take effect immediately," approved December 23, 1941, relating to the granting of emergency powers to local governmental agencies and public districts including provisions for the transfer, sale, lease, or use of public property of such agencies or districts, declaring the urgency of this act, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2 of the printed bill, between lines 20 and 21, insert "Sec. 2. Upon the cessation of hostilities in the present war between the United States of America and the governments of Germany, Japan, and Italy and each of them, as fixed by proclamation of the President or by concurrent resolution of the two houses of the Congress of the United States, this act shall terminate and be of no further force or effect."

**Amendment No. 2**

On page 2, line 21, of the printed bill, strike out "2," and insert "3."

Amendments read and adopted.

Bill ordered reprinted, engrossed, and to third reading.

**Senate Bill No. 122**—An act to repeal Sections 11 and 21 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the

acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," to amend Section 13 and to add Sections 11, 11.10, 11.20, 11.30, 11.40, 11.50, 11.60, 11.70, 21, 21.10, 21.20, 21.30, 21.40, 21.50, 21.60, 21.70, 21.80, 21.90 and 21.100, providing for the powers of the board of directors to determine all questions of policy, to supervise and regulate all utilities owned and operated by a municipal utility district, to appoint a general manager and other officers, assistants and employees, to contract for or employ services, and to provide for the performance of work or services, to create the positions necessary to carry on the functions of the district and to abolish positions and establish salary ranges; providing for the tenure and removal of the general manager; and relating to the powers of the board of directors generally; the powers and duties of the general manager; also providing for the adoption and administration of a civil service system, specifying the positions included therein and excepted therefrom, providing for appointments based on merit and discharge for cause, period of probation suspensions, adoption of rules by the general manager, providing for the making of appointments without examination during the present emergency; and relating to civil service generally; and the severability of the act; and declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 25 of the title of the printed bill, after "period of probation", insert a comma.

##### Amendment No. 2

On page 2, line 35, of the printed bill, after "provided," insert "further,".

##### Amendment No. 3

On page 2, line 36, of the printed bill, after "employees may", insert "also".

##### Amendment No. 4

On page 4, line 43, of the printed bill, after "unfilled positions", insert "(not to exceed ten)".

##### Amendment No. 5

On page 6, line 42, of the printed bill, strike out "in".

Amendments read and adopted.

Bill ordered reprinted, engrossed, and to third reading.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up Senate Bill No. 180, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 180

**Senate Bill No. 180**—An act to add Section 350.5 to the Political Code, relating to the sale or rental of tools or equipment of the State, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Tenney:

*Resolved*, That Senate Bill No. 180 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 180**—An act to add Section 350.5 to the Political Code, relating to the sale or rental of tools or equipment of the State, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**WITHDRAWAL AND RE-REFERENCE OF SENATE CONSTITUTIONAL AMENDMENT NO. 10**

Senator Hatfield moved that Senate Constitutional Amendment No. 10 be withdrawn from Committee on Local Government, and referred to Committee on Judiciary.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Breed asked for, and was granted, unanimous consent to take up Senate Bill No. 37, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 37**

**Senate Bill No. 37**—An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and

to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare an emergency, to take effect immediately.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Breed:

*Resolved*, That Senate Bill No. 37 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 37**—An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies; to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare an emergency, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**MOTION TO RE-REFER**

Senator Mixter moved that Assembly Bill No. 235 be re-referred to Committee on Finance.

Motion carried.



**REQUEST FOR UNANIMOUS CONSENT**

Senator Slater asked for, and was granted, unanimous consent to take up Senate Bill No. 49, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 49**

**Senate Bill No. 49**—An act to amend Sections 2 and 3 of the Sabotage Prevention Act, relating to punishment, declaring the urgency hereof, to take effect immediately.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Slater:

*Resolved*, That Senate Bill No. 49 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 49** An act to amend Sections 2 and 3 of the Sabotage Prevention Act, relating to punishment, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MOTION TO PRINT REPORT IN JOURNAL**

Senator Mixer moved that the following Report of the Fact-Finding Committee on Care of Children and Aged in California be printed in the Journal:

Motion carried.

Report of the Senate Fact-Finding Committee, Created by  
Senate Resolution No. 156—1941  
Care of Children and Aged in California

*Members of Committee:*

SENATOR JOHN PHILLIPS, Chairman  
SENATOR CHARLES BROWN  
SENATOR JESSE M. MAYO  
SENATOR FRANK W. MINTER  
SENATOR JOHN F. SHELLEY  
SENATOR JAMES I. WAGY

*Attorney for Committee:*

MURRAY M. CHOTINER

Senate Resolution No. 156

"WHEREAS, The Joint Fact-Finding Committee on Employment of the First Extraordinary Session of the Fifty-third Legislature, created by Senate Concurrent Resolution No. 10, supplemented by Assembly Concurrent Resolution No. 26 and again created as an Interim Committee of said session by Senate Concurrent Resolution No. 29 and re-created as a committee of the Fifty-fourth Session by Senate Concurrent Resolution No. 4, has heretofore exercised the functions conferred upon it and has made several reports to the Legislature on the result of its investigations; and

"WHEREAS, It appears from these investigations and reports that the best interests of the people of this State will be served by permitting a committee to function after final adjournment; now, therefore, be it

"Resolved, That there is hereby created a committee to be known as 'The Senate Fact-Finding Committee,' to consist of six Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study and analyze all facts relating to any and every phase of employment, relief and public assistance and the administration thereof with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to bring about and assure the gainful employment in private enterprise of all of its able-bodied citizens and the efficient expenditure of State funds appropriated for relief and public assistance to which end the committee shall have (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such Rules may be exercised by the committee after the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

"(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

"(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

"(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

"(4) To audit all books, memorandum or documents showing the receipts and disbursements of any agency of government and to contract with private firms of auditors for that purpose;

"(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

"(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

"(7) To make a complete study, survey and investigation of every phase of the subject in this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the encouragement or increase of employment in private enterprise, the finding of jobs and placement of workers therein, the furtherance of apprentice training, vocational training and education or re-education, the relief

of hardship and destitution due to and caused by unemployment or otherwise, and to the aged, and other forms of public assistance, the affording of unemployment insurance, or the discovery and the fostering of the discovery and development of new frontiers in industry, commerce or agriculture and new uses for the resources and products of the State, and the method, adequacy and efficiency of the functioning of any and all governmental agencies, State or local, in any way charged or concerned with the administration or enforcement of any such laws or any part of any thereof, and the competency and efficiency of the personnel of any such agency;

"(8) To meet at any and all places in this State, in public or executive session;

"(9) To act after final adjournment of this session of the Legislature;

"(10) To file a report with the Senate during any special session of the Fifty-fourth Legislature or during the regular session of the Fifty-fifth Legislature;

"(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

"(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes, for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

*Resolved*, That the sum of seven thousand dollars (\$7,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

*Resolved*, That this resolution shall be void provided Senate Concurrent Resolution No. 51 is enacted at this Fifty-fourth Session."

#### *To the Members of the California Senate*

Your Fact-Finding Committee, appointed under the terms of Senate Resolution No. 156, adopted during the 1941 Session of the State Legislature, submits herewith its report on conditions of child and aged care in California.

The committee has decided to issue its report in two parts: The first will deal with conditions of child care; and the second with aged care.

The undersigned members of the committee approve the findings and recommendations contained in this report.

JOHN PHILLIPS, *Chairman*  
CHARLES BROWN  
JESSE M. MATO

FRANK W. MIXTER  
JOHN F. SHELLEY  
JAMES I. WAGY

#### **Part I**

##### *Child Care*

#### **IMPORTANCE OF SUBJECT**

Mothers and fathers who are employed have found it necessary to make arrangements for the day care of their children, and in many instances, for overnight care. For the most part, these children have been placed in private homes and nurseries. Prior to the entry of the United States into World War II, the facilities for the care of children of working parents were admittedly inadequate. Since December 7, 1941, there has been a greater number of mothers who have entered industry, and the number is expected to increase tremendously. The need for more and better facilities for the care of their children is one of the crying demands at present.



While there are many high-type homes that minister to the care of children, nevertheless, a certain type has sprung up which has shocked the sensibilities of all persons who have come into contact with them.

There are approximately 6,000 child boarding homes in California that have come to the attention of the State Social Welfare Department, according to Miss Martha Chickering, Director of the State Department of Social Welfare.

There are approximately 1,671 child boarding homes in the City of Los Angeles that have come to the attention of the authorities. Reliable sources of information indicate that there are many more of which the authorities do not have any record. The importance of the subject is demonstrated by the following typical statements and actions:

The Senate Committee on Economic Planning, consisting of Senators Robert W. Kenny and John Phillips, has called attention to the necessity of taking care of children of working mothers. The committee points out that it will be necessary to recruit an army of women to replace millions of men drawn from civilian occupations into the armed forces.

Resolution Adopted April 7, 1942, by the Santa Cruz Business  
and Professional Women's Club

WHEREAS, It has come to our attention that there is not rigid or uniform supervision over the conduct of boarding homes for minor children in the State of California; and

WHEREAS, If any crimes are perpetrated against children in such homes, said crimes are classified as misdemeanors; and

WHEREAS, If the owner or manager of such a boarding home for children commits a crime against any of the children, pleads guilty and pays a fine, there is no supervision over her to see how she conducts such a home in the future; and

WHEREAS, If the owner or manager of such a boarding home for children commits a crime against any of the children, and is put on probation and moves to another community, no jurisdiction is had over her future conduct of such a home, either by the Bureau of Child Welfare or other agency; and

WHEREAS, We believe that the conduct of persons managing boarding homes for children is a matter of vital importance; and

WHEREAS, We believe there is at present much opportunity for laxity in law enforcement in regard to matters of this kind; now, therefore, be it

*Resolved*, That an investigation be made of existing laws concerning the conduct of persons managing boarding homes for children; and be it further

*Resolved*, That a recommendation be made that legislation be drafted to amend Section 273a of the Penal Code so that crimes against children in boarding homes be made a felony instead of a misdemeanor; and be it still further

*Resolved*, That a copy of this resolution be sent to the California Federation of Business and Professional Women's Clubs, Inc., State Department of Social Welfare, State Bar Association, and Judges Association, for consideration.

Rev. Harry G. Earle, President of the Long Beach Council of Social Agencies, on May 10, 1942, announced the appointment of a special committee on adequacy of child nursery care, which would immediately initiate a study of child care resources in view of the enhanced employment of women in war industry.

Mrs. O. H. Spradling, of Glendale, Chairman of Juvenile Protection for the California Congress of Parents and Teachers, and Chairman of the Child Welfare Committee of the Los Angeles County Public Welfare Commission, stated, May 24, 1942:

Some of the most heinous offenses ever committed against children are taking place in some of these unlicensed homes and only by seeing that all foster homes are licensed and thus open to investigation by the State, can we prevent these offenses \* \* \*. With so many women being drawn into war industries, this matter is more important than ever before.

The Los Angeles County Federation of Women's Clubs, on June 15, 1942, appointed Mrs. Paxton Lytle as chairman of a committee to participate in the investigation of children's foster homes in California.

Miss Thelma McKelvey, Chief of the Women's Labor Supply Service of the United States, has stated:

Mothers and grandmothers are today being utilized in defense industries, and by the fourth quarter of 1943, those industries will require 4,000,000 women as compared to 16,000,000 men, or a ratio of one to five. Women should assist in the social problems that will be entailed by the employment of women—housing, recreation, care of children, and establishment of day nurseries.

#### TYPES OF HOMES AND NURSERIES

There are four general types of homes which are used for the care of children:

(a) Homes where children are boarded overnight without the parents residing on the premises. This type will be referred to as "child boarding home."



(b) Homes where children are boarded and the parents live at the premises, but are gone during the day on account of employment. This type will be referred to as "parent-child boarding home."

(c) Homes where children are boarded overnight and the parents do not live at the premises, and which also board children overnight with parents living at the home. This type will be referred to as a "combination boarding home."

(d) Day nurseries and day care in private homes which provide day care for pre-school children and in some instances children of school age after school hours. This type will be referred to as "day nurseries."

#### STATE LAWS AND REGULATIONS

The Welfare and Institutions Code provides as follows:

##### SECTION 1620

Activities for which license required. No person, association or corporation shall, without first having obtained a written license or permit therefor from the State Department of Social Welfare or from an inspection service approved or accredited by the department:

(a) Maintain or conduct any institution, boarding home, day nursery, or other place for the reception or care of children under 16 years of age, nor engage in the business of receiving or caring for such children, nor receive nor care for any such child in the absence of its parents or guardian, either with or without compensation.

(b) Engage in the finding of homes for children under 16 years of age, or place any such child in any home or other place, either for temporary or permanent care or for adoption.

##### SECTION 1621

Department to make rules for government of institutions and services: Right of inspection and examination. The State Department of Social Welfare shall make such rules and regulations as it deems best for the government of any institution or for the performance of any service specified in Section 1620 of this code and the department may, by a member, or any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service.

##### SECTION 1622

Delegation of authority to county health or social service department. The State Department of Social Welfare may delegate such of its authority as it deems best to an approved and accredited inspection service. This service shall be either the health department of a county or other political subdivision which maintains at least one regularly licensed physician, or a qualified social service department, either of which has been approved in writing by the State Department.

##### SECTION 1625

Revocation: Notice of time and place of hearing. Permits or licenses may be revoked for cause after a hearing before the State Department of Social Welfare or an approved and accredited inspection service. Written notice of the time and place of such hearing and of the charges made against the holder of the permit or license shall be duly served on him not less than 10 days prior to the time fixed for such hearing.

##### SECTION 1629

Conduct of incorporated institution or service a misdemeanor. Any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place or the performance of any service specified in Section 1620 of this code without first having secured a license or permit therefor, in writing, or refuses to permit or interferes with the inspection authorized in Section 1621 of this code, is guilty of a misdemeanor.

The State Department of Social Welfare has adopted the following minimum requirements and standards for homes and nurseries (as revised in February, 1941):

#### CHILD BOARDING HOMES

##### 1. Definition

A boarding home for children is a private family home which accepts one or more children to board with or without compensation, except that this does not apply to the boarding of nieces, nephews, grandchildren, brothers, or sisters.

##### 2. Number and Type of Children

The license will specify the number, sex, age, and other limitations as to the children who may be boarded. No exception may be made without the approval

of the State Department of Social Welfare or of the accredited agency which licenses the home.

(a) Since the boarding home is primarily a family home, the number of children in it shall not exceed the number which it is customary to think of as constituting a normal family group. The number of children under 16 years of age in the household of a licensed home shall not exceed six, except with special approval of the Department of Social Welfare.

(b) Age and sex will be determined by consideration of the sleeping quarters and other environmental factors affecting the safety and welfare of the children.

(c) Licensed homes are expected to board children whose religious background is the same as that of the foster parents, in order that all denominations may have the fair and just assurance of the religious training which the parent of the child would desire.

(d) No more than two infants under two years of age shall be allowed in any boarding home under the supervision of one adult. If two such infants are cared for, no additional children may be boarded unless there is another adult to share supervision.

### 3. Family Conditions

(a) The mother must be of suitable age, education, and temperament to care for children. The mental and physical health of each member of the family must be good.

(b) All members of the household must be of good character, habits, and reputation.

(c) The applicant may not be employed outside of her home.

(d) There shall be no mentally defective person in the family or household, either child or adult.

(e) No adult roomers or boarders shall be permitted.

(f) Homes where parents and their children are being cared for, can not be permitted to board other children without their parents.

(g) During the absence of the foster mother, children must be left in charge of a competent adult. If absence is to exceed 24 hours, the licensing agency and the child placing agency must be notified immediately, and, if possible, in advance.

(h) Children shall be boarded only in homes in which a suitable standard of care and comfort is maintained without the income derived from the board of children in the home. The money received for the care of a child above the amount required for such necessary food, clothing, and other supplies as the foster mother has agreed to provide, shall be regarded as legitimate profit.

(i) Satisfactory references must be furnished from persons who know the applicant in her own home as a housekeeper and homemaker, and who can vouch for her integrity and suitability as a foster mother.

### 4. Housing

(a) The home must conform in building and maintenance to the housing, sanitary, and fire safety ordinances of the State, city, and county, and be indorsed by the local health officer or a representative of the State Department of Social Welfare.

(b) The home must be in a residence district (not commercial or factory) with sufficient room to accommodate the family group and boarded children in a comfortable and sanitary way, and with yard space sufficient for a home playground for the children.

(c) The home must be in a district where the children can attend a school which is within convenient distance. Each child shall be given an opportunity to attend Sabbath school or a church of the religious faith of the parents.

(d) Sleeping rooms must afford at least 500 cubic feet of space for each occupant, and each bedroom must have sufficient outside windows. No child may sleep in a room opening onto an inner court.

(e) Children shall sleep in bedrooms, have individual beds, and must be under close supervision and within call of an adult at night. No boarding child shall sleep in a detached building, or in any unfinished attic, basement, stair hall, or room commonly used for other than bedroom purposes.

(f) Boys and girls over three years of age shall sleep in separate rooms. Children over three years of age shall not sleep in the same room with an adult of the opposite sex.

(g) Each bed shall have a good spring, a clean, comfortable mattress, adequate bedding, and rubber sheeting for infants and wetters. Each bed shall have but one occupant.

(h) Fireplaces and open-faced heaters must be protected by screens. Gas heaters must be vented and installed with permanent connections and protectors.

- (i) There must be adequate provision for the proper care of foods.
- (j) Rooms must be comfortably furnished, and provision must be made for the proper care of clothing and personal belongings.

#### 5. Health of Children

(a) Before admission to the home each child should be taken to a physician or to a health center for a physical examination, results of which shall be given to the foster mother.

(b) Foster mothers are urged to take their children to health centers at regular intervals; infants no less than once a month.

(c) Proper medical attention shall be provided at all times.

(d) Every child shall have a bath no less than twice a week, and infants up to two years shall be bathed every day.

(e) Individual hair and tooth brushes, towels, and other necessary toilet articles must be provided, and each child must be trained in their proper use.

(f) Children under 16 years shall not be required to do work other than school tasks and simple home duties, providing these do not interfere with schooling, necessary recreation, and health.

(g) During the absence of the foster mother, children must be left in charge of a competent adult.

#### 6. Diet of Children

(a) The dietary must be wholesome, nutritious, and suitable for the children of various ages; meat, eggs, or fish; vegetables (including leafy green vegetables); fruit (including citrus fruit); cereals (including whole grain cereals); sugar, butter, and milk shall be served daily. No butter substitute shall be served to children.

(b) Formulæ for infants shall be prescribed by a physician.

(c) Each child under six years of age must have at least one quart of milk per day. Each child over six years one pint of milk per day. Milk must be either pasteurized or from tuberculosis-free cows.

(d) With due consideration to age and special needs, children shall have their meals with members of the household.

#### 7. Discipline

Corporal punishment must not be given boarding children. Foster mothers are urged to consult with the licensing agency for advice and literature on problems of behavior in children.

#### 8. Reports

(a) The law requires that a register shall be kept in which the name of the child, the last previous address, age, nearest of kin, mother's maiden name, person responsible for his care and maintenance, amount of board paid, dates of visits to clinics or physicians, date of removal of child from the home, the name and address of person making the removal, and reason for removal. The parents of the child should be required by the foster mother to keep her informed of their present address. A record of children boarded during the past year is required before renewal of license is granted.

(b) Death or any illness of a child must be reported at once to the licensing agency and to the parent or guardian of the child. The law requires that the licensing agency must be notified in writing within 48 hours of any changes in the personnel of the home.

(c) Failure to make reports may constitute cause for revocation of license.

(d) Any change in the management or address of the home nullifies the existing license, and a new application must be made at once for another license.

(e) Newspaper offices have been requested to ask to see the license before publishing an advertisement for any home for children.

#### PARENT-CHILD BOARDING HOMES ACCEPTING MORE THAN THREE FAMILY UNITS

(As issued in September, 1942)

##### Definition

A parent and child home offers board and room, or room alone, to parents with their children, including, as a clearly defined part of the services given for the fee paid, the care and supervision of the children while the parent is away, either at work or elsewhere.

##### Licensing Requirements

The licensing function of the State Department of Social Welfare is defined in the following sections from the Welfare and Institutions Code:

(Quotations from Sections 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, and 1630.)

##### Services Offered

The responsibility for the care and supervision of the child in a parent child home will of necessity be divided between the boarding parent, or



operator of the home, and the child's own parent. The latter is present in the home for at least a part of the time and will expect to outline the general methods of care to be used, and will retain the responsibility for the major decisions. On the other hand, the staff of the home is responsible for the supervision, care, and safety of the child while the parent is away, and must be free to use their own judgment and apply their own knowledge, within the limitations set by the parent.

The staff and the child's own parent must plan cooperatively, therefore, in all matters concerning the child's care, such as diet, habit training, methods of discipline, etc., so that there will be a complete understanding as to what is to be done at all times, both when the parent is in the home and when he is away. This is essential in order to insure good care at all times and prevent confusion both in the minds of the child and in the adults in the household, and to maintain continued good relationships.

Where children are boarded without their parents, the boarding parent assumes a relationship toward the child which is much more parental, and becomes to all intents and purposes a substitute parent, assuming much more complete responsibility for supervision and method of care. For this reason, the two types of care should not be combined, and children without their parents may not be boarded in homes accepting parents together with their children.

Adult roomers or boarders who do not have children in the home must be excluded, since the emphasis in a parent and child home *should always be on the care of the child.*

#### Staff

(1) The operator of the home must be of suitable age, health, and temperament to care for children and she should be actively interested in their care and development. She must have sufficient understanding of human beings to meet the rigorous demands of a complicated household. She must have knowledge, ability, and experience in management of large households, including cleaning methods, quantity cookery, especially with reference to children's nutritional needs, and efficient buying. Knowledge of home nursing is also an asset since it will enable her to administer first aid, to recognize symptoms of childhood diseases, and to carry out doctors' orders in case they should be necessary.

(2) There must be a sufficient number of capable adults to assure constant supervision of the children. In order to insure such care, there must be at least one adult to 10 children, with a minimum of two adults in the home.

(3) There must be an adequate number of capable persons to insure proper preparation and serving of food and the maintenance of good house-keeping standards.

(4) Health and Medical Care. A physician's examination verifying good health and noninfection will be required for all members of the staff. The physician's recommendations must be on file to be reviewed by the licensing agency.

(5) There shall be no mentally defective persons in the household or on the staff.

#### Supervision and General Care of the Children

All of the details in connection with the care of the children should be carefully worked out with the children's own parents, who should be thoroughly informed of the routine which is planned for the children, the menus, methods of habit training, and necessary discipline. There should also be a competent understanding as to the role of the parent and the staff and the part each is to play in the child's supervision and training.

(1) Daily Program. The daily schedule for each age group should be planned in advance, and should be carefully carried out. This routine should allow for regular rest periods and regular hours for meals, with sufficient time for both free and organized play.

#### (2) Diets

(a) The dietary must be wholesome, nutritious, and suitable for children of various ages. Pamphlets on this subject are issued free of charge by the State Department of Social Welfare and may be obtained from the licensing agencies.

(b) Formulas for infants must be prescribed by a physician and followed carefully.

(3) Health. The operator of the home should, for her own protection, make sure that each new person coming into the home is free from infectious or contagious disease. It is desirable to have a health clearance or a written statement from a physician for each person before admission to the home. Any special instructions by the physician or clinic regarding the care of a particular child should be given to the operator so that she can carry them out.



She must have a clear understanding of the arrangements made by the parent for medical care in case of emergency, and should have a signed statement from the parent permitting her to obtain emergency medical care during the parent's absence.

(4) *Personal Hygiene.* Each child should have his own toilet articles and should be trained in their proper use. During the parents' absence, the staff should make sure that the older children wash before each meal, and should supervise the younger children in this regard.

There should be a definite agreement between the staff and the child's own parents regarding arrangements for bathing the children, both as to time and frequency of baths, and as to whether this is to be done under the parents' supervision or under the supervision of a staff member.

(5) *Discipline.* The methods to be used in disciplining the child should be carefully discussed by the staff and the child's own parents, and a definite decision arrived at as to when the staff has the responsibility for discipline and when the parent assumes this responsibility. Otherwise, there will be constant difficulty with the children, who will either become confused or will play one adult against another, with a consequent lack of any discipline.

Regardless of the methods agreed upon, the staff must never use corporal punishment.

(6) *Religion.* The primary responsibility for the child's religious training remains with his own family, but the staff must be respectful of the family's beliefs and observant of their religious customs as to holidays, church attendance, diet, etc.

(7) *School.* Children must attend school as provided for under State law.

#### Number and Type of Children

(1) The license will specify the number, sex, age, and other limitations as to children who may be boarded. No exception may be made without the approval of the licensing agency.

(2) No more than two infants under 18 months of age shall be allowed in any parent and child home under the supervision of one adult, and no more than four may be cared for at any time.

(3) The number for which a home is licensed will be limited by the size of the house and its adaptability for the purpose, the size of the staff, and the services which the staff is equipped to render. *Overcrowding can not be permitted.*

(4) No mentally defective children shall be cared for in a home with normal boarding children.

#### Location

The home shall be a residential community, always taking local ordinances and zoning restrictions into consideration. The home may never be in a commercial or factory district.

There must be:

- (1) Wholesome neighborhood influences.
- (2) Schools which are near enough to make attendance relatively simple.
- (3) Opportunities for church attendance and religious instruction.
- (4) Reasonable accessibility to facilities for medical care.
- (5) Safety as far as traffic hazards, fire protection, etc., are concerned.

There should be:

- (1) A library within a reasonable distance.
- (2) A playground which is accessible for the older children.

#### Housing and Equipment

(1) The house must conform in building and maintenance to the housing, sanitary, and fire safety laws of the State, city and county. Inspection by the local health and fire departments will be required before a license can be issued.

(2) All frame buildings used for this type of occupancy which are more than one story in height must have two widely separated exits from the second floor. Children can not be housed above the second story of a frame building under any circumstances.

(3) There must be adequate protection for the various types of heaters. Fireplaces, and heaters or stoves against which children might fall, must be screened. Gas heaters must be vented and installed with permanent connections and protectors.

(4) Sleeping rooms must afford at least 500 cubic feet of air space per occupant. (State Housing Act—Section 17705-17706.) There must be a sufficient number of outside windows (a window opening into a light well is not an outside window). (State Housing Act—Chapter 12, Article 2.) Beds must never be less than three feet apart.

(5) Children should have individual beds. Each bed must have a good spring, a clean, comfortable mattress, a mattress pad, suitable blanket, and rubber sheeting for infants and bedsores. Bed linen should be changed at least once each week and changed when necessary.

(6) Sleeping quarters must be arranged so as to provide for proper supervision of the children while at the same time insuring them at least a minimum of privacy.

(7) Sleeping rooms must be comfortably furnished. There must be a trunk, robe or closet for storage of clothes and space for the personal belongings of each person. These rooms should be cleaned regularly and these groups should be made to keep them attractive. This is very important as a person's mind and body cannot relax when the state of mind of the body will have to itself will probably be spent in these rooms.

(8) Bath and toilet facilities must be adequate in number and kept clean at all times.

(9) There must be suitable equipment for the preparation and storage of food. The ordinary kitchen range will usually be found satisfactory, provided the work is carefully planned. There should be either two refrigerators, one for meats, produce and one for meats, vegetables, and fruits; or, there may be not having the separate compartments in the refrigerator. Storage space for vegetables may be arranged in an outside corner, or vegetable bin, or a garden porch.

The kitchen should be clean and light and well ventilated, and the equipment should be adequately arranged in relation to persons. Garbage and trash disposal should be subject to local regulations and ordinances.

(10) There should be a dining room of sufficient space to permit the serving of meals in an attractive way. In those cases where it is possible for the children to have their evening meal with their parents, the use of such rooms may give an opportunity for some supper and family conversation, and should be encouraged.

(11) There must be ample space indoors and out. The standards of the United States Children's Bureau in this respect are as follows:

(a) Indoor—35 square feet of floor space per child, exclusive of beds, baths, and kitchen.

(b) Outdoor—a minimum of 75 square feet of space per child. Bath, shower and washing available during part of the morning and afternoon. Surface such that at least part can be used in wet weather.

Although many children will bring their own toys, some common toys and equipment must also be provided. Toys must be suitable for the age group, and must be suited to the age group being cared for. Information on this subject may be secured by writing the State Department of Social Welfare, 616 K Street, Sacramento.

(12) There should be at least one room which will serve for a general living and recreation room and which the older children may use for sleeping. Whenever possible, this should not be the same room where is used for indoor play space for the younger children.

(13) Responsibility for laundry and upkeep of clothing should be determined on an individual basis by agreement between the child's parents and the staff.

## Reports

(1) The law requires that a register be kept with the following information:

- (a) Name of child.
- (b) The last previous address.
- (c) Age.
- (d) Nearest of kin.
- (e) Mother's maiden name.
- (f) Person responsible for his care and maintenance.
- (g) Amount paid for care.
- (h) Date of removal of child from the home.
- (i) Name and address of person making the removal.
- (j) Reason for removal.

In addition to this information, the staff shall keep a record of the place of employment of both parents, with addresses and telephone numbers at which each parent may be reached.

(2) Death or serious accident must be reported at once to the housing agency. The law requires that the housing agency must be notified in writing within 48 hours of any changes in the personnel of the home.

(3) Failure to make reports may constitute cause for suspension of license.

(4) Any change in the management or address of the home, violates the existing license, and a new application must be made at once for another license.

(5) It is advisable for one member of the staff to have an extra list of the children in the home with addresses and telephones of the parents so that, in the event of a wartime emergency, a quick check of the children may be made.

#### DAY CARE FOR CHILDREN IN PRIVATE HOMES

(As issued in October, 1942)

Day care may be defined simply as care given to children, who, for various reasons, must be cared for during the daytime by others than their own parents. This type of care differs from that of other child-caring institutions or boarding homes in that no overnight care is given.

The varieties of day care which have been developed are (1) foster-family care, (2) supervised homemaker service, and (3) group care.

Group care of children may be classified as:

(1) Day nurseries of a religious, benevolent or charitable nature which may make some charge for services rendered but do not expect to make a profit. For the most part, such facilities are incorporated on a non-profit basis.

(2) Community projects specifically designed for the care of children whose mothers are largely employed in occupations related to National defense, the expense of which may be partially or fully covered by the parents' payments.

(3) Commercial enterprises established by individuals with the expectations of making a profit.

The following standards apply to the group care programs set up as community projects and those established by individuals as commercial enterprises.

No attempt is made to offer interpretative justification for the procedures herein outlined. The standards are prepared as a concise means of presenting the basic elements which give adequate protection and will foster normal physical and mental development. As in the application of any standards material, these standards are intended as a guide. It may be expected that a degree of flexibility will be indicated in many situations. The decision of the State Department of Social Welfare authorizing the issuance of a license shall be based upon the total functional program rather than on merely the physical set-up.

Day care, in other words, means a simplified, harmonious environment in which a schedule of daily activities provides the child physical safety, healthy enjoyment, and satisfactory habit training. By this concept, it may be anticipated that children under this type of care will experience the abundant freedom and creative play which are so vital to any young life.

Day care programs should borrow freely from the best techniques already tested by accredited nursery schools. And finally, day care thus outlined should be regarded as a specialized service made important particularly under wartime conditions. It should never be combined with services which provide accommodations to:

- (1) Adult roomers or boarders.
- (2) Parents in residence with their children.
- (3) Children boarded for 24-hour care.
- (4) Other services which might confuse or obscure the issues in child care.

1. The licensing function of the State Department of Social Welfare is defined in the following excerpt from the Welfare and Institutions Code:

(Quotations from Sections 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, and 1630.)

#### 2. Number and Type of Children

The license will specify the number, sex, age, and other limitations as to children who may be offered day care. No exception may be made without the approval of the State Department of Social Welfare.

If it is necessary to provide day care for children under two years of age, this should be done in the child's own home through supervised homemaker service or in carefully selected and supervised foster-family day care homes.

#### 3. Child Caring Personnel

Each member of the staff must be in good physical and mental health. They should be persons of good character, and adapted by temperament to work with children.

##### (a) Director

There must be a director or person in charge who shall be responsible for the administration of the day care program.

The director should be sufficiently mature yet flexible in thinking and adapted by temperament to work with children. The director should have the training and experience to:

(1) Plan a program which will insure adequate physical care (See Health Program) as well as the guidance needed by individual children and which, at the same time, offers opportunities for the development of this group.

(2) Gain the confidence and cooperation of the parents in order to effect a mutual understanding of the individual needs of children, physical, intellectual, and emotional.

(3) Participate in the community program of which the day care program is a part.

In order to perform these functions satisfactorily, the director should be a professionally trained person with educational background and training in one of the professional fields relating to child care.

Satisfactory references must be furnished from persons who can vouch for the director's integrity and suitability to work with children. The director must make provision for the daily personal reception of the child from the parents in the morning and for dismissal to the parents in the afternoon.

(b) Additional Personnel

(1) There must be capable adults of an adequate number to assure constant supervision of the children. In order to insure such care, there must be at least one adult to 10 children, with a minimum of two adults for any group, however small. One of these persons should be capable of substituting for the director and should have some of the abilities of the directors. One person should have some elemental knowledge of music. These persons should have a genuine liking for children and should have some knowledge of, and, preferably, experience in, the training and care of groups of young children. They should be capable of making suggestions for the children's entertainment.

(2) There must be an adequate number of capable persons for house-keeping and maintenance to insure proper preparation and serving of food and to maintain the plant in a safe and sanitary condition.

(3) Provision must be made for carrying on those parts of the health program which require specially trained personnel, such as a physician or nurse.

4. Plant and Equipment

(a) The equipment must conform in building and maintenance to the housing, sanitary, and fire safety ordinances of the State, county, and city; and be indorsed by the local health officer and a representative of the State Department of Social Welfare.

(b) The building should be easily accessible to the homes of the children whom it serves. It should be located where transportation facilities are good, and should be near other community facilities such as schools, clinics, and hospitals.

(c) There must be sufficient grounds to provide ample outside play space for recreation purposes. This will usually require a minimum of 75 square feet per child with suitable safety devices that will assure reliable protection. The ground must be so situated as to provide maximum sunlight and good air along with ample consideration for shade, as well as rainy weather. The play space must be suitably surfaced and have good drainage. There should be an inclosed yard. In event that priorities prevent the purchase of fence materials, adequate constant adult supervision must be provided at all times. This exception may not be made except on approval of the State Department of Social Welfare.

(d) There should be sufficient indoor play space to allow for segregation of the children by age groups in order to facilitate training and development. This will usually require 35 square feet per child exclusive of halls, bathrooms, and kitchens. The play rooms must be sunny and well ventilated.

(e) Provision must be made for daily rest periods. Rooms used for this purpose must have adequate ventilation. Children must have individual beds or washable cots for rest periods and must be under close supervision and within call of an adult. Each bed must have clean, adequate bedding, and rubber sheeting for enuretics. The bedding should be identified by each child's name and should be kept separate. Each bed shall have but one occupant. Beds used by staff or members of the household may not be used by children for rest periods.

(f) There must be adequate provision for the preparation, serving, and storage of food.



(g) Rooms must be comfortably furnished. Adequate provision must be made for the care of clothing and personal belongings, preferably through the use of individual compartments and lockers.

(h) A room with toilet facilities must be maintained, entirely separated from the other rooms, for the isolation of any child who develops any symptoms of illness during the day. This room must be adequately provided with heating, lighting, and ventilation. This isolation facility is designed to care for a child only until the parents can call for him.

(i) There should be a minimum of one toilet to 10 and one wash basin to eight children. Toilets and wash basins should be of suitable height and size so as to be reached easily by the children. Adjustable steps for young children should be available. Separate inclosed toilet facilities for boys and girls should be provided if school age children are cared for. There should be one bathtub.

(j) Fireplaces and open faced heaters must be protected by adequate screens. Gas heaters must be vented and installed with permanent connections and protectors.

#### 5. Recreation

There should be provision for indoor as well as outdoor play space.

Since play is the most important part of a young child's day, an assortment of play materials and equipment should be provided. Emphasis should be placed on material which will stimulate activity on the part of the child rather than on mechanical toys which will suggest purely routine use. Sandboxes, swings, wheelbarrows, kiddie cars, together with an assortment of boxes, boards, and blocks which children can use for building purposes will be found useful for the out-of-doors. Crayons, pencils, spools, blunt scissors, scratch paper, scrap books, and building blocks are useful for indoor play.

Play periods should be planned for in the day's program. Weather permitting, these should include as much time as possible out-of-doors. There should be time both for physical activity and for quiet enjoyment, such as looking at picture books, listening to stories, etc. Under direction, the children, according to age group, might participate in the making of playthings.

#### 6. Provision for Health Care

(a) Prior to admission, each child should be given a thorough physical examination. The findings and recommendations of the physician must be recorded on a medical record designed for that purpose. If examination can not be made before admission, a doctor's certificate must be presented stating that the child is free from communicable disease. This certificate must be kept on file in the director's office.

(b) There must be daily inspection of each child by a qualified person as the child enters the day care center and before he has mingled with other children. If a trained nurse is not available, the person making the inspection should receive instruction from a physician or a nurse as to how the inspection should be made.

(c) Provision should be made for the immunization of children for smallpox, diphtheria, and whooping cough.

(d) Each child should be given a complete reexamination at as frequent intervals as can be arranged and as deemed necessary by the admission examination. The findings and recommendations should be recorded on the medical record and be filed in the director's office.

(e) A health clearance should be secured from a person who is qualified before a child is readmitted when absent due to illness.

(f) Provision must be made for emergency first aid. The medicine cabinet should be out of the reach of the children and should be locked at all times. The contents of the cabinet may depend upon the type of person administering this aid and on the accessibility of a nurse or physician.

(g) Any child showing signs of illness must be promptly isolated until arrangements can be made to send him home.

(h) The director must at all times have current information as to how and where the parent or guardian may be reached in the event of illness requiring immediate attention. There should also be provision for medical attendance in the event of emergency. The name and address of the family doctor or clinic should be secured.

(i) Individual combs and tooth brushes, towels or paper toweling, and other necessary toilet articles must be arranged for, and each child shall be trained in their proper use. Individual compartments should be provided so that each child's toilet articles may be kept separate. Liquid soap or individual cakes of soap for each child must be used. A bottle with the type of top used for sprinkling clothes may serve as a cheap substitute for the liquid soap container.

#### 7. Diet

It is wise to discuss with the child's own family the food which he will get in his own home during the day in order that this may be supplemented

at the noon meal. The meals served in the center offering day care usually provide about one-third of the child's daily needs, or more if a mid-morning or mid-afternoon meal is served. Children who are very active or underweight benefit from a mid-morning lunch of fruit juice or a glass of milk, but this should not be given if it destroys his interest in his regular meals.

A general guide for the day's food for a pre-school child will include:

- (a) Milk—3 cups to 1 quart.
- (b) Egg.
- (c) Citrus fruit or tomato juice.
- (d) Green or yellow vegetables.
- (e) Whole grain cereal.
- (f) Butter.
- (g) Fruit other than citrus.

The noon meal should consist of:

- (a) Main dish of meat, eggs, cheese, or mild-flavored fish.
- (b) Milk.
- (c) Fruit or vegetable.
- (d) Bread and butter.
- (e) Simple sweets, such as cookies or pudding.

Where older children are cared for after school hours, an after-school lunch may be served. This may consist of milk, orange, or tomato juice.

#### 8. Counseling Service

A day care program of itself does not solve all the problems of working mothers. For this reason, mothers who are working or who are contemplating employment should have someone to whom they can go for advice and help in planning for the care of their children.

Individual counseling service should be considered a vital part of the day care program and should be made available to mothers considering employment who need this assistance, and those who need continued guidance in order that the welfare of their children may be assured. Such service may be provided by the local welfare department, a habit-training clinic, a family or children's social work agency, or by the employment of a social worker with case-work training and experience. The latter method would be particularly applicable if the day care program is a community enterprise.

#### 9. Finances

There must be sufficient financial support to insure an adequate day care program for the children in attendance. Financial records must be kept in order to show the amount and source of all income and its expenditure.

#### 10. Discipline

There shall be no corporal punishment! The director should consult when necessary with the licensing or child-placing agency for advice on problems of behavior in children.

#### 11. Reports

(a) The law requires that a register shall be kept in which the name of the child, the last previous address, age, nearest kin, mother's maiden name, person responsible for his care and maintenance, amount paid for care, date of removal of child from the home, the name and address of person making the removal, the reason for removal. The parents of the child should be required by the director to keep her informed of changes in address, home, and work. A record of children cared for during the past year is required before renewal of license is granted.

(b) Death and severe accidents of a child must be reported at once to the State Department of Social Welfare. The law requires that the licensing agency must be notified in writing within 48 hours of any change in the personnel of the home.

(c) Failure to make reports may constitute cause for revocation of license.

(d) Any change in the management or address of the home nullifies the existing license, and a new application must be made at once for another license.

#### 12. Plans for War Protection

Adequate plans must be made for the protection of the children in event of air raid. Assistance in working out satisfactory plans has been made available in many communities by the local fire department and by the Office of Civilian Defense.

The State Department of Social Welfare has issued standards for day nurseries, which provide as follows:

A day nursery is a specialized agency which provides care for seven or more children not of common parentage, who for various reasons can not remain with their parents during the day. A nursery school implies an educational program for the preschool child. The differentiation between a day nursery and a nursery school depends on the purpose for which each shall be established and the objectives to be obtained. The name of "day nursery" or "nursery school" does not indicate that the agency definitely belongs in that group. The final determination as to whether the agency is a day nursery or a nursery school shall be based upon a study of the function, purpose, and program of the individual agency.

The standards set forth the requirements of the physical plant, furnishings and equipment.

#### LEGAL OPINIONS

Attorney General U. S. Webb, on December 9, 1921, at the request of the State Board of Charities and Corrections, issued a legal opinion as follows:

An institution, boarding house, home, or other place where children are received and cared for may come within the terms of the statute notwithstanding the fact that the mothers of such children also have rooms at such place; and they would certainly appear to be within the statute if the mother is away from the place during the day, and during her absence the care of the child rests with those in charge of the place who are boarding both mother and child.

I do not by this mean to say that any place where a mother and child find lodging is within the statute, for the statute contemplates those places which are primarily for the reception and care of children; but on the other hand, the place is not, in my opinion, without the statute merely because the mother is also lodged there at night or even for the entire 24 hours.

It should, however, be noted that the circumstances of each case must determine whether any particular place is within the terms of the statute.

Attorney General U. S. Webb, on July 13, 1926, and August 20, 1926, issued another legal opinion, at the request of the State Department of Public Welfare, which held that a woman who conducted an apartment house accommodating tenants with children and maintaining certain quarters in which day care was given to the children while the parents were employed, did not come within the then-sections of the Political Code prohibiting the maintaining and conducting of a place for the reception and care of children under 16 years of age without first obtaining a license or permit from the State Department of Public Welfare or from an agency approved or accredited by such State Department of Public Welfare.

Attorney General Earl Warren, on August 17, 1942, rendered a legal opinion at the request of the State Department of Social Welfare, as follows:

It is our opinion that the sections (1620-1-6-9, Welfare Institutions Code) contained in said chapter impose a general duty on the Department of Social Welfare to require compliance with the provisions of the sections. This responsibility, in our opinion, extends to investigating applications for licenses, determining that license holders are complying with the law, investigating for violations of the statute and compiling the necessary evidence seeking to prosecute violators. The extent of these activities is necessarily dependent upon the personnel and funds available for such work. However, it is our view that, within the means available, the department is obligated to investigate any home where it has reason to believe there is a violation of the provisions of the chapter. Thus information received by the department from complaints, anonymous letters, newspaper advertisements should, where possible, be investigated, if such information indicates to the department a violation of the chapter.

The extent of the investigation will, as in the case of any complaint made to a public officer charged with investigational duties, vary in accordance with the facts received and uncovered. If the preliminary investigation indicates a violation of the chapter, then, in our opinion, the case should be pursued, until, if reasonably obtainable, a prima facie case has been established to prove a violation of the law and the evidence presented to the district attorney for issuance of a complaint and for prosecution. Assistance in compiling evidence may, in many cases, be secured from local police departments, sheriffs' offices, or district attorneys.

\* \* \* \* \*

It is our view that Chapter 1 imposes a broader duty on the department than merely to investigate homes that have made application for licenses. The extent of the investigations to determine if homes are operating without licenses necessarily is limited again by funds and personnel available and, as in the case of police work generally, discretion must be applied in determining cases for investigation and the extent of the investigations. If the department



has reason to believe, however, because of its familiarity with the work, that violations in particular homes are likely. Investigations of such places would be proper.

\* \* \* \* \*

You point out that in Opinion 4272, rendered by this office on December 9, 1921, we concluded that the law then required such homes to be licensed, but that in Opinions 5681 and 5681a, rendered in August, 1926, such homes were not required to be licensed. The two views were expressed by reason of the provisions of the pertinent statutes existing at the respective times. Statutes of 1913, page 73, required an interpretation as rendered in Opinion 4272. In 1925 (Statutes 1925, Chapter 18, at page 23), the 1913 law was repealed, and a new law enacted, requiring the interpretation rendered in Opinions 5681 and 5681a. The enactment of the Welfare and Institutions Code in 1935, containing Sections 1620 and 1630, inclusive, caused the law to revert more nearly to the provisions contained in the 1913 Statute.

Section 1620 now provides for the issuing of licenses to persons, associations or corporations, to:

1. Maintain or conduct any institution, boarding home, day nursery or other place for the reception or care of children under 16 years of age.
2. Engage in the business of receiving or caring for such children.
3. Receive or care for any such child in the absence of its parents or guardian.

Your question presents cases where the parents live in the same homes as the children, but the parents are away during the day, returning only at night or week ends. Specifically, we assume that the care of the child or children during the absence of the parents is understood to be a part of the contract between the parents and the operators of the homes. In our opinion such cases are within the provisions of Section 1620, and therefore within the jurisdiction of the Department of Social Welfare.

It should be noted that the standards for parent-child boarding homes were issued after Attorney General Earl Warren's opinion was rendered, holding that parent-child boarding homes were subject to the provisions of the Welfare and Institutions Code. In adopting the new standards, the Department of Social Welfare has provided:

The two types of care should not be combined, and children without parents may not be boarded in homes accepting parents together with their children.

This will prevent the lawful operation of combination boarding homes where children are boarded with their parents together with children without their parents.

This will also result in difficulties in enforcement problems, as it will be necessary to procure evidence that children are being boarded without their parents along with children who have their parents residing at the premises.

The minimum requirements of the State Department of Social Welfare covering children's boarding homes provide that:

Children shall be boarded only in homes in which a suitable standard of care and comfort is maintained without the income derived from the board of children in the home.

This prevents the operation of commercial children boarding homes, as the rule requires the operator to have a sufficient income without looking to the money derived from the boarding of children. However, representatives of the Department of Social Welfare have reported that the enforcement of this rule has been relaxed, because of present conditions.

#### CONCLUSIONS

(a) The child boarding home obviously comes under the statutes requiring licensing by the State Department of Social Welfare. This was admitted by Col. Archibald B. Young, Chairman of the State Social Welfare Board, in testifying before the Senate Interim Committee on Relief on July 13, 1942. (Trans. Vol. I, pp. 41 to 42.)

(b) There has been a difference of opinion whether the parent-child boarding home comes under the provisions of the Welfare and Institutions Code. The State Department of Social Welfare in exempting this type of home from regulation, inspection and licensing, did so on the basis of Attorney General U. S. Webb's legal opinions of December 9, 1921, July 13, 1926, and August 20, 1926. Attorney General Earl Warren, on August 17, 1942, held to the contrary, relying on changes in the statutes between the times of the former Attorney General's opinion and the present time. The State Department of Social Welfare made no attempt to obtain any further opinions on the subject since 1926 until the present Senate investigation brought the matter to the foreground.

(c) The combination boarding home would require a license as long as it boarded children without their parents residing at the premises—this was conceded by the State Social Welfare Department authorities. Their contention was that it was difficult to enforce the law in the combination boarding homes because it was difficult



to obtain evidence that some of the children living at the premises did so without their parents.

It should be noted that investigators of your committee did not have any difficulty in obtaining evidence that children's boarding homes were operating illegally and in an improper manner. It was only necessary to read advertisements in the daily newspapers which advertised that homes were available to care for children. The operators of the homes were interviewed, the premises were inspected, and the records of the Department of Social Welfare were examined, which disclosed that many of these homes did not have a license.

(d) Day nurseries come within the provisions of the Welfare and Institutions Code, which was admitted by Miss Selma Zorn, Supervisor of Boarding Homes and Institutions, State Department of Social Welfare, in her testimony before the committee on May 26 and 27, 1942. (Trans. Vol. I, pp. 122 and 123.) Homes which provide day care for children were conceded by the Department of Social Welfare to come within the provisions of the Welfare and Institutions Code.

#### CONDITIONS IN HOMES

Evidence was introduced before your committee on May 26 and 27, 1942, and on July 13, 1942, which disclosed that many boarding homes for children were improper in the following particulars:

1. They were over-crowded with many children sleeping in the same room without proper ventilation;

2. There were many cases of malnutrition and improper food being served to the children;

3. There were unhealthy sleeping conditions, such as children being required to sleep in attics and basements, and many of the beds were insanitary;

4. There were instances of corporal punishment being administered to the children for trivial reasons;

5. Children were mistreated in that general living conditions were very bad and there was no supervision of their play or any proper attention being given to them;

6. Proper medical attention was not given to the children, and many of them became ill without receiving any attention, either from nurses or doctors;

7. Homes were in a dirty, dilapidated condition, without much effort being made to keep them clean; many of the kitchens where food was prepared for the use of the children were dirty, and excess garbage was allowed to remain in the room for an undue length of time;

8. Certain inferences were placed before the committee from the testimony submitted, indicating that immoral conditions existed in some of the homes.

The hearings of May 26th and May 27th were given extensive publicity in the metropolitan newspapers of Los Angeles; and when the committee resumed its hearings on July 13, 1942, it appeared that many homes had cleaned up their premises and that conditions were somewhat improved. However, it was pointed out by the City of Los Angeles authorities that there were still a large number of homes that required attention. The following are some excerpts from the testimony introduced before the committee. The names and addresses of the homes are omitted from this report, but are contained in the transcript of the proceedings before the committee as well as the exhibits introduced therein. For the purpose of this report the homes will be referred to by number.

**HELEN FLETCHER**, an investigator for the committee, testified as follows:

At the time I was living at "Address No. 1" there were two other women with two children, and twenty-one children without parents living there. All together there were twenty-five children living there, ranging from three months to twelve years of age, of both sexes. Seven of the children were under two years. It is a seven-room house in which there are four bedrooms, occupied by six adults and the twenty-five children. One bedroom measured approximately 10' x 10' and housed nine children and one adult. . . . There was one little window in the room which was never opened and the odor from the urinating of the children was nauseating. The bedding, such as mattresses and covers, were always wet from the children's urinating and they never had a chance to dry out from one night to the next. I noticed that there were bedbugs in some of the beds. Boys and girls over three years of age did not sleep in separate rooms but slept all together. Adults of the opposite sex slept in the same room with children over three years of age. The house had a heater without a screen in front of it. While I lived there I observed a number of children having all kinds of sores on their faces and bodies. I also noticed that they were coughing badly. I asked "Mrs. A" why she did not call a doctor to take care of the children and she told me she did not want to call a doctor because he would cause her to close up the place, as there are always some children having measles, chicken pox and whooping cough. While I was living there I observed that the children were not bathed except on Saturday. "Mrs. A" would put four or five children in the bathtub at one time and bathe them all in the same dirty water. . . . "Mrs. A's" father, who was a very old and feeble man, was living with her. His sleeping quarters

were in the dining room where the children would eat. There were times when he would have a bowel movement in the room while the children were there. This happened because he had no control over his bowels. . . . I paid \$10.00 a week, which included my room and the care of my children. The way I happened to go to that house in the first place was that I saw an ad in the newspaper which gave the address and telephone number.

I went to "House No. 2" after reading an ad in the newspaper. . . . I knocked at the door, and a middle-aged woman answered the door, and I told her that I wished to place my child in her nursery. . . . I asked her how much she would charge me for the child's board and care and she said seven dollars per week. I also asked her if I would have to stay with the child and she said that I did not. I then asked her to show me the place where my child would sleep, and she led me through a hall which was dark and crowded with dirty clothes of the children. . . . The bedroom was 10' x 10'. There were five cribs in the room, one against the other. At the entrance to the room, almost at the door, there was a single bed for an adult. There were infants in each of the five cribs and in my opinion their age ranged from six months to one year. One of the children stood up in the crib and its entire body was smeared with its bowel movement, which looked so dry that it must have been on the body for hours. The scene and the odor of the room made me leave it without observing anything else. I then asked "Mrs. B" whether there was a backyard for my child to play in. She led me through another dark entrance into her kitchen. This place was just one mass of dirty clothes, dirty dishes, and dirt all over. Several children were playing there whose ages were between six and twelve. The sink was littered with garbage, as well as some children's dirty clothes. There was also a large bowl of spaghetti which looked almost black, and I could smell the sourness from a distance. . . . We looked through the screen of the back porch and saw the backyard, which was dirty and unfenced. The yard in which the children were playing faced a street without any protection from the passing traffic. I asked "Mrs. B" whether she had any parents living there and she said no.

I went to "House No. 3" and I was admitted to the house by "Mrs. C" and told her I would like to place my two children to board with her. I asked her how much she would charge me and she said six dollars per week per child. I asked her if I would have to stay with the children, and she told me it was optional. "Mrs. C" told me that there were three parents living in the house and 24 children. . . . She took me into a bedroom which was about 10' x 10'. This bedroom was crowded with nine cribs. The beds were untidy and the mattresses were very old. The odor was so bad that I had to leave the bedroom at once. There were four bedrooms upstairs. . . . Boys and girls over three years of age do not sleep in separate rooms. . . . While going through the house on April 6th to the backyard, I noticed a large number of children. Some of them had measles and chicken pox sores on their faces. The whooping cough was very loud. . . . I had visited the place about six times. On those occasions I noticed there was a boarder who was seventy years of age, and who was drunk all of the time.

I went to "House No. 4" in response to an ad which appeared in the newspaper. . . . A young woman who was approximately 17 years of age opened the door. She was wearing a robe loosely. I asked "Are you 'Mrs. D.'?" She said, "Oh, you want 'Mrs. D.' come in." We came into a front room and she asked us to wait, saying that she would get "Mrs. D." A few minutes later a woman who was in her early thirties appeared, and stated she was "Mrs. D." . . . I asked her how much she would charge me and she said \$60 a month for the children. . . . I then asked her whether she had a nursery for the children and she said, "Yes, it is in the basement." . . . She led us into the hallway and we passed another room in which there were six girls. They were all seated and were dressed in the same manner as the girl who admitted us into the house. We then passed through a dirty kitchen. "Mrs. D" then led us down a dilapidated stairway which was dark and very steep. . . . When we reached the bottom we found a space which was approximately 12' x 15', in which there was a very large furnace with four large tin pipes leading into the ceiling of the basement. On one side were three large washtubs with double drainboards on each side. In the center and around the furnace there were thirteen double bunk beds, three cribs and a large double bed, which accounted for sleeping space for thirty-three children. All of the beds looked as though they had been used, as none of them were made up. There were four small windows about eighteen inches by thirty inches, leaning on the ground on the outside. The floor was bare cement. The entire basement was dark and had a damp and

musty odor. I observed the corners near the windows, and while it had been several days since there had been rain, still some of the places were wet. . . . She took us into the backyard, which was only partially fenced. In the opposite direction of the house there was a double garage; one door was open, and I saw several girls from fifteen to eighteen years of age, wearing the same type of clothing as the girls inside the house were wearing. . . . It was during the lunch hour and the children were eating sandwiches in the yard. We came back into the hallway and "Mrs. D" said, "I am not the boss of this place. I am only managing it. The boss has several places like this."

I went to "House No. 5" in response to an ad in the newspaper. We were admitted into a small dark hallway about 4'x5'. The floor was thick with dust and dirty as though it had not been swept for some time. The walls and floor had a large number of cobwebs. On one side of the room there was a small-sized davenport which had parts of the stuffing pulled out and was so dirty that I did not want to sit on it. . . . The paper on the walls was so dirty that the original color was obliterated and the paper bulged out from the walls. The plaster was loose in several places and was on the verge of falling down. . . . I told "Mrs. E" that my work required that I be out of town from time to time and that I would not be able to live with my children all of the time. "Mrs. E" said that it was all right for me to leave the children with her. I asked her how much she would charge me for my two children and she said she would make a special rate of \$13.75 per week. . . . I then asked her where my children would sleep, and she showed me a bedroom which measured about 10'x12' with four double bunks. She stated eight children slept there. She then took me to another bedroom which was very small and there were three double bunks in it. She said that six children slept there. She then took me out to a little porch which was about 3'x5'. There were two baby cribs in it and "Mrs. E" told me she had two babies sleeping in them. In this way she accounted for a total of sixteen children. "Mrs. E" was then asked by me how many children she had at present and she stated she did not know, but that yesterday she counted them and she had about twenty one or twenty-two, but that today she may have a couple more. . . . None of the bunks were made up and the bedding in them was filthy and dirty. I then asked to see the yard and we passed through a room where the children eat their meals. There were two large windows in the room but they were covered with cardboard and had a curtain over them. This made the room very dark. It was furnished with three improvised tables, each top being made of three boards and covered with oilcloth. . . . There is one toilet on the back porch in a room about 4'x4'. There was one bathtub upstairs, which was used for bathing the children as well as the adults. The upstairs did not have a toilet in it.

I went to "House No. 6" in response to an ad which appeared in the newspaper. . . . I told "Mrs. F" that my work required me to be out of town most of the time, and that I wanted to place my child where complete care would be taken of it in my absence. "Mrs. F" said that it would be all right. . . . we walked up a stairway to the second floor which consisted of four rooms and a bathroom. The walls, ceilings, stairway and, in fact, the entire house, was in a very dilapidated and filthy condition. I asked "Mrs. F" how many children she had at the present time. She replied, "Eighteen, nineteen, twenty—I don't know—maybe a few more." . . . She told me that the charge per week would be seven dollars. . . . The bedrooms for the children were in the detached building. There were seven children playing in the front room which had a heater burning. There was a rope strung around the heater on which some clothes were drying.

I went to "House No. 7" in response to a newspaper ad. . . . "Mrs. G" said that she would take perfect care of my child and would charge me \$7 per week. . . . I asked "Mrs. G" how many children she had at the present time, and she said 17. . . . I asked "Mrs. G" to show me where my child would sleep, and she led me to the part of the room which was divided from the living room. There were five cribs and three single beds in it. The size of the room was about 8'x11'. . . . The beds were smelly and unmade. The floor was very dirty. The children that I saw there appeared to be underfed.

I went to "House No. 8" conducted by "Mrs. H." in response to a newspaper ad. I told "Mrs. H" that I had a little girl two and a half years old and would like to place her in her care for room and board. She told me the charge would be \$8.75 per week. I told her that while I am out of the city for different periods of time, I would like to have a room on the occasions when I came to the city so that I would have a place to stay. She told me that she would give me a room to share with someone else and that the charge



would be \$2.50 per week. I asked "Mrs. H" to show me the room where my child would sleep, and she led me to a room which measured approximately 11' x 12'. There were nine cribs and two bassinets, which accommodated 11 children. The cribs and bedding in this room were extremely dirty. They were all placed very tightly against each other, except for a passageway in the center which led to another room filled with cribs and bassinets. . . . The two nursery rooms had very little ventilation, no heating facilities, were very dirty, and had a sickening smell. . . . She then told me the items that she gave the children for each meal during the day. She emphasized in particular that the 11.30 a.m. meal was the main one of the day. She enumerated a six-course dinner consisting of a variety of vegetables, soup, meat or fish, dessert and milk. We then went from the little porch, through the kitchen, back to the living room. It was exactly 11.30 a.m. I looked around the kitchen to observe the food, particularly since this was Sunday. I did not see anything on the stove, sink or any other place in the kitchen where food could be prepared or kept. I did observe a large pot with potatoes in it which was half-filled with water. There was a medium-sized pot with something cooking in it which had the smell of meat. There appeared to be about 25 children, most of them being infants up to one and a half years of age. . . . I asked "Mrs. H" how often the parents of the children came to see them, and she replied about once a week or month. She stated that it all depends when they have time. She said, in particular, "In one case I have a child that is now 17 months of age and the mother hasn't seen it for over a year." I asked "Mrs. H," "What does she do, mail you the check?" "Mrs. H" said, "No—that would be all right, but she left the child with me a year ago this month and never showed up. I have never heard from her and don't know where she is." I asked "Mrs. H" why she did not report the abandoned child to the authorities, and she said, "I don't want them to come around. They might give me trouble, so I just keep the child."

I went to "House No. 9," conducted by "Mrs. I" in response to an ad in the newspaper. While I was there she called out to one of the boys, "Go ahead and make the childrens' lunch." The boy made some jelly and butter sandwiches, and handed them to all of the children.

MRS. VERA HANSEN testified in substance and effect as follows:

She and a Mrs. Russell visited a home in August of 1941.

Q. And will you describe briefly and generally the condition of the home as you saw it when you were there?

A. We walked in and it was about 12.15 at noon; we walked in and you are not allowed in the kitchen or the nursery; Mrs. Russell said, "You come on in with me and I will take you through," so we went down to the kitchen. There wasn't a thing on the stove, nothing started for lunch. She took me in the nursery and all the way from 15 to 20 beds and cribs and buggies and bassinets were in there, ranging from newborn babies up to about two and a half years old; the room was dark, the curtains were pulled; all you could smell was the odor of diapers; and children were crying. Then we went out into the back yard and the children were in kennels.

Q. Will you describe these kennels that you are referring to?

A. They are just like you would fasten a cow up to in a stall; each child was in its individual kennel.

Q. Did you see children in these enclosures?

A. Yes.

Q. About how many children were there?

A. Well, I wouldn't say because I really don't know. We went through fast, and it struck me so hard I turned around and walked out.

Q. Did you notice the house as far as cleanliness was concerned?

A. Well, I wouldn't say it was clean. The nursery certainly wasn't clean.

MR. CHOTINER: I have no further questions.

CHAIRMAN PHILLIPS: I am curious to ask you what were these kennels built for originally, do you suppose?

THE WITNESS: To me it looked like just to keep each child in.

CHAIRMAN PHILLIPS: You mean built for that?

THE WITNESS: That's what it looked like to me; the children, when I walked out, came up to the front and looked through—I don't know whether it was pipes or boards, but they looked through and just cried and cried; they were filthy dirty. It was 12.00 o'clock noon then. When they took them in to bathe them, I don't know.

(Trans. Vol. I, p. 141, l. 3, to p. 142, l. 16.)



MRS. ELSIE RASMUSSEN who had a home where she boards three mothers and three children, testified:

Q. And have you any knowledge pertaining to any reports that you have received regarding "House No. 4"?

A. In December, 1939, I took a mother and two children in that had told me they had moved from "House No. 4." These youngsters were three and five. They had lived there about five months. The mother told me about the children sleeping in the basement, and I know when the children came they had severe colds that took me a month or six weeks to clear up. And the little boy, it was about a month before he ever really was filled up; it was a novelty for him to have whatever he asked for. I gave him his meal and then I told him he could have what he wanted more, and for about a month he couldn't get over that; it was a daily occurrence that he could have what he wanted. And he looked like he was frightened. Of course, it might be that way with any youngster that is moved around a good deal.

Q. And this mother did tell you that the children did sleep in the basement of this place?

A. Yes.

Q. That was as far back as 1939?

A. December, 1939, was when she moved into my place and she had been there four or five months.

Q. Have you heard reports of other places, generally, in the City of Los Angeles?

A. I have heard, yes, because I take the mothers and children in, and I have heard reports about different places.

Q. Generally speaking, would you say that the reports that you have received indicate that there are a number of these places that are not up to standard, shall we say?

A. I should say so, because they tell me they can't find a good place.

(Trans. Vol. I, p. 143, l. 8, to p. 144, l. 13.)

MRS. MAYBEL SHAEFFER is one of the neighbors of "House No. 1," and testified:

THE WITNESS: I know about two weeks ago I went out in the yard and they had a young baby, I should say about a year and a half old, in this crib out in the boiling hot sun. I felt like running right over but I didn't want to interfere, but the baby cried terribly, you know, there must have been something wrong to have it out in the hot sun in that crib.

Q. BY MR. CHOTINER: Did anyone come out to see the child?

A. Yes, they came out and just picked it up and went back in the house and still the baby cried.

Q. How long had the baby been out in the hot sun in that crib?

A. I would say over half an hour, about three-quarters, because I was really interested in it.

(Trans. Vol. I, p. 153, l. 21, to p. 154, l. 9.)

MRS. HELEN GILLETTE is a next-door neighbor of "House No. 5," and testified:

Q. What do you know about the place?

A. One day she was correcting one of the children and I told her if she didn't quit correcting them the way she was, I was going to call the authorities.

Q. How was she correcting the children?

A. There was a little fellow, he wasn't two, and he was out in the yard and he was alone and she said that there was no reason for his not going in the yard, he just didn't want to go out there alone and she wanted him out there, so she put him out and she didn't want him to cry so she held her hand over his mouth; she tried to stop him from crying and kept on holding her hand over his mouth, and I called over the fence and told her to quit it. I didn't know the woman at all.

Q. Do you know of any other instances regarding whether any other children have been whipped there at the place?

A. Yes, I have seen her whip them.

(Trans. Vol. I, p. 158, l. 10, to p. 159, l. 1.)

MARGARET GILLETTE testified:

Q. You are the daughter of Mrs. Gillette, who just testified?

A. Yes.

Q. And can you tell us anything at all as to what you know about whether the children are punished physically there at "Mrs. E's" home?

A. I have seen her spank them several times; just yesterday I saw her doing it. A little kid—I don't know what he did; I think he wet his pants—she come dragging him in the house and spanked him right there on the back porch.

Q. How old was the child?

A. Oh, I would say a couple of years old.

Q. Do you know of any illustration of any dispute between "Mrs. E's" daughters and another child there?

A. Oh, she always favors them. I don't think that is right.

Q. When you say she favors them, who does she favor?

A. Her own daughters.

Q. Has there been an occasion when there has been a dispute between "Mrs. E's" daughters and some other child in which the other child was slapped?

A. Yes; her own daughters started it, and I happened to be out in the yard at the time it happened, out in front of the house, and the other little girl just naturally stood up for her part, you know, and said something back. She didn't really say anything; I think she called her a brat; and "Mrs. E" turned around and slapped the little girl, but her little girl started it.

Q. Do you know of any instance when you were bringing the children home from Sunday School, about some bubble gum?

A. That isn't nothing; it is just that one of the little girls tells me those things because they like me. A couple of them bought bubble gum and they weren't supposed to, and took it home, and "Mrs. E" took it away from them, naturally, but she turns around and gives it to her two children, I don't think that was right.

Q. Who takes the children to Sunday School for "Mrs. E"?

A. I do.

Q. When you take the children to Sunday School, about how many are there that go with you?

A. About 20.

(Trans. Vol. I, p. 162, l. 10, to p. 163, l. 26.)

AGNES J. TALCOTT, Director of Nurses, City of Los Angeles Health Department, testified in substance and effect as follows:

We are sometimes called in as reports come into the department that children are being neglected, sometimes abused, etc. We send one of our nurses out to see what the situation is. Many of these homes where parents and children are boarded are very bad. There is evidence of children being neglected because they are not supervised. Some of this condition is bad; we have known it is bad for a long time, but legally we have not been able to do much about it. I think the health department as well as the private agencies have felt that there should be something done, but frankly, we don't know what to do.

EILEEN WILLIAMS, Executive Secretary of the Children's Bureau of Los Angeles, a community chest agency, testified as follows:

Q. Will you tell the committee what your experience has been and what reports have come to you regarding conditions of child boarding homes in the City of Los Angeles?

A. I have been working with children in boarding homes for the past 14 years and we continue to get complaints on these homes that are not licensed for the care of children taking one or two parents and then a great many children in addition. I don't think there is a week but that a parent comes to us asking our help in replacing his child; they always give the same story, that they didn't know where to go so they looked in the paper and through the newspaper ads they went out, and then when they got there the woman would say that she didn't have a room for a parent but she would take the child, so they would leave the child there.

Last October a father came to us who had placed his year old baby—the wife had deserted and he was looking for replacement because the child appeared to be neglected. So we went to visit the child and we were not allowed in the house; they brought the baby out on the porch for us to see. He was very dirty and appeared neglected. We told them the father wished to make other plans, and we made an appointment to take the baby to the clinic. On the morning when the worker appeared to take him to the clinic he was very dirty and had had no breakfast. The woman operating the place was not up, and when we said we would have him back about noon she said they always went out all day and there wouldn't be anybody there to take care of him. They were boarding nine babies.

When we got to the clinic we found his ears were so full of wax that the doctor thought his hearing was going to be affected. His eyes were crusted and there was a heavy discharge from the eyes. He was bleeding from the penis, which the doctor said was very rare; was badly undernourished and had a low hemoglobin count; so we replaced him in a licensed home, where he has been doing very well.

Last week a mother came who was living in one of the homes with her child, but said that even though she was in the home she was unable to

protect her child from the kind of care he was getting there. There were 16 children in the home; part of them were sleeping in the basement; and that the woman would buy one pound of wieners for the 16 children and cook it up into a kind of a soup, though her own children were given steaks and quite adequate food. That is really quite typical of what we get all the time. The parent who is responsible sees that the child is being poorly cared for and comes to us or some other agency to ask for better help, but the parent who doesn't care just leaves his child there and we have no authority, of course, to help any child unless the parent comes to us and requests it.

Q. Over what period of time have you been receiving reports of those conditions in the City of Los Angeles?

A. Ever since I have been here; 14 years.

Q. In other words, that has been going on for 14 years to your knowledge, then?

A. And we get more complaints now than we did before. There are more people working. A great many people want to stay with their children, and this is the only plan they can make.

(Trans. Vol. I, p. 182, l. 13, to p. 184, l. 20.)

It should be noted that there were many more homes which were brought to the attention of the committee, where conditions were improper. However, to give more instances of them would merely be repetitious of the items already contained in this report.

On checking the records of the Social Welfare Department, it was found that none of the homes which were investigated had a license from the State Social Welfare Department. In some instances the department had a file pertaining to the case, showing that some investigation had been made but that no action had been taken. It is sufficient to point out that Miss Selma Zorin, Supervisor of Homes and Institutions of the State Department of Social Welfare, testified, on May 26, 1942, that the examples given to the committee appeared to be a fair sample.

(Trans. Vol. I, pp. 45 to 46.)

MISS MARTHA CHICKERING, Director of the State Department of Social Welfare, testified as follows:

Whatever they are today, there will undoubtedly be a tendency for them to increase; as there are more and more women employed there will be more and more necessity to board children. The tendency and the pressure to board them wherever they can will increase, and I think that ought to be borne in mind by the committee. The bootlegging of homes is bound to increase.

(Trans. Vol. I, p. 47.)

Q. Do you feel that conditions that have been testified to here regarding other homes actually do exist in the City of Los Angeles?

A. I don't think there is any question of it.

(Trans. Vol. I, p. 88.)

W. J. McFARLAND, Assistant City Attorney of Los Angeles, testified in substance and effect as follows:

After the first hearings of the Committee, a list of addresses was turned over to the City Attorney's office, and the City Attorney's office requested the Juvenile Division of the Police Department and the City Health Department to check the list and as many others as they were able to in the period of time that was available. All together they checked a total of sixty addresses. Of the total number checked, one was licensed. Approximately two-thirds of them were combination boarding homes. The homes had children varying from four or five to as high as twenty-five in each home.

Reports were received on fifty-two out of the sixty homes that were investigated. All except one could be prosecuted. They received information to the effect that there are approximately three hundred and seventy-nine homes that cater to needs of school-age children. Ninety-five per cent of the homes on which reports were received were commercially operated. As far as health conditions are concerned, ten per cent of the homes were well directed; fifteen or twenty per cent of them were very bad from the overcrowding angle. In some instances the food situation was not good; lunches were very bare, like a piece of dry bread or something of that sort. In other instances the food appeared to be excellent. Fifteen or twenty per cent of the homes were short on food. About ninety per cent of the homes could stand some improvement as far as health conditions are concerned.

#### ENFORCEMENT

Under the provisions of the Welfare and Institutions Code, the State Department of Social Welfare had the authority to delegate to the properly accredited agency the function of licensing and inspection of homes that required a license under the law. Prior to the hearings being conducted by your committee, the responsibility

for homes in county territory of Los Angeles outside of the city limits of Los Angeles had been delegated to the public welfare commission of Los Angeles County. The responsibility for homes within the City of Los Angeles was reserved by the State Department of Social Welfare.

At the hearing on July 13, 1942, the committee was informed that the State Department of Social Welfare had delegated this authority to the public welfare commission of the County of Los Angeles to inspect and license children's boarding homes and day nurseries in the City of Los Angeles, as well as all homes in the County of Los Angeles. This delegation occurred on July 1, 1942, and its effective date was to be July 15, 1942. Representatives of the State Social Welfare Department stated that the plan to delegate the authority to the county public welfare commission had been under discussion from two to five years. They denied that there was any significance in the fact that the actual consummation of the delegation of authority was made on July 1, 1942, after the disclosure of the shocking and disgraceful conditions in children's boarding homes within the City of Los Angeles, over which the State department had exercised jurisdiction. It was pointed out to the representatives of the State Social Welfare Department that none of them had even mentioned the contemplation of delegating the authority at the time the hearings were held on May 26 and 27, 1942.

However, the delegation to the county does not cover children's boarding homes or day nurseries where more than 10 children are cared for, or any other type of home, such as parent-child homes.

It should be noted that complete authority for the enforcement of the provisions of the Welfare and Institutions Code has not been delegated to any one agency at present. All homes caring for children outside of the city limits of Los Angeles but within the County of Los Angeles, children's boarding homes, and day nurseries within the City of Los Angeles where less than 10 children are cared for, come under the public welfare commission of the County of Los Angeles. However, children's boarding homes and day nurseries where more than 10 children are cared for in the City of Los Angeles and parent-child homes are still handled by the State Department of Social Welfare.

It is significant to note that in spite of the fact that violations of the law had been known to exist over a period of many years, nevertheless no serious attempt was ever made to enforce the law. Miss Selma Zorin testified that there were only three prosecutions in a period of four years.

Lieut. Robert W. Bowling, of the juvenile bureau of the Los Angeles police department, testified that it is not hard to get evidence of violations of the law in cases where persons are boarding the children without having a license to do so.

**Q. BY MR. CHOTINER:** One other question: To your knowledge, has the State Welfare Department requested your department to go ahead and make an investigation in any other case during the past year?

**A.** I would say that, as a rule, the shoe is on the other foot, that we give information to the State Welfare Department.

(Trans. Vol. I, p. 283, lines 8 to 14.)

**DR. IRENE T. HEINEMAN,** Assistant State Superintendent of Schools, testified as follows:

**Q.** What type of place are these that are evading the law and just merely using the word "school" after the word nursery?

**A.** As far as I know, I should say they are—I have not inspected one of them, but it is just because I am close to social welfare people that I know that there are such boarding homes evading the license, the law regarding licensing by the State Department of Social Welfare or its several parts through the use of the device of the word "school." That's all I know.

**Q.** Have reports come to your knowledge that conditions in these homes that are evading the law by using the word "school" are such that they should be regulated?

**A.** Yes.

**Q.** And has it come to your attention that a day nursery, if it is a day nursery, is subject, however, to the supervision of the State Social Welfare Department?

**A.** Yes.

(Trans. Vol. I, p. 204, l. 14, to p. 205, l. 5.)

**Q. BY MR. CHOTINER:** Mrs. Heineman, would you say that if there were a better enforcement of the present existing laws on the subject of day nurseries, that that would help clarify the situation?

**A.** Yes; I am for enforcing laws.

(Trans. Vol. I, p. 205, l. 23, to p. 206, l. 1.)



DR. HELEN CHRISTIANSON, Supervisor of Nursery Education, University of California at Los Angeles, testified as follows:

Q. Can you give the committee here the benefit of your knowledge and experience regarding the matter of day nurseries versus nursery schools and what ought to be done to correct it?

A. Well, it has come to my attention that there are many places operating which are called nursery schools, where there are not trained teachers, where they are not carrying on what we would consider an educational program for young children.

(Trans. Vol. I, p. 207, lines 12 to 20.)

Q. BY MR. CHOTINER: Would you say the conditions are such in the City of Los Angeles pertaining to day nurseries, where they take them in for day care and where they are masquerading as nursery schools, as to require that something should be done about it to remedy the situation?

A. Yes, I think it is a very serious situation.

(Trans. Vol. I, p. 208, lines 16 to 21.)

At the hearings on May 26 and 27, 1942, representatives of the State Department of Social Welfare claimed that they had had difficulty in cleaning up conditions because it was so difficult to obtain the necessary evidence in order to prosecute cases, and that law enforcement agencies insisted that the State department obtain its own evidence. Your committee has already referred to the simplicity of obtaining evidence by its investigators. Representatives of law enforcement agencies, such as Los Angeles County district attorney, Los Angeles city attorney, and Los Angeles city health department, all testified that they have always been ready to render assistance, are ready at the present time, and will cooperate in the future as well. They further testified that they did not know of any instance when the State Department of Social Welfare had ever asked for their assistance, either in inspecting homes, obtaining evidence, or prosecuting violators of the law.

Evidence was submitted to your committee pointing to the conclusion that the counties are better able to handle the inspecting and licensing of homes as well as all other matters pertaining to the enforcement of the provisions of the Welfare and Institutions Code, than is the State Department of Social Welfare. The Los Angeles County public welfare commission, with fewer employees, is able to handle a larger volume of business than is the State department. Whereas it took the State department anywhere from four months to two years to inspect a home where an applicant had made an application for a license, it took the county public welfare commission only from three weeks to four months. It should be noted that a certain amount of delay is required in order to check the application, references and other matters, before the home is actually inspected. However, in view of the pressing demand for more homes for boarding children, every effort should be made to expedite the handling of applications for licenses.

It was apparent to the committee that there are too many governmental agencies dealing with the subject of boarding homes for children. As a result, in order to effect a remedy, there is too much shifting of responsibility when an effort is made to place the blame for conditions which exist.

Accordingly, there are too many instances of individuals and agencies claiming that the authority for correcting conditions rests with someone else, and that they do not have either the authority or the responsibility to do so.

#### RECOMMENDATIONS

Based on the foregoing facts, your committee makes the following recommendations:

1. Section 1620, subdivision (a), of the Welfare and Institutions Code should be amended to conform with Attorney General Earl Warren's opinion of August 17, 1942, to provide for the licensing of institutions, boarding homes, day nurseries, or any other place that is used for the reception or care of children under 16 years of age, whether the parents reside at the premises or not.

This would take care of the parent-child boarding homes as well as children's boarding homes, daytime care homes, and day nurseries.

2. Section 1622 of the Welfare and Institutions Code should be amended to provide that the counties shall have the authority and responsibility of licensing all homes that come within the provisions of the Welfare and Institutions Code, and the authority and responsibility of enforcing the pertinent sections of the Welfare and Institutions Code pertaining to this subject.

This would provide for local enforcement by local officials who are better able to handle this problem.

3. The Welfare and Institutions Code should be amended to provide that the State Department of Social Welfare shall act as a clearing house of information for the benefit of the various counties. Each county should be required to furnish such information as is necessary to enable the State Department of Social Welfare to

have records of licenses that are issued, suspended, or revoked, as well as standards, rules, and minimum requirements adopted by the various counties.

4. The rules, requirements, regulations, and standards adopted by the counties for the operation of the various types of homes for the care of children should permit the operation of these homes on a commercial basis. There is such a demand for places to care for children that it is necessary that permission be granted to operate them on a commercial basis as it apparently will be difficult, if not impossible, to obtain enough homes to look after these children on any other basis.

5. An appropriation of funds should be made by the State of California to the various counties on a proper, matching basis, in order to enable them to set up day nurseries. These day nurseries should be operated by local officials, and a reasonable charge should be made for the care of the children, depending on local conditions and the earnings of the parents.

6. All other sections of the Welfare and Institutions Code should be amended to conform with the foregoing recommendations.

7. The policy of employing mothers of children who are of pre-school age should be eliminated except in cases of necessity. Every effort should be made to maintain the family unit, which is the foundation of our American form of government. Children should be cared for by their parents wherever possible instead of being placed in homes to be looked after by strangers. Employers should endeavor to fill their labor demands by hiring men who are exempt or deferred from military service, and women who do not have young children.

8. Your committee therefore recommends and urges that no mother of a child under seven years of age be employed in industrial plants.

## Part II

### *Aged Care*

During the course of your committee's investigation pertaining to boarding homes for children, Assemblyman Vernon Kilpatrick, of the Fifty-fifth Assembly District, appeared before the committee and stated he had evidence pointing to improper conditions in boarding homes and rest homes which cared for the aged.

An opportunity and facilities were presented to Assemblyman Kilpatrick for the purpose of submitting such evidence as he had in his possession pertaining to that subject.

On the basis of the evidence presented, there did not appear to be just cause for continuing an investigation into Assemblyman Kilpatrick's charges, nor did there appear to be any need for any recommendations in so far as changes in the law are concerned.

However, it was brought to the attention of your committee that private persons and private organizations hold themselves out to the public as being able to assist those persons who make applications for old age assistance. Many times fees are charged which are excessive and not commensurate with the amount of help furnished to these persons. Your committee finds that it is not necessary for anyone to enlist the aid of any individual or organization for the purpose of obtaining old age assistance, if the person is entitled to it.

It is therefore recommended that the State Department of Social Welfare inaugurate a program to give full and proper publicity to the fact that any person entitled to old age assistance may deal directly with the public authorities, and that the application will receive proper and prompt attention without the necessity of paying any fee to anyone.

Your committee further recommends that the subject of proper care for the aged in boarding homes, nursery and rest homes, and sanitariums is of sufficient importance that a further investigation should be made by a Legislative Committee concerning the types of homes and institutions, competency of the persons operating them, and the care furnished to the aged.

## RESOLUTIONS

The following resolution was offered:

By Senators Shelley, Judah, Keating, Quinn, and Luckey:

### Senate Resolution No. 35

WHEREAS, The State Senate of the Fifty-fourth Legislature, by resolution, created an Interim Committee of six Members of the Senate to study and survey all facts and acts in connection with the finances and operation of the Golden Gate Bridge, spanning the waters of San Francisco Bay, and report to the Fifty-fifth Legislature; and

WHEREAS, This committee has, by authority of the resolution, conducted hearings and developed pertinent information, relative to the bridge operation and maintenance, and its fiscal affairs; and

WHEREAS, The Golden Gate Bridge is a vital link in the highway system of the State of California, and an indispensable connection between the Presidio of

San Francisco and the United States Military Reservation at Fort Baker in Marin County, and a connecting link in the Alaska to South American Highway System; and

WHEREAS, The present war in which the United States is engaged, has created serious financial problems for the Golden Gate Bridge and Highway District, due to the rationing of gasoline and rubber which has seriously reduced toll revenues of the bridge; and

WHEREAS, There has been a tremendous increase in the volume of toll-free Government traffic across the Golden Gate Bridge, which has further depleted the bridge income; and

WHEREAS, The Senate Interim Committee of the Fifty-fourth Legislature is convinced from its investigation that there must be a progressive study of the problem of operating and maintaining the bridge in the interests of the people of the State of California as a whole; and

WHEREAS, The said Senate Interim Committee was concerned with the fact that the Golden Gate Bridge and Highway District does not receive financial contribution or any assistance whatsoever from any governmental agency, directly or indirectly; and that therefore all fixed charges and all costs of maintaining and operating the bridge must be obtained solely from traffic crossing the bridge; and

WHEREAS, There is a vital need of carrying on further exhaustive studies into the affairs of the bridge district in order to safeguard thoroughly the interests of the people of California, since the bridge is now being deprived during this war emergency of revenue traffic through no fault of its own; now, therefore, be it

*Resolved*, That a committee of six Members of the Senate is hereby created to continue a thorough study and survey of all facts or acts, touching upon or relating to the operation and maintenance of the Golden Gate Bridge, and shall, prior to March 15, 1945, make a report of legislation recommended by it to preserve the best interests of the people of California, served by the bridge, and the needs of the Federal Government.

The committee hereby created is authorized to act either during sessions of the Legislature or after final adjournment, but except as otherwise provided herein, not beyond the convening of the Fifty-sixth Legislature. The committee hereby created shall have all powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly as they are now or may hereafter be amended, and may exercise such powers after final adjournment.

The Sergeant-at-Arms of the Senate, or other persons designated by him, is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation, but shall be allowed mileage at the rate of five and one-half cents (80.05¢) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer, no committee member to be paid per diem for committee work on any day in which the Legislature is in regular session for which he draws his regular legislative remuneration.

Resolution read, and referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules makes the following suggestions for committee organization:

#### *Suggestions for Committee Organization*

The officers of this committee shall be a chairman, vice chairman, and secretary.

The chairman shall preside at meetings when present and when absent the vice chairman shall preside.

The secretary shall keep a complete record of the meetings and of action taken by the committee.

The committee shall meet in regular session, in Room\_\_\_\_\_, on\_\_\_\_\_and \_\_\_\_\_of each week, at the hour of\_\_\_\_\_. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion or on the call for the special meeting.



Special meetings may be called by the chairman by giving at least three hours' notice, specifying the purpose of the meeting and the time and place thereof and the matters to be considered at such special meeting, and no bill or other formal matter shall be considered at such meeting other than those specified in the notice.

-----members shall constitute a quorum and no bill shall be voted out of committee except on the affirmative vote of -----members.

No bill shall be signed out of committee.

The chairman shall arrange the calendar for the various meetings and shall set bills to be heard at the various meetings and give notice thereof. No bills except those on the calendar shall be considered at any meeting except with the unanimous consent of those present. The calendar shall be made up at least twelve (12) hours before time of meeting. Notice of hearing of bills shall be given the author and such other persons requesting notice in writing. Bills will not be considered in the absence of the author without his consent. All bills shall be carefully considered and all controversial measures shall be fully and completely heard in such manner and at such time as the committee shall determine.

In controversial matters it might be advisable for the committee to take action in executive session.

Any bill laid upon the table shall not be removed unless one day's notice of intention to remove the same from the table shall have been first given. Reconsideration of the vote by which a bill is voted out, tabled or defeated, may be made at the same meeting or at a subsequent meeting upon at least one day's notice, in writing, to the chairman of the committee and no motion to reconsider a vote or to take it to the table at a subsequent meeting shall be considered unless one day's notice of intention to make such motion shall have been given.

The chairman shall direct the order of presentation of the arguments for and against matters for consideration by the committee and shall permit questions to be asked by the various members of the committee, in an orderly fashion and in keeping with proper decorum.

It shall be the duty of the Sergeant-at-Arms, or an Assistant Sergeant-at-Arms, to be present and maintain order during meetings of the committee.

Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

SEAWELL, Chairman

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 306:** By Senator Swing—An act to provide for the control of the waters of the Colorado River, including provisions for the prevention of encroachment of said waters upon adjacent land, for the remedying of conditions caused by such encroachment and for the construction of works for such purposes, and making an appropriation, declaring the urgency of this act, and providing that this act shall take effect immediately.

Referred to Committee on Water Resources.

**Senate Bill No. 307:** By Senators DeLap, McCormack, McBride, Jespersen, Fletcher, and Parkman—An act to amend Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of the School Code and to amend Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975, and 6977 of the Education Code, relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 308:** By Senator Seawell—An act to provide for the printing and sale of legislative publications by the State Printer.

Referred to Committee on Rules.



**Senate Bill No. 309:** By Senator Powers—An act to amend Section 86.2 of the State Civil Service Act, relating to oaths to be taken by persons in the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 310:** By Senator Powers—An act to add Section 150.5 to, and to amend Sections 150, 151, and 190 of, the State Civil Service Act, relating to the payment of compensation earned and the computation of vacation and sick leave privileges, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 311:** By Senator Salsman—An act to amend Section 4156a of the Political Code, relating to district attorneys.

Referred to Committee on Judiciary.

**Senate Bill No. 312:** By Senator Carter—An act to amend Section 581b of the Code of Civil Procedure, relating to dismissal of actions or proceedings for failure to pay transfer fee.

Referred to Committee on Judiciary.

**Senate Bill No. 313:** By Senators Biggar, Fletcher, Brown, and Judah—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads, to take effect immediately.

Referred to Committee on Labor.

**Senate Bill No. 314:** By Senator Mayo—An act to amend Section 111 of the Vehicle Code, relating to the California Highway Patrol.

Referred to Committee on Transportation.

**Senate Bill No. 315:** By Senators Mayo and Mixter—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 316:** By Senator Swan—An act to add Section 688.5 to the Penal Code, relating to affidavit of peace officers having custody of accused persons.

Referred to Committee on Judiciary.

**Senate Bill No. 317:** By Senator Swan—An act to add Section 2714 to the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 318:** By Senator Swan—An act to amend Section 2.1431 of the School Code and to amend Section 10002 of the Education Code, relating to the State Curriculum Commission.

Referred to Committee on Education.

**Senate Bill No. 319:** By Senator McBride—An act to amend Section 1 of an act entitled "An act to provide for the retirement with

retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 16:** By Senators Crittenden, Deuel, Fletcher, and Cunningham—Providing for the continuance of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 130).

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 17:** By Senator Swing—Relative to the creation of a Joint Committee to Investigate the Water Situation at Needles and Vicinity.

Referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 113

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By H. F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Referred to Committee on Military and Veterans Affairs.

#### ADJOURNMENT

At 3.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Thursday, January 21, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

EIGHTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 21, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Luckey, on motion of Senator Cunningham.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Adele Arbo, Treasurer, California Council of Republican Women, Southern Division, of Los Angeles.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oran Palmer, County Counsel of Kern County, and Al Weaver, Kern County Purchasing Agent, both of Bakersfield.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. L. Baker and Norman Smith, both of Sacramento.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 4

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## CONSIDERATION OF ASSEMBLY AMENDMENTS

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 4?

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

**Amendment No. 1**

On page 1, line 10, of the printed bill, before "notice", insert "written".

**Amendment No. 2**

On page 1, lines 7 and 8, of the printed bill, strike out "armed forces of the State of California"; and, in line 7, after "the", insert "State Guard or State Militia when in active service."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 4 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Swan, Swing, Tenney, and Tickle—28.

**Appointment of Committee on Conference****MR. PRESIDENT:**

Your Committee on Rules announces the appointment of Senators Engle, Mixter, and Brown as a Senate Committee on Conference concerning Senate Bill No. 4 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 17

Assembly Joint Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolutions were read :

**Assembly Concurrent Resolution No. 17**—Relative to the creation of a Joint Legislative Committee, to study and report on matters relating to tax reduction.

Referred to Committee on Rules.

**Assembly Joint Resolution No. 12**—Relative to memorializing the Secretary of Agriculture, the War Man Power Commission, and the Director of Selective Service in relation to grapes and raisins as essential farm products.

Referred to Committee on Agriculture.

**REPORTS OF STANDING COMMITTEES****Committee on Finance**

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 143

Assembly Bill No. 235

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bills ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Jespersen asked for, and was granted, unanimous consent to take up Assembly Bill No. 143, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 143**

**Assembly Bill No. 143**—An act making an appropriation for the additional support of the California Polytechnic School, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Jespersen:

*Resolved*, That Assembly Bill No. 143 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 143** An act making an appropriation for the additional support of the California Polytechnic School, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 143:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 18, 1943

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

#### ASSEMBLY BILL NO. 143

"An act making an appropriation for the additional support of the California Polytechnic School, declaring the urgency thereof, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the budget bill.

I therefore recommend consideration of Assembly Bill No. 143 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 98

Senate Bill No. 280

Senate Bill No. 301

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

DeLAP, Chairman

Above reported bills ordered to second reading.

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 11

Assembly Bill No. 48

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 14**—Approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the third day of November, 1942. And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of January, 1943, at 2.30 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 37

Senate Bill No. 49

Senate Bill No. 180

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 21, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 122

Senate Bill No. 95

Senate Concurrent Resolution No. 7

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, January 20, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 147

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Gordon asked for, and was granted, unanimous consent to take up Senate Bill No. 147, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 147**

**Senate Bill No. 147**—An act to amend Section 5.876 of the School Code and to amend Section 14536 of the Education Code, relating to the employment of persons retired under the State Teachers Retirement Act and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Gordon:

*Resolved*, That Senate Bill No. 147 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 147**—An act to amend Section 5.876 of the School Code and to amend Section 14536 of the Education Code, relating to the employment of persons retired under the State Teachers Retirement Act and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**MOTION TO WITHDRAW FROM ENROLLMENT**

Senator Seawell moved that Senate Concurrent Resolution No. 4 be withdrawn from enrollment for purpose of concurring in Assembly amendments.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 4

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By HAROLD F. LEWRIGHT, Assistant Clerk



## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Concurrent Resolution No. 4**—Relative to Joint Rules of the Senate and Assembly.

**Resolution read.**

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 4?

**Amendment No. 1**

On page 11, after line 48, of the printed measure, insert

36. In addition to any other committee provided for by these Rules, there shall be a Joint Committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committee on Finance, Revenue and Taxation, Governmental Efficiency, and Judiciary, selected by the respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority, to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 35 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of eight dollars (\$8) per day and travel expenses which shall be deemed to be five and one-half cents (\$.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

Upon the organization of the Legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee, shall be temporarily transferred to a pro tempore Legislative Budget Committee consisting of the Senate Committee on Rules and of the new Speaker and four other Members of the Assembly appointed by him, until the committee as hereinabove provided for is appointed or selected when all such authority, powers, duties, papers and records, personnel or staff and all funds available for the use of the committee shall revert to such committee; and be it further

**Resolved**, That a sum of forty thousand dollars (\$40,000) is hereby appropriated from the Contingent Funds of the Senate and Assembly, to be expended equally from the Contingent Funds of the Senate and Assembly in carrying out the provisions of this resolution; and be it further

**Resolved**, That if there is created by statute a Legislative Audit Bureau, a Legislative Research Bureau, or other similar agency, under legislative control, charged with the duty of performing one or more of the functions given the Legislative Budget Committee by this resolution, the committee is hereby authorized and directed

to avoid duplicating the work of such bureau or agency while the latter is in existence and functioning.

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 4 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES**—None.

Above resolution ordered enrolled.

### RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

#### Senate Resolution No. 36

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work January 21, 1943:

	<i>Per Day</i>
Roberta Felt, Stenographer.....	\$5 00

Resolution read, and unanimously adopted.

By Committee on Rules:

#### Senate Resolution No. 37

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of \$1,224.43 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller by the Secretary of the Senate:

The Pacific Tel. & Tel. Co.....	\$ 38 33
Railway Express Agency.....	23 23
Thomson Diggs Company.....	6 56
Sam S. Frieden, signs.....	5 67
Sleeper Stamp & Stationery Co., badges.....	45 83
Art Morris, keys.....	1 24
Oregon, Nevada, Calif. Fast Freight Inc.....	3 82
Western Union.....	6 63
Postage.....	300 00
H. S. Crocker Co.....	26 27
Bureau of Purchases, stationery and supplies.....	364 03
Department of Finance, pro rata telephone charges, electrical repairs.....	125 96
Department of Finance, typewriter service.....	276 86

\$1,224 43

POWERS  
DEUEL  
SEAWELL  
TICKLE  
BROWN

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—28.

**NOES**—None.

By Senator McBride:

**Senate Resolution No. 38**

WHEREAS, The late Frank A. Arbuckle was formerly a Member of this Senate; and

WHEREAS, He had for years devoted himself to the service of his Country and his fellowmen: as a Chaplain in the 1st Division of the American Expeditionary Forces of the last Great War, as a commander of the Ventura County American Legion, as a Minister of the Gospel, and as a State Senator; and

WHEREAS, The Members of this Senate wish to express their commendation of the exemplary life and service of their friend and former colleague, and their sympathy to his widow, Mrs. Ernestine C. Arbuckle, and to his children, Mrs. Kathryn Wistrom, Mrs. Marie Greene, and Ernest C. Arbuckle, Lieutenant (j.g.) United States Navy; now, therefore, he it

*Resolved by the Senate of the State of California,* That when this Senate today adjourns it do so out of respect to the memory of former State Senator Frank A. Arbuckle; and be it further

*Resolved,* That the Secretary of the Senate be, and he is hereby authorized and directed to send suitably engrossed copies of this resolution to the family of the late Frank A. Arbuckle.

Resolution read, and adopted by a rising vote

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 320:** By Senator Seawell—An act to add Section 2211 to the Public Resources Code, relating to the county mineralogist.

Referred to Committee on Local Government.

**Senate Bill No. 321:** By Senator Carter—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, and to add Section 15 thereto, relating to vacations and hours on duty of members of fire departments.

Referred to Committee on Local Government.

**Senate Bill No. 322:** By Senator Carter—An act to amend Section 38c of the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Referred to Committee on Local Government.

**Senate Bill No. 323:** By Senator Carter—An act to amend Section 65e of, and to add Section 83d to, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Referred to Committee on Local Government.

**Senate Bill No. 324:** By Senator Carter—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relative to circulation of petitions.

Referred to Committee on Local Government.

**Senate Bill No. 325:** By Senator Carter—An act to amend the title and Section 8e of, and to add Sections 3e and 38f to the State Employees' Retirement Act, relating to the State Employees' Retirement System, including city policemen and city, county, and fire protection district firemen, and officers and employees of county forestry and county fire-warden departments.

Referred to Committee on Local Government.

**Senate Bill No. 326:** By Senator Carter—An act to amend Sections 813 and 8628 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved on March 13, 1883, relating to fire departments of cities of the fifth and sixth classes.

Referred to Committee on Local Government.

**Senate Bill No. 327:** By Senator Carter—An act to add Section 4849 to, and to amend Sections 4850, 4851, 4852, 4853 and 4855 of the Labor Code, relating to workmen's compensation and special payments to city policemen, city firemen, city and county firemen, county firemen and fire protection district firemen.

Referred to Committee on Local Government.

**Senate Bill No. 328:** By Senator Carter—An act to amend Section 14855 of the Health and Safety Code, relating to fire companies in unincorporated counties.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 329:** By Senator Carter—An act to amend Section 14709 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 330:** By Senator Carter—An act to amend Section 14441 of the Health and Safety Code, relating to county fire protection districts.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 331:** By Senator Carter—An act to amend Section 14055 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 332:** By Senator Carter—An act to amend Section 14355 of the Health and Safety Code, relating to metropolitan fire protection districts.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 333:** By Senator DeLap—An act making an appropriation to meet a deficiency in the appropriation for support of the Division of Corporations, Department of Investment, State of California, for the Ninety-fourth Fiscal Year, to take effect immediately.

Referred to Committee on Finance.



**Senate Bill No. 334:** By Senator DeLap—An act to amend Section 21 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to penalties.

Referred to Committee on Financial Institutions.

**Senate Bill No. 335:** By Senator DeLap—An act to amend Section 13 of the Corporate Securities Act, relating to hearings after notice to desist and refrain from selling securities.

Referred to Committee on Financial Institutions.

**Senate Bill No. 336:** By Senator DeLap—An act to amend Section 4 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to examinations.

Referred to Committee on Financial Institutions.

**Senate Bill No. 337:** By Senator Carter—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Referred to Committee on Transportation.

**Senate Bill No. 338:** By Senator Fletcher—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption by a step-parent.

Referred to Committee on Judiciary.

**Senate Bill No. 339:** By Senators Mixer and Burns—An act to make an appropriation for the purchase of certain forest land, commonly known as the Mountain Home Tract in Tulare County, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Natural Resources.

**Senate Bill No. 340:** By Senator Breed—An act to amend Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate of tax on banks and financial corporations.

Referred to Committee on Financial Institutions.

**Senate Bill No. 341:** By Senator Breed—An act to amend Sections 1, 2, 4 and 23, and to repeal Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on national banking associations, banks and financial corporations.

Referred to Committee on Financial Institutions.

**Senate Bill No. 342:** By Senators DeLap and Collier—An act to amend Section 1530 and to repeal Section 1531 of the Probate Code, relating to the sale or encumbrance of property by guardians.

Referred to Committee on Judiciary.

**Senate Bill No. 343:** By Senator Powers—An act to amend Section 4269 of the Political Code, relating to compensation of public officers.

Referred to Committee on Local Government.

**Senate Bill No. 344:** By Senator Powers—An act to amend Section 4273 of the Political Code, relating to the compensation of public officers.

Referred to Committee on Local Government.

**Senate Bill No. 345:** By Senator Powers—An act to amend Section 737f of the Political Code, relating to the salary of judges.

Referred to Committee on Local Government.

**Senate Bill No. 346:** By Senator Powers—An act to amend Section 737r of the Political Code, relating to the salary of judges.

Referred to Committee on Local Government.

**Senate Bill No. 347:** By Senator Collier—An act to add Section 656.5 to, and to amend Sections 657 and 657.5 of, the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

**Senate Bill No. 348:** By Senator Swing—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26c, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23c, 23d, 26, 27 and 38.2, relating to the taxation of beer and wine and to provide that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 349:** By Senators Hatfield and Jespersen—An act to add Article 3 to Chapter 1 of Part 1 of Division 4 of the Fish and Game Code, relating to hunting and fishing on privately owned land.

Referred to Committee on Fish and Game.

**Senate Bill No. 350:** By Senators Burns, Cunningham, and Mixer—An act relating to jurisdiction over lands in the Kings Canyon National Park.

Referred to Committee on Governmental Efficiency.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 59—**An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal an act entitled "An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 95**—An act to amend Section 1 of an act entitled "An act authorizing any city, county, city and county, or district to expend public funds and to expend, use, or permit the use of public property or personnel to meet emergencies created by war, military, naval or air attack, or sabotage, or in providing for adequate National or local defense, irrespective of budget or other limitations; declaring the urgency herof; to take effect immediately," approved December 23, 1941, relating to the granting of emergency powers to local governmental agencies and public districts including provisions for the transfer, sale, lease, or use of public property of such agencies or districts, declaring the urgency of this act, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Catterton, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Earle, Gordon, Harbort, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burre, Carter, Collier, Catterton, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Earle, Gordon, Harbort, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 122**—An act to repeal Sections 11 and 21 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," to amend Section 13 and to add Sections 11, 11.10, 11.20, 11.30, 11.40, 11.50, 11.60, 11.70, 21, 21.10, 21.20, 21.30, 21.40, 21.50, 21.60, 21.70, 21.80, 21.90 and 21.100, providing for the powers of the board of directors to determine all questions of policy, to supervise and regulate all utilities owned and operated by a municipal utility district, to appoint a general manager and other officers, assistants and employees, to contract for or employ services, and to provide for the performance of work or services, to create the positions necessary to carry on the functions of the district and to abolish positions and establish salary ranges; providing for the tenure and removal of the general manager; and relating to the powers of the board of directors generally; the powers and duties of the general manager; also providing for the adoption and administration of a civil service system, specifying the positions included therein and excepted therefrom, providing for appointments based on merit and discharge for cause, period of probation suspensions, adoption of rules by the general manager, providing for the making of appointments without examination during the present emergency; and relating to

civil service generally; and the severability of the act; and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### ADJOURNMENT

At 3.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, January 22, 1943, out of respect to the memory of the late Frank A. Arbuckle.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

NINETEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 22, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Assistant Secretary Harry Hammond at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Swing, on motion of Senator Mixter.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold P. Huls, City Attorney of Pasadena.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 59

And reports the same correctly engrossed.

SEAWELL, Chairman

## President Pro Tempore of the Senate Presiding

At 11.05 a.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

## REPORTS OF STANDING COMMITTEES

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, January 21, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 30

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 16, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 16

**Senate Concurrent Resolution No. 16**—Providing for the continuance of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 130).

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to take up Senate Resolution No. 35, at this time, for consideration.

## CONSIDERATION OF SENATE RESOLUTION NO. 35

## Senate Resolution No. 35

WHEREAS, The State Senate of the Fifty-fourth Legislature, by resolution, created an Interim Committee of six Members of the Senate to study and survey all

facts and acts in connection with the finances and operation of the Golden Gate Bridge, spanning the waters of San Francisco Bay, and report to the Fifty-fifth Legislature; and

WHEREAS, This committee has, by authority of the resolution, conducted hearings and developed pertinent information, relative to the bridge operation and maintenance, and its fiscal affairs; and

WHEREAS, The Golden Gate Bridge is a vital link in the Highway System of the State of California, and an indispensable connection between the Presidio of San Francisco and the United States Military Reservation at Fort Baker in Marin County, and a connecting link in the Alaska to South American Highway System; and

WHEREAS, The present war in which the United States is engaged, has created serious financial problems for the Golden Gate Bridge and Highway District, due to the rationing of gasoline and rubber which has seriously reduced toll revenues of the bridge; and

WHEREAS, There has been a tremendous increase in the volume of toll-free Government traffic across the Golden Gate Bridge, which has further depleted the bridge income; and

WHEREAS, The Senate Interim Committee of the Fifty-fourth Legislature is convinced from its investigation that there must be a progressive study of the problem of operating and maintaining the bridge in the interests of the people of the State of California as a whole; and

WHEREAS, The said Senate Interim Committee was concerned with the fact that the Golden Gate Bridge and Highway District does not receive financial contribution or any assistance whatsoever from any governmental agency, directly or indirectly; and that therefore all fixed charges and all costs of maintaining and operating the bridge must be obtained solely from traffic crossing the bridge; and

WHEREAS, There is a vital need of carrying on further exhaustive studies into the affairs of the bridge district in order to safeguard thoroughly the interests of the people of California, since the bridge is now being deprived during this emergency of revenue traffic through no fault of its own.

*Resolved*, That a committee of six Members of the Senate is hereby created to continue a thorough study and survey of all facts or acts, touching upon or relating to the operation and maintenance of the Golden Gate Bridge, and shall, prior to March 15, 1945, make a report of legislation recommended by it to preserve the best interests of the people of California, served by the bridge, and the needs of the Federal Government.

The committee hereby created is authorized to act either during sessions of the Legislature or after final adjournment, but except as otherwise provided herein, no beyond the convening of the Fifty-sixth Legislature. The committee hereby created shall have all powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly as they are now or may hereafter be amended, and may exercise such powers after final adjournment.

The Sergeant-at-Arms of the Senate, or other persons designated by him, is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer, no committee member to be paid per diem for committee work on any day in which the Legislature is in regular session for which he draws his regular legislative remuneration.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jepsen, Judah, Keating, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—26.

**NOES**—None.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13

**Senate Concurrent Resolution No. 13**—Relative to a Fact-Finding Committee on the labor supply for agricultural and industrial enterprises, and defining its powers and duties.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 1, line 20, of the printed measure, strike out "four", and insert "two".

**Amendment No. 2**

On page 1, line 21, of the printed measure, strike out "four", and insert "two".

**Amendment No. 3**

On page 1, line 22, of the printed measure, strike out "Committee on Committees", and insert "Rules Committee".

**Amendment No. 4**

On page 2, line 37, of the printed measure, strike out "during", and insert "prior to final adjournment of".

**Amendment No. 5**

On page 3, line 34, of the printed measure, after "day", insert "(no expenses or mileage shall be payable during the session of the Legislature except that this shall not prevent the payment of expenses or mileage during the constitutional recess)".

**Amendment No. 6**

On page 3, lines 36 and 37, of the printed measure, strike out "fifteen thousand dollars (\$15,000)", and insert "twenty-five hundred dollars (\$2,500)".

Amendments read and adopted.

## Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 13, at this time, for passage.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13,  
AS AMENDED

**Senate Concurrent Resolution No. 13**—Relative to a Fact-Finding Committee on the labor supply for agricultural and industrial enterprises, and defining its powers and duties.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.



## RESOLUTIONS

The following resolution was offered:

By Senator Dillinger:

## Senate Resolution No. 39

WHEREAS, January 24th is the official ninety-fifth anniversary of the discovery of gold in California, by James Wilson Marshall; and

WHEREAS, As a result of that discovery of gold at Coloma, there came to California those hardy immigrants who upon their arrival discovered that California held not only gold, but a wealth of other resources and of beauty as well; and

WHEREAS, During the period of nearly a hundred years that has elapsed, this great State has grown and prospered, and within that period has reached a high place in the aggregation of our several States; and

WHEREAS, We become more and more engrossed in our daily round of duty as the days go by, it becomes more and more fitting and needful that we should pause in the busy turmoil of our daily lives and turn our thought backward, to reflect for a moment upon the achievements and the high ideals of those pioneers of yesterday, who carved from the vastness of the forest and trackless plain this great State that we love, to draw, if we can, from their precept and example renewed inspiration that shall sustain and guide us as we face the problems that lie before us now.

Not all the pioneering has been done. We face today some of the most gigantic and perplexing problems that have ever faced any people. Soon we are returning to our respective homes, to counsel with our constituents respecting the wisdom of our acts, to reflect upon the tasks that lie before us upon our return, that our labors may find fruition in wise laws. So let us now, in the light of those high ideals, consecrate this day to the tasks that lie before us, that we may prove worthy of that heritage, and wisely administer that trust.

But it is not alone for the mere accidental discovery of gold that we mark the day. Rather it is for the momentous events that flowed therefrom and spread upon the fair white page of California's history, the stirring annals of an empire born to the world that day. The golden voice of the yellow siren called to the sunny slope by the broad Pacific the very flower of the Nation's manhood and womanhood, for none but those of the highest courage could dare the great adventure, and none but the fittest could survive its hardships; therefore, be it

*Resolved*, That when the Senate does this day adjourn, we do so in commemoration of the discovery of gold at Coloma, and out of respect to the memory of James Wilson Marshall and those rugged pioneers who, through their unquenchable spirit and lofty ideals, have bequeathed to us this priceless heritage.

Resolution read, and unanimously adopted.

## MOTION TO PRINT SPEECH IN JOURNAL

Senator Crittenden moved that the following speech by Senator Dillinger regarding Senate Resolution No. 39 be printed in the Journal:

Motion carried.

## Remarks of Senator Dillinger

*Mr. President and Gentlemen of the Senate*

I know that you would all be disappointed if I failed to offer this resolution, which I have offered on some other occasions when we happened to be in session on the date.

I am not going to make a speech. The resolution speaks for itself. I merely wish to invite you to come to Coloma some week end during the session and visit this Shrine of California's History, as I imagine many of you have never done.

Those of us who live in California often fail to appreciate what we enjoy. The people of other States, in many cases, appreciate California more than we do. When I was a small boy, back in the Middle West, I attended one of those "Little Red Schoolhouses" that you read about in books. Of course, it was really mostly white, but you get the idea. In that schoolhouse we had a history textbook called McMaster's History, and in that book was a picture titled "Gold Mining at Coloma, in California." I can see it as plainly as if it were yesterday. In the springtime when the air was soft and warm and the gentle breezes blew, after the manner of all small boys since the beginning of time, I suppose, I used to look at that picture, when I should have been studying, and think that I would like to go there sometime. Of course, I never really imagined that my lot would some day be cast in that community, and that I would have the pleasure and the privilege of representing that bearded old miner in the Legislature.

Plan to visit this historic spot some week end. The State acquired the discovery site only a few months ago, after all these years, and the appearance is not yet what it should be, but we hope to get it improved before too long. It is only about a hundred miles round trip, the road is good, and it doesn't take much gas. You will find the trip interesting, pleasant, and profitable; and you will be well repaid.

I move the adoption of the resolution.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 351:** By Senator Mixer—An act to add Section 2.5 to an act entitled "An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately," approved January 28, 1942, relating to expenditures by the Division of Forestry of money appropriated for its support, to take effect immediately.

Referred to Committee on Natural Resources.

**Senate Bill No. 352:** By Senator Dillinger—An act to amend Section 1340.6 of the Fish and Game Code, relating to the taking of bear.

Referred to Committee on Fish and Game.

**Senate Bill No. 353:** By Senator Swing—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 354:** By Senator Swing—An act to add Section 59.5 to the State Civil Service Act, providing for the creation of a Clerical Pool to make available clerical services to all State appointing powers.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 355:** By Senator Tickle—An act to amend Section 511 of the Public Resources Code, and to abolish the Department of Natural Resources Printing Revolving Fund, relating to the Department of Natural Resources Printing Revolving Fund and unexpended balances therein.

Referred to Committee on Natural Resources.

**Senate Bill No. 356:** By Senator Tickle—An act to add Section 4015 to the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act and other cooperative agreements with the Federal Government.

Referred to Committee on Natural Resources.

**Senate Bill No. 357:** By Senator Tickle—An act to add Section 4014 to the Public Resources Code, relating to the acceptance by the State to the provisions of the Clarke-McNary Act.

Referred to Committee on Natural Resources.

**Senate Bill No. 358:** By Senator Tickle—An act to amend Section 689.5 of the Political Code, relating to the Service Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 359:** By Senator Tickle—An act to add Section 128 to the Welfare and Institutions Code, relating to moneys appropriated for public assistance, and providing for audits by the Director of Finance of records pertaining to the receipt and expenditure thereof.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 360:** By Senator Tickle—An act to add Section 444.2 to the Political Code, relating to temporary transfers of money from the general to special funds.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 361:** By Senators Swan and Tenney—An act to amend Sections 3, 4, 12, 15.1, 15.2, 15.3, 15.4, and 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, to amend and renumber Sections 8, 23, 24, 24.5, and 25 thereof to be Sections 24.4, 23.1, 24.1, 8, and 28 respectively, and to add Sections 2.1, 21.3, 21.6, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 24.2, 24.3, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26, 26.1, and 27 thereto, all relating to credit unions, specifying the powers and duties thereof, providing procedures for merger and for dissolution thereof, transferring the supervision thereof and the administration of the act from the Commissioner of Corporations to a new Credit Union Commission established hereby, providing for the appointment, establishment, powers and duties of said commission, and making an appropriation.

Referred to Committee on Financial Institutions.

**Senate Bill No. 362:** By Senators Swan, Deuel, Gordon, and Carter—An act to add a new Article 4 to Chapter 8 of Title 1 of Part 3 of the Penal Code to permit paroles of men from State prisons, county jails and city jails into the armed forces of the United States during the war emergency and to create a new form of parole for such persons to be known as special service parole, making an appropriation therefor, declaring the urgency of this measure and providing that it should take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 363:** By Senator DeLap—An act to amend Sections 14½ and 15 of, and to add Section 13½ to, the Highway Carriers' Act, relating to the use of public highways for commercial purposes and the purposes and the powers and duties of the Railroad Commission in respect thereto.

Referred to Committee on Public Utilities.

**Senate Bill No. 364:** By Senator Powers—An act to add Sections 333.7 and 333.8 to the Agricultural Code, relating to cattle brands.

Referred to Committee on Agriculture.

**Senate Bill No. 365:** By Senators Donnelly, Judah, McBride, Collier, Dorsey, Deuel, Cunningham, Engle, Powers, Carter, Quinn, Hatfield, Jepsersen, Dillinger, Brown, Burns, Swan, Salsman, Slater, and



Crittenden—An act to amend Section 312 of the Agricultural Code, relating to meat inspection.

Referred to Committee on Agriculture.

**Senate Bill No. 366:** By Senator Swan—An act to amend Section 5017.3 of the Business and Professions Code, relating to the qualifications of persons practicing accounting.

Referred to Committee on Business and Professions.

**Senate Bill No. 367:** By Senators Engle, Swan, and Carter—An act to amend Section 472 of the Political Code, relating to the powers and duties of the Attorney General, the employment of special counsel, and the appointment of assistants and deputies in such office, and fixing the salaries of such assistants and deputies.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 368:** By Senators Engle, Swan, and Carter—An act to amend Section 473a of the Political Code, relating to the centralization in the Attorney General's Office of all attorneys and legal advisers for State departments, divisions, commissions, bureaus, boards, officers, and institutions, including those administering private trusts, and the reimbursement of the Attorney General's Office for such services.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 369:** By Senators Collier and Judah—An act to amend Section 2351 of the Welfare and Institutions Code, relating to organizations maintaining homes for the aged.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 370:** By Senator Crittenden—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

Referred to Committee on Financial Institutions.

**Senate Bill No. 371:** By Senator Ward—An act to amend Sections 3, 4, 5 and 10 of The Personal Income Tax Act, and Sections 17052, 17951, 17952, 17953, 18401, 18402, and 18405 of the Revenue and Taxation Code, relating to rates of and exemptions from the personal income tax, to take effect immediately.

Referred to Committee on Revenue and Taxation.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 98**—An act to amend Section 2009 of the Code of Civil Procedure, relating to the use of affidavits in a proceeding to establish the fact of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Motion to Amend**

Senator Dorsey moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 12, of the printed bill, after "any", and before "proceeding", insert "uncontested".

**Amendment No. 2**

On page 1, lines 12 and 13, of the printed bill, strike out "death or marriage."

**Amendment No. 3**

On page 1, line 26, of the printed bill, strike "death and marriage".

**Amendment No. 4**

On page 2, line 2, of the printed bill, after "all", and before "proceeding", insert "uncontested".

**Amendment No. 5**

On page 2, line 3, of the printed bill, strike out "death or marriage".

**Amendment No. 6**

In line 3 of the title of the printed bill, strike out "Death or Marriage".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 280**—An act to add Section 68 to the Code of Civil Procedure, relating to State officers, including judges of the superior court, and providing for the rights of such officers after service in the armed forces, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 301**—An act to add Section 704 to the Civil Code, relating to the ownership of the United States savings bonds or other obligations of the United States registered in the name of two persons as co-owners or registered in the name of one person with a named survivor, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 11**—An act to amend Section 3.370 of the School Code and to amend Section 8821 of the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 3.370", and insert "Sections 3.370 and 3.371".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out "Section 8821", and insert "Sections 8821 and 8822".

**Amendment No. 3**

On page 1, line 7, of the printed bill, after "college", insert "except that no person under 18 years of age who is not a high school graduate shall be admitted to other than a special day or evening class without the recommendation of the principal of the high school attended or last attended by such person in the high school district or unified school district in which such person resides, or, if such person does not

attend or has not attended a high school in such district, without the recommendation of the principal of a high school in such district."

#### Amendment No. 4

On page 1 of the printed bill, following line 7, insert

"Sec. 2. Section 3.371 of the School Code is amended to read:

3.371. The principal of any four-year junior college shall admit thereto any pupil who has completed the work of the tenth grade and any other person [over 16 years of age] who in his judgment is capable of profiting from the instruction offered in the junior college *except that no person under 16 years of age who has not completed the work of the tenth grade shall be admitted to other than a special day or evening class without the recommendation of the principal of the high school attended or last attended by such person in the high school district or unified school district in which such person resides, or, if such person does not attend or has not attended a high school in such district, without the recommendation of the principal of a high school in such district.*"

#### Amendment No. 5

On page 1, line 9, of the printed bill, following "Sec.", strike out "2", and insert "3".

#### Amendment No. 6

On page 1, line 15, of the printed bill, after "offered", insert "except that no person under 18 years of age who is not a high school graduate shall be admitted to other than a special day or evening class without the recommendation of the principal of the high school attended or last attended by such person in the high school district or unified school district in which such person resides, or, if such person does not attend or has not attended a high school in such district, without the recommendation of the principal of a high school in such district."

#### Amendment No. 7

On page 1 of the printed bill, following line 15, insert

"Sec. 4. Section 8822 of the Education Code is amended to read:

8822. The principal of any four-year junior college shall admit to the junior college any pupil who has completed the work of the tenth grade and any other person [over 16 years of age] who in his judgment is capable of profiting from the instruction offered *except that no person under 16 years of age who has not completed the work of the tenth grade shall be admitted to other than a special day or evening class without the recommendation of the principal of the high school attended or last attended by such person in the high school district or unified school district in which such person resides, or, if such person does not attend or has not attended a high school in such district, without the recommendation of the principal of a high school in such district.*"

#### Amendment No. 8

On page 1, line 17, of the printed bill, strike out "3. Section 2 of this act becomes", and insert "5. Sections 3 and 4 of this act become".

#### Amendment No. 9

On page 1 of the printed bill, beginning in line 20, strike out "Section 3370 of the School Code amended by this act is", and insert "Sections 3.370 and 3.371 of the School Code amended by this act are".

#### Amendment No. 10

On page 1, line 23, of the printed bill, strike out "4", and insert "6".

#### Amendment No. 11

On page 2 of the printed bill, strike out all of lines 3 to 9, both inclusive, and insert

"The demands of the war in which the United States of America is now engaged require the services and facilities of the public junior colleges to be fully utilized to prepare qualified persons for their part in the successful prosecution of the war. The existing restrictions on the admission of persons to public junior colleges prevent a direct and effective contribution from being made to the war effort. In order that the public junior colleges may be permitted to immediately make a greater contribution to the winning of the war than they are now allowed to make, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 235**—An act to add Section 92.1 to the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

**Request for Unanimous Consent**

Senator Judah asked for, and was granted, unanimous consent to take up Assembly Bill No. 235, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 235**

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Judah:

*Resolved*, That Assembly Bill No. 235 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 235**—An act to add Section 92.1 to the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 235:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 18, 1943

*To the Honorable Members of the Senate*

**ASSEMBLY BILL NO. 235**

"An act to add Section 92.1 to the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs, declaring the urgency thereof, and providing that this act shall take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 235 as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Shelley Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER CONSIDERATION OF DAILY FILE****SECOND READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 48**—An act to amend Section 6.37 of, and to add Section 6.38 to, the School Code, and to add Sections 18058 and 18059 to the Education Code, relating to the letting of contracts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Continue on File**

Senator Biggar moved that the amendments to Assembly Bill No. 48 be held over until Monday, January 25th, for further study and consideration.

Motion carried.

**MOTION REGARDING LANGUAGE IN MEASURES**

Senator Deuel moved that the Chairman of the Committee on Judiciary and the Chairman of the Committee on Rules get together and decide upon the language that should be used in bills or resolutions which specify the life of the act or the resolution as it relates to the wartime emergency.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT  
RESOLUTION NO. 12**

Senator Crittenden moved that Assembly Joint Resolution No. 12 be withdrawn from Committee on Agriculture, for purpose of consideration.

Motion carried.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 12**

**Assembly Joint Resolution No. 12**—Relative to memorializing the Secretary of Agriculture, the War Manpower Commission, and the Director of Selective Service in relation to grapes and raisins as essential farm products.

Resolution read.



The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

**Assembly Concurrent Resolution No. 23**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 23:** By Messrs. Sargent and Knight, T. Fenton—Relative to approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1942.

#### Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 23, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 23

**Assembly Concurrent Resolution No. 23**—Relative to approving certain amendments to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### ADJOURNMENT

At 12.45 p.m., on motion of Senator Mixter, the President pro tempore, declared the Senate adjourned until 2 p.m., Monday, January 25, 1943, out of respect to the memory of James Wilson Marshall, and to the commemoration of the discovery of gold at Coloma.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

TWENTY-SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 25, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Assistant Secretary Harry Hammond at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Quorum present.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Crowley, Lowrey, and Carlson as a Committee on Conference concerning:

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 577

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 577**—An act making an appropriation to meet a deficiency in the appropriation for support of the Division of Corporations, Department of Investment, State of California, for the Ninety-fourth Fiscal Year, to take effect immediately.

Referred to Committee on Finance.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 15**—Memorializing Congress to enact legislation allowing the award of interest at the legal rate to successful employee claimants in claims adjusted under the Railway Labor Act.  
Referred to Committee on Labor.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 4—Relative to Joint Rules of the Senate and Assembly;

Senate Joint Resolution No. 6—Relative to petitioning the Honorable Claude E. Wickard to alleviate the food shortage resulting from increased population in the State;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1943, at 10.50 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 280

Senate Bill No. 301

Senate Concurrent Resolution No. 16

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 11

Senate Bill No. 98

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 21, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 213

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 2; not voting 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 21, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

McCORMACK, Chairman



**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 162**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "17", and insert "18"

**Amendment No. 2**

On page 1, line 5, of the printed bill, after "school", insert ", except that until six months after the termination of all current hostilities as declared by the President or the Congress of the United States, any person 17 years of age or over may drive a school bus transporting pupils to or from school"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RESOLUTIONS**

The following resolutions were offered:

By Senator Swan:

**Senate Resolution No. 40**

*Resolved*, That there is hereby appropriated from the Contingent Fund of the Senate the sum of \$5,000 for postage for the legislative mail of the Members of the Senate during the constitutional recess and after final adjournment, said postage to be apportioned among the members by the Rules Committee with due consideration for the population of their respective districts.

Resolution read, and referred to Committee on Rules.

By Senator Slater:

**Senate Resolution No. 41**

Relative to the birthday of Senora Luisa Vallejo Emparan

Wednesday, January 27th, commemorates the eighty-seventh birthday of Senora Luisa Vallejo Emparan of Sonoma, daughter of the late illustrious General M. G. Vallejo, distinguished citizen and statesman, whose name and fame are indelibly written into the early history of California. He was a member of California's First Constitutional Convention and was a member of its First State Senate representing Sonoma County.

By this resolution, the Senate extends its sincere felicitations to Senora Emparan, the only surviving child of the late General Vallejo, who still resides in the stately home where she was born in the City of Sonoma, 87 years ago, as a slight token of its regard for the descendant of one of California's very prominent pioneer families: be it

*Resolved*, That the Secretary of the Senate be requested to forward this resolution to Senora Luisa Vallejo Emparan at her residence in the City of Sonoma, California.

Resolution read, and unanimously adopted.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately:

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Assembly be concurred in, and that the bill, as amended on January 18, 1943, be further amended as follows:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "county", insert "or township".

**Amendment No. 2**

In line 3 of the title of the printed bill, as amended, after "county", insert "or township".

**Amendment No. 3**

On page 1, line 5, of the printed bill, as amended, after "county", insert "or township".

**Amendment No. 4**

On page 1, line 15, of the printed bill, as amended, insert  
 "Regardless of any other provision of law, appointments may be made by the authorized appointing power, including the board of supervisors, to fill any vacancy occurring under this section until whichever of the following first occurs: (i) the resigning officer returns to and re-enters the office from which he resigned or (ii) the term expires for which the resigning officer was elected or appointed."

**Amendment No. 5**

On page 1, line 18, of the printed bill, as amended, after "county", insert "or township".

**Amendment No. 6**

On page 2, line 19, of the printed bill, as amended, after "county", insert "or township".

ENGLE  
BROWN  
MIXTER

CROWLEY  
LOWREY  
CARLSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 372:** By Senator Swan—An act relating to the compensation of State officers and employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 373:** By Senator Swan—An act to add Sections 106.5 and 108.5 to the Vehicle Code, relating to the Department of Motor Vehicles, including the officers and employees thereof.

Referred to Committee on Transportation.

**Senate Bill No. 374:** By Senator Salsman—An act to add Section 485.5 to the Health and Safety Code, relating to contracts for local health administration.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 375:** By Senator Salsman—An act to amend Sections 2893, 2896, 2897, and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Referred to Committee on Elections.

**Senate Bill No. 376:** By Senator Biggar—An act to add Sections 4539, 4802.5, and 4805 to the Elections Code, relating to associations

that support candidates for election or endorse measures for adoption by the voters, or solicit or receive moneys upon the promise to nominate or endorse candidates or propose or sponsor measures for adoption.

Referred to Committee on Elections.

**Senate Bill No. 377:** By Senator Quinn—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Referred to Committee on Fish and Game.

**Senate Bill No. 378:** By Senator Quinn—An act to repeal Section 64.5 of the Fish and Game Code, relating to districts.

Referred to Committee on Fish and Game.

**Senate Bill No. 379:** By Senator Quinn—An act to amend Section 970 of the Fish and Game Code, relating to crab traps.

Referred to Committee on Fish and Game.

**Senate Bill No. 380:** By Senator Quinn—An act to amend Section 482 of the Fish and Game Code, relating to pollution of waters.

Referred to Committee on Fish and Game.

**Senate Bill No. 381:** By Senator Slater—An act to amend Section 2.1520 of the School Code and to amend Section 4861 of the Education Code, relating to the membership of schools in societies, associations, or organizations.

Referred to Committee on Education.

**Senate Bill No. 382:** By Senator Slater—An act to amend Sections 5.822, 5.850, 5.851, 5.852, and 5.852-1 of the School Code and to amend Sections 14340, 14432, 14439 and 14450 of, and to add Section 14456.1 to, the Education Code, relating to the State Teachers Retirement System, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 383:** By Senators Rich and Gordon—An act to amend Section 13 of the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 384:** By Senators Rich and Gordon—An act to add Section 7.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 385:** By Senator Gordon—An act to amend Section 307 of the Agricultural Code, relating to meat.

Referred to Committee on Agriculture.

**Senate Bill No. 386:** By Senator Gordon—An act making an appropriation to pay the claim of the California Wool Growers Association against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 387:** By Senator Biggar—An act to add Section 476.5 to the Agricultural Code, relating to the sale of market milk, milk or milk products which conforms to the requirements established in said code.

Referred to Committee on Agriculture.

**Senate Bill No. 388:** By Senator Tenney—An act repealing Sections 671, 672, 673, and 1194 of the Code of Civil Procedure, amending Sections 675, 676b, 705, and 1033 of the Code of Civil Procedure, amending Section 4178 of the Political Code and amending Section 730 of the Probate Code, relating to the court records in the superior court.

Referred to Committee on Judiciary.

**Senate Bill No. 389:** By Senator Tenney—An act amending Section 1952 of the Code of Civil Procedure, relating to the destruction of depositions.

Referred to Committee on Judiciary.

**Senate Bill No. 390:** By Senator Parkman—An act to add Section 6781.1 to the Health and Safety Code, relating to the use of county assessor's rolls by sanitary district boards and the filing of resolutions by such boards declaring election of such use, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

**Senate Bill No. 391:** By Senator Tenney—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code.

Referred to Committee on Elections.

**Senate Bill No. 392:** By Senator Tenney—An act to amend Section 4312 of the Political Code, relating to the location and office hours of certain county offices, to take effect immediately.

Referred to Committee on Local Government.

**Senate Bill No. 393:** By Senator Tenney—An act to amend Section 1720 of the Labor Code of the State of California, relating to public works and printing.

Referred to Committee on Labor.

**Senate Bill No. 394:** By Senator Tenney—An act to add Section 637 to the Code of Civil Procedure, relating to the determination of causes pending before a trial judge at the time he ceases to hold office.

Referred to Committee on Judiciary.

**Senate Bill No. 395:** By Senator Tenney—An act to amend Sections 131 and 132 of the Civil Code, relating to divorce actions.

Referred to Committee on Judiciary.

**Senate Bill No. 396:** By Senator Tenney—An act to add Section 6060.5 to the Business and Professions Code, relating to admission of persons with an honorable discharge from the armed forces of the United States, to the practice of law.

Referred to Committee on Business and Professions.



**Senate Bill No. 397:** By Senator Tenney—An act to add Section 1032.1 to the Military and Veterans Code, relating to the Band of the Veterans' Home of California and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 398:** By Senator Tenney—An act to amend Section 21035 of the Fish and Game Code, relating to domesticated fish.

Referred to Committee on Fish and Game.

**Senate Bill No. 399:** By Senator Tenney—An act to amend Sections 2005, 2007, 2011, 2020, 2021, 2140, 2141, 2160, 2160.5, 2160.6, 2180, 2181, 2182, 2183, 2186, 2187, 2188, 2200, 2220, 2221, 2222, and 2223 of the Welfare and Institutions Code, to repeal Sections 2012, 2022, 2023, 2160.7, 2184, 2185, 2189, and 2224 thereof, and to add Sections 2012, 2020.5, 2184, and 2187.5 thereto, relating to aid to the aged, providing for the administration thereof, determining the amount of aid to be granted, the eligibility qualifications therefor, and the respective participation of the State and the counties in the cost thereof, eliminating the liability of relatives of recipients to make reimbursement for aid granted, granting burial and funeral expenses to recipients of such aid, and making an appropriation, to become operative as therein provided.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 400:** By Senator Shelley—An act to add Section 689.7 to the Political Code, relating to Department of Finance membership in building management associations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 401:** By Senator Shelley—An act to amend Section 8 of the County Civil Service Enabling Act, relating to dismissals, suspensions and reduction in pay or rank.

Referred to Committee on Local Government.

**Senate Bill No. 402:** By Senator Shelley—An act to amend Sections 3, 4, 5 and 10 of the Personal Income Tax Act, and Sections 17052, 17951, 17952, 17953, 18401, 18402, and 18405 of the Revenue and Taxation Code, relating to rates of and exemptions from the personal income tax, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 403:** By Senators Rich and DeLap—An act to amend Section 444 of the Code of Civil Procedure, relating to grounds of demurrer to the answer.

Referred to Committee on Judiciary.

**Senate Bill No. 404:** By Senators Rich and DeLap—An act to amend Section 6021 of the Business and Professions Code, relating to election of officers of the Board of Bar Governors.

Referred to Committee on Business and Professions.

**Senate Bill No. 405:** By Senator Luckey—An act to add Section 675b to the Political Code, relating to the approval of contracts by the Department of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 406:** By Senators Ward and Jespersen—An act making an appropriation to the Department of Agriculture for the construction, maintenance and operation of a highway inspection station for the purpose of enforcing certain provisions of the Agricultural Code.

Referred to Committee on Agriculture.

**Senate Bill No. 407:** By Senator Seawell—An act to require notice to mortgagees or lien holders that taxes levied on real property subject to such encumbrance have not been paid, and to add Section 3350 to the Revenue and Taxation Code, relating to notice of delinquency in taxes to mortgagees or lien holders of the assessed property.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 408:** By Senator Tenney—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 409:** By Senator Tenney—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 410:** By Senator Parkman—An act making an appropriation for the acquisition for State park purposes of certain lands in San Mateo County to be incorporated in the State Park System.

Referred to Committee on Natural Resources.

**Senate Bill No. 411:** By Senator Shelley—An act to amend Section 19626.5 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 412:** By Senator Shelley—An act to amend Section 11871 of the Insurance Code, relating to representation of State agencies by State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

**Senate Bill No. 413:** By Senator Tenney—An act amending Section 4300a of the Political Code, relating to fees of the county clerk.

Referred to Committee on Judiciary.

**Senate Bill No. 414:** By Senator Seawell—An act to amend Sections 504, 2002, and the title of Chapter 2 of Division 2 of the Public Resources Code, to repeal Sections 507 and 2003 thereof, to add Sections 2198 and 2199 to Chapter 2 of Division 2 thereof, and to provide for

appropriate transfers, creating the Department of Mines in replacement of the Division of Mines.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 415:** By Senators Crittenden, Swing, Tenney, and Shelley—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act, authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates, or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Referred to Committee on Financial Institutions.

**Senate Bill No. 416:** By Senators Crittenden, Swing, Tenney, and Shelley—An act to add Section 13.21 to the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner, the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof and for the kinds of securities issuable in connection therewith, exempting such securities from the necessity of a permit under the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, shares, stock or other rights or claims, for securities issued by such corporation or corporations or for property, and to continue to hold as a legal investment any securities or property so received, and exempting said investment certificate holders, shareholders, stockholders and unsecured creditors from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Referred to Committee on Financial Institutions.

**Senate Bill No. 417:** By Senators Crittenden, Swing, Tenney, and Shelley—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under

the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Referred to Committee on Financial Institutions.

**Senate Bill No. 418:** By Senator Crittenden—An act to amend Section 6359 of the Revenue and Taxation Code, relating to the sales and use taxes and exemption therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 419:** By Senator Crittenden—An act to authorize the Department of Finance to sell and dispose of certain parcels of real estate, belonging to the State of California, and described herein, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 420:** By Senator Crittenden—An act to add Section 651.3 to the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

**Senate Bill No. 421:** By Senator Crittenden—An act to provide for the allocation and delivery of certain clothing and textiles in the possession and custody of the State Department of Social Welfare to the counties of the State for distribution to recipients of public assistance, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 422:** By Senator Crittenden—An act to add Section 5.873-1 to the School Code and to add Section 14526.1 to the Education Code, relating to retirement.

Referred to Committee on Education.

**Senate Bill No. 423:** By Senator Burns—An act to amend the title of, to amend Sections 26547, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562, 26566, 26567, 26581, 26584, 26586, 26587, 26588, 26600, 26617, 26621, and 26622 of, to add Section 26463 to, and to delete Section 5 from an act entitled "An act adding Division 21, comprising Chapter 3 and Sections 26450 to 26624, inclusive, to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto," approved July 13, 1939.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 424:** By Senator Burns—An act to add Section 806.5 to the Agricultural Code, relating to standards for plums, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.



**Senate Bill No. 425:** By Senator Judah—An act to amend an act entitled "An act making an appropriation for the acquisition, development and maintenance of ocean beaches for public use," approved July 11, 1941, by adding thereto Section 3, relating to ocean beaches and investigations, reports, plans and cooperative projects for the acquisition, development and maintenance thereof for public use.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 426:** By Senators Crittenden, Gordon, Carter, Swan, Burns, Cunningham, Dillinger, Tenney, Collier, Hatfield, and Luckey—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

Referred to Committee on Transportation.

**Senate Bill No. 427:** By Senators Hatfield and Crittenden—An act to provide for the relief of the farm labor shortage, relating to the powers and duties of the Director of Agriculture and other public officers in respect thereto and adding Sections 35, 36, 37, 38 and 38.5 to the Agricultural Code for that purpose.

Referred to Committee on Agriculture.

**Senate Bill No. 428:** By Senator Collier—An act to amend Sections 120, 157, 2630, 4106, 4110, and 4153 of, to repeal Chapter 4 of, and to add a new Chapter 4 to Part 7, Division 1 of, and to add Section 2629.5 to, the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax redemption duties from the auditor and treasurer to the tax collector.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 429:** By Senator Collier—An act to repeal Sections 3511.3, 3511.5, and Chapter 4.6 consisting of Sections 3571 to 3578, inclusive, of Part 6, Division 1 of the Revenue and Taxation Code, relating to the termination of the right of redemption.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 430:** By Senator McBride—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, horticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that State and Federal marketing agreements and licenses shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and

Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 431:** By Senator McCormack—An act appropriating money for construction, improvement, and equipment for the California Maritime Academy.

Referred to Committee on Finance.

**Senate Bill No. 432:** By Senator McCormack—An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

**Senate Bill No. 433:** By Senator McCormack—An act to amend Sections 318, 473 and 613.2 of, and to add Section 614 to, and to repeal Section 653 of, the Streets and Highways Code, relating to the State highway routes and adding a new route.

Referred to Committee on Transportation.

**Senate Bill No. 434:** By Senators Hatfield and Donnelly—An act to amend Section 251 of the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

**Senate Bill No. 435:** By Senators Donnelly and Hatfield—An act to add Section 607 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

**Senate Bill No. 436:** By Senator Mixer—An act to add Section 5.500a to the School Code, and to add Section 13083.1 to the Education Code, relating to classification of certificated employees.

Referred to Committee on Education.

**Senate Bill No. 437:** By Senator Mixer—An act to add Section 5.500b to the School Code, and to add Section 13083.2 to the Education Code, relating to classification of certificated employees.

Referred to Committee on Education.

**Senate Bill No. 438:** By Senator Mixer—An act to amend Section 4212 of the Political Code, relating to salaries and compensation for public services in counties of the thirteenth class.

Referred to Committee on Local Government.

**Senate Bill No. 439:** By Senator Mixer—An act to add Section 736.9 to the Agricultural Code, relating to prices of market milk delivered to public institutions.

Referred to Committee on Agriculture.

**Senate Bill No. 440:** By Senator Engle—An act to amend Sections 737f, 737k, and 737zz of the Political Code, relating to salaries of judges of the superior court.

Referred to Committee on Local Government.

**Senate Bill No. 441:** By Senator Engle—An act to amend Section 4276 of the Political Code, relating to compensation for public services in counties of the forty-seventh class.

Referred to Committee on Local Government.

**Senate Bill No. 442:** By Senator Engle—An act to amend Section 4270 of the Political Code, relating to compensation for public services in counties of the forty-first class.

Referred to Committee on Local Government.

**Senate Bill No. 443:** By Senator Engle—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class.

Referred to Committee on Local Government.

**Senate Bill No. 444:** By Senators Powers and Gordon—An act to add Section 39.1 to the Fish and Game Code, relating to open seasons, and providing a penalty for the breach thereof.

Referred to Committee on Fish and Game.

**Senate Bill No. 445:** By Senators Tenney, Ward, Judah, McBride, Shelley, Collier, Biggar, Parkman, Jespersen, and Fletcher—An act to add Section 5015 to the Public Resources Code, relating to appointment of a Beach Erosion Control Engineer.

Referred to Committee on Natural Resources.

**Senate Bill No. 446:** By Senators Tenney, Ward, McBride, Judah, Shelley, Collier, Biggar, Parkman, Jespersen, and Fletcher—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shoreline property adjoining State highways.

Referred to Committee on Transportation.

**Senate Bill No. 447:** By Senators Denel, Crittenden, Cunningham, and Mixer—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 448:** By Senator Carter—An act to repeal an act entitled "An act granting right of ways for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 449:** By Senator Dillinger—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds.

Referred to Committee on Finance.

**Senate Bill No. 450:** By Senator Carter—An act to amend Section 1203 of the Penal Code, relating to granting of probation.

Referred to Committee on Judiciary.

**Senate Joint Resolution No. 9:** By Senators Collier and Powers—Relative to memorializing Congress and the United States Fish and Wildlife Service to allow hunting in the Sheepy Lake area.

Referred to Committee on Natural Resources.

**Senate Concurrent Resolution No. 18:** By Senators Breed and Swan—Relative to felicitating the Honorable Joseph R. Knowland upon the publication of his book "California, a Historic Landmark."

#### Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

**Senate Concurrent Resolution No. 18**—Relative to felicitating the Honorable Joseph R. Knowland upon the publication of his book "California, a Historic Landmark."

Resolution read, and unanimously adopted.

#### RESOLUTIONS

The following resolution was offered:

By Senator Hatfield:

#### Senate Resolution No. 42

Relative to the encouragement of harness racing in California

WHEREAS, The racing of trotting horses and pacing horses under harness is a distinctively American sport and one indulged in primarily for the love of the game rather than in the hope of financial reward; and

WHEREAS, Harness racing in California has been closely bound up with the racing of running horses under saddle, which in many respects is fundamentally different; and

WHEREAS, The glamour of running horse, or thoroughbred, racing, and the enormous betting pools, the \$100,000 purses, and the fanfares of publicity incident thereto, have blinded not only the public, but many of the officials who administer the racing laws, to the fundamental virtues of the country folks' sport of harness racing; and

WHEREAS, Harness racing in the United States is governed by the Rules of the United States Trotting Association, which rules comprise a code of ethics and conduct devised to maintain harness racing as a sport and to eliminate everything which would make it a racket; and

WHEREAS, One of the more important rules of the United States Trotting Association is that harness racing at every point in the United States must be conducted under said rules or both the horses and the owners are subject to expulsion from the association, which is equivalent to expulsion from harness racing; and

WHEREAS, At many of the tracks in California the officials charged with the duty of supervising harness races have no knowledge either of harness racing or the rules under which it must be conducted; and

WHEREAS, Not only must the California harness horse owner take a great risk of expulsion from the association in racing his horses in improperly supervised races, but out-of-State owners very naturally hesitate to bring their horses to compete in such races; and



WHEREAS, The harness horse owners of California want only such recognition of their branch of the sport as is necessary for the survival of harness racing in California, and such recognition can be afforded without any change in the laws governing the subject; now, therefore, be it

*Resolved by the Senate of the State of California,* That the California Horse Racing Board is hereby requested to adopt such rules as may be necessary to provide that all harness racing in this State shall be governed by the Rules of the United States Trotting Association and that such races be administered by track officials qualified under the rules of said association and approved by it; and be it further

*Resolved,* That the Governor is hereby requested to give full consideration, when making appointments to the California Horse Racing Board, to the desirability of appointing thereon a member who is qualified to represent the interests of harness racing in this State; and be it further

*Resolved,* That certified copies of this resolution be forwarded to the Governor and to the California Horse Racing Board.

Resolution read, and unanimously adopted.

#### MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 18, 1943; Tuesday, January 19, 1943; Wednesday, January 20, 1943; Thursday, January 21, 1943; and Friday, January 22, 1943; were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 30**—An act to amend Section 660.5 of the Fish and Game Code, relating to salmon, declaring the urgency of this act, to take effect immediately.

Bill read second time.

##### Request for Unanimous Consent

Senator Judah asked for, and was granted, unanimous consent to take up Senate Bill No. 30, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 30

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Judah:

*Resolved,* That Senate Bill No. 30 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 30**—An act to amend Section 660.5 of the Fish and Game Code, relating to salmon, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mixer, Parkman, Powers, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE****THIRD READING OF SENATE BILLS**

**Senate Bill No. 98**—An act to amend Section 2009 of the Code of Civil Procedure, relating to the use of affidavits in a proceeding to establish the fact of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 301**—An act to add Section 704 to the Civil Code, relating to the ownership of the United States savings bonds or other obligations of the United States registered in the name of two persons as co-owners or registered in the name of one person with a named survivor, declaring the urgency thereof, to take effect immediately.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen,

Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Serwell, Shelley, Slater, Swan, Tenney, Tinkle, and Ward. 32  
 Nones—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 11**—An act to amend Section 3,370 of the School Code and to amend Section 821 of the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Senator Swan moved that Senate Bill No. 11 be ordered to the inactive file.

Motion carried.

### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Crittenden, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
 SACRAMENTO, CALIFORNIA, January 23, 1943

Honorable Bradford S. Crittenden  
 Senate Chamber, State Capitol,  
 Sacramento, California

Statutes Effective Only for the Duration of the War—No. 6994

DEAR SENATOR CRITTENDEN: You request our opinion as to the legal effect of statutes which are to be effective only for the duration of the war, with particular reference to the effect of such statutes on older statutes. Your specific question is whether or not these old statutes which are suspended while the new provisions are in effect automatically spring back into operation.

In our opinion, there is no constitutional question involved, and we know of no reason why the Legislature can not suspend or change statutory provisions for a given time upon the expiration of which the original enactment again become effective.

Careful consideration should be given to the form of such statutes so that there will be no doubt that the Legislature intended the existing law to again become effective upon the expiration of the period for which the emergency legislation is enacted.

The case of *County of Ventura vs. Barja*, 202 Cal. 550, is enlightening on both phases of your inquiry. That case involved the construction of two sections in the portion of the Political Code relating to county government. Section 4290 provided that county assessors could retain certain fees unless some other section in that portion of the code provided otherwise. Section 4252 related specifically to Ventura County and at one time that section provided that all fees collected by the assessor be paid into the county treasury. By an amendment, this provision was omitted from Section 4252 and the assessor contended that he was entitled to the fees. The county treasurer contended that because Section 4252 had at one time provided for the payment of the fees into the treasury, Section 4290 had been impliedly repealed as to Ventura County, and that the elimination of the provision in Section 4252 could not operate so as to revive a statute which had been impliedly repealed.

The court held otherwise, and the following language of the court is pertinent:

The rule of law applicable to this situation is well stated as follows: "The statutory rule against the revival of a statute by the repeal of a repealing act relates to absolute repeals, and not to cases where a statute is left in force and all that is done in the way of repeal is to except certain cases from its operation. In such cases the statute does not need to be revived, for it remains in force, and the exception being taken away, the statute is afterwards to be applied without the exception; \* \* \*" (25 R.C.L. 934.)

It seems to us that the making of special provisions of law to be applicable for a certain period are merely exceptions to be made in the application of the existing law, and that the above language of the court would apply to the situation.

As to the form of such statutes, we would advise against direct amendment of the provision which is to be temporarily changed or suspended but which is desired to become automatically effective after the emergency is over. It seems to us that a direct amendment with a statement that the amendment should remain in effect for only a certain period would be open to question. There are several bills that seem to us to offer a solution.

Reference is made to Assembly Bills Nos. 366 and 368. The purpose of those bills is to change for a two-year period the purposes for which certain highway revenues can be expended. This is accomplished by the addition of a new section to the law immediately following the section desired to be changed. It seems to us that the intention that the existing law should again become effective after the expiration of the period, is clear.

The same method was used in Assembly Bill No. 600, suspending for the period of the war the provisions of the Vehicle Code requiring certain signs to be made of metal.

Of course, no problem arises where a new law is to remain in effect for only a limited period.

Where a bill of the type under discussion may operate to suspend a number of State statutes, so that specific mention of the particular section to be suspended is impractical, it would be our suggestion that the bill take the form of a new law, with a statement to the effect that any existing provisions which are in conflict should be suspended, but upon the expiration of the period, the existing law shall again become effective.

We will be happy to consider any specific problems along this line you may care to present to us.

Yours very truly,

FRED B. WOOD, Legislative Counsel  
By ARTHUR MCHENRY, Deputy

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 202  
Assembly Bill No. 203

Assembly Bill No. 290  
Assembly Bill No. 351

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 202**—An act to amend Sections 4, 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 303**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section to be numbered 18.1 to, the Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 290**—An act to add Section 214 to the Revenue and Taxation Code, relating to the exemption from taxation of merchandise arrested by war conditions from actually continuing to move in interstate or foreign commerce, declaring the urgency thereof and providing that this act take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 351**—An act to amend Section 8 of The Personal Income Tax Act and Section 17306 of the Revenue and Taxation Code, relating to war losses.

Referred to Committee on Revenue and Taxation.



## RESOLUTIONS

The following resolution was offered:

By Senators Salsman and Breed:

**Senate Resolution No. 43**

Relating to refurbishing of the Senate cloakroom

WHEREAS, In the process of the enactment of legislation for this sovereign State, it becomes necessary for members of this house and certain guests on the floor thereof to utilize the Senate cloakroom for various purposes; and

WHEREAS, Said cloakroom lacks all semblance of convenience and comfort, and is badly in need of refurbishing, repainting, replastering, remodeling, carpeting, and installation of window shades and curtains; and

WHEREAS, The cost thereof, including the installation of a ventilating system, electric outlets, settees, chairs, ash trays, mirrors, washbowls, and other facilities will be \$2,300; now, therefore, be it

*Resolved by the Senate of the State of California*, That the sum of \$2,300, or so much thereof as may be necessary, is hereby appropriated out of the Contingent Fund of the Senate to Frank M. Killam to be expended by him in refurbishing, repainting, replastering, remodeling, carpeting, furnishing of window shades and curtains and a ventilating system, installation of the electric outlets, settees, chairs, cigar trays, washbowls, and other facilities for the Senate cloakroom in the State Capitol at Sacramento, California; and be it further

*Resolved*, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank M. Killam in said sum of \$2,300, or as much thereof as may be necessary to carry out the provisions of this resolution

Resolution read, and referred to Committee on Rules.

## MOTION TO PRINT IN THE JOURNAL

Senator Powers moved that the following Report of the Senate Interim Committee on Unemployment Insurance be printed in the Journal:

Motion carried.

**Report of Senate Interim Committee on Unemployment Insurance Appointed Pursuant to the Terms of Senate Resolution No. 147 of the Fifty-fourth Session of the Legislature**

*Committee members:*

CLARENCE C. WARD, Chairman

HAROLD I. POWERS

H. E. DILLINGER

January 20, 1943

*To the Members of the Senate*

Your Interim Committee on Unemployment Insurance, appointed pursuant to the terms of Senate Resolution No. 147 of the Fifty-fourth Session of the Legislature, submits herewith the following report:

Organization of said committee was completed at the State Capitol on July 18, 1941, membership being composed of the following Senators: Clarence C. Ward, chairman; Harold J. Powers, Thomas H. Kuchel, and H. E. Dillinger. Senator John D. Foley, originally appointed, was unable to serve by reason of his appointment to the superior court bench of Santa Clara County. Senator Kuchel, prior to his entry into the military service, rendered valuable assistance as a member of said committee.

The State Department of Employment is administered by the Unemployment Reserves Commission of this State, consisting of five members appointed by the Governor (two to represent labor and its interests, one to represent large employer interests, one to represent small employer interests, and one as a representative of the State and its interests and the public), and a Director of the Department of Employment appointed by the commission who also serves as executive secretary of the commission. Under the present law, the commission makes its own rules and regulations and passes on same as an appeals board.

The department has experienced considerable difficulty in maintaining its personnel during the existing emergency as its pay schedule has made it impossible to compete with private industry and, as a consequence, the department has already suffered a loss of many employees. As time goes on, the situation will become even more

acute unless the salary brackets are materially increased. At present, the department has 1,165 employees and, in order to permit the department to properly function, 125 vacancies should be filled.

When your committee was first appointed, the purpose of the California Department of Employment was twofold: (1) the operation of a State-wide system of employment agencies and (2) the payment of unemployment insurance to eligible unemployed workers. The dual system, however, was abandoned on January 1, 1942, by reason of the fact that the employment functions of the department were assumed by the United States Employment Service as a part of a Nation-wide system of employment agencies. For all practical purposes, however, the twofold system originally instituted has not been completely abandoned as the State department maintains personnel in all the field offices throughout the State, who render such employment and unemployment insurance services although the majority of the personnel in said field offices is under direct supervision of the United States Employment Service.

Departmental headquarters are maintained at 1025 P Street, Sacramento, California, and, in addition thereto, said department maintains field offices in the following communities: Alameda, Alhambra, Alhambra, Alhambra, Berkeley, Berkeley, Berkeley, Bar Bank, Chico, Covina, Culver City, Dunsmuir, El Centro, Eureka, Fort Bragg, Fresno, Glendale, Grass Valley, Hanford, Hayward, Hollywood, Huntington Park, Indio, Inglewood, Lodi, Long Beach, Los Angeles, Madera, Marysville, Merced, Modesto, Monterey, Napa, Oakland, Ontario, Oroville, Palo Alto, Pasadena, Paso Robles, Pittsburg, Placerville, Pomona, Porterville, Quincy, Red Bluff, Redding, Redlands, Richmond, Riverside, Sacramento, Salinas, San Bernardino, San Diego, San Fernando, San Francisco, San Jose, San Luis Obispo, San Mateo, San Pedro, San Rafael, Santa Ana, Santa Barbara, Santa Cruz, Santa Maria, Santa Monica, Santa Rosa, Sonoma, South San Francisco, Stockton, Susanville, Torrance, Ukiah, Vallejo, Van Nuys, Ventura, Visalia, Watsonville, Whittier, and Wilmington.

All applications for work and for unemployment insurance must originate in the field offices; and an employee or an employer, dissatisfied with the determination made on a claim for insurance by the department, may appeal to the department and the matter is then referred to a referee and when there are seven; and, failing to secure a favorable decision, may appeal to the commission.

In view of the fact that all applications for work and unemployment insurance originate in the field offices, your committee made an extensive study of that phase of the work and interviewed the managers or assistant managers in the following offices: Los Angeles offices, at 855 South Hill Street and at 1200 South Grand; Glendale, Culver City, Hollywood, Inglewood, Long Beach, San Pedro, Riverside, Santa Ana, Santa Monica, Ventura, Santa Barbara, Santa Maria, San Luis Obispo, Salinas, Watsonville, Monterey, Santa Cruz, San Jose, San Mateo, South San Francisco, San Francisco office, at 154 Sansome Street; Oakland, Berkeley, San Rafael, Santa Rosa, Napa, Ukiah, Stockton, Sacramento, Merced, and Modesto. Some of the above-mentioned offices located in districts having a heavy claims load were visited on several occasions for the purpose of securing an accurate picture of the problems.

In addition to visiting the field offices heretofore mentioned, your committee made a study of the California Unemployment Insurance Act, the acts of the various States, and the Federal Social Security Act; conferred with employer and employee groups in all types of industries; carried on a voluminous correspondence with employer groups; secured records of individual cases of claimants drawing on the fund, notwithstanding the protest on the part of former employers; and gathered a great mass of statistical and factual information which can not be embodied in a report without considerable expense.

Your committee also held the following meetings: Four in Sacramento, four in San Francisco, one in Oakland, two in Los Angeles, and one in Long Beach.

One of the Sacramento meetings, namely, that of June 5, 1942, covered an inquiry in reference to administrative practices of the field offices, the department, the referees, and the commission as same related to a particular industry. The Water-front Employers Association was selected as the industry because of the State-wide character of their operations, extending from Eureka to San Diego, maintaining a central pay office, a central reporting system of unemployment contributions, and comprising 125 firms engaged in longshore operations. The hearing developed facts indicating that the field offices and the department were not making a serious effort to investigate the availability of an employee for work prior to payment of claims, resulting in unnecessary appeals on the part of the association; and further, that several hundred appeals had been pending before the commission for months without a hearing. Subsequent to said meeting, however, the abuses complained of by the association have been substantially corrected. Considering the long time has been made by employer groups that appeals pending before a referee or the commission are delayed for an unreasonable length of time prior to a hearing, but the law fails to impose a time limit for the hearing for appeals.

Our investigation discloses that, since the commencement of payment of benefits under the California law, altogether too many employees have proceeded under the theory that they are entitled to draw benefits merely because they have contributed

to the fund, and in this they have been encouraged by the department, the commission, and the Federal Social Security Board.

Primarily, the abuses under the present act arise from the following causes:

(1) Defects in the present law which tend to encourage rather than discourage the payment of benefits to claimants not entitled thereto. (For example, the failure, instead of enumerating said defects at this point, the same will be covered under the heading of Recommendations.)

(2) Failure of the department to adopt a sound administrative policy.

(3) Adoption by the commission of rules and regulations which nullify the actual intent and positive provisions of the present law.

(1-a) Briefly, our own law as administered by the department and the commission, particularly in comparison with that of other States, is entirely too lenient in dealing with disqualifications for benefits summarized as (1) voluntary leaving, (2) discharge for misconduct and (3) refusal of suitable work.

(2-a) In reference to administrative policy, the department has completely failed to establish practices which tend to determine whether or not claimants can or should be referred to work rather than draw benefits. The department has exercised sound business principles in the collection of employer contributions, but no such method has been devised for the supervision or checking on pay rolls against the fund or to detect actual fraud on the part of claimants. It is difficult to understand why some system has not been devised whereby inspectors or investigators would check the field offices and claimants drawing on the fund for the purpose of detecting fraud or whether claimants drawing on the fund were able and capable of securing gainful employment.

The need for a system, particularly to detect fraud on the part of claimants, is well illustrated by a survey made by your committee of cases involving approximately 3,000 claimants covering the operation of the law from the inception of the payment of benefits, wherein claimants had been paid over the protests of former employers; and of said 3,000 claimants, 445 had drawn benefits, even though employed, without being prosecuted so far as we have been able to determine; and 182 of said 3,000 claimants had drawn benefits and were not employed by the employer firm whose account was charged.

That actual fraud on the part of claimants is a serious problem is further illustrated by the fact that the department had 280 complaints issued against persons accused of fraud in 1942, resulting in the collection of fines totaling \$4,548, and, since January 1, 1938, the department has requested 1,445 fraud prosecutions and obtained 1,102 convictions. Your committee is convinced that only a minor fraction of those guilty have been prosecuted.

Section 26 of the California Unemployment Insurance Act provides, in part, that

The commission shall, as soon as practicable after the end of each calendar quarter, file with the Governor, the State Department of Finance, and the Controller an abstract or statement showing the resources and liabilities and a summary statement of the transactions affecting any of the funds created by this article and the various accounts thereof. The Department of Finance shall audit such abstracts and statements. Any expenses incurred by the Department of Finance in auditing such reports and publishing the same shall be paid for out of moneys granted to this State for this purpose by the Social Security Board.

The above section has never been complied with and we have been advised by the State Department of Employment that the Social Security Board has refused to furnish the necessary funds for said audit.

Considerable confusion and misunderstanding on the part of employer groups has been occasioned by reason of the fact that our own department has seen fit to tax certain employers who are not taxed under the Federal Social Security Act—notably, hospitals, and agricultural interests—even though said interests are excluded by our own act. The deficiency, if any, in our own act in respect to agriculture arises from failure to define "agricultural labor" or failure on the part of the department to adopt the definition contained in the Federal act.

(3-a) In dealing with the subject of the commission's rules and regulations, our investigation discloses that the present law in many respects is adequate to cover many of the abuses complained of but for rules and regulations adopted by the commission which have completely nullified both the intent and positive provisions of the law. The law as enacted provided insurance against the loss of involuntary employment but as presently administered by rule and regulation is a new social departure to subsidize wages. By way of illustration, Section 26, subdivision (b), of the California act provides as follows:

An individual is not eligible for benefits for unemployment, and no such benefit shall be payable to him under any of the following conditions:

(b) If without good cause he has refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by the district public employment office.



The California Unemployment Reserves Commission on the twenty-ninth day of June, 1939, by Rule 56.1 provided as follows:

In pursuance of its authority to promulgate rules and regulations for the administration of the act, the commission hereby provides that an individual shall be disqualified from receiving benefits if it finds that he has failed or refused, without good cause, either to apply for available, suitable work when so directed by a public employment office of the Department of Employment or to accept suitable work when offered by any employing unit or by any public employment office of said department. Such disqualification shall continue for the week in which such failure or refusal occurred, and for not more than three weeks which immediately follow such week as determined by the commission according to the circumstances in each case.

Your committee shortly after its organization pointed out to the commission that the foregoing rule was contrary to the positive provisions of the California act and urged that the rule be either rescinded or stricken, and the commission did on the twenty-seventh day of November, 1942, amend said rule by extending the disqualification for an additional two weeks.

The aforementioned disqualification finally imposed by the commission is of no force or effect by reason of the fact that the commission did on the fourth day of September, 1942, by resolution, adopt a policy whereby a requested referral by a claimant's former employer to the same position terminated under disqualifying conditions, or to a similar position with the same employer, generally will be considered by the California Employment Commission as a referral of unsuitable employment. In other words, an employee can now refuse an offer of suitable employment from a former employer and draw benefits unless suitable employment can be found with a new employer.

Under the law as presently administered entirely too many employees continue to draw benefits against the fund during the present emergency in spite of the man power shortage. Generally they come within the following classifications:

**Quitting work:**

- (1) to seek other or better employment.
- (2) to take vacations.
- (3) to get married.
- (4) to stay home.
- (5) because of pregnancy or ill health.
- (6) to move to a new locality, either within or without the State.

Aside from the abuses herein listed, your committee is satisfied that employees in seasonal industries are making withdrawals against the fund entirely out of proportion to their contributions or to that of their employers.

**Summary of California Annual Unemployment Insurance Benefit Payments**

Year	Number of checks	Value of checks
1938	2,284,511	\$23,748,748 83
1939	3,807,297	38,591,835 40
1940	4,867,253	65,048,316 78
1941	3,773,451	52,023,538 13
1942	2,608,338	37,502,107 00

Total benefits paid to claimants within the State during the year 1942 amounted to \$34,237,812. This is broken down month by month as follows:

	Number of checks	Value of checks
January	365,297	\$5,091,803 00
February	330,722	4,762,419 00
March	396,306	5,747,745 00
April	315,941	4,555,213 00
May	263,628	3,760,259 00
June	200,197	2,834,434 00
July	153,760	2,180,802 00
August	137,216	1,953,610 00
September	94,672	1,361,159 00
October	55,808	808,557 00
November	39,030	557,674 00
December	44,968	624,137 00
Total	2,397,545	\$34,237,812 00



Total benefits paid during 1942 to claimants residing out of the State of California and charged to this State amounted to \$3,264,295. This is broken down month by month as follows:

	Number of checks	Value of checks
January -----	22,074 -----	\$337,193 00
February -----	21,114 -----	350,901 00
March -----	20,049 -----	460,953 00
April -----	25,735 -----	399,640 00
May -----	22,574 -----	348,380 00
June -----	21,933 -----	340,949 00
July -----	20,566 -----	318,033 00
August -----	13,154 -----	202,251 00
September -----	13,265 -----	204,423 00
October -----	8,460 -----	129,969 00
November -----	6,413 -----	97,577 00
December -----	6,156 -----	94,926 00
Total -----	210,793 -----	\$3,264,295 00

As of December 31, 1942, the amount of reserve in the Unemployment Trust Fund credited to California totaled \$286,633,644.48.

The total amount of benefits paid to claimants during 1942 is only \$14,521,431 less than benefits paid during 1941, notwithstanding the increased opportunity for work during the present emergency and the tremendous manpower shortage.

Although it would appear that the present reserve is adequate to meet ordinary withdrawals from the fund, the effect of the present extraordinarily high level of employment in California, and the certainty that cessation of hostilities will necessitate major readjustments in our productive and distributive enterprise, with consequent changes of like magnitude in employment, should be very carefully evaluated in relation to the California Unemployment Insurance Act.

At the end of 1942, employment in nonagricultural establishments in California had risen to approximately 2,650,000 wage and salary workers, a gain of more than 400,000 employed workers since this country entered the war in December, 1941. As compared to the average of 1,750,000 nonagricultural workers employed during 1939, the gain has been 900,000 employed workers or an increase of 50 per cent. Most of this increase has been in the manufacturing establishments, which according to the State Division of Labor Statistics, employed 986,000 wage and salary workers in November, 1942, as compared to 661,000 a year previously. Of the 400,000 new workers employed since the outbreak of war, 325,000 went into the manufacturing industries, principally the rapidly expanding aircraft, shipbuilding, and other war supply industries. Of the 900,000 workers added in nonagricultural employment since 1939, approximately two-thirds have gone into the manufacturing industries, which have considerably more than tripled their employment since 1939. As compared to 1939, employment in California manufacturing industries shows a gain of 208 per cent, while the increase for the United States as a whole has been about 55 per cent.

When this growth in nonagricultural employment is combined with the very evident fact that California agriculture only with the very greatest difficulty, and then only with the fullest cooperation of all available volunteers, managed to secure enough man power to produce our 1942 supply of food and fiber, it becomes certain that our immediate problem is not for the time being that of maintaining through insurance workers who can not find jobs, but rather one of finding sufficient man power and woman power to do the job of winning the war. When the situation is turned inside out for analysis, and we look at the hundreds of thousands of war workers now establishing eligibility for unemployment insurance who may require it when war production ceases, it also becomes certain that another, equally immediate necessity is that of putting and maintaining unemployment insurance on such a basis as will reasonably assure its availability after hostilities upon terms consonant with our needs and our resources.

Many employers working on war contracts have greatly inflated pay rolls which will be sharply reduced at the end of the war, with consequent heavy drains upon the Unemployment Trust Fund. Yet, these employers are now paying taxes at low war-time contribution rates based on their smaller-scale peace-time experience. Your committee has not had adequate time nor sufficient funds to thoroughly study this problem or to make specific recommendations in respect thereto.

#### Recommendations

Your committee makes the following recommendations:

- (1) That the Unemployment Reserves Commission of this State be abolished.
- (2) That an Executive Director be appointed by the Governor, with the consent of the Senate, to administer the State Department of Employment, the term of office of said Executive Director to be at the pleasure of the Governor; that the salary of said director be fixed at \$10,000 per annum.

(3) That an Appeals Board or Board of Review be created, consisting of three members who shall be attorneys duly admitted to practice law in the State of California, said members to be appointed by the Governor with the consent of the Senate, and that the term of office of the members of said board shall be for a period of four years; that the salary of each of the members of said board be fixed at \$7,500 per annum.

(4) That the California Act be amended requiring that appeals before the referees be heard within sixty (60) days of the date each matter is referred to a referee and that said referee's decision be rendered within sixty (60) days after the commencement of said hearing; that appeals referred to said Appeals Board be heard within sixty (60) days of the date said matter is referred to said board and that said board's decision be rendered within sixty (60) days after the commencement of said hearing.

(5) That the law covering voluntary quits be amended, imposing a disqualification of from three to 10 weeks for voluntary quits, the actual period of disqualification to be left to the discretion of the department, and further providing for the deduction of benefits for a like period of time as a penalty, the actual penalty imposed to be left to the discretion of the department.

(6) That the California Act be amended, imposing a penalty of from three to 10 weeks disqualification for discharge for misconduct, the actual disqualification imposed to be left to the discretion of the department.

(7) That the California Act be amended with respect to refusal of suitable employment in such manner as will clearly indicate that the wage credits of the claimant with respect to previous employment are to be eliminated.

(8) That the definition of "suitable employment" as contained in Section 13, Pages 12 and 13, of the California Unemployment Insurance Act be clarified and broadened.

(9) That the California Act be amended with respect to seasonal workers, restricting the payment of benefits to the season.

(10) That the definition of "agricultural labor" as used in the Federal Social Security Act be incorporated in the California Act.

(11) That the California Act be amended to provide that the Executive Director adopt such general or special rules as may be necessary for the administration of said act or to amend existing general or special rules, but prior to adoption that same be submitted to the Attorney General of this State for an opinion as to whether or not same are in conformity with the provisions of the California Act.

(12) That Section 67 of the California Act be amended to provide for notification of initial determination and any reinstatement or renewal of a claim.

(13) That Section 44.2 of the California Act be amended to provide for refund to an employee who has made contributions on wages in excess of \$3,000.

(14) That if the Federal Government does not pay the necessary expense of the audit provided for by Section 26 of the California Act, the State of California pay same and that necessary funds be appropriated for same.

(15) That an immediate study should be made by the Legislature to determine whether or not the present law should be amended requiring greater contributions from employers and employees engaged in war industries during the present emergency.

Respectfully submitted.

CLARENCE C. WARD, Chairman  
HAROLD J. POWERS  
H. E. DILLINGER

#### ADJOURNMENT

At 3.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Tuesday, January 26, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

TWENTY-THIRD CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 26, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward. 36.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Eva Bertero of Alameda.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge A. L. Pierovich of Jackson.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James R. Fauver, State Director, National Reclamation Association of Exeter.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lois Donovan, Coordinator of Women's War Activities, State Department of Education, of Sacramento.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 4**—An act to amend Sections 4026 and 4026.1 of the Political Code, relating to county officers, deputies, assistants, and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered printed and enrolled.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 25**—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the third day of November, 1942.

## Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 25, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 25

**Assembly Concurrent Resolution No. 25**—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the third day of November, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.



REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 15

Has had the same under consideration, and reports the same back with the recommendation that the amendments be adopted, and that the bill be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 36

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Revenue and Taxation.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered re-referred to Committee on Revenue and Taxation.

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 390

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 80

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

KEATING, Chairman

Above reported bill ordered to second reading.

**MOTION TO PRINT IN JOURNAL**

Senator Dillinger moved that the following Supplemental Report of the Senate Interim Committee on Unemployment Insurance be printed in the Journal:

Motion carried.

**Supplemental Report of H. E. Dillinger, as Member of the Senate Interim  
Committee on Unemployment Insurance**

Unemployment insurance is intended for the benefit of the unfortunate persons who become unemployed through no fault of their own, and not as a mere bonus for the person who voluntarily quits to get married, for instance, or to keep house, take a vacation, or seek other employment. Neither is it intended for the benefit of the person discharged for misconduct, or who refuses other reasonable employment.

If such persons again become employed, and then lose their job through no fault of their own, they should then be allowed to draw, but not otherwise.

Holding this view, I can not quite concur in Recommendations 5, 6, and 7 of the committee's report.

The committee also recommends (No. 13) that persons paying on a salary above \$3,000, which sometimes happens where several employers are involved, should be refunded the excess.

This probably does not involve a large amount, but I can not see where such a person suffers any more, or as much, as the steadily employed person who pays in, year after year, and never draws anything for all that he pays in. Of course, if it were not so, the rates would be prohibitively high. An employee earning \$500, then becoming unemployed, would have paid in \$5, and then would draw \$263.

If anyone is entitled to refund, it would seem to be the person drawing less than \$300, who is not eligible for any benefits.

Respectfully submitted.

H. E. DILLINGER

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 15**—An act creating the Salary Emergency Fund, and making an appropriation to said fund for the purpose of providing salary and wage increases for State employees and providing that this act take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 12, of the printed bill, strike out "and for the Ninety-fifth and Ninety-sixth Fiscal Years".

**Amendment No. 2**

On page 1, line 14, of the printed bill, strike out "years", and insert "year".

**Amendment No. 3**

On page 1, lines 22 and 23, of the printed bill, strike out "but does not exceed four hundred dollars (\$400)".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 25 and 26; and on page 2, strike out lines 1 and 2.

**Amendment No. 5**

In line 2 of the title of the printed bill, strike out "for the purpose of", and insert "and".

**Amendment No. 6**

On page 1 of the printed bill, strike out line 2, and insert "otherwise appropriated, the sum of seven hundred thirty one thousand, seven hundred fifty five dollars (\$731,755)".

**Amendment No. 7**

On page 1 of the printed bill, between lines 24 and 25, insert

"In order to make sufficient money available during said fiscal years to pay each employee in the State service whose salary or wage, or a portion thereof, is payable from special funds, the increase as provided by this section for other employees, the Governor and Director of Finance shall make funds available from such special funds under the provisions of Section 661 of the Political Code."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Concurrent Resolution No. 17**—Relative to the creation of a Joint Committee to Investigate the Water Situation at Needles and Vicinity.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Rules:

**Amendment No. 1**

On page 2, line 22, of the printed measure, strike out "three", and insert "two".

**Amendment No. 2**

On page 3, line 2, of the printed measure, after the word "but", insert "not".

**Amendment No. 3**

On page 3, line 41, of the printed measure, strike out "eight dollars (\$8)", and insert "ten dollars (\$10)".

**Amendment No. 4**

On page 4, between lines 3 and 4, of the printed measure, insert

"Resolved, That the Governor and Legislature of the State of Arizona be respectfully invited to have representatives of that State meet with the aforesaid committee and participate in the discussion of the problems herein referred to; and be it further".

Amendments read and adopted.

**Request for Unanimous Consent**

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 17, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 17,  
AS AMENDED**

**Senate Concurrent Resolution No. 17**—Relative to the creation of a Joint Committee to Investigate the Water Situation at Needles and Vicinity.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jes-

persen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 390**—An act to add Section 6781.1 to the Health and Safety Code, relating to the use of county assessor's rolls by sanitary district boards and the filing of resolutions by such boards declaring election of such use, declaring the urgency of this act, to take effect immediately.

Bill read second time.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Parkman:

*Resolved*, That Senate Bill No. 390 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### CONSIDERATION OF SENATE BILL NO. 390

**Senate Bill No. 390**—An act to add Section 6781.1 to the Health and Safety Code, relating to the use of county assessor's rolls by sanitary district boards and the filing of resolutions by such boards declaring election of such use, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.



## MOTION TO PRINT IN JOURNAL

Senator DeLap moved that the following communications, containing the suggestions of the Legislative Counsel regarding the language in bills or resolutions which carry the clause to cover the war emergency, be printed in the Journal:

Motion carried.

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO, CALIFORNIA, January 25, 1943

*Honorable T. H. DeLap, Honorable Charles H. Deuel*  
*Senate Chambers, State Capitol, Sacramento, California*

No. 7129

DEAR SENATORS: Herewith is my suggestion as to a formula for a terminal date for the "duration" bill.

If desired, I will be pleased to use this formula in each such bill hereafter prepared by this office, unless otherwise specifically instructed by the requestor.

If thought desirable, I will undertake the preparation of suitable amendments to similar bills already introduced, commencing with those that may be up for immediate passage.

Yours very truly,

FRED B. WOOD, Legislative Counsel

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO, CALIFORNIA, January 26, 1943

*Honorable Charles H. Deuel, Honorable T. H. DeLap*  
*State Capitol, Sacramento, California*

## DURATION CLAUSES—No. 7129

GENTLEMEN: In response to your request for a uniform clause to be used in connection with measures which are intended temporarily to supersede existing statutes, we submit the following clause for your consideration:

This act shall remain in effect until the ninety first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

This clause is designed for use in an entirely new general law.

When used in reference to a section added to an existing general law or code, the word "section" should be substituted for the word "act" wherever the word "act" appears.

If used in an act which adds a number of sections to an existing general law or code, this clause should be modified as follows:

The first line should read:

The sections added to said code (or act) shall remain in effect until:

The words "said sections" would substitute for the words "this act" in the latter part of the clause, with appropriate grammatical changes.

If in a particular case the temporary feature takes the form of an addition to an existing section, thus becoming a part of it, this same formula can be used if carefully modified and adapted to fit the case.

Whatever form such a bill takes, it would be a wise precaution each time to give particular attention to the use of this formula, to make sure it really fits.

I have spoken of "additions" for the reason that I do not consider desirable an amendment that takes the existing provisions out of the law, for, when the temporary period is over, where are the old words that are to spring back into action?

A word should be said about bills heretofore enacted at this or a previous session. They do not contain this formula. Also, some bills not yet adopted may escape notice and thus not carry this formula. It is, of course, not the intention of the Legislature to cast any doubt upon such other bills. The general intent is that, when any temporary measure terminates, the old provisions shall again be fully operative if by any possibility the context permits, with or without an express declaration such as that now under consideration.

Very truly yours,

FRED B. WOOD, Legislative Counsel

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Joint Resolution No. 10:** By Senators Dorsey, Crittenden, DeLap, Carter, Deuel, Collier, Donnelly, Cunningham, Hatfield, McCormack, Mixer, Engle, Swan, Burns, and Rich—Relative to memorializing the President, the Congress, the Secretary of the Interior and the War Production Board with respect to the urgency of prompt completion of all units of the Central Valley Project.

**Request for Unanimous Consent**

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 10, at this time, for consideration.

**CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10**

**Senate Joint Resolution No. 10**—Relative to memorializing the President, the Congress, the Secretary of the Interior and the War Production Board with respect to the urgency of prompt completion of all units of the Central Valley Project.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 19:** By Senator Slater—Relative to requesting the Governor to establish a commission to make a survey of the food supply in California.

**Request for Unanimous Consent**

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19**

**Senate Concurrent Resolution No. 19**—Relative to requesting the Governor to establish a commission to make a survey of the food supply in California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 451:** By Senator Burns—An act to add Section 249 to, and to amend Sections 250, 257, and 268 of the Health and Safety Code, relating to services for physically handicapped children, providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 452:** By Senators Engle and Mixer—An act to add Section 4132.5 to the Business and Professions Code, relating to licentiate in pharmacy.

Referred to Committee on Business and Professions.

**Senate Bill No. 453:** By Senator Swan (By request)—An act to add Section 1019a to the Code of Civil Procedure, relating to service of pleadings in actions for annulment and divorce where there are minor children, issue of the marriage.

Referred to Committee on Judiciary.

**Senate Bill No. 454:** By Senator DeLap—An act relating to the determination of the wartime population of cities for purposes of allocation of moneys from the State Highway Fund for expenditures therein and adding a new article to be numbered 6 to Chapter 1 of Division 1 of the Streets and Highways Code, to consist of Sections 207, 208, 209, 210, and 211, in respect thereto, and declaring the urgency thereof.

Referred to Committee on Transportation.

**Senate Bill No. 455:** By Senator DeLap—An act relating to the determination of the wartime population of cities and counties for the purpose of allocation of moneys from the Motor Vehicle License Fund for expenditure therein and adding a new section to be numbered 12 to an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, and adding Sections 11006, 11007, 11008, 11009, and 11010 to the Revenue and Taxation Code, all in respect thereto, and declaring the urgency thereof.

Referred to Committee on Transportation.

**Senate Bill No. 456:** By Senator DeLap—An act to amend Section 9603 of the Revenue and Taxation Code, relating to the transportation tax act, including the definition "operator."

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 457:** By Senator DeLap—An act to amend Sections 241 and 242 of the Code of Civil Procedure, relating to the composition and constitution of grand juries.

Referred to Committee on Judiciary.

**Senate Bill No. 458:** By Senator Rich—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for collection of taxes or other moneys, the amount of which does not justify the cost of their collection or where collection is improbable.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 459:** By Senator Breed—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Referred to Committee on Business and Professions.

**Senate Bill No. 460:** By Senator Breed—An act to amend Section 658.5 of, and to add Section 658.8 to, the Political Code, relating to refund of fees without approval of the Department of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 461:** By Senator Swan—An act to add Section 77 to the Agricultural Code, relating to the powers of the State Agricultural Society.

Referred to Committee on Agriculture.

**Senate Bill No. 462:** By Senator Cunningham—An act to add Article 18, comprising Section 1120, to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 463:** By Senator Tenney—An act to amend Section 692 of the Political Code, relating to the approval of land contracts by the Director of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 464:** By Senator Tenney—An act to amend Section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 465:** By Senator Engle—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district



agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 466:** By Senator Dillinger—An act to amend Sections 2271, 2274 and 2275 of the Public Resources Code, relating to the Ore Buyer's License Fund.

Referred to Committee on Natural Resources.

**Senate Bill No. 467:** By Senator Dillinger—An act to amend Section 2210 of the Public Resources Code, and to abolish the Division of Mines Revolving Printing Fund, relating to the Division of Mines Revolving Printing Fund and unexpended balances therein.

Referred to Committee on Natural Resources.

**Senate Bill No. 468:** By Senator Salsman—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to extend the provisions of the act to other public agencies including the Federal Government, the State, a county, city and county, city, public corporation, municipal corporation and public district, and defining public agencies.

Referred to Committee on Local Government.

**Senate Bill No. 469:** By Senator Salsman—An act to add Section 395.8 to the Military and Veterans Code, relating to the reemployment of elected officers of any city, who shall serve in the armed forces of the United States, upon the completion of their period of training and service; to provide for acting officers to serve during such absence of elected officers; and relating to procedure to be followed to secure such reemployment, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 470:** By Senator Deuel—An act to amend Section 5.21 of the School Code and to amend Section 20343 of the Education Code, relating to fees required and collected from students enrolled in State colleges.

Referred to Committee on Education.

**Senate Bill No. 471:** By Senator Deuel—An act to amend Section 5.45 of the School Code and to amend Section 20377 of the Education Code, relating to leaves of absence of employees of State colleges not in State civil service.

Referred to Committee on Education.

**Senate Bill No. 472:** By Senator Deuel—An act to add Section 4.283 to the School Code and to add Section 5007 to the Education Code, relating to the investment of funds of school districts in bonds issued by the United States of America for the prosecution of the war.

Referred to Committee on Education.

**Senate Bill No. 473:** By Senator Powers—An act to amend Section 3519 of the Political Code, relative to the issuance of patents by the State.

Referred to Committee on Judiciary.

**Senate Bill No. 474:** By Senator McCormack—An act to amend Section 312 of the Agricultural Code, relating to meat inspection.

Referred to Committee on Agriculture.

**Senate Bill No. 475:** By Senator Luckey—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax delinquent property and providing for an alternative procedure for accomplishing said purposes.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 476:** By Senator Crittenden—An act to add a new section to the State Civil Service Act, to be numbered 573, relating to the officers and employees of the Supreme Court and the district courts of appeal.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 477:** By Senator Crittenden—An act to amend Section 57 of the State Civil Service Act, relating to employees of the Attorney General's Office.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 478:** By Senator Crittenden—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 479:** By Senator Hatfield—An act to amend Section 1325 of the Streets and Highways Code and Section 4041.18 of the Political Code, relating to the cost limit on county construction and repair contracts which can be let without calling for bids.

Referred to Committee on Local Government.

**Senate Bill No. 480:** By Senator Breed—An act to repeal an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation and the disposition of money in the Boat Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 481:** By Senator Crittenden—An act relating to bases for allocation of money to county and district agricultural fairs.

Referred to Committee on Agriculture.

**Senate Bill No. 482:** By Senator Shelley—An act to amend Sections 13600, 13607, 13610, 13652, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13609, 13611 and 13653 thereof, relating to spotting, sponging and pressing establishments.

Referred to Committee on Public Health and Safety

**Senate Bill No. 493:** By Senator Shelley—An act to encourage local planning for post-war construction and improvement by local governmental agencies, prescribing the powers and duties of the State Planning Board in relation thereto, establishing a special fund to facilitate the carrying out of such powers and duties, and making an appropriation.

Referred to Committee on Governmental Efficiency

**Senate Bill No. 484:** By Senators Tenney and Shelley—An act to establish the "California Commission for World Peace Planning" and prescribing its powers and duties; authorizing the California Commission for World Peace Planning to make investigations and public recommendations as to international affairs and problems and to promote world peace, tolerance, and recognition of the right to security and freedom, making an appropriation.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 485:** By Senator Shelley—An act to amend Sections 3 and 9 of, and to add Section 82 to, the Housing Authorities Law, relating to the powers of authorities under said act, including provisions for the acquisition and disposal of land for public purposes and for the inclusion with the housing projects of facilities incidental to the use and enjoyment of housing accommodations provided thereby.

Referred to Committee on Local Government.

**Senate Bill No. 486:** By Senator Parkman—An act to amend Section 131 of the School Code and to amend Section 16072 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Senate Bill No. 487:** By Senator Parkman—An act to amend Section 3.2 of the School Code and to amend Section 8002 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Senate Bill No. 488:** By Senator Parkman—An act to amend Section 6.41 of the School Code and to amend Section 18152 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Senate Bill No. 489:** By Senator Mixer—An act making an appropriation from the State Park Maintenance Fund to repay a loan made from the Emergency Fund, to take effect immediately.

Referred to Committee on Finance.

**Senate Bill No. 490:** By Senator Mixer—An act to add Section 4307.1 to the Political Code, relating to county charges.

Referred to Committee on Local Government.

**Senate Bill No. 491:** By Senator Mixer—An act to amend Sections 241 and 242 to the Code of Civil Procedure, relating to the composition and constitution of grand juries.

Referred to Committee on Judiciary.

**Senate Bill No. 492:** By Senator Shelley—An act to amend Section 21 of the Personal Property Brokers Act, approved July 24, 1939, relating to penalties for violation of any of the provisions of said act, or the rules, orders and regulations of the commissioner.

Referred to Committee on Financial Institutions.

**Senate Bill No. 493:** By Senator Shelley—An act to amend Section 21 of the Personal Property Brokers Act, approved July 21, 1939, relating to penalties for violation of any of the provisions of said act, or the rules, orders and regulations of the commissioner.

Referred to Committee on Financial Institutions.

**Senate Bill No. 494:** By Senator Shelley—An act to amend Section 20 of the California Small Loan Act, approved July 21, 1939, relating to penalties for violation of any provisions of said act, or any of the rules, orders and regulations of the commissioner.

Referred to Committee on Financial Institutions.

**Senate Bill No. 495:** By Senator Shelley—An act to amend Section 20 of the California Small Loan Act, approved July 24, 1939, relating to penalties for violation of any provisions of said act, or any of the rules, orders and regulations of the commissioner.

Referred to Committee on Financial Institutions.

**Senate Bill No. 496:** By Senator Shelley—An act to amend Section 3 of the Industrial Loan Act, relating to the paid in minimum capital.

Referred to Committee on Financial Institutions.

**Senate Constitutional Amendment No. 12:** By Senators Tenney and Shelley—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Article XVIIA thereto, relating to pensions.

Referred to Committee on Financial Institutions.

**Senate Constitutional Amendment No. 13:** By Senator Seawell—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 22 of Article XX thereof, relating to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

**Senate Concurrent Resolution No. 20:** By Senators Shelley, Breed, and Seawell—Relative to adjournment in respect to the memory of Fred E. Stewart.



**Request for Unanimous Consent**

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20**

**Senate Concurrent Resolution No. 20**—Relative to adjournment in respect to the memory of Fred E. Stewart.

Resolution read, and adopted by rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 587  
Assembly Bill No. 307  
Assembly Bill No. 320

Assembly Bill No. 321  
Assembly Bill No. 322  
Assembly Bill No. 319

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 587**—An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 307**—An act to add Chapter 3 to Part 3 of Division 6 of the School Code and to add Chapter 11 to Division 9 of the Education Code, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 320**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 321**—An act to amend Section 3304 of the Welfare and Institutions Code, relating to the Los Angeles Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 322**—An act to amend Section 3304.5 of the Welfare and Institutions Code, relating to the San Diego Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 319**—An act to add Article 4 to Chapter 2, Division 5 of the Welfare and Institutions Code, to amend and renumber Section 3305 and to repeal Section 3261, relating to the revolving funds of the manufacturing departments of the Industrial Home for the Adult Blind, the San Diego Workshop and the Los Angeles Workshop for the Adult Blind, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 213**—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to motor vehicles, and declaring the urgency of this act.

Bill read second time, and ordered to third reading.

##### THIRD READING OF SENATE BILLS

**Senate Concurrent Resolution No. 7**—Creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Senator Tickle moved that Senate Concurrent Resolution No. 7 be ordered to the inactive file.

Motion carried.

##### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 587

Senator McCormack moved that Assembly Bill No. 587 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Finance.

Motion carried.

#### ADJOURNMENT

At 4 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2:30 p.m., January 27, 1943, out of respect to the memory of Fred E. Stewart, former member of the State Board of Equalization.

# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

TWENTY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 27, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tinkle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Shelley, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Raleigh Casad, Chairman of Roads Committee of Merced County Chamber of Commerce; Claude Adams, District Attorney of Merced County; Hugh Laudnum, City Attorney of Merced; Emmet McNamara, County Assessor of Merced; and Wilbur McMurray, Mayor of Merced.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Seigfried Goetze and Harry L. Woods, both of North Hollywood.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Miller of Lake County.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher; and the following students of A-S Social Studies Class, Stanford Junior High School, Sacramento: Merle Courter, Joe DeFrisco, Kenneth Gage, Barbara Galante, Delores Hendricks, Mary Johnson, Robert Kent, Wilera Luke, Gail Mansfield, Lewis McDonald, William Petrali, Roberta Randon, Vera Redgate, Josephine Rizzuta, Jerry Rose, Jean Schlack, Dorothy Skarles, and Dorothy Wear.

On request of Senators Tenney and Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Sweigert, Jr., of San Francisco.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 390

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 19

Senate Concurrent Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 346

Assembly Bill No. 368

Assembly Bill No. 384

Assembly Bill No. 504

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 346**--An act to amend Sections 261a and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Referred to Committee on Local Government.



**Assembly Bill No. 368**—An act to amend Section 185 of, and to add Section 186.5 to, the Streets and Highways Code, relating to expenditures for highway purposes, declaring the urgency thereof, and providing this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 384**—An act to add Section 395 to the School Code and to add Section 8161 to the Education Code, relating to the maintenance of schools and classes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 504**—An act to add Division 4.5, comprising Sections 6100 to 6149, inclusive, to the Labor Code, relating to benefits payable to employees of the State of California and their dependents, directly or through the medium of insurance, on account of injuries arising out of and occurring in the course of their employment, which injuries or resulting death are not compensable under the provisions of Division 4 of the Labor Code, to take effect immediately.

Referred to Committee on Governmental Efficiency.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 19

Assembly Joint Resolution No. 20

Assembly Concurrent Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Joint Resolution No. 19**—Relative to memorializing and petitioning Congress to enact legislation giving to draftees and others entering the military and naval service of the United States adequate insurance protection for themselves in the form of permanent total disability insurance as well as life insurance protection.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 20**—Relative to memorializing the Federal Government to immediately assign a large force of OPA investigators to the City of Vallejo and surrounding communities to enforce the Rent Control Act.

Without reference to committee.

**Assembly Concurrent Resolution No. 21**—Relative to the Reports of the Annual Conventions of the Disabled American Veterans of the World War of the Department of California, and the Department Encampment of the Grand Army of the Republic.

Referred to Committee on Rules.

**REQUEST FOR UNANIMOUS CONSENT**

Senator McCormack asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 20, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 20**

**Assembly Joint Resolution No. 20**—Relative to memorializing the Federal Government to immediately assign a large force of OPA investigators to the City of Vallejo and surrounding communities to enforce the Rent Control Act.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tickle, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 341

Assembly Bill No. 412

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 341**—An act to add Section 2183.9 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 412**—An act to add Section 1760.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, authorizing the authority to require persons committed thereto to perform work on certain public projects, and to make contracts in relation thereto, and making an appropriation, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 390

and reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 151

Senate Bill No. 152

Assembly Bill No. 15

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 26, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 290

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

#### Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 15

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MINTIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 577

Assembly Bill No. 587

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MINTIER, Chairman

Above reported bills ordered to second reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 21:** By Senator Tickle—Amending and supplementing Joint Rule 36 and Senate Concurrent Resolution No. 4, relative to the Legislative Budget Committee.

#### Request for Unanimous Consent

Senator Tickle asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 21, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

**Senate Concurrent Resolution No. 21**—Amending and supplementing Joint Rule 36 and Senate Concurrent Resolution No. 4, relative to the Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating,

Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—30.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

**Senate Concurrent Resolution No. 22:** By Senator Seawell—Approving certain amendments to the charter of the City of Roseville, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1942.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 22, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 22**

**Senate Concurrent Resolution No. 22**—Approving certain amendments to the charter of the City of Roseville, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—29.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

**Senate Concurrent Resolution No. 23:** By Senator Seawell—Relative to opinions of the Legislative Counsel Bureau concerning legislation.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 23, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 23**

**Senate Concurrent Resolution No. 23**—Relative to opinions of the Legislative Counsel Bureau concerning legislation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey,



McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 497:** By Senator Judah—An act to add Sections 3e, 3f, 38f, 38g, 101b, 101c and 114 to, and to amend Sections 8, 9, 28, 28a, 38c, 38e, 46, 47, 49, 51, 58b, 84, 85, 90, 92, 94, 100 and 111 of, the State Employees' Retirement Act, relating to a Retirement System for Public Officers and Employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 498:** By Senator Collier—An act to amend Section 4.250 of the School Code and to amend Section 5340 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

**Senate Bill No. 499:** By Senator DeLap—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for hospital care and services.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 500:** By Senator DeLap—An act to amend Section 6 of the Corporate Securities Act, to provide for renewal of licenses to brokers and agents.

Referred to Committee on Financial Institutions.

**Senate Bill No. 501:** By Senator Collier—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Sections 2630.5, 4105.5, 4105.6, 4106.5 and 4106.6 to the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax redemption duties from the auditor and treasurer to the tax collector.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 502:** By Senator Collier—An act to amend Section 5.45 of the School Code and to amend Sections 20376 and 20377 of the Education Code, relating to the public school system.

Referred to Committee on Education.

**Senate Bill No. 503:** By Senator Collier—An act to amend Section 2.20 of the School Code and to amend Section 1502 of the Education Code, relating to the public school system.

Referred to Committee on Education.

**Senate Bill No. 504:** By Senator Slater—An act to amend Section 3.513 of the School Code and to amend Section 9144 of the Education Code, relating to vocational rehabilitation.

Referred to Committee on Education.

**Senate Bill No. 505:** By Senator Swan—An act to amend Section 8 of The Personal Income Tax Act and Section 17305 of the Revenue and Taxation Code, relating to deduction from the personal income tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 506:** By Senator Slater—An act to add Section 156.1 to the Welfare and Institutions Code, relating to travel expenditures by the Department of Institutions.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 507:** By Senator Slater—An act making an appropriation to pay the claim of Dr. F. O. Butler, Superintendent of Sonoma State Home, against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 508:** By Senator Salsman—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of buses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 509:** By Senator Biggar—An act to add Article 6, comprising Sections 4421 to 4431, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition and reforestation of cutover lands.

Referred to Committee on Natural Resources.

**Senate Bill No. 510:** By Senator Dillinger—An act to amend Section 737c of the Political Code, relating to salaries of judges of the superior court.

Referred to Committee on Local Government.

**Senate Bill No. 511:** By Senator Jespersen—An act to amend Section 5380 of the School Code and to amend Section 12751 of the Education Code, relating to the suspension of credentials issued by the State Board of Education.

Referred to Committee on Education.

**Senate Bill No. 512:** By Senator Slater—An act to provide for the disposal of certain real property of the State in Sonoma County and for the disposition of the proceeds of such sale.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 513:** By Senator Slater—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 514:** By Senator Denel—An act to amend Sections 271, 273, 274, 275, 276, 277, 281, and 283, and to repeal Section 279, of the Agricultural Code, relating to bee diseases and inspection.

Referred to Committee on Agriculture.

**Senate Bill No. 515:** By Senator Ward—An act to amend Section 108 of the Civil Code, relating to financial responsibility of spouse seeking divorce on ground of incurable insanity.

Referred to Committee on Judiciary.

**Senate Bill No. 516:** By Senators Crittenden, Deuel, and Cunningham—An act to add Chapter 3 to Division 1 of the Water Code, relating to the establishment of the California Water Problems Commission, and prescribing its powers, duties, jurisdiction, and responsibilities.

Referred to Committee on Water Resources.

**Senate Bill No. 517:** By Senator Tenney—An act to amend Section 7b of the Municipal Court Act of 1925, relating to the compensation of attaches in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

**Senate Bill No. 518:** By Senator Tenney—An act to amend Section 7a of the Municipal Court Act of 1925, relating to the compensation of attaches in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

**Senate Bill No. 519:** By Senator Tenney—An act to repeal Part 4 of Division 2 of the Revenue and Taxation Code, relating to motor vehicle transportation license taxes.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 520:** By Senator Dorsey—An act to amend Section 2971 of the School Code and to amend Section 2102 of the Education Code, relating to city boards of education.

Referred to Committee on Education.

**Senate Bill No. 521:** By Senator Dorsey—An act to amend Section 6,100 of the School Code and to amend Section 18401 of the Education Code, relating to the powers of governing boards of school districts.

Referred to Committee on Education.

**Senate Bill No. 522:** By Senator Dorsey—An act to add Section 2206 to Article 1 of Chapter 5 of Division 3 of the Health and Safety Code, relating to mosquito abatement districts.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 523:** By Senator Dorsey—An act to amend Section 4295 of the Political Code, relating to payment of fees to State, county and township officers.

Referred to Committee on Local Government.

**Senate Bill No. 524:** By Senator Breed—An act to amend Section 1401 of the Elections Code, relating to initiative measures, the submission of a draft thereof to the Attorney General for the preparation of a summary thereof, and the payment of a fee therefor.

Referred to Committee on Elections.

**Senate Bill No. 525:** By Senator Breed—An act to amend Sections 3 and 7 of "An act authorizing municipalities to declare noxious or

dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to noxious or dangerous weeds.

Referred to Committee on Local Government.

**Senate Bill No. 526:** By Senator Brown—An act to add Section 1347 to the Fish and Game Code, relating to elk.

Referred to Committee on Fish and Game.

**Senate Bill No. 527:** By Senator Tenney—An act to amend Section 101 of and to add Section 103a to the State Employees' Retirement Act, relating to retirement benefits for members of the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 528:** By Senator Tenney—An act to amend Sections 4803 and 4804 of the Labor Code, relating to disability indemnities for members of the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 529:** By Senator Jespersen—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories," and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 530:** By Senator Gordon—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Referred to Committee on Transportation.

**Senate Bill No. 531:** By Senator Jespersen—An act to amend Section 3 of an act entitled "An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school," approved June 12, 1931, as amended, relating to the purchase of additional land for the California Polytechnic School.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 532:** By Senator Jespersen—An act to amend Section 1 of "An act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor," approved March 8, 1901, and to amend Section 20651 of the Education Code, relating to the California Polytechnic School.

Referred to Committee on Education.



**Senate Bill No. 533:** By Senator Jespersen—An act to amend Section 359c of the Political Code, relating to vacations of State officers and employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 534:** By Senator Jespersen—An act to add Section 612.5 to the Fish and Game Code, relating to steelhead.

Referred to Committee on Fish and Game.

**Senate Bill No. 535:** By Senator Deuel—An act to amend Section 540 of the Political Code, relating to State printing.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 536:** By Senator Hatfield—An act to provide for and encourage the employment of the students of the schools of the State in agriculture during the war emergency, providing for supervision and transportation of students so engaged and the reimbursement of school districts for expenditures in connection with such supervision and transportation, and making an appropriation to carry out the purposes of this act, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 537:** By Senator Gordon—An act to amend Sections 10072, 10277, 10301, and 10302 of the Motor Vehicle Transportation License Tax Act, relating to the place where suits involving the motor vehicle transportation license tax shall be brought.

Referred to Committee on Judiciary.

**Senate Bill No. 538:** By Senator Brown—An act making appropriation to the County of Inyo for the improvement and maintenance of county airports for the war effort.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 539:** By Senator Jespersen—An act to amend Section 1 of "An act creating the California Polytechnic School Project Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof."

Referred to Committee on Education.

**Senate Bill No. 540:** By Senator Biggar—An act to amend Section 1616 of the Business and Professions Code, relating to the employment of attorneys.

Referred to Committee on Business and Professions.

**Senate Bill No. 541:** By Senator Biggar—An act to amend Section 696 of the Military and Veterans Code, relating to the employment of legal employees.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 542:** By Senator Biggar—An act to amend Section 7608 of the Business and Professions Code, relating to the employment of attorneys.

Referred to Committee on Business and Professions.

**Senate Bill No. 543:** By Senator Dorsey—An act to add Sections 8.1 and 13.1 to the Personal Income Tax Act and Sections 17318 and 18404.5 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 544:** By Senators Parkman and Biggar—An act to abolish the Division of Industrial Welfare in the Department of Industrial Relations.

Referred to Committee on Governmental Efficiency.

**Senate Joint Resolution No. 11:** By Senator Swan—Relative to memorializing against a fourth term of office as President of the United States.

Referred to Committee on Elections.

**Senate Constitutional Amendment No. 11:** By Senator Tenney—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding Section 18 to Article XIII thereof, relating to a uniform gross income tax.

Referred to Committee on Revenue and Taxation.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Bill No. 17**—An act to add Section 78a to the State Employees' Retirement Act, relating to retirement of members of the State Employees' Retirement System, and providing for retention in State service, upon conditions specified therein, of persons who have attained the age of compulsory retirement, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

#### Amendment No. 1

On page 1, lines 7 and 8, of the printed bill, strike out "or an employee of a contracting city, contracting county, or contracting district".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 80**—An act to amend Sections 10600, 10602, 10603, 10604, and 10607 of the Health and Safety Code, relating to proceedings to establish records of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Bill No. 80, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 80****Motion to Re-refer Senate Bill No. 80**

Senator Deuel moved that Senate Bill No. 80 be re-referred to Committee on Judiciary.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Breed, DeLap, Deuel, Gordon, Hatfield, Jespersen, Judah, McCormack, Rich, Salsman, and Tickle—11.

**NOES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Keating, Luckey, Mixer, Powers, Quinn, Seawell, Slater, Swan, Swing, Tenney, and Tenney—20.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Dorsey:

*Resolved*, That Senate Bill No. 80 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 80** An act to amend Sections 10600, 10602, 10603, 10604, and 10607 of the Health and Safety Code, relating to proceedings to establish records of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Dorsey moved a call of the Senate.

Motion carried. Time, 3.26 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 36**—An act to amend Section 4 of the Budget Act of 1941, relating to approval of withdrawals from appropriations, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 48**—An act to amend Section 6.37 of, and to add Section 6.38 to, the School Code, and to add Sections 18058 and 18059 to the Education Code, relating to the letting of contracts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

## Amendment No. 1

On page 1 of the printed bill, strike out lines 13 to 17, inclusive, and insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

## Amendment No. 2

On page 2 of the printed bill, strike out lines 7 to 10, inclusive, and insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

## Amendment No. 3

On page 2 of the printed bill, strike out lines 23 to 26, inclusive, and insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

## Amendment No. 4

On page 2 of the printed bill, strike out lines 44 to 47, inclusive, and insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 162**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Bill read third time.



**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 259 of", and insert "add Section 259.1 to".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out all of lines 1 to 9, inclusive, and insert

"SECTION 1. Section 259.1 is added to the Vehicle Code to read:

259.1. Age limit for driving school bus during war emergency. It is unlawful for any person under the age of 17 years to drive a school bus, transporting pupils to or from school.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede Section 259 of this code; but Section 259 is not repealed by this section and after this section is no longer effective, Section 259 shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 352

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bill was read the first time:

**Assembly Bill No. 352**—An act creating a special fund in the State Treasury for the deposit of restitutions received by the State from former recipients of relief under the provisions of the "California Unemployment Relief Act of 1935," making a transfer of funds to this fund, making an appropriation to the State Controller for continued collection of restitutions, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 122

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 5.30 p.m., on motion of Senator Dorsey, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 80 passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—Senators Deuel, McCormack, Rich, and Tickle—4.

Senate Bill No. 80 ordered transmitted to the Assembly.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 15**—An act creating the Salary Emergency Fund, and making an appropriation to said fund and providing salary and wage increases for State employees and providing that this act take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, after "commissions", insert a comma and "The Regents of the University of California".

**Amendment read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**ADJOURNMENT**

At 5.35 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m. Thursday, January 28, 1943.

# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

TWENTY-FIFTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 28, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Rich and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George C. Kimber, Coordinator of War Activities, Sacramento Junior College, of Sacramento.

On request of Senators Burns and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Isidore Dockweiler of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. G. Hitchcock, City Attorney of Santa Rosa.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oscar Shamberger and Eben K. Smart, both of Grass Valley.

## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 15**—An act creating the Salary Emergency Fund, and making an appropriation to said fund and providing salary and wage increases for State employees and providing that this act take effect immediately.

## Motion to Amend

Senator Swing moved the adoption of the following amendment:

## Amendment No. 1

On page 2 of the printed bill, between lines 5 and 6, insert  
"SEC. 2.5. This act does not apply to employees whose compensation is fixed  
at or is based upon prevailing rates of wages."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly  
on this day adopted:

Assembly Joint Resolution No. 21

Assembly Joint Resolution No. 22

Assembly Concurrent Resolution No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Joint Resolution No. 21**—Memorializing the President  
and the Secretary of the Navy to name a Navy cruiser of the United  
States Fleet, for the City of Long Beach, California.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 22**—Relative to memorializing the  
President and the Congress of the United States to amend the Federal  
Social Security Act in respect to earnings and other income of recipi-  
ents of old-age assistance.

Referred to Committee on Welfare and Institutions.

**Assembly Concurrent Resolution No. 29**—Relative to adjournment  
of the Legislature for the Constitutional recess and to the reassembling  
of the Legislature after such recess and fixing the date for said adjourn-  
ment and said reassembling.

Referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly  
amended, and on this day passed as amended:

Senate Concurrent Resolution No. 8

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Concurrent Resolution No. 8**—Relative to the creation of a  
Joint Fact-Finding Committee on Un-American Activities in California  
to investigate the activities of persons and groups known or suspected



to be foreign dominated or controlled and recommend legislation for their regulation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 8?

**Amendment No. 1**

On page 2, line 21, of the printed measure, as amended, strike out "The powers specified"; and strike out line 22; and in line 23, strike out "final adjournment of this session".

**Amendment No. 2**

On page 3, line 6, of the printed measure, as amended, after "meet", insert "either during sessions of this Legislature or during any recess thereof".

**Amendments read.**

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 8 by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—25  
**NOES**—None.

Above resolution ordered enrolled.

**REPORTS OF STANDING COMMITTEES**

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, January 28, 1943

**MR. PRESIDENT:** Your Committee on Business and Professions, to which was referred:

**Senate Bill No. 452**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

**SHELLEY, Chairman**

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 452**—An act to add Section 4132.5 to the Business and Professions Code, relating to licentiate in pharmacy, declaring the urgency thereof to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "pharmacy", insert ", declaring the urgency thereof to take effect immediately."

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 3, 4, and 5; and, in line 6, strike out "of the President of the United States, the", and insert "4132.5. The".

**Amendment No. 3**

On page 1, line 8, of the printed bill, after "apply", insert "during the time this section is in effect.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede the provisions of Section 4132 to the effect indicated; but Section 4132 is not repealed by this section and after this section is no longer effective, Section 4132 shall have the same force as though this section had not been enacted."

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

## REPORTS OF STANDING COMMITTEES

## Committee on Education

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 307

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee votes: Ayes 6; noes 3.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 18—Relative to felicitating the Hon. Joseph R. Knowland upon the publication of his book "California, a Historic Landmark"; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-seventh day of January, 1943, at 11.55 a.m.

SEAWELL, Chairman

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 150

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Constitutional Amendment No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 9; absent 4.

DELAP, Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 473

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

DELAP, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 42

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 341

Assembly Bill No. 412

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 27, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 319

Assembly Bill No. 320

Assembly Bill No. 321

Assembly Bill No. 322

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bills ordered re-referred to Committee on Finance

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 44

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate to take effect on completion of work January 26, 1943:

Jane Dulhanty, Stenographer.....	<i>Per day</i>
	\$5 00

Resolution read, and unanimously adopted.

By Committee on Rules:

## Senate Resolution No. 45

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred dollars (\$200) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

POWERS  
BROWN  
TICKLE  
SEAWELL  
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—28.

NOES—None.

By Senator Tickle:

**Senate Resolution No. 46**

*Resolved*, That the following named person be and is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning January 28, 1943, and the Controller is hereby directed to draw his warrants in favor of the person for the said amount, and the Treasurer is hereby directed to pay the same.

*Seven days  
per week*

Mrs. Lila Sterling, Stenographer-----\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tickle, and Ward—27.

**NOES**—None.

By Senator Mixer:

**Senate Resolution No. 47**

Relating to meetings of the Senate Committee on Finance

*Resolved by the Senate of the State of California*, That the Standing Committee on Finance of the Senate is hereby authorized to meet during any recess of the regular session of the Fifty-fifth Legislature, at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and be it further

*Resolved*, That except as otherwise expressly provided in this resolution, all of the powers conferred upon a committee by Rule 35 of the Joint Rules of the Assembly and Senate are hereby conferred upon the Standing Committee on Finance of the Senate; and be it further

*Resolved*, That the sum of two thousand five hundred dollars (\$2,500) is hereby made available to the Standing Committee on Finance of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of any records and transcripts, and an allowance of ten dollars (\$10) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents (\$5.05½) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and Rule 35 of the Joint Rules of the Assembly and Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Joint Resolution No. 12:** By Senator Biggar—Relative to memorializing the President of the United States, the Members of Congress from California and the Surgeon Generals of United States Army and Navy, to institute investigations concerning the advantages that would accrue to the patients, if one or more military hospitals of convalescent or other nature were erected in mineral spring areas located in California; with special reference to the treatment of invalid soldiers and sailors suffering from shock or nervous or other disorders and for whom mineral spring and spa procedures offer special advantages in recovery of health and rehabilitation for useful life.

**Request for Unanimous Consent**

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 12, at this time, for consideration.



## CONSIDERATION OF SENATE JOINT RESOLUTION NO. 12

**Senate Joint Resolution No. 12**—Relative to memorializing the President of the United States, the Members of Congress from California and the Surgeon Generals of United States Army and Navy, to institute investigations concerning the advantages that would accrue to the patients, if one or more military hospitals of convalescent or other nature were erected in mineral spring areas located in California; with special reference to the treatment of invalid soldiers and sailors suffering from shock or nervous or other disorders and for whom mineral spring and spa procedures offer special advantages in recovery of health and rehabilitation for useful life.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 545:** By Senator Crittenden—An act to make an appropriation for the support of the California Water Problems Commission.

Referred to Committee on Finance.

**Senate Bill No. 546:** By Senators Breed, Shelley, Judah, Parkman, Tenney, Ward, DeLap, Sewell, and Salsman—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8 to, and Chapter 10, comprising Sections 4301 to 4439, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 7, comprising Sections 1570 to 1573, inclusive, to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities and civilian defense organizations thereof for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the State Council of Defense to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 547:** By Senator Burns—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 548:** By Senator Hatfield—An act to add Section 1.108 to the School Code and to add Section 16424 of the Education Code, relating to pupils of the public schools.

Referred to Committee on Education.

**Senate Bill No. 549:** By Senator Biggar—An act to amend Section 1325 of the Streets and Highways Code and Section 4041.18 of the Political Code, relating to the cost limit on county construction and repair contracts which can be let without calling for bids.

Referred to Committee on Transportation.

**Senate Bill No. 550:** By Senator Biggar—An act authorizing the Department of Public Works, acting through the agency of the State Engineer, to perform work for improvement of navigation, flood control, channel rectification, and bank protection and to cooperate with others in the performance thereof; making an appropriation therefor; declaring the urgency of this act; and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 551:** By Senator Donnelly—An act to add a new section to the Political Code, to be numbered 695.5, relating to services furnished by State agencies, and repealing Section 695 of the Political Code, as added by Chapter 923, Statutes of 1933.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 552:** By Senator Carter—An act to amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2, making it a misdemeanor for any candidate seeking election or reelection to the Board of Equalization of the State of California and any officer, employee and appointee of said board, to solicit or receive from persons holding liquor licenses issued by said board any money or other thing of value for any political campaign for election or reelection to such board, and making it a misdemeanor for any licensee or holder of a liquor license to contribute or give money or any other thing of value for any such political campaign.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 553:** By Senator Brown—An act to amend Section 721 of, and to add Section 724.2 to, the Fish and Game Code, relating to catfish.

Referred to Committee on Fish and Game.

**Senate Bill No. 554:** By Senator Powers—An act to add Section 6220 to the Public Resources Code, relating to acceptance of quitclaim deeds by the State Land Commission.

Referred to Committee on Natural Resources.

**Senate Bill No. 555:** By Senator Powers—An act to repeal Section 8522 of, and to renumber and amend Section 6444 to be Section 6445 of, and to add Section 6444 to, the Public Resources Code, relating to exchanges of land with the Federal Government.

Referred to Committee on Natural Resources.

**Senate Bill No. 556:** By Senator Tickle—An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation Insurance Fund.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 557:** By Senators DeLap, Gordon, Biggar, Breed, and Rich—An act to amend Section 9603 of the Revenue and Taxation Code, relating to the Transportation Tax Act, including the definition "operator."

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 558:** By Senators Hatfield, Tenney, Luckey, Quinn, DeLap, Powers, and Ward—An act to add Chapter 4, comprising Sections 1850 to 1863, inclusive, to Division 8 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act of 1943; creating a Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the California Veterans' Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 559:** By Senators Hatfield, Tenney, Powers, Luckey, Ward, and Quinn—An act to add Division 8, comprising Sections 1750 to 1761, inclusive, to the Military and Veterans Code, creating a California Veterans' Board, defining its powers and duties, and making an appropriation in aid of its operation.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 560:** By Senators Hatfield, Tenney, DeLap, Powers, Luckey, Ward, and Quinn—An act to add Chapter 2, comprising Sections 1770 to 1778, inclusive, to Division 8 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 561:** By Senators Hatfield, Tenney, Luckey, DeLap, Powers, Ward, and Quinn—An act to add Chapter 3, comprising Sections 1810 to 1843, inclusive, to Division 8 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the California Veterans' Board in respect thereto.

Referred to Committee on Military and Veterans Affairs.



**Senate Bill No. 562:** By Senator Rich—An act to amend Section 504 of the Public Utilities Act, relating to fees for applications for certificates of public convenience and necessity.

Referred to Committee on Public Utilities.

**Senate Bill No. 563:** By Senator Rich—An act to amend Section 675 of the Political Code, relating to the powers of the Director of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 564:** By Senator Crittenden—An act to amend Sections 52.1, 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 565:** By Senator Crittenden—An act to amend Section 2160 and to add Section 1529 to the Welfare and Institutions Code, relating to public assistance, providing for payment of aid while in a public hospital.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 566:** By Senator Crittenden—An act to amend Sections 1500 and 1522 of, and to add Section 1552.3 to, the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 567:** By Senator Powers—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Referred to Committee on Fish and Game.

**Senate Bill No. 568:** By Senator Dorsey—An act to amend Section 6.140 of the School Code and to amend Section 18461 of the Education Code, relating to schools.

Referred to Committee on Education.

**Senate Bill No. 569:** By Senator Dorsey—An act to amend Section 1325 of the Streets and Highways Code and Section 4041.18 of the Political Code, relating to the cost limit on county construction and repair contracts which can be let without calling for bids.

Referred to Committee on Transportation.

**Senate Bill No. 570:** By Senator Dorsey—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 571:** By Senator Biggar—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, for the cost of repair and restoration of property damaged or destroyed by storms and floods, declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Finance.



**Senate Bill No. 572:** By Senator Ward—An act to amend Section 710 of the Code of Civil Procedure, relating to execution on moneys due from a governmental agency to a judgment debtor.

Referred to Committee on Judiciary.

**Senate Bill No. 573:** By Senator Keating—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 574:** By Senator Swan—An act to add Section 78b to the State Employees' Retirement Act, relating to retirement of members of the State Employees' Retirement System, and providing for retention in State service, upon conditions specified therein, of persons who have attained the age of compulsory retirement, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 575:** By Senator Swan—An act to add Section 1353.1 to the Labor Code, relating to discrimination for testifying.

Referred to Committee on Labor.

**Senate Bill No. 576:** By Senator Swan—An act to add Section 2350.1 to the Labor Code, relating to sanitary conditions of factories and other places of employment.

Referred to Committee on Labor.

**Senate Bill No. 577:** By Senator Swan—An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children.

Referred to Committee on Judiciary.

**Senate Bill No. 578:** By Senator Swan—An act to add Section 7.5 to the Alcoholic Beverage Control Act and Section 3704 to the Political Code, relating to contributions made for the purpose of securing the election of a person to the Board of Equalization.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 579:** By Senator Swan—An act to amend Section 974 of the Labor Code, relating to the penalty for failure to mention existence of labor dispute in advertisement for employees.

Referred to Committee on Labor.

**Senate Bill No. 580:** By Senator Engle—An act to amend Section 1270 of, and to repeal Sections 1273 and 1274 of, the Fish and Game Code, relating to deer.

Referred to Committee on Fish and Game.

**Senate Bill No. 581:** By Senator Engle—An act to amend Sections 2 and 3 of an act entitled "An act defining henceforth the exterior boundaries of Reclamation District No. 108; situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as

defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the County of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the County of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect," approved May 7, 1919, relating to Reclamation District No. 108.

Referred to Committee on Water Resources.

**Senate Bill No. 582:** By Senator Engle—An act to amend Section 4156a of the Political Code.

Referred to Committee on Judiciary.

**Senate Bill No. 583:** By Senator Burns—An act to regulate the sale of olive oil and to prohibit the sale of imitation olive oil, prescribing methods of packaging, labeling, and branding olive oil, licensing packers, manufacturers and distributors, providing rules and regulations for the proper sanitation of such establishments, imposing penalties for violations of this act, defining the powers of the State Board of Public Health in relation thereto, and to repeal an act entitled "An act to regulate the sale of imitation olive oil and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 584:** By Senator Engle—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 228, Statutes of 1935, approved May 27, 1935, entitled and known and cited as "California Toll Bridge Authority Act" by amending Sections 3, 9, and 9½ thereof relating to the employment of legal counsel.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 585:** By Senator Engle—An act to amend Section 605e, Civil Code, relating to the supervision by the Attorney General of nonprofit corporations holding property subject to any public or charitable trust.

Referred to Committee on Judiciary.

**Senate Bill No. 586:** By Senator Engle—An act to add Section 470b of the Political Code pertaining to the duties of the Attorney General in reference to supervision of a nonprofit corporation which holds property subject to any public or charitable trust.

Referred to Committee on Judiciary.

**Senate Bill No. 587:** By Senator Tenney—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties, powers, and expenses of superior court jury commissioners and their assistants.

Referred to Committee on Local Government.

**Senate Bill No. 588:** By Senator Salsman—An act to add Section 12.5 to the Water Conservation Act of 1929, relating to the offices of the directors of water conservation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 589:** By Senator Tenney—An act to add Section 2412 to the Business and Professions Code providing additional causes for denial, suspension or revocation of licenses to practice medicine.

Referred to Committee on Business and Professions.

**Senate Bill No. 590:** By Senators Tenney, Hatfield, and Quinn—An act to amend Section 890 of the Military and Veterans Code, relating to veterans and their dependents.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 591:** By Senator Tenney—An act to amend Sections 794, 799, and 800 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

Referred to Committee on Fish and Game.

**Senate Bill No. 592:** By Senator Cunningham—An act to amend Section 951 of the Agricultural Code, relating to one-variety cotton districts, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 593:** By Senator Parkman—An act to repeal Sections 13111, 13316, and 13654 of, and to add Section 13111 to, the Health and Safety Code, relating to the State Fire Marshal's Fund and moneys received by the State Fire Marshal.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 594:** By Senator Parkman—An act to amend Section 799 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.



**Senate Bill No. 595:** By Senator Shelley—An act to add Section 1903.5 to the Harbors and Navigation Code, relating to public liability insurance.

Referred to Committee on Transportation.

**Senate Bill No. 596:** By Senator Shelley—An act to add Chapter 4.5, comprising Sections 1800 to 1953, inclusive, to Division 2 of the Business and Professions Code, relating to the licensing and regulation of chiropodists; to amend Section 2135 and repeal Sections 2139, 2143, 2148, 2245, 2245.5, 2246, 2292, 2398, and 2410, all of the Business and Professions Code.

Referred to Committee on Business and Professions.

**Senate Bill No. 597:** By Senators Shelley and Salsman—An act to amend Section 44 (e) of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Senate Bill No. 598:** By Senator Mixer—An act to add Section 692.5 to the Political Code, relating to approval by the Director of Finance of leases and licenses to use real property executed by the Reclamation Board.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 599:** By Senator Mixer—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 600:** By Senator Swan (By request)—An act to create a Court of Claims for the State of California, describing its jurisdiction, powers and duties, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 601:** By Senators Mixer, Shelley, Mayo, and Brown—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for child care and home-finding and placement agencies, and providing for the licensing and regulation of such institutions and agencies.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 602:** By Senator Crittenden—An act to amend Section 120 of the Welfare and Institutions Code, relating to the State Department of Social Welfare.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 603:** By Senator Powers—An act to amend Sections 6871 and 6873 of the Health and Safety Code, to amend the article heading of Article 3 of Chapter 9, Part 1 of Division 6 thereof, and to



add Sections 6870.1, 6870.2, 6870.3 and 6870.4, relating to consolidation of sanitary districts without an election.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 604:** By Senators Burns and Shelley—An act to add a new section to the State Civil Service Act to be numbered 57.3, relating to the noncertificated officers and employees of the State colleges.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 605:** By Senators Burns and Shelley—An act to amend Section 5.45 of the School Code, relating to leaves of absence for employees of State colleges.

Referred to Committee on Education.

**Senate Bill No. 606:** By Senators Tenney and Burns—An act to add Sections 310, 311, 311a, 311b, 311c, 311d, 311e, 311f, 311g, 311h and 311i to the Penal Code, prohibiting certain acts conducive to hatred, violence or hostility by reason of race, color, religion or manner of worship, and prescribing penalties in connection therewith.

Referred to Committee on Judiciary.

**Senate Bill No. 607:** By Senators Tenney and Burns—An act to amend Sections 45 and 46 of, and to add Sections 46c, 46d and 46e to, the Civil Code, relating to defamation.

Referred to Committee on Judiciary.

**Senate Bill No. 608:** By Senators Deuel, Gordon, Carter, and Swan—An act to amend Section 3048 of the Penal Code, relating to parole.

Referred to Committee on Judiciary.

**Senate Concurrent Resolution No. 24:** By Senators Mixter, Shelley, Mayo, and Brown—Relative to child care, and the employment of mothers of young children.

Referred to Committee on Welfare and Institutions.

**Senate Joint Resolution No. 13:** By Senator Crittenden—Relative to old age assistance.

#### Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 13, at this time, for consideration.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NO. 13

**Senate Joint Resolution No. 13**—Relative to old age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MOTION TO RE-REFER SENATE RESOLUTION NO. 42**

Senator Seawell moved that Senate Resolution No. 42 be re-referred to Committee on Rules.

Motion carried.

**RESOLUTIONS**

The following resolution was offered:

By Senators Salsman and Breed:

**Senate Resolution No. 48**

Relating to re-furnishing of the Senate cloakroom

WHEREAS, In the process of the enactment of legislation for this Sovereign State, it becomes necessary for members of this house and certain guests on the floor thereof to utilize the Senate cloakroom for various purposes; and

WHEREAS, Said cloakroom lacks all semblance of convenience, and comfort, and is badly in need of re-furnishing, repainting, plaster repairing, renovating, carpeting, and installation of window shades and curtains; and

WHEREAS, The cost thereof, including the reinstallation of ventilating equipment, relocating of electric outlets, installation of settees, chairs, ash trays, mirrors, repairing washbowls, and other facilities will be \$2,300; now, therefore, be it

*Resolved by the Senate of the State of California,* That the sum of \$2,300, or so much thereof as may be necessary, is hereby appropriated out of the Contingent Fund of the Senate to Frank N. Killam, Chief of Bureau of Buildings and Grounds, to be expended by him in re-furnishing, repainting, repairing plaster, renovating, carpeting, furnishing of window shades and curtains and reinstallation of ventilating equipment, relocating of the electric outlets, installation of settees, chairs, ash trays, and repairing washbowls, and other facilities for the Senate cloakroom in the State Capitol at Sacramento, California; and be it further

*Resolved,* That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of Frank N. Killam, Chief of Bureau of Buildings and Grounds, in said sum of \$2,300, or as much thereof as may be necessary to carry out the provisions of this resolution.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS**

**Senate Bill No. 122**—An act to repeal Sections 11 and 21 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," to amend Section 13 and to add Sections 11, 11.10, 11.20, 11.30, 11.40, 11.50, 11.60, 11.70, 21, 21.10, 21.20, 21.30, 21.40, 21.50, 21.60, 21.70, 21.80, 21.90 and 21.100, providing for the powers of the board of directors to determine all questions of policy, to supervise and regulate all utilities owned and operated by a municipal utility district, to appoint a general manager and other officers, assistants and employees, to contract for or employ services, and to provide for the performance of work or services, to create the positions necessary to carry on the functions of the district and to abolish positions and establish salary ranges; providing for the tenure and removal of the general manager; and relating to the powers of the board of directors generally; the powers and duties of the general manager; also providing for the adoption and administration of a civil service system, specifying the positions included therein and excepted

therefrom, providing for appointments based on merit and discharge for cause, period of probation, suspensions, adoption of rules by the general manager, providing for the making of appointments without examination during the present emergency; and relating to civil service generally; and the severability of the act; and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 122?

**Amendment No. 1**

On page 4, line 44, of the printed bill, as amended, strike out "10", and insert "15".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 122 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 151**—An act to amend Section 13 of The Personal Income Tax Act and Section 18431 of the Revenue and Taxation Code, relating to filing returns, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 152**—An act to add Section 5.1 to The Personal Income Tax Act and Section 17053.5 to the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 15**—An act to amend Section 6 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 577**—An act making an appropriation to meet a deficiency in the appropriation for support of the Division of Corporations, Department of Investment, State of California, for the Ninety-fourth Fiscal Year, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 587**—An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 290**—An act to add Section 214 to the Revenue and Taxation Code, relating to the exemption from taxation of merchandise arrested by war conditions from actually continuing to move

in interstate or foreign commerce, declaring the urgency thereof and providing that this act take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "which", strike out "at any time since", and insert "on or before".

##### Amendment No. 2

On page 1, line 4, of the printed bill, after "or", strike out "may hereafter be moving", and insert "is still intended to be moved".

##### Amendment No. 3

On page 1, line 5, of the printed bill, as amended, between "commerce" and "shall", insert "to noncontiguous territory of the United States or to foreign countries".

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Bill No. 15, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 15

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Tenney:

*Resolved*, That Assembly Bill No. 15 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixer, Packman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 15**—An act to amend Section 6 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

##### Motion to Pass on File

Senator Hatfield moved that Assembly Bill No. 15 be passed on file.

Motion carried.

#### CONSIDERATION OF DAILY FILE

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 280**—An act to add Section 68 to the Code of Civil Procedure, relating to State officers, including judges of the superior



court, and providing for the rights of such officers after service in the armed forces, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Parkman, Rich, Salsman, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 10

**Senate Constitutional Amendment No. 10** A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 8.5 to Article VI thereof, relating to State officers, including judges of the superior court, and providing for the rights of such officers after service in the armed forces.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Ward asked for, and was granted, unanimous consent to take up Senate Bill No. 151, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 151

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Ward:

*Resolved*, That Senate Bill No. 151 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah,

Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 151**—An act to amend Section 13 of The Personal Income Tax Act and Section 18431 of the Revenue and Taxation Code, relating to filing returns, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Ward asked for, and was granted, unanimous consent to take up Senate Bill No. 152, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 152

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Ward:

*Resolved*, That Senate Bill No. 152 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 152**—An act to add Section 5.1 to The Personal Income Tax Act and Section 17053.5 to the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 290**

Senator Rich moved that Assembly Bill No. 290 be re-referred to Committee on Revenue and Taxation.

Motion carried.

**CONSIDERATION OF DAILY FILE****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 59**—An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal an act entitled "An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**COMMUNICATIONS**

The following communication was received and read, and on motion of Senator Tenney, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO, CALIFORNIA, January 28, 1943

Honorable Jack R. Tenney

Senate Chamber, State Capitol, Sacramento, California

**ASSEMBLY BILL NO. 15**

DEAR SENATOR: You have asked us whether or not Assembly Bill No. 15 is such a bill as may take effect immediately, pursuant to Section 1 of Article IV of the Constitution, as a measure providing for a tax levy.

We have reviewed the bill and in our opinion it is such a measure as would take effect immediately as providing for tax levy.

Very truly yours,

FRED B. WOOD, Legislative Counsel

#### FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 15

**Assembly Bill No. 15**—An act to amend Section 6 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RE-REFER ASSEMBLY BILL NO. 587

Senator Shelley moved that Assembly Bill No. 587 be re-referred to Committee on Finance.

Motion carried.

#### CONSIDERATION OF DAILY FILE

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 48**—An act to amend Section 6.37 of, and to add Section 6.38 to, the School Code, and to add Sections 18058 and 18059 to the Education Code, relating to the letting of contracts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

##### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 162**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

##### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride,



McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Ward—27.  
NOES—None.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Hatfield moved a call of the Senate.

Motion carried. Time, 5.14 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 36**—An act to amend Section 4 of the Budget Act of 1941, relating to approval of withdrawals from appropriations, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 17**—An act to add Section 78a to the State Employees' Retirement Act, relating to retirement of members of the State Employees' Retirement System, and providing for retention in State service, upon conditions specified therein, of persons who have attained the age of compulsory retirement, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McCormack,

Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.  
 NOES—None.

Bill ordered transmitted to the Assembly.

### RESOLUTIONS

The following resolution was offered:

By Senators Mixer, Shelley, Mayo, and Brown:

#### Senate Resolution No. 49

WHEREAS, The subject of proper care for the aged in boarding homes, rest homes, sanitariums and other institutions is of great importance to the people of the State, and the laws governing the operation, licensing, and supervision of such institutions have not recently been reviewed by the Legislature to determine their adequacy under the conditions prevalent at the present time; and

WHEREAS, The facts concerning the number and types of homes and institutions, the competency of the persons operating them, the care furnished to the aged, and the adequacy of the present laws governing the subject can best be ascertained by the establishment of a Legislative Committee to investigate all phases of the subject and report thereon to the Legislature, and the establishment of such a committee has been recommended by the Senate Fact-Finding Committee created by Senate Resolution No. 156 of the Fifty-fourth Regular Session of the Legislature in its Report on Care of Children and Aged in California, printed in the Senate Journal for January 20, 1943, beginning at page 152; now, therefore, be it

*Resolved by the Senate of the State of California.* That there is hereby created a committee to be known as "The Senate Fact-Finding Committee on Homes and Institutions for the Aged," to consist of six Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to the number and types of boarding homes, rest homes, sanitariums, and other institutions for the aged, the competency of the persons operating them, the care furnished to the aged, and the licensing and supervision of such institutions, with a view to reporting such facts to the Legislature, and formulating and recommending the enactment of any needed legislation relating thereto; and to that end the committee shall have (i) all the powers conferred upon Legislative Committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such rules may be exercised by the committee after the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert, and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, memorandums, or documents showing the receipts and disbursements of any agency of Government and to contract with private firms of auditors for that purpose;

(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(7) To make a complete study, survey, and investigation of every phase of the subjects of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to boarding homes, rest homes, sanitariums, and other institutions for the aged, and the method, adequacy and efficiency of the functioning of any

and all governmental agencies, State or local, in any way charged or concerned with the administration or enforcement of any such laws or any part of any thereof, and the competency and efficiency of the personnel of any such agency;

(8) To meet at any and all places in this State, in public or executive session;

(9) To act after final adjournment of this session of the Legislature;

(10) To file a report with the Senate during the Regular Session of the Fifty-fifth Legislature or during any special session thereof or during the Regular Session of the Fifty-sixth Legislature;

(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes, for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of twenty-five hundred dollars (\$2500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH ON ASSEMBLY BILL NO. 162

At 5:38 p.m., on motion of Senator Hatfield, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 162 passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—Senators Biggar, Cunningham, Gordon, Judah, Quinn, and Slater—6.

Assembly Bill No. 162 ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE CONCURRENT RESOLUTION NO. 24

Senator Mixter moved that Senate Concurrent Resolution No. 24 be withdrawn from Committee on Welfare and Institutions, and referred to Committee on Rules.

Motion carried.

## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 15**—An act creating the Salary Emergency Fund, and making an appropriation to said fund and providing salary and wage increases for State employees and providing that this act take effect immediately.

Bill read third time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 15:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 28, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

Provision for emergency increase of compensation paid to State employees will expire February 1, 1943, and I am of the opinion that legislation should now be enacted to continue in effect provision for such emergency increased compensation.

I have not had an opportunity to arrive at a conclusion of what the exact amount of the increase should be, but the subject matter of Senate Bill No. 15 should be considered by the Legislature to prevent an immediate reduction of salaries which would be unfair to the State employees and might result in an abnormal loss of personnel.

I, therefore, recommend consideration of Senate Bill No. 15 as necessary for the immediate preservation of the public peace, health, or safety, and as an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not wait until the final enactment of the Budget Bill.

Respectfully submitted,

EARL WARREN, Governor of California

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 10  
Assembly Bill No. 489

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 10**—An act to add Chapter 8.5 (comprising Sections 10615 to 10622 inclusive) to Division 9 of the Health and Safety



Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

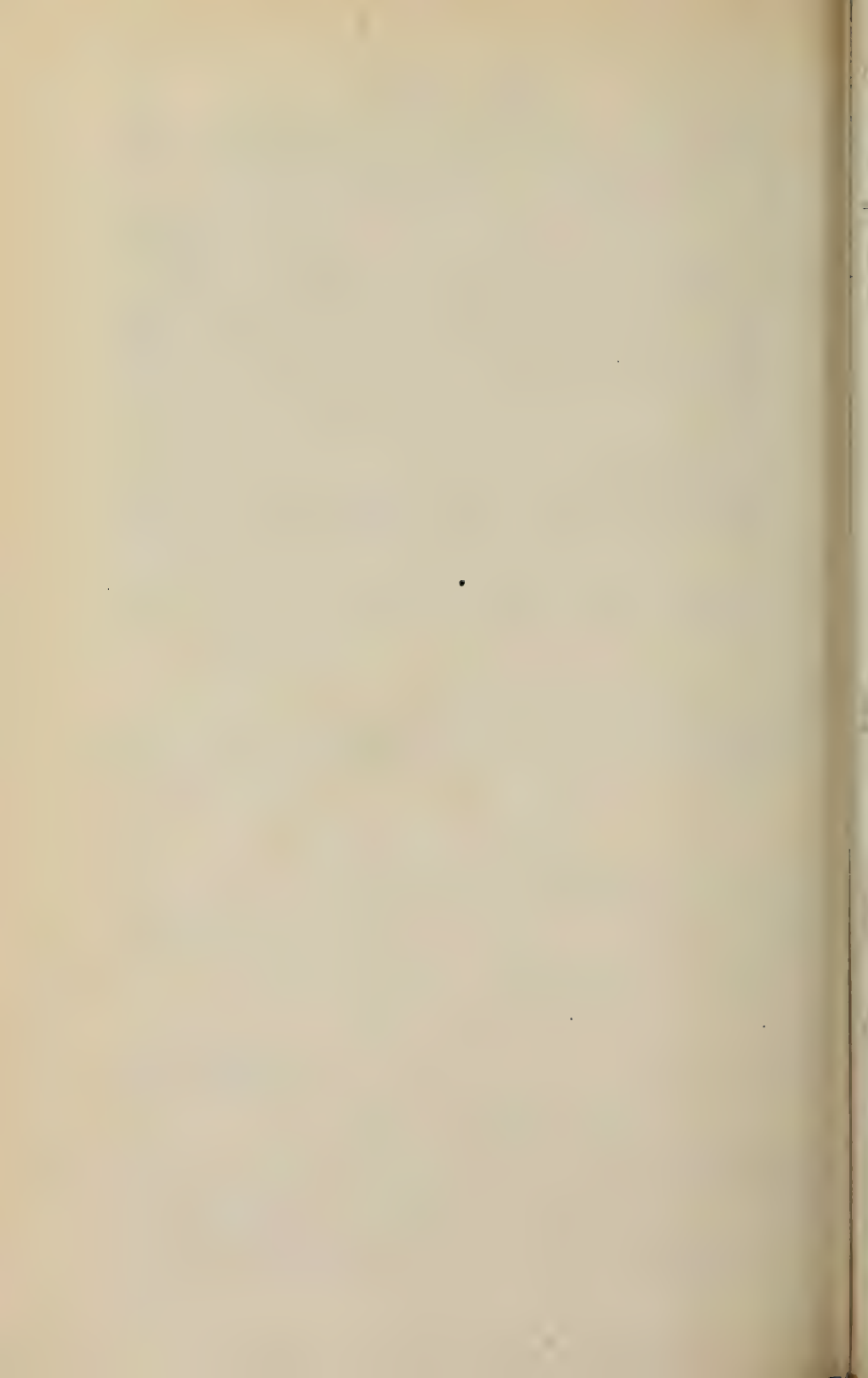
**Assembly Bill No. 489**—An act to add a new section to be numbered 14, to an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, and to add a new section, to be numbered 10, to an act entitled "An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands," approved April 22, 1937, relating to State lands, and extending time in respect to such lands, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

#### ADJOURNMENT

At 6.15 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2.30 p.m., Friday, January 29, 1943.

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## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

TWENTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 29, 1943

The Senate met at 2.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Packman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Treble, and Ward—36

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ethel Fairbairn of San Francisco and Miss Suzanne Collier of Yreka.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 11

Assembly Concurrent Resolution No. 16

Assembly Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Joint Resolution No. 11**—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens

against want or poverty by means of a system of Federal old-age pensions.

Referred to Committee on Welfare and Institutions.

**Assembly Concurrent Resolution No. 16**—Relative to designating the magazine "Pictorial California" be the official pictorial magazine of the State of California.

Referred to Committee on Education.

**Assembly Joint Resolution No. 24**—Relative to the growing shortage of motor truck transportation.

Ordered held at the desk.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 345

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

**Assembly Bill No. 345**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Referred to Committee on Judiciary.

#### COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Swing, ordered printed in the Journal, and that its provisions be complied with:

SACRAMENTO, CALIFORNIA, January 29, 1943

*To the Senate of the State of California and to the Members Thereof*

Your Committee on Governmental Efficiency has given consideration to the many problems resulting from the present emergency, and in considering the necessity for eliminating duplicating service and unnecessary costs of Government with the ultimate purpose of affording to the taxpayers through the State some relief from both State and local taxes, thereby making it easier and more convenient for our citizens to devote their time and efforts to necessary war activities and other obligations imposed upon them as a result of our all-out war effort.

The committee feels that it would be helpful if we could have information concerning the efforts, if any, being made by the various counties, municipalities, and the various departments, boards, and commissions of the State, looking to the curtailment of activities and reduction in cost of operation. For this reason, the accompanying resolution was adopted, calling upon these various entities for information which we hope may be helpful to the Legislature in determining a policy following the constitutional recess.

The committee has asked that this resolution be printed in the Journal, and a copy of it be sent by the Secretary to the various entities referred to.

Sincerely yours,

SWING, Chairman,  
Committee on Governmental Efficiency

Resolution calling for information from the various counties and cities of the State, and from the various departments and various commission boards and departments of State Government, relative to duplicate service and to unnecessary expenditures and elimination of functions for the duration.

WHEREAS, The unprovoked attack by Japan suddenly and unexpectedly placed California into the front trenches of the war zone, and has made necessary the suspension of all peace time activities and normal governmental functions, not neces-



sary to the war effort, and requires the concentration of our citizens and of our Government agencies upon an all-out program to win the war so that a return to normalcy may speedily occur; and

WHEREAS, All citizens have responded to the call of their Government to forego pleasures and conveniences, and to make sacrifices in order to meet the demands resulting from the present emergency; and

WHEREAS, The necessary contributions in taxes, for war bonds and for other war activities makes it necessary and desirable that all peace time activities and governmental functions and expenditures, both by the State and local government, not essential to the war effort, be reduced to a minimum; and

WHEREAS, This State is being called upon to aid municipalities, counties and districts during this emergency, and to assist in relieving the local taxpayers of and from the various and numerous burdens now imposed upon them; and

WHEREAS, It is the opinion of the members of this committee that the governing board of every county, municipality, and district in this State should eliminate every unnecessary activity and function, and should make a substantial reduction in their respective expenditures and in the taxes levied by them; and

WHEREAS, The State, county, municipal, and district governmental functions in numerous instances overlap and duplicate each other, and also duplicate jurisdiction and powers exercised by the Federal Government, resulting in a multiplicity of departments, boards, bureaus, commissions, and official governmental agencies requiring numerous comparable or identical reports, statements, and returns from citizens and taxpayers, with consequent harassment and vexation, and is a source of extravagance and expense increasing the annual tax bill by untold millions of dollars, the burden of which to a large extent is borne by local taxpayers; and

WHEREAS, It is essential that State, county, and municipal government be streamlined to wartime necessities, and that all duplication in services rendered by the various public agencies and entities be eliminated, and all boards, commissions, departments, and officers of State, county, municipalities, and districts not essential to necessary governmental functions and wartime necessities be eliminated, and that governing boards of municipalities, counties, and districts, as well as State boards, commissions, and departments reduce their respective cost of operation to a minimum; and

WHEREAS, It is desirable that this committee have presented to it information from the various governing boards of municipalities, counties, and districts throughout the State, and from each commission, board, and department of this State as to what functions, services, and expenditures can be eliminated for the duration, and where and how savings may be made and the burden of the taxpayer lightened; now, therefore, be it

*Resolved by the Committee on Governmental Efficiency of the Senate of the State of California.* That a request be made by each governing board of each municipality, county, city and county, and district throughout the State and each commission, board, and department of the State Government to furnish to this committee, prior to the fifteenth day of March, 1943, a detailed statement in writing, showing and disclosing what functions, services, and expenditures such governing board, commission, board, and department has eliminated, and what functions, services, and expenditures can be eliminated for the duration; and how or in what manner the costs and expense of any such municipality, county, district, commission, board, and department has been or can be reduced, and what tax reductions, if any, have been or can be made by any such governing board of any such city, county, city and county, or district for the duration; and be it further

*Resolved,* That the Director of Finance of the State of California furnish to this committee, on or before such date, a detailed list of each commission, board, and department which, in the opinion of said director, can be eliminated for the duration, or the functions and activities which can or should be curtailed, and what legislation should be enacted to streamline State Government to wartime necessities, and that each and all such governing boards, commissions, boards, and departments make such recommendations for curtailing governmental functions as in their opinion should be curtailed or dispensed with, and such recommendations as will result in a reduction in the cost of government of the various entities referred to; and be it further

*Resolved,* That this resolution be reported to the Senate of the State of California, and be printed in the Journal of such body, and that engrossed copies thereof be prepared by the Secretary of the Senate and forthwith transmitted to each commission, board, and department of the State Government, and to the governing board of each city, county, city and county, and district within the State; that the transmission of such copies of such resolution shall be deemed to be a request of such commissions, boards, departments of the State Government, and of such governing boards of each city, county, city and county, and district within the State to furnish the information herein requested.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above resolution reported ordered on file.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 384

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 290

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

## Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 368

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 309

Senate Bill No. 310

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 47

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 49

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 489

Assembly Bill No. 504

Has had the same under consideration, and reports the same back with recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 411

Senate Bill No. 419

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Amend, and do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 352

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 319

Assembly Bill No. 322

Assembly Bill No. 320

Assembly Bill No. 587

Assembly Bill No. 321

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 202

Assembly Bill No. 203

Assembly Bill No. 351

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 309**—An act to amend Section 86.2 of the State Civil Service Act, relating to oaths to be taken by persons in the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 310**—An act to add Section 150.5 to, and to amend Sections 150, 151, and 190, of the State Civil Service Act, relating to the payment of compensation earned and the computation of vacation and sick leave privileges, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 411**—An act to amend Section 19626.5 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 1, line 14, of the printed bill, following the second parenthesis in said line, insert a comma and "or so much thereof as may be necessary,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 419**—An act to authorize the Department of Finance to sell and dispose of certain parcels of real estate, belonging to the State of California, and described herein, declaring the urgency thereof, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 4 of the printed bill, between lines 37 and 38, insert:

"Sec. 2. Before any of the parcels of real property herein described are sold by the State, the Department of Finance shall advertise in a newspaper of general circulation in Sacramento, San Joaquin, San Francisco, and Los Angeles Counties for not less than five days, inviting prospective bidders to submit bids for any



part or all of said property. The Department of Finance may reject any and all bids if the prices offered are deemed by the department to be inadequate for said property."

**Amendment No. 2**

On page 4, line 38, of the printed bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 384**—An act to add Section 3.95 to the School Code and to add Section 8161 to the Education Code, relating to the maintenance of schools and classes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1 of the printed bill, strike out line 3; and, in line 4, strike out "war with any foreign power, the", and insert "3.95. The".

**Amendment No. 2**

On page 1, lines 5 and 6, of the printed bill, strike out ", and notwithstanding any law to the contrary,".

**Amendment No. 3**

On page 1, line 11, of the printed bill, insert  
"This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 4**

On page 1 of the printed bill, strike out all of line 14; and, in line 15, strike out "war with any foreign power, the", and insert "8161. The".

**Amendment No. 5**

On page 1, lines 16 and 17, of the printed bill, strike out ", and notwithstanding any law to the contrary,".

**Amendment No. 6**

On page 1, line 22, of the printed bill, insert  
"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 290**—An act to add Section 214 to the Revenue and Taxation Code, relating to the exemption from taxation of merchandise arrested by war conditions from actually continuing to move in interstate or foreign commerce, declaring the urgency thereof, and providing that this act take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended in the Senate on January 28, 1943, after "moving", strike out "or", and insert "and".

**Amendment No. 2**

On page 1, line 7, of the printed bill, as amended in the Senate on January 28, 1943, after "shall", strike out "while so moving".

**Amendment No. 3**

On page 1, line 19, of the printed bill, as amended in the Senate on January 28, 1943, after the period, following "state", insert "Nothing herein contained shall be construed to authorize or require the refund of any taxes heretofore paid."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 368**—An act to amend Section 185 of, and to add Section 186.5 to, the Streets and Highways Code, relating to expenditures for highway purposes, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 489**—An act to add a new section, to be numbered 14, to an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, and to add a new section, to be numbered 10, to an act entitled "An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands," approved April 22, 1937, relating to State lands, and extending time in respect to such lands, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 504**—An act to add Division 4.5, comprising Sections 6100 to 6149, inclusive, to the Labor Code, relating to benefits payable to employees of the State of California and their dependents, directly or through the medium of insurance, on account of injuries arising out of and occurring in the course of their employment, which injuries or resulting death are not compensable under the provisions of Division 4 of the Labor Code, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 352**—An act creating a special fund in the State Treasury for the deposit of restitutions received by the State from former recipients of relief under the provisions of the "California Unemployment Relief Act of 1935," making a transfer of funds to this fund, making an appropriation to the State Controller for continued collection of restitutions, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency.

**Amendment No. 1**

On page 1, line 16, of the printed bill, as amended, strike out line 16, and insert "sum of twenty-six thousand five hundred dollars (\$26,500)".

**Amendment No. 2**

On page 2 of the printed bill, as amended, strike out lines 1, 2, 3, 4, and 5, and insert "until June 30, 1943, to be used for the auditing and the".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 319**—An act to add Article 4 to Chapter 2, Division 5 of the Welfare and Institutions Code, to amend and renumber Section 3305 and to repeal Section 3261, relating to the revolving funds of the manufacturing departments of the Industrial Home for the Adult Blind, the San Diego Workshop and the Los Angeles Workshop for the Adult Blind, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 320**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 321**—An act to amend Section 3304 of the Welfare and Institutions Code, relating to the Los Angeles Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 322**—An act to amend Section 3304-5 of the Welfare and Institutions Code, relating to the San Diego Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 587**—An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 202**—An act to amend Sections 4, 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 203**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section, to be numbered 18.1 to, The Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 351**—An act to amend Section 8 of The Personal Income Tax Act and Section 17306 of the Revenue and Taxation Code, relating to war losses.

Bill read second time, and ordered to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE JOINT  
RESOLUTION NO. 22**

Senator Tenney moved that Assembly Joint Resolution No. 22 be withdrawn from Committee on Welfare and Institutions, for purpose of consideration.

Motion carried.

**Request for Unanimous Consent**

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 22, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 22**

**Assembly Joint Resolution No. 22**—Relative to memorializing the President and the Congress of the United States to amend the Federal Social Security Act in respect to earnings and other income of recipients of old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 770

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 23

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 770**—An act to increase production by providing for exemptions from various requirements relating to employment and working conditions of female employees essential to the war effort, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Labor.

**Assembly Joint Resolution No. 23**—Relative to memorializing Congress to enact Senate Bill 450 regarding compensation to civilians.

Referred to Committee on Military and Veterans Affairs.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 609:** By Senator Hatfield—An act to add Section 3308.5 to and to amend Sections 3304 and 3308 of the Health and Safety Code, relating to the expenditure of funds of tuberculosis wards and hospitals.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 610:** By Senator Hatfield—An act to add Chapter 4 to Part 3 of Division 6 of the School Code and to add Chapter 12 to Division 9 of the Education Code, relating to pupils of public and private schools engaged or employed in the planting, care, harvesting and processing of agricultural and other crops, making an appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 611:** By Senator Keating—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 612:** By Senator Slater—An act to amend Section 696 of the Political Code, relating to the Revolving Fund for State purchases.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 613:** By Senator Slater—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 614:** By Senator Slater—An act to amend Section 675.1 of the Political Code, relating to the approval of salaries by the Department of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 615:** By Senator Keating—An act to amend Sections 5003.5 and 5014 of the Public Resources Code, relating to the powers of the State Park Commission, and providing the manner in which the moneys in the State Park Maintenance and Acquisition Fund may be expended.

Referred to Committee on Natural Resources.

**Senate Bill No. 616:** By Senator Burns—An act to add Sections 70.5 and 70.6 to the Penal Code, relating to the soliciting or receiving of funds or gifts by State officers or employees.

Referred to Committee on Judiciary.

**Senate Bill No. 617:** By Senator Burns—An act to amend Section 301 of the Agricultural Code, relating to meat inspection.

Referred to Committee on Agriculture.

**Senate Bill No. 618:** By Senator Engle—An act to add Section 4.925 to the School Code and to add Section 7305 to the Education Code, relating to the average daily attendance of high school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 619:** By Senator Rich—An act to amend Sections 2, 3, and 4 of, and to add Sections 5 and 6 to an act entitled "An act providing for the designation of money in the State Treasury as surplus money, authorizing the investment and reinvestment of such money in certain classes of bonds, directing the disposal of interest or premium received therefrom and permitting the subsequent sale or exchange of the bonds so purchased," approved June 10, 1913, relating to the investment of money in the State Treasury.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 620:** By Senator Shelley—An act making an appropriation for the purchase of land for the San Francisco State College.

Referred to Committee on Education.

**Senate Bill No. 621:** By Senators Ward, Quinn, Shelley, Burns, Duell, Swan, and Salsman—An act making an appropriation for the support of the State colleges.

Referred to Committee on Education.

**Senate Bill No. 622:** By Senator Ward—An act making an appropriation for the purchase of land for the Santa Barbara State College.

Referred to Committee on Education.

**Senate Bill No. 623:** By Senator Rich—An act to amend Sections 10036 and 10551 of the Health and Safety Code, relating to vital statistics certificates.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 624:** By Senator Jespersen—An act to provide for an excise tax on the use of fuel, to be used to defray the principal and interest payments on bonds under the Rehabilitation Bond Act of 1943.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 625:** By Senator Jespersen—An act creating the State Farm Finance Commission and County Farm Finance Committee to facilitate the sale and purchase of agricultural lands in this State, prescribing the method of operation and making an appropriation to carry out the provisions hereof.

Referred to Committee on Agriculture.

**Senate Bill No. 626:** By Senator Jespersen—An act to amend Section 6 of the Farm Finance Act of 1939, relating to financing and refinancing of farm obligations.

Referred to Committee on Agriculture.

**Senate Bill No. 627:** By Senator Dillinger—An act to amend Section 531 of the Fish and Game Code, relating to dams.

Referred to Committee on Fish and Game.

**Senate Bill No. 628:** By Senator Dillinger—An act to amend Section 1031 of the Fish and Game Code, relating to private fish hatcheries.

Referred to Committee on Fish and Game.

**Senate Bill No. 629:** By Senator Dillinger—An act to amend Sections 619.5 and 620 of the Fish and Game Code, relating to bag limits and to lake fishing.

Referred to Committee on Fish and Game.

**Senate Bill No. 630:** By Senator Donnelly—An act to amend Sections 1300.15, 1300.16 and 1300.19 of the Agricultural Code, relating to the marketing of agricultural commodities.

Referred to Committee on Agriculture.

**Senate Bill No. 631:** By Senator Donnelly—An act to amend Section 25.1 of the Agricultural Prorate Act, relating to changes in proration zone boundaries.

Referred to Committee on Agriculture.

**Senate Bill No. 632:** By Senator Donnelly—An act to amend Section 5 of the Agricultural Prorate Act, relating to meetings of the Agricultural Prorate Advisory Commission.

Referred to Committee on Agriculture.

**Senate Bill No. 633:** By Senator Donnelly—An act to amend Sections 15 and 18 of the Agricultural Prorate Act, relating to the selection and appointment of marketing program committee members, their terms and duties.

Referred to Committee on Agriculture.



**Senate Bill No. 634:** By Senator Donnelly—An act to amend Sections 18.1 and 19.1 of the Agricultural Prorate Act, relating to hearings on marketing program modifications and to functions of program committees under marketing programs.

Referred to Committee on Agriculture.

**Senate Bill No. 635:** By Senator Donnelly—An act to amend Section 21 of the Agricultural Prorate Act, relating to the disposition of funds collected under market programs.

Referred to Committee on Agriculture.

**Senate Bill No. 636:** By Senator Donnelly—An act to add Section 21.1 to the Agricultural Prorate Act, relating to proceedings for the collection of fees.

Referred to Committee on Agriculture.

**Senate Bill No. 637:** By Senator Donnelly—An act to add a new section, to be numbered 25.2, to the Agricultural Prorate Act, relating to a periodic referendum.

Referred to Committee on Agriculture.

**Senate Bill No. 638:** By Senator Donnelly—An act to repeal Section 12108 of the Business and Professions Code, relating to the construction and installation of heavy duty scales.

Referred to Committee on Business and Professions.

**Senate Bill No. 639:** By Senator Donnelly—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat by weight at time of sale.

Referred to Committee on Business and Professions.

**Senate Bill No. 640:** By Senator Donnelly—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of the Business and Professions Code, relating to public weighmasters.

Referred to Committee on Business and Professions.

**Senate Bill No. 641:** By Senator Luckey—An act to amend the California Irrigation District Act by amending Sections 7, 61, and 109a, relating to irrigation districts, including provisions relating to the changing of the name of an irrigation district, the issuance of warrants by an irrigation district, officers and the consolidation of offices of an irrigation district.

Referred to Committee on Water Resources.

**Senate Bill No. 642:** By Senator Luckey—An act to amend Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amendatory thereof and supplemental to the California Irrigation District Act and to the borrowing of funds and issuance of warrants and securities by irrigation districts.

Referred to Committee on Water Resources.



**Senate Bill No. 643:** By Senator Luekey—An act to amend the title and Section 4 and to repeal Sections 4c and 4d of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the government, operation, and functions of irrigation districts of an area of over 500,000 acres.

Referred to Committee on Water Resources.

**Senate Bill No. 644:** By Senator Luekey—An act to amend Section 1 of an act entitled "An act to provide for the change of name of irrigation districts," approved April 6, 1929, relating to the title that may be adopted as a part of the name of an irrigation district.

Referred to Committee on Water Resources.

**Senate Bill No. 645:** By Senator Luekey—An act to amend an act entitled "An act creating the California Districts Securities Commission, providing for its appointment, and defining its duties and powers, relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, State school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized, providing that certain districts may be declared insolvent, and providing for the administration of insolvent districts, making an appropriation, to carry out the purposes of the act, and repealing an act entitled 'An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, State school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized,' approved June 13, 1913, and as amended," by amending Section 4 thereof, relating to the certification of bonds, and investigations and reports relating thereto.

Referred to Committee on Water Resources.

**Senate Bill No. 646:** By Senator Luekey—An act to add Section 887 to the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

**Senate Bill No. 647:** By Senator Ward—An act making an appropriation for the acquisition of real property for the Santa Barbara State College.

Referred to Committee on Education.

**Senate Bill No. 648:** By Senator Ward—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 649:** By Senator Slater—An act granting to the County of Sonoma certain lands of the State of California located in the County of Sonoma, upon certain trusts and conditions.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 650:** By Senator Salsman—An act to add Section 3.735-3 to the School Code and to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

Referred to Committee on Education.

**Senate Bill No. 651:** By Senator Salsman—An act to amend Sections 5.21 and 5.94 of the School Code and to amend Sections 20343, 20344 and 20461 of the Education Code, relating to summer sessions of the State colleges, making an appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 652:** By Senator Salsman—An act to amend Section 3.816 of the School Code and to amend Section 10624 of the Education Code, relating to credit hours of junior college work.

Referred to Committee on Education.

**Senate Bill No. 653:** By Senator Salsman—An act to add Section 2.1361-1 to the School Code and to add Section 174.1 to the Education Code, relating to the Director of Education.

Referred to Committee on Education.

**Senate Bill No. 654:** By Senator Salsman—An act to amend Section 2.1412 of the School Code and to amend Section 144 of the Education Code, relating to the Deputy Superintendent of Public Instruction.

Referred to Committee on Education.

**Senate Bill No. 655:** By Senator Tenney—An act amending an act entitled "An act to provide emergency unemployment relief through State loans in aid of counties and municipalities administering such relief; providing for the issue of bonds, and making appropriations for such purposes and declaring the urgency thereof," approved April 29, 1933, by adding thereto one new section, to be Section 23½ thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 656:** By Senator Gordon—An act to amend Section 6816 and to repeal Section 6817 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund.

Referred to Committee on Natural Resources.

**Senate Bill No. 657:** By Senator Tenney—An act to add Section 6706 to the Business and Professions Code, relating to civil engineers employed by the State.

Referred to Committee on Business and Professions.

**Senate Bill No. 658:** By Senator Engle—An act to amend Section 500 of the Vehicle Code, relating to negligent homicide and adding a new section, to wit: 500.5, to the Vehicle Code, relating to the crime of involuntary homicide.

Referred to Committee on Transportation.

**Senate Bill No. 659:** By Senator Tenney—An act to repeal Sections 3550.5, 3562, 3651, 3659, 3660 and 3661 of, to amend Sections 3441, 3550, 3652, 3653, 3654, 3655, 3656, 3657 and 3658 and the title of Chapter 6, Part 6, Division 1 of, and to add Sections 3651 and 3659 to the Revenue and Taxation Code, relating to property taxation including the control of tax-deeded property and the proceeds therefrom and the transference of control over such tax-deeded property from the State Controller to the boards of supervisors of the various counties.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 660:** By Senator Tenney—An act to add Sections 3695.4, 3695.5, 3774 and 3775, and to amend Sections 3705 and 3773 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 661:** By Senator Tenney—An act to add Sections 1513, 2026, and 3027 to the Welfare and Institutions Code relating to county refunds to the State for aid furnished.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 662:** By Senator Tenney—An act amending Section 2 of the Subdivision Map Act relating to improvements in subdivisions.

Referred to Committee on Business and Professions.

**Senate Bill No. 663:** By Senator Tenney—An act amending Section 11511 of the Business and Professions Code, relating to improvements in subdivisions.

Referred to Committee on Business and Professions.

**Senate Bill No. 664:** By Senators Keating, Deuel, Gordon, Swan, and Carter—An act to include in the State Civil Service all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 665:** By Senator Dorsey—An act to add Section 10977 to the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.



**Senate Bill No. 666:** By Senator Dorsey—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 667:** By Senator Dorsey—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Referred to Committee on Local Government.

**Senate Bill No. 668:** By Senator DeLap—An act to amend Section 7403 of the Revenue and Taxation Code relating to the motor vehicle fuel license tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 669:** By Senator DeLap—An act to amend Section 6381 of the Revenue and Taxation Code, relating to the sales tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 670:** By Senator DeLap—An act to amend Section 6564 of the Revenue and Taxation Code, relating to the use tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 671:** By Senator DeLap—An act to amend Section 8604 of the Revenue and Taxation Code, relating to the use fuel tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 672:** By Senator Swing—An act to add Section 38dd and amend Section 38e of the Alcoholic Beverage Control Act, relating to rules and regulations for the orderly wholesaling of beer, and also relating to price posting.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 673:** By Senator Engle—An act to amend Section 1293 of the Fish and Game Code, relating to damage to crops by animals and the taking of such animals.

Referred to Committee on Fish and Game.

**Senate Bill No. 674:** By Senator Carter—An act to amend Section 190 of the Penal Code, relating to the punishment for murder.

Referred to Committee on Judiciary.

**Senate Bill No. 675:** By Senator Carter—An act to amend Section 1239 of the Penal Code, relating to persons convicted of the commission of crime.

Referred to Committee on Judiciary.

**Senate Bill No. 676:** By Senators Carter and Keating—An act to amend the title of Chapter 1 of Title 5 of Part 3 of the Penal Code and to add Section 4502 to the Penal Code, relating to possession of deadly weapons by prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 677:** By Senators Carter and Keating—An act to add Section 2061 to the Penal Code and to amend Sections 2762 of the



Penal Code and to repeal Section 2783 of the Penal Code, relating to the escape of prisoners.

Referred to Committee on Judiciary.

**Senate Bill No. 678:** By Senators Carter and Keating—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Referred to Committee on Judiciary.

**Senate Bill No. 679:** By Senators Carter and Keating—An act to amend Section 2521 of the Penal Code, relating to prison employees appointed by the wardens.

Referred to Committee on Judiciary.

**Senate Bill No. 680:** By Senator Keating—An act to authorize the State Board of Prison Directors to establish a prison farm and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 681:** By Senator Carter—An act to amend Sections 65e and 78 of the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 682:** By Senator Carter—An act to add Chapter 4 comprising Sections 13801 to 13820, inclusive, to Part 2 of Division 12 of the Health and Safety Code, relating to the storage of gasoline, naphtha, distillate, and other volatile or inflammable petroleum products.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 683:** By Senator Deuel—An act providing for the sale of land belonging to the State of California.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 684:** By Senator Deuel—An act making an appropriation for the purchase of land for the Chico State College.

Referred to Committee on Education.

**Senate Bill No. 685:** By Senator Biggar—An act to validate certain acts of counties, cities and counties and of their officers, relating to taxation of property.

Referred to Committee on Judiciary.

**Senate Bill No. 686:** By Senator Salsman—An act to amend Section 1034 of the Political Code.

Referred to Committee on Judiciary.

**Senate Bill No. 687:** By Senator Salsman—An act to amend Section 13 of the Code of Civil Procedure.

Referred to Committee on Judiciary.

**Senate Bill No. 688:** By Senator Salsman—An act to amend Sections 7304, 7305, 7306, 7351, 7403, 7405, 7406, 7651, 7652, 7653, 7654, 7676, 7677, 7678, 7702, 7704, 7728, 7729, 7730, 7752, 7754, 7851, 7852, 7853, 7891, 7893, 7894, 7895, 7916, 7931, 7933, 7934, 7935, 7981, 7982,

8351, 8352, and Sections ..... and repeal Sections ..... of the Revenue and Taxation Code.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 689:** By Senator Salsman—An act to amend Sections 8603, 8604, 8607, 8652 and Sections ..... of the Revenue and Taxation Code.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 690:** By Senator Crittenden—An act to amend Section 1526 of the Welfare and Institutions Code, relating to the residence of needy children.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 691:** By Senator Crittenden—An act to amend Section 1552.5, 2220 and 3078.5 of the Welfare and Institutions Code, relating to reports to the State Department of Social Welfare with respect to the suspension of grants of aid.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 692:** By Senator Salsman—An act making an appropriation for the purchase of land by the Director of Institutions.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 693:** By Senator Swan—An act to add Sections 2.1440-1 and 2.1440-2 to the School Code and to add Sections 186.5 and 186.6 to the Education Code, relating to the Department of Education, including the divisions, officers, and employees thereof.

Referred to Committee on Education.

**Senate Bill No. 694:** By Senator Burns—An act to add Section 53.65 to the Alcoholic Beverage Control Act, relating to single trip beer bottles.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 695:** By Senator Burns—An act to add Section 38.3 to the Alcoholic Beverage Control Act, relating to credit rules and regulations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 696:** By Senator Burns—An act to add Section 53.55 to the Alcoholic Beverage Control Act, relating to containers and cartons.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 697:** By Senator Burns—An act to add Section 59.6 to the Alcoholic Beverage Control Act, relating to closing hours.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 698:** By Senators Burns and Powers—An act to add Chapter 4, consisting of Sections 28000 to 28004, inclusive, to Division 21 of the Health and Safety Code, relating to horse meat.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 699:** By Senator Seawell—An act to add Section 1407 to the Elections Code, relating to the initiative.

Referred to Committee on Elections.

**Senate Bill No. 700:** By Senator Jespersen—An act to promote the orderly process of rehabilitation following the present war and for that purpose authorizing the issuance and sale of bonds of this State and creating a commission to supervise such issuance and sale, providing for the ratification of this act by the people and making an appropriation to carry out the purposes hereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 701:** By Senators Tenney and Burns—An act relating to the National Flag and the Flag of the State of California, and other flags.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 702:** By Senator Salsman—An act to repeal Chapter 2, comprising Sections 13201 to 13454, inclusive, of Part 2 of Division 11 of the Health and Safety Code, relating to clothes cleaning establishments.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 703:** By Senator Hatfield—An act to amend Section 423 of and to add Section 622 to the Streets and Highways Code, relating to the State highway routes.

Referred to Committee on Transportation.

**Senate Bill No. 704:** By Senator Parkman—An act to add Section 19538.5 to the Business and Professions Code, relating to horse racing, providing for the allocation of racing days.

Referred to Committee on Business and Professions.

**Senate Bill No. 705:** By Senators Breed, Gordon, Biggar, and McCormack—An act to add Section 9603.6 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 706:** By Senator Breed—An act to add Chapter 3.3 to Part 6, Division 1 of the Revenue and Taxation Code, relating to real property taxes, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 707:** By Senator Breed—An act to amend Sections 1, 2, 4 and 23 and to repeal Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate of tax and to credits for personal property taxes paid.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 708:** By Senator Breed—An act to amend Section 3 of the Corporation Income Tax Act of 1937 relating to credits for personal property taxes paid.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 709:** By Senator Parkman—An act to amend Sections 13001, 13311 and 13389 of the Health and Safety Code, relating to clothes cleaning establishments.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 710:** By Senator Parkman—An act to amend Section 13026 of the Health and Safety Code, relating to the authority of the State Fire Marshal over fire equipment.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 711:** By Senator Parkman—An act to amend Sections 13611 and 13686 of the Health and Safety Code, relating to spotting, sponging and pressing establishments.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 712:** By Senators Breed, Gordon, Biggar, and McCormack—An act to add Section 1.5 to the Highway Carriers' Act, relating to highway carriers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Utilities.

**Senate Bill No. 713:** By Senators Breed, Gordon, Biggar, and McCormack—An act to add Section 1.5 to the City Carriers' Act, relating to city carriers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Utilities.

**Senate Bill No. 714:** By Senator Powers—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 715:** By Senators Mixter, Cunningham, Dorsey, Gordon, Burns, and Hatfield—An act making an appropriation to the University of California to be expended for an investigation of the control of Pierce's disease of grapevines in California, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Education.

**Senate Bill No. 716:** By Senator Powers—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations or construction of school buildings or equipment.

Referred to Committee on Judiciary.

**Senate Bill No. 717:** By Senator Powers—An act to amend Section 75 of the Unemployment Insurance Act, relating to the abolishment of



the California Employment Commission and the creation of the California Employment Stabilization Commission.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 718:** By Senators Breed and Tenney—An act to release The Regents of the University of California from all obligations assumed by said The Regents of the University of California pursuant to the provisions of Sections 1, 2 and 3 of an act entitled, "An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the Chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said The Regents, the Chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately." approved May 31, 1929, assenting to the conveyance to the State of California by The Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State.

Referred to Committee on Education.

**Senate Bill No. 719:** By Senator Swan—An act to amend Section 5.1103 of the School Code and to amend Section 14722 of the Education Code, relating to district retirement benefits.

Referred to Committee on Education.

**Senate Bill No. 720:** By Senator Fletcher—An act to add Section 79 to the Penal Code, relating to officers and employees of the State Board of Equalization, their powers and duties, and prescribing penalties for violation of the provisions hereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 721:** By Senators Quinn, Tenney, DeLap, Luckey, and Powers—An act to amend Sections 132, 5901 and 5931 of the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Referred to Committee on Elections.

**Senate Bill No. 722:** By Senators Quinn, Tenney, DeLap, Luckey, and Powers—An act to amend Section 800 of the Military and Veterans Code, relating to veterans.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 723:** By Senators Quinn, Tenney, DeLap, Luckey, and Powers—An act to add Section 3515.5 to the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 724:** By Senator Quinn—An act making an appropriation for the purchase of land for the Humboldt State College.

Referred to Committee on Education.

**Senate Bill No. 725:** By Senator Quinn—An act to repeal Section 5.63 of the School Code, and to repeal Section 20431 of the Education Code, relating to the admission of persons not residents of California to the State colleges.

Referred to Committee on Education.

**Senate Bill No. 726:** By Senator Quinn—An act to amend Section 4041.11 of the Political Code, relating to control of dogs and predatory animals.

Referred to Committee on Local Government.

**Senate Bill No. 727:** By Senators Quinn, Biggar, Collier, and Crittenden—An act making an appropriation to the emergency fund specified in Item----- of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Referred to Committee on Transportation.

**Senate Bill No. 728:** By Senator Quinn—An act making an appropriation for work of flood control, improvement of navigation, channel rectification, and the repair and restoration of property damaged by flood waters of rivers and streams, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 729:** By Senator Quinn—An act making an appropriation for the acquisition, development and maintenance of parks in Humboldt County for public use.

Referred to Committee on Natural Resources.

**Senate Bill No. 730:** By Senator Quinn—An act making an appropriation for the payment of the claims of the Departmental Accounting Officer of the Department of Finance against the State of California.

Referred to Committee on Fish and Game.

**Senate Bill No. 731:** By Senator Quinn—An act to amend Section 5014 of the Public Resources Code, relating to the State Park Maintenance and Acquisition Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 732:** By Senator Quinn—An act to amend Section 5010 of the Public Resources Code, relating to the State Park Maintenance Fund.

Referred to Committee on Natural Resources.

**Senate Bill No. 733:** By Senator Quinn—An act making an appropriation to be expended under the direction of the Governor to effectuate the purposes of the California State War Powers Act, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 734:** By Senator Swing—An act to amend Sections 2½ and 50½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission Fund' and appropriating the moneys therein to carry out the provisions of this act and repealing Title 15 of Part 4 of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to the definition of and regulation of passenger stage corporations.

Referred to Committee on Public Utilities.

**Senate Bill No. 735:** By Senator Swan—An act to add Section 22.1 to the Labor Code, relating to certain contracts concerning minors.

Referred to Committee on Labor.

**Senate Bill No. 736:** By Senator Swan—An act to amend Section 1590 of the Labor Code, relating to bonds of employment agencies.

Referred to Committee on Labor.

**Senate Bill No. 737:** By Senator Swan—An act to amend Section 2350 of the Labor Code, relating to sanitary conditions of factories and other places of employment.

Referred to Committee on Labor.

**Senate Bill No. 738:** By Senator Swan—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately.

Referred to Committee on Finance.

**Senate Bill No. 739:** By Senator Swan—An act to amend Section 96 of the Labor Code, relating to the powers of the Labor Commissioner with relation to assignments.

Referred to Committee on Labor.

**Senate Bill No. 740:** By Senator Swan—An act to add Section 1,224 to the School Code and Section 16735 to the Education Code, relating to certain contracts concerning minors.

Referred to Committee on Education.

**Senate Bill No. 741:** By Senator Swan—An act to amend Section 2352 of the Labor Code, relating to conditions of places of employment.

Referred to Committee on Labor.

**Senate Bill No. 742:** By Senator Donnelly—An act to provide for uniform blackout and dimout regulations throughout the State, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Joint Resolution No. 15:** By Senator Dillinger—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain lands by the United States.

Referred to Committee on Local Government.

#### Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 24, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 24

**Assembly Joint Resolution No. 24**—Relative to the growing shortage of motor truck transportation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—23.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### RESOLUTIONS

The following resolution was offered:

By Senator Rich:

#### Senate Resolution No. 50

Relating to meetings of the Senate Committee on Revenue and Taxation

*Resolved by the Senate of the State of California,* That the Senate Committee on Revenue and Taxation is hereby authorized to meet during any recess of the Regular Session of the Fifty-fifth Legislature, at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and be it further

*Resolved,* That except as otherwise expressly provided in this resolution, all of the powers conferred upon a committee by Rule 35 of the Joint Rules of the Assembly and Senate are hereby conferred upon the Senate Committee on Revenue and Taxation; and be it further



*Resolved*, That the sum of two thousand five hundred dollars (\$2,500) is hereby made available to the Senate Committee on Revenue and Taxation from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of any records and transcripts, and an allowance of eight dollars (\$8) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents (\$0.05½) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and Rule 35 of the Joint Rules of the Assembly and Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senators Swan, Biggar, Salsman, and Jespersen:

#### Senate Resolution No. 51

Relative to the creation of a Committee to Investigate the Establishment of Nursery Schools and Child Care Centers

WHEREAS, The necessity of war production has made it essential in many instances that both parents be employed and children are consequently left uncared for, or the parents are put to unwarranted expenses to provide for their care; and

WHEREAS, Many plans for caring for these children have been proposed; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a committee to investigate the need for and all problems connected with the establishment and operation of child care centers and nursery schools for children of working parents; and be it further

*Resolved*, That said committee shall consist of three Members of the Senate; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon Legislative Committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To make a complete study, survey, and investigation of all matters connected with any phase of the subject of this resolution;

(2) To meet at any place within the State in public or executive session;

(3) To adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To employ such clerical, technical, engineering, or professional assistants as may be necessary to carry out its purposes;

(6) To hold public hearings at any place in California;

(7) To meet at any time during the Fifty-fifth Session of the Legislature or any recess thereof and after the final adjournment thereof;

(8) To report its findings to the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate, or other officers designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That the Department of Education and every other department, commission, board, agency, officer, and employee of the State Government and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records, and documents as the committee

deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; provided, however, that no member of said committee shall be entitled to receive expenses or mileage during the sessions of the Legislature, except such expenses and mileage as shall be incurred during the constitutional recess.

Resolution read, and referred to Committee on Rules.

By Senator Biggar:

**Senate Resolution No. 52**

**Relative to Interim Committee on the Study of Public Education**

WHEREAS, The people of California have demonstrated their interest in education by establishing and supporting an excellent system of public schools; and

WHEREAS, It is in the best interest of the public welfare that representatives of the people examine from time to time the manner in which the public schools are discharging their obligations; and

WHEREAS, An examination of the organization and administration of public education may show ways and means by which funds appropriated therefor may be utilized to yield higher returns; now, therefore, be it

*Resolved by the Senate of the State of California*, That a committee to be designated "The Senate Interim Committee on Public Education" consisting of three members to be appointed by the Committee on Rules of the Senate is hereby created, with which the Superintendent of Public Instruction shall cooperate. The committee is hereby authorized to gather, study, assemble, and analyze facts relating to any phase of the matter specified in this resolution, with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to bring about and assure the best possible system of public education consonant with costs.

To this end the committee should make a study, survey, or investigation of any phase of the subject of this resolution, including but not limited to the operation, effect, administration, and enforcement of laws bearing upon or relating to the subject of this resolution.

The committee may act during this session of the Legislature, including any recesses thereof and after final adjournment and may report its findings and recommendations to the Senate and to the people from time to time and at any time, and make its final report to the Senate at the Fifty-sixth Session of the Legislature on or before January 15, 1945; and be it further

*Resolved*, That the committee shall have and exercise all the powers, duties, and privileges conferred upon committees by Rule No. 35 of the Joint Rules of the Senate and Assembly for the Fifty-fifth Legislature (and the provisions of said rule as they exist on the adoption of this resolution are, to the extent not inconsistent with this resolution, hereby incorporated herein and made a part hereof as though set forth in full in this resolution); and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the

Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

**Senate Bill No. 150**—An act providing for substitution of fiduciaries during wartime, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 473**—An act to amend Section 3519 of the Political Code, relative to the issuance of patents by the State.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 2 of the title of the printed bill, strike out the period, and insert ", declaring the urgency of this act, to take effect immediately."

##### Amendment No. 2

On page 1, line 9, of the printed bill, after "register", insert ", upon the surrender of the certificate of purchase,".

##### Amendment No. 3

On page 1, line 16, of the printed bill, after "to", insert "the benefit of".

##### Amendment No. 4

On page 1 of the printed bill, after line 17, insert  
"If the certificate of purchase has been lost or destroyed, or is beyond the control of the owner of the land, the register may require said owner to furnish an affidavit as to the loss of the certificate of purchase or as to his inability to surrender same. The register may, upon finding the facts stated in such affidavit to be true, thereupon prepare the patent for issuance as hereinabove provided.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act will permit patents to be issued for the lands specified therein without the surrender of the certificates of purchase. In many instances the certificates have been lost or mislaid, and can not be surrendered, and as a result the patents can not now be issued. The inability to obtain patents prevents the transfer of the lands, many of which are lands suitable for the grazing of live stock, into the hands of persons who will use them for that purpose. A severe shortage of meat exists, which menaces the health of the civilian population. When this act becomes effective, the lands affected can be transferred to persons who will use them for grazing live stock, and as a result the production of meat will be increased, and the health of the people of the State protected. It is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 307**—An act to add Chapter 3 to Part 3 of Division 6 of the School Code and to add Chapter 11 to Division 9 of the Education Code, relating to child care centers, declaring the urgency thereof, to take effect immediately.



**Motion to Amend**

Senator Jespersen moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, between lines 37 and 39, insert

"6785.5. Children shall be accommodated at such child centers only during the hours in which the person or persons having custody of such children are at work or unable to care for such children for any reason connected with such work."

**Amendment No. 2**

On page 5 of the printed bill, between lines 32 and 34, insert

"19606.5. Children shall be accommodated at such child centers only during the hours in which the person or persons having custody of such children are at work or unable to care for such children for any reason connected with such work."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 341**—An act to add Section 2183.9 to the Welfare and Institutions Code, relating to aid to the aged, and declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 412**—An act to add Section 1760.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, authorizing the authority to require persons committed thereto to perform work on certain public projects, and to make contracts in relation thereto, and making an appropriation, to take effect immediately.

Bill read second time, and ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Donnelly asked for, and was granted, unanimous consent to take up Assembly Bill No. 412, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 412****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Donnelly:

*Resolved*, That Assembly Bill No. 412 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 412**—An act to add Section 1760.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, authorizing the authority to require persons committed thereto to perform work on certain public projects, and to make contracts in relation thereto, and making an appropriation, to take effect immediately.

Bill read third time.



**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 412:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 18, 1943

*To the Honorable Members of the Senate, Sacramento, California*

GENTLEMEN:

**ASSEMBLY BILL No. 412**

"An act to add Section 1760.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, authorizing the Authority to require persons committed thereto to perform work on certain public projects, and to make contracts in relation thereto, and making an appropriation, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 412, as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted,

**EARL WARREN, Governor of California**

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Eagle, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Eagle, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**President Pro Tempore of the Senate Presiding**

At 5 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**REQUEST FOR UNANIMOUS CONSENT**

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 202, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 202****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 202 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 202**—An act to amend Sections 4, 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 203, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 203

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 203 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 203**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section to be numbered 18.1 to, The Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Hatfield, Jespersen, Judah, Luckey,

McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 351, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 351

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 351 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Hatfield, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.  
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 351**—An act to amend Section 8 of The Personal Income Tax Act and Section 17306 of the Revenue and Taxation Code, relating to war losses.

Bill read third time.

##### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Hatfield, Jepsen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Hatfield, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator McCormack asked for, and was granted, unanimous consent to take up Assembly Bill No. 587, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 587

## Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Assembly Bill No. 587 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 587**—An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately.

Bill read third time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 587:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 21, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

## ASSEMBLY BILL NO. 587

"An act to make an appropriation for construction, improvements and equipment of the California Maritime Academy, declaring the urgency of this act, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 587 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Tenney, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.



**CONSIDERATION OF DAILY FILE**  
**THIRD READING OF SENATE BILLS**

**Senate Bill No. 452**—An act to add Section 4132.5 to the Business and Professions Code, relating to licentiate in pharmacy.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Powers asked for, and was granted, unanimous consent to take up Senate Bill No. 309, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 309**

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Powers:

*Resolved*, That Senate Bill No. 309 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 309**—An act to amend Section 86.2 of the State Civil Service Act, relating to oaths to be taken by persons in the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Senate Bill No. 310, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 310

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Powers:

*Resolved*, That Senate Bill No. 310 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.  
**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 310**—An act to add Section 150.5 to, and to amend Sections 150, 151, and 190 of, the State Civil Service Act, relating to the payment of compensation earned and the computation of vacation and sick leave privileges, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

##### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.  
**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Mixter asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 24, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 24**

**Senate Concurrent Resolution No. 24**—Relative to child care, and the employment of mothers of young children.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Mixter asked for, and was granted, unanimous consent to take up Senate Resolution No. 47, at this time, for consideration.

**CONSIDERATION OF SENATE RESOLUTION NO. 47****Senate Resolution No. 47**

Relating to meetings of the Senate Committee on Finance

*Resolved by the Senate of the State of California*, That the standing Committee on Finance of the Senate is hereby authorized to meet during any recess of the Regular Session of the Fifty-fifth Legislature, at the State Capitol, or elsewhere in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and be it further

*Resolved*, That except as otherwise expressly provided in this resolution, all of the powers conferred upon a committee by Rule 35 of the Joint Rules of the Assembly and Senate are hereby conferred upon the standing Committee on Finance of the Senate; and be it further

*Resolved*, That the sum of two thousand five hundred dollars (\$2,500) is hereby made available to the standing Committee on Finance of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of any records and transcripts, and an allowance of ten dollars (\$10) per day (in lieu of expenses for living accommodation and meals) and five and one-half cents (\$0.05) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and Rule 35 of the Joint Rules of the Assembly and Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

**MESSAGES FROM THE ASSEMBLY**

**ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943**

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day amended, and passed, as amended:

**Senate Concurrent Resolution No. 13**

And respectfully requests your honorable body to concur in said amendments.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Concurrent Resolution No. 13**—Relative to a Fact-Finding Committee on the labor supply for agricultural and industrial enterprises, and defining its powers and duties.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 13?

**Amendment No. 1**

On page 1, line 20, of the printed bill, after the word "four", in strikeout type, strike out "two", and insert "three".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 13 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above resolution ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Ward asked for, and was granted, unanimous consent to take up Senate Bill No. 150, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 150****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Ward:

*Resolved*, That Senate Bill No. 150 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 150**—An act providing for substitution of fiduciaries during wartime, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Jespersen, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Labor

SENATE CHAMBER, SACRAMENTO, JOURNAL 29, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 770

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BIGGAR, Chairman

## REQUEST FOR UNANIMOUS CONSENT

Senator Biggar asked for, and was granted, unanimous consent to take up Assembly Bill No. 770, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 770

### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Biggar:

*Resolved*, That Assembly Bill No. 770 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time, amended, and placed upon third reading file.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 770**—An act to increase production by providing for exemptions from various requirements relating to employment and working conditions of female employees essential to the war effort, declaring the urgency thereof, to take effect immediately.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

#### Amendment No. 1

On page 3, line 37, of the printed bill, after the first "at" insert "or for".

#### Amendment No. 2

On page 3 of the printed bill, strike out lines 50, 51, and 52; and lines 1, 2, 3, and 4, on page 4; and insert "as herein provided. Such State department shall within 15 days after filing of the employer's application recommend the issuance or

denial of such a permit. If it recommends the issuance of such a permit, it shall incorporate the terms and conditions upon which it is recommended that the permit be issued. After receipt of the recommendation from the State department concerned, the Governor, within five days after he receives such recommendation from the State department, at his discretion shall either issue or deny the permit requested. If the permit is denied it shall thereafter be illegal to employ females in excess of the existing statutory limits. If a permit is issued, the Governor shall include the terms and conditions within the permit."

**Amendment No. 3**

On page 4 of the printed bill, strike out lines 11 and 12, and insert "or modify any permit. Upon proof".

**Amendment No. 4**

On page 4, line 14, of the printed bill, after "violated", strike out "wilfully such department", and insert "the department which recommended the issuance of said permit".

**Amendment No. 5**

On page 4, line 23, of the printed bill, after "pay", insert "or working conditions".

**Amendment No. 6**

On page 4, line 24, of the printed bill, strike out "by the Industrial Welfare Commission", and insert "pursuant to law by any State department".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**ADJOURNMENT**

At 6.18 p.m., on motion of Senator Swing, the President pro tempore declared the Senate adjourned until 2.15 p.m., Saturday, January 30, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY

TWENTY-SEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, January 30, 1943

The Senate met at 2.15 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Swan.

Senator Burns, on motion of Senator Tenney.

Senator Dillinger, on motion of Senator Swing.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph A. Passqualetti of San Francisco and Hayward, and A. Cogliandio of San Francisco.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 12

Senate Concurrent Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By BRUCE ALLEN, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 30  
Senate Bill No. 180

Senate Bill No. 301  
Senate Bill No. 452

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Concurrent Resolution No. 17

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Concurrent Resolution No. 17**—Relative to the creation of a Joint Committee to Investigate the Water Situation at Needles and Vicinity.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 17?

**Amendment No. 1**

On page 2, line 22, of the printed bill, following "three", strike out "two", and insert "three".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 17 by the following vote:

AYES—Senators Carter, Crittenden, DeLap, Deuel, Engle, Gordon, Hatfield, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—23.

NOES—None.

Above resolution ordered enrolled.

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 15  
Senate Bill No. 49  
Senate Bill No. 98

Senate Bill No. 151  
Senate Bill No. 152

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 147  
Senate Bill No. 80

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk



## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Bill No. 80**—An act to amend Sections 10600, 10602, 10603, 10604, and 10607 of the Health and Safety Code, relating to proceedings to establish records of birth, death or marriage, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 80?

**Amendment No. 1**

On page 1, line 24, of the printed bill, strike out "A", and insert "At least five days before the date of the hearing, a".

**Amendment No. 2**

On page 2, line 3, of the printed bill, after "of", and before "hearing", insert "the".

**Amendment No. 3**

On page 2, line 8, of the printed bill, after "not", insert "less than five nor".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 80 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—27.

**NOES**—None.

Above bill ordered enrolled.

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Bill No. 147**—An act to amend Section 5.876 of the School Code and to amend Section 14536 of the Education Code, relating to the employment of persons retired under the State Teachers Retirement Act and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 147?

**Amendment No. 1**

On page 1, line 18, of the printed bill, strike out "School Code Section 5.870", and insert "Section 5.870 hereof".

**Amendment No. 2**

On page 1 of the printed bill, beginning in line 19, strike out "School Code Section 5.872", and insert "Section 5.872 hereof".

**Amendment No. 3**

On page 2, line 4, of the printed bill, strike out the period, and insert a comma.

**Amendment No. 4**

On page 2, line 22, of the printed bill, strike out "Education Code Section 14521", and insert "Section 14521 hereof".

**Amendment No. 5**

On page 2 of the printed bill, beginning in line 23, strike out "Education Code Section 14524", and insert "Section 14525 hereof".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 147 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—27.

**NOES**—None.

Above bill ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 29, 1930

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 390**—An act to add Section 6781.1 to the Health and Safety Code, relating to the use of county assessor's rolls by sanitary district boards and the filing of resolutions by such boards declaring election of such use, declaring the urgency of this act, to take effect immediately;

**Senate Joint Resolution No. 10**—Relative to memorializing the President, the Congress, the Secretary of the Interior and the War Production Board with respect to the urgency of prompt completion of all units of the Central Valley Project;

**Senate Concurrent Resolution No. 15**—Relative to designating this session of the Legislature "The Victory Session";

**Senate Concurrent Resolution No. 19**—Relative to requesting the Governor to establish a Commission to Make a Survey of the Food Supply in California;

**Senate Concurrent Resolution No. 20**—Relative to adjournment in respect to the memory of Fred E. Stewart;

And reports that the same have been enrolled, and presented to the Governor on the twenty-ninth day of January, 1943, at 2.30 p.m.

SEAWELL, Chairman

## Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 10

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

KEATING, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 10**—An act to add Chapter 8.5 (comprising Sections 10615 to 10622 inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, marriages and deaths, declaring the urgency hereof, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 2, line 6, of the printed bill, as amended, after "application", insert "and the affidavits mentioned in Section 10616".

**Amendment No. 2**

On page 2, line 10, of the printed bill, as amended, after "birth.", insert "The application shall be filed in duplicate. The State Registrar shall immediately mail the duplicate application to the district attorney of the county in which the birth is alleged to have occurred."

**Amendment No. 3**

On page 2 of the printed bill, as amended, between lines 37 and 38, insert "Affidavits filed in accordance with provisions (a), (b) and (c) shall be accompanied by at least one piece of documentary evidence showing place and date of birth as outlined in provision (d) of this section: provided, however, that if a child has not yet reached its fifth birthday, the affidavit by the attendant or one parent is sufficient."

**Amendment No. 4**

On page 3 of the printed bill, as amended, strike out lines 9 to 17, inclusive.

**Amendment No. 5**

On page 3, lines 20 and 21, of the printed bill, as amended, strike out "the application, if no objection has been made by the district attorney," and insert "acknowledgment of receipt of the duplicate by the district attorney,".

**Amendment No. 6**

On page 3, line 37, of the printed bill, as amended, strike out ", local registrar or county recorder", and insert "or local registrar".

**Amendment No. 7**

On page 3, line 40, of the printed bill, as amended, strike out "or county recorder".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 802

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 571

Assembly Bill No. 572

Assembly Bill No. 755

Assembly Bill No. 895

Assembly Bill No. 1009

Assembly Bill No. 1326

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bills were read the first time:

**Assembly Bill No. 802**--An act to add Section 2.5 to an act entitled "An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately," approved January 28, 1942, relating to expenditures by the Division of Forestry of money appropriated for its support, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 571**--An act to amend Section 2710 of the Penal Code, relating to working revolving funds for the State prisons, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 572**--An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Referred to Committee on Judiciary.

**Assembly Bill No. 755**--An act to add Sections 8.2 and 13.1 to The Personal Income Tax Act and Sections 17356 and 18434 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Bill read first time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, after "thereof," insert "or".

**Amendment No. 2**

On page 1, line 13, of the printed bill, as amended, after "Marine", insert a comma.

**Amendment No. 3**

On page 2, line 9 of the printed bill, as amended, strike out "the Merchant Marine", and insert "or the Merchant Marine,".

**Amendment No. 4**

On page 1, line 19, of the printed bill, as amended, after "therein", insert "or until 180 days after the termination of hostilities in which the United States is now engaged, whichever first occurs".

**Amendment No. 5**

On page 2, line 16, of the printed bill, as amended, after "therein", insert "or until 180 days after the termination of hostilities in which the United States is now engaged, whichever first occurs".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Assembly Bill No. 895**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1009**—An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of internal revenue laws of the United States, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 1326**—An act making an appropriation for the contingent expenses of the Assembly, to take effect immediately.

Referred to Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following resolution was read:

**Assembly Joint Resolution No. 14**—Relative to small business enterprises.

Referred to Committee on Business and Professions.



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 17  
Senate Bill No. 309  
Senate Bill No. 310

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Concurrent Resolution No. 23

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 25  
Assembly Joint Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

**Assembly Joint Resolution No. 27**—Relative to memorializing Congress in relation to retaining the administration of California fishery production in the United States Department of Agriculture.

Referred to Committee on Fish and Game.

**Assembly Joint Resolution No. 25**—Memorializing Congress not to pass reciprocal trade agreements.

Referred to Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 50

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above resolution ordered on file.

## RESOLUTIONS

The following resolution was offered:

By Senator Rich:

## Senate Resolution No. 50

Relating to meetings of the Senate Committee on Revenue and Taxation

*Resolved by the Senate of the State of California.* That the Senate Committee on Revenue and Taxation is hereby authorized to meet during any recess of the regular session of the Fifty-fifth Legislature, at the State Capitol, or elsewhere

in the State, to perform the duties and to exercise all the powers vested in it by the Standing Rules of the Senate; and be it further

*Resolved*, That except as otherwise expressly provided in this resolution, all of the powers conferred upon a committee by Rule 35 of the Joint Rules of the Assembly and Senate are hereby conferred upon the Senate Committee on Revenue and Taxation; and be it further

*Resolved*, That the sum of two thousand five hundred dollars (\$2,500) is hereby made available to the Senate Committee on Revenue and Taxation from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of any records and transcripts, and an allowance of eight dollars (\$8) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents (\$.05½) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and Rule 35 of the Joint Rules of the Assembly and Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 30, 1943

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointment, and respectfully request your confirmation thereof and consent thereto:

CYRUS W. COLE, Rear Admiral, U.S.N., Retired, resident of the City of San Diego, to the Board of Pilot Commissioners of San Diego, vice Jesse B. Gay, resigned, for the term at the pleasure of the Governor, the said Cyrus W. Cole having been heretofore appointed on May 22, 1942, during the recess of the Legislature, as member of the Board of Pilot Commissioners of San Diego, and now serving as member of said board.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 30, 1943

*Honorable Jerrold L. Seawell, President pro tempore of the Senate  
Senate Chamber, Sacramento, California*

DEAR SENATOR SEAWELL: Cyrus W. Cole, Rear Admiral, U.S.N., Retired, at the present time resides in the City of San Diego. He is married and has two sons who are now in the United States Navy as commissioned officers.

He is a graduate of Annapolis and during his service in the Navy was assigned for a considerable time at San Diego. He has been in retirement from the Navy for approximately three years last past, and is now living in retirement. He has served on the grand jury of San Diego County, and according to the members of the San Diego Delegation in the Legislature he is a man of outstanding reputation in the community, and, of course, well versed in nautical subjects.

This is submitted for your information in connection with the message from the Governor to be sent to the Legislature this day, asking for the confirmation of Cyrus W. Cole as a member of the Board of Pilot Commissioners of San Diego.

Sincerely,

W. T. SWEIGERT, Executive Secretary

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Cyrus W. Cole, as a member of the Board of Pilot Commissioners of San Diego:

Had the same under consideration, and respectfully recommends that the said appointment be confirmed by the Senate.

Committee membership 5.

SEAWELL, Chairman

**CONSIDERATION OF APPOINTMENT BY THE GOVERNOR****Motion Confirming Appointment by the Governor**

Senator Seawell moved that the Senate confirm and consent to the appointment of Cyrus W. Cole of San Diego as a member of the Board of Pilot Commissioners.

The President put the question, "Will the Senate confirm and consent to the appointment of Cyrus W. Cole?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Cyrus W. Cole as a member of the Board of Pilot Commissioners of San Diego.

**WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 1**

Senator Biggar moved that Senate Constitutional Amendment No. 1 be withdrawn from Committee on Natural Resources, for purpose of amendment.

Motion carried.

**CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 1**

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the reorganization, powers, and duties of the Board of Forestry.

Resolution read.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendment:

**Amendment No. 1**

On page 3 of the printed measure, strike out lines 1 to 6, inclusive, and insert "All assistants, deputies, rangers, and other employees necessary for the administration of the affairs of the Division of Forestry and the State Board of Forestry shall be appointed in accordance with the Civil Service Laws by the State Forester with the approval of the board. The board shall fix their salaries and prescribe their duties in accordance with the Civil Service Laws."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 266

Assembly Bill No. 358

Assembly Bill No. 354

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 266**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city or town, municipality, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 358**—An act to add Section 10202 to the Health and Safety Code, relating to certified copies of birth certificates.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 354**—An act to amend Section 1183 of, and to add Section 1184.5 to, the Civil Code, relating to the proof or acknowledgment of instruments and the administering of oaths or affirmations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT  
RESOLUTION NO. 23

Senator Salsman moved that Assembly Joint Resolution No. 23 be withdrawn from Committee on Military and Veterans Affairs, for purpose of consideration.

Motion carried.

## CONSIDERATION OF DAILY FILE

## THIRD READING OF SENATE BILLS

**Senate Bill No. 473**—An act to amend Section 3519 of the Political Code, relative to the issuance of patents by the State.

Bill read third time.



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 411**—An act to amend Section 19626.5 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation, to take effect immediately.

**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 411:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 27, 1943.

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

**SENATE BILL NO. 411**

"An act to amend Section 19626.5 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 411 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 419**—An act to authorize the Department of Finance to sell and dispose of certain parcels of real estate, belonging to the State of California, and described herein, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Resolution No. 49**—Relating to creating a committee known as "Senate Fact-Finding Committee on Homes and Institutions for the Aged."

## Motion to Amend

Senator Shelley moved the adoption of the following amendments:

*Resolved by the Senate of the State of California*, That Senate Resolution No. 49 as it appears on pages 288 and 289 of the Senate Journal for January 28, 1943, be amended as follows:

**Amendment No. 1**

In the 17th line of the third paragraph, delete "after", and insert "until".

**Amendment No. 2**

In subdivision (9), delete "after", and insert "until".

**Amendment No. 3**

In subdivision (10) delete "or during any special session thereof or during the Regular Session of the Fifty-sixth Legislature".

Amendments read and adopted.

**CONSIDERATION OF SENATE RESOLUTION NO. 49, AS AMENDED****Senate Resolution No. 49, as Amended**

**WHEREAS**, The subject of proper care for the aged in boarding homes, rest homes, sanitariums and other institutions is of great importance to the people of the State, and the laws governing the operation, licensing, and supervision of such institutions have not recently been reviewed by the Legislature to determine their adequacy under the conditions prevalent at the present time; and

**WHEREAS**, The facts concerning the number and types of homes and institutions, the competency of the persons operating them, the care furnished to the aged, and the adequacy of the present laws governing the subject can best be ascertained by the establishment of a legislative committee to investigate all phases of the subject and report thereon to the Legislature, and the establishment of such a committee has been recommended by the Senate Fact-Finding Committee created by Senate Resolution No. 156 of the Fifty-fourth Regular Session of the Legislature in its Report on Care of Children and Aged in California, printed in the Senate Journal for January 20, 1943, beginning at page 152; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a committee to be known as "The Senate Fact-Finding Committee on Homes and Institutions for the Aged," to consist of six Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to the number and types of boarding homes, rest homes, sanitariums, and other institutions for the aged, the competency of the persons operating them, the care furnished to the aged, and the licensing and supervision of such institutions, with a view to reporting such facts to the Legislature, and formulating and recommending the enactment of any needed legislation relating thereto; and to that end the committee shall have (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the

Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such rules may be exercised by the committee until the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert, and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, memorandums, or documents showing the receipts and disbursements of any agency of Government and to contract with private firms of auditors for that purpose;

(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(7) To make a complete study, survey, and investigation of every phase of the subjects of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to boarding homes, rest homes, sanitariums, and other institutions for the aged, and the method, adequacy and efficiency of the functioning of any and all governmental agencies, State or local, in any way charged or concerned with the administration or enforcement of any such laws or any part of any thereof, and the competency and efficiency of the personnel of any such agency;

(8) To meet at any and all places in this State, in public or executive session;

(9) To act until final adjournment of this session of the Legislature;

(10) To file a report with the Senate during the Regular Session of the Fifty-fifth Legislature;

(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes, for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of twenty-five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the



chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

**Resolution read, as amended.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, and Swing—22.

**NOES**—None.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 30, 1943

**MR. PRESIDENT:** Your Committee on Finance, to which were referred:

Assembly Bill No. 352

Assembly Bill No. 895

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

#### REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Bill No. 352, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 352

**Assembly Bill No. 352**—An act creating a special fund in the State Treasury for the deposit of restitutions received by the State from former recipients of relief under the provisions of the "California Unemployment Relief Act of 1935," making a transfer of funds to this fund, making an appropriation to the State Controller for continued collection of restitutions, to take effect immediately.

Bill read second time.

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Breed:

*Resolved*, That Assembly Bill No. 352 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 352**—An act creating a special fund in the State Treasury for the deposit of restitutions received by the State from former recipients of relief under the provisions of the "California Unemployment Relief Act of 1935," making a transfer of funds to this



fund, making an appropriation to the State Controller for continued collection of restitutions, to take effect immediately.

Bill read third time.

**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 352:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 25, 1943

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

**ASSEMBLY BILL No. 352**

"An act creating a special fund in the State Treasury for the deposit of restitutions received by the State from former recipients of relief under the provisions of the "California Unemployment Relief Act of 1935," making a transfer of funds to this fund, making an appropriation to the State Controller for continued collection of restitutions, to take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 352 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

**EARL WARREN, Governor of California**

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 895, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 895**

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Swing:

*Resolved*, That Assembly Bill No. 895 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 895**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Bill read second time.

**Assembly Bill No. 895**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 895:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 27, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

#### ASSEMBLY BILL No. 895

"An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately". in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 895 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jepsen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 30, 1943

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Senate Resolution No. 51

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

##### Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Senate Resolution No. 51, at this time, for consideration.

#### CONSIDERATION OF SENATE RESOLUTION NO. 51

**Senate Resolution No. 51**—Relative to the creation of a Committee to Investigate the Establishment of Nursery Schools and Child Care Centers.

Resolution read.

**Motion to Amend**

Senator Swan moved the adoption of the following amendment:

**Amendment No. 1**

*Resolved by the Senate of the State of California, That paragraph number (7) of the third Resolved clause be amended to read as follows:*

"(7) To meet at any time during the sessions of the Fifty fifth Session of the Legislature or any recess thereof, but not after the final adjournment of the Fifty fifth Session of the Legislature sine die."

Amendment read and adopted.

**CONSIDERATION OF SENATE RESOLUTION NO. 51, AS AMENDED****Senate Resolution No. 51**

**Relative to the creation of a Committee to Investigate the Establishment of Nursery Schools and Child Care Centers**

WHEREAS, The necessity of war production has made it essential in many instances that both parents be employed and children are consequently left uncared for, or the parents are put to unwarranted expenses to provide for their care; and

WHEREAS, Many plans for caring for these children have been proposed; now, therefore, be it

*Resolved by the Senate of the State of California, That there is hereby created a committee to investigate the need for and all problems connected with the establishment and operation of child care centers and nursery schools for children of working parents; and be it further*

*Resolved, That said committee shall consist of three Members of the Senate; and be it further*

*Resolved, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:*

(1) To make a complete study, survey, and investigation of all matters connected with any phase of the subject of this resolution;

(2) To meet at any place within the State in public or executive session;

(3) To adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To employ such clerical, technical, engineering, or professional assistants as may be necessary to carry out its purposes;

(6) To hold public hearings at any place in California;

(7) To meet at any time during the sessions of the Fifty fifth Session of the Legislature or any recess thereof, but not after the final adjournment of the Fifty fifth Session of the Legislature sine die.

(8) To report its findings to the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and be it further

*Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by committee or by its chairman, is authorized and empowered to administer oaths; and be it further*

*Resolved, That the Sergeant-at-Arms of the Assembly, the Sergeant-at-Arms of the Senate, or other officers designated by either of them are hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further*

*Resolved, That the Department of Education and every other department, commission, board, agency, officer, and employee of the State Government and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records, and documents as the committee*

deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; *provided, however*, that no member of said committee shall be entitled to receive expenses or mileage during the sessions of the Legislature, except such expenses and mileage as shall be incurred during the constitutional recess.

Resolution read, as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

#### MOTION TO PRINT IN THE JOURNAL

Senator Rich moved that the following First Partial Report of the Joint Legislative Budget Committee be printed in the Journal:

Motion carried.

#### The First Partial Report of the Joint Legislative Budget Committee to the California Legislature, Fifty-fifth Session, 1943

##### COMMITTEE

##### *Senators*

W. P. Rich, Chairman  
Jerrold L. Seawell  
Arthur H. Breed, Jr.  
T. H. DeLap  
Edward H. Tickle  
Lieutenant Governor Frederick F. Houser, President of the Senate  
Honorable Jerrold L. Seawell, President Pro Tempore of the Senate  
Honorable Charles W. Lyon, Speaker of the Assembly

##### *Assemblymen*

Seth Millington, Vice Chairman  
Norris Poulson, Secretary  
George A. Clarke  
Gordon H. Garland  
C. Don Field

#### Senate Concurrent Resolution No. 22

[Senate Concurrent Resolution No. 22, Assembly amendments concurred in June 6, 1941, Senate Journal June 6, 1941, page 2426; adopted in the Senate April 2, 1941, Senate Journal April 2, 1941, page 319; adopted in the Assembly June 5, 1941, Assembly Journal, June 5, 1941, page 3964.]

##### CHAPTER \_\_\_\_\_

*Senate Concurrent Resolution No. 22*—Amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 36, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That a new rule, to be numbered 36, is hereby added to the Joint Rules of the Senate and Assembly, to read as follows:

36. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five members of the Senate and five members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the



respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority, to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 35 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of eight dollars (\$8) per day and travel expenses which shall be deemed to be five and one-half cents (\$.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

Upon the organization of the Legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee, shall be temporarily transferred to a pro tempore Legislative Budget Committee consisting of the Senate Committee on Rules and of the new Speaker and four other Members of the Assembly appointed by him, until the committee as hereinabove provided for is appointed or selected when all such authority, powers, duties, papers and records, personnel or staff and all funds available for the use of the committee shall revert to such committee; and be it further

*Resolved*, That a sum of forty thousand dollars (\$40,000) is hereby appropriated from the contingent funds of the Senate and Assembly, to be expended equally from the contingent funds of the Senate and Assembly in carrying out the provisions of this resolution; and be it further

*Resolved*, That if there is created by statute a Legislative Audit Bureau, a Legislative Research Bureau, or other similar agency, under legislative control, charged with the duty of performing one or more of the functions given the Legislative Budget Committee by this resolution, the committee is hereby authorized and directed to avoid duplicating the work of such bureau or agency while the latter is in existence and functioning.

#### Foreword

The ever increasing biennial budget and the consequent increase in budgeting and appropriation problems to be considered by the Legislature in each succeeding session increased the burdens of the legislative committees dealing with these subjects. The total budget for the Eighty-third and Eighty-fourth Fiscal Years, 1933-34, the first time the State budget included all expenditures for the biennium, amounted to \$265,345,955. Ten years later, the Governor's budget for the Ninety-third and Ninety-fourth Fiscal Years, 1941-43, totaled \$552,570,135, an increase of \$287,224,180 in 10 years or more than 108 per cent.

#### Comparative Statement of Increase of the Budget and Population of the State of California and Per Capita Cost for Biennial Budget 1931-33 and 1941-43

	State Population	Total State Budget	Per Capita
1941-43	7,070,000	\$552,570,000	\$78.157
1931-33	5,812,000	265,346,000	45.654
Increase	1,258,000	287,224,000	
	+21.6%	+108.24%*	

\* In one respect the 1931-33 budget is more complete than 1941-43 in that it contains expenditures from Federal funds which the latter omits. If these were in, the percentage increase would be up

It should be noted that this is a comparison of the biennial budget requests of the Governor and not a comparison of actual expenditures. The actual cost of government varies somewhat from the budget requests due to changes in the budgets, special appropriation bills and variations in fixed charges. The comparison, however, is valid for the reason that it does express for both periods the Governor's budget as presented under Constitutional requirements.

The comparison for the 10 year period 1931-33—1941-43 is made for the following reasons: First of all, this is the last biennium for which a budget is available. Secondly, 1931-1933 was the first year in which an absolutely complete budget with all items was presented and is the first year in which the modernized budget document in the larger size was initiated.

A comparison of the budget document itself is very interesting, for the 1931-33 document contains 360 pages, as compared with the 848 pages in the 1941-43. In other words, the document itself for 1941-43 is approximately 108 per cent larger in every way than the one of 10 years previous.

The striking significance is that while the population of the State of California increased 21.6 per cent in the period 1931-33 to 1941-43, the Governor's budget increased 108 per cent. The per capita cost for State Government in 1931-33 for the biennium was \$45.65, while in 1941-43 it had risen to \$78.15. It is true that new services were added to the State Government and larger amounts were allocated to county, city and school districts; however, the ever-expanding established departments and bureaus of government and the increase in services accounted for a very large proportion of the increase. A considerable amount of the increase did occur in the way of State relief for unemployed. This item, however, was entirely eliminated by the Legislature in 1941 but other expenditures took up most of the saving.

This is a demonstration that eternal vigilance is necessary to prevent an ever-increasing expansion program far in excess of the growth in population. The danger at the present time is even more imminent than it was during this 10-year period, 1931 to 1941, for during this entire period a large State deficit existed. At the present time this deficit has been eliminated and a substantial surplus exists. This surplus will increase to startling proportions by the close of the next biennium, June 30, 1945, unless war activities diminish or some unforeseen Federal law or ruling cuts off the flow of taxes into the Treasury. With this increase in the surplus comes the temptation to expand expenditures and to take on new functions of government and also cut taxes.

A large degree of caution and careful consideration of appropriations is necessary if laxity born of the surplus does not allow an increase in the cost of State Government and the increase will get out of hand and obligations may be contracted and services of government established which can not be met when the present condition of war prosperity begins to recede. If government is expanded beyond normal needs and the surplus consumed there will be no backlog or reserve of funds available to continue to carry on an expansion in governmental services made during this period and there will certainly be insufficient funds to assist in tiding over a period of declining revenues and declining ability of the taxpayer to support the cost of government. The present upswing in revenue is a wartime prosperity. It can disappear as rapidly as it arose. In no sense should it be considered as more than a windfall. No permanent expansion in government should be based on it, for herein lies a pitfall of increased costs of government which will go on when prosperity declines and revenues fall off so we may have economic distress, unemployment, falling revenues and mounting taxes to meet even normal government costs.

It is self-evident that sane planning should be made effective now so as to hold down the increasing cost of government and to assure that we do not go beyond a standard that can be carried during normal times and a condition of reduced prosperity and reduced taxes. This planning should also make sure that the condition which will exist is realized and means are taken now to provide for housing facilities for the State which are not being met at the present time, and depreciation and obsolescence which are accumulating during the period of the suspension of capital outlay. By proper planning this accumulated building need can well be coordinated to assist in meeting reduced economic conditions and possible widespread unemployment. This can not be done if governmental expenditures are expanded so as to take up the fortunate but short term increase in revenue at this time and if any considerable portion of the surplus is consumed.

In addition to presenting the largest budget in the history of the State, Governor Olson, in his first budget for the year 1939-41, recommended new taxes and the transfer of revenue in the total sum of \$63,900,000. In his message of January, 1940, he reiterated that the taxes recommended in 1939 were still necessary to balance the budget and wipe out the State deficit. The Legislature did not see fit to approve these new taxes. On January 29, 1940, the Governor, in his message to the special session of the Legislature, again recommended that \$50,000,000 in new taxes be raised in the next seventeen months to balance the budget. Again the Legislature differed with the Governor and imposed no new taxes.

On top of the problem of the mounting budget and the constant threat of increased taxes the deficit continued and grew until the upsurge of war industries in California increased revenues, so that with the legislative economy program the deficit was

eliminated and a small surplus existed by the close of the fiscal year June 30, 1942. This continuing condition of a mounting deficit for the past decade produced the determination on the part of the Legislature to hold down expenditures.

The financial problem for the decade was further complicated by widespread unemployment and the demand for relief. The Governor, in his message of January, 1939, in discussing relief, stated that it would require \$100,000,000 per biennium for this item alone. The Legislature disagreed with the Governor and met his budget request for \$73,600,000 for this item by appropriating in the regular session only \$35,525,000.

The conflict between the Legislature and the Governor over relief, with the resultant investigation by legislative committees and the disclosure of corruption, inefficiency, waste and maladministration, is well known. The Legislature was called into several extraordinary sessions and finally in two additional appropriations, one of \$13,800,000 and the other of \$24,247,091, the Legislature did appropriate slightly more than the amount requested in the Governor's budget for relief but a sum far less than the supplemental requests of the Governor.

The investigation on the part of the Legislature continued, and when the Governor, in his next budget, asked for \$38,706,295 for relief, the Legislature eliminated this item entirely, continuing only the surplus food commodity distribution and the food stamp plan, making a net reduction for relief alone of \$34,916,295.

The Legislature also subjected the Governor's budget for 1941-1943 to close scrutiny, reducing other controllable expenditures by \$5,582,798. It is true that special appropriation bills were passed, totalling \$10,192,254, but the net reduction in the budget exceeded \$30,000,000. Subsequent operation of the State demonstrated the soundness of the legislative action.

The head-on conflict between the Governor and the Legislature, particularly over the relief administration and the spending for this activity and other appropriation matters and the ever increasing size of the expenditures program of the State for general purposes of government, clearly placed upon the Legislature and its finance committees a very large burden.

It became increasingly plain that the Legislature needed some instrumentality whereby it could secure its own information, free from the control and influence of the administration. It appeared desirable to have a continuing flow of such information so that the Legislature would have facts and information in which it had confidence on the operation of the State government as respects not only its efficiency and organization but also as to how the will of the people and the will of the Legislature is carried into execution.

The presentation of the final report of the committee on State organization, commonly known as the Report of the Committee of 25, presented to the 1941 Legislature, likewise indicated that a reorganization and regrouping of the State administration would produce greater efficiency and desirable economies.

The repeated instances of expanding the State pay roll and the making of jobs through establishing a large number of administrative assistants, coordinators, public relations men, and other political jobs, which in some instances were contrary to the expressed will of the Legislature, indicated the desirability of the Legislature's keeping informed as respects the administration and particularly the reorganization of the various departments of the State. The expansion of old services of government and the establishment of absolutely new services by the several departments and agencies of the State during legislative interims without any approval of the Legislature and in some instances without the Legislature's making any specific appropriations for such new service, gave a further reason for having a representative of the Legislature continuously on the job to observe these matters. Information as to how requests for such services become a regular budget request at a succeeding biennium will be very valuable to the law makers passing on such budget requests.

These conditions not only resulted in numerous conflicts between the Governor and the Legislature, but in addition caused a long delay in making effective legislation. This was particularly true in regard to the consideration of the Governor's budget and the budget bill making it effective, and other special appropriation bills. Legislative committee study and hearings on these matters became more and more extended and consequently the sessions became longer and longer. Even then with committees working diligently, the Legislature was not satisfied with the information it had on the fiscal and administrative affairs of the State upon which it had to base its judgment for the appropriation of many millions of dollars.

It was also evident in the conduct of the investigations made by the several legislative committees and subcommittees in relation to the State budget and appropriations that a better procedure in securing information would not only save legislative time but would also secure more complete and definite information. The results that could be secured by someone trained in the manner of getting information and with skill in organizing procedure and with basic information concerning each State department would be far more efficient and effective than could be done by legislative committees without this service. It was also plain that a continuous program of operation by someone skilled in all these respects would yield far larger results and in a more economical way than by having each Legislature start anew.



or practically so, with its committees considering State administration and appropriations therefor.

The establishment of the Joint Legislative Budget Committee and the Legislative Auditor as an instrumentality for securing, informing, and correlating for the Legislature all of these matters finally culminated in Senate Concurrent Resolution No. 22, after the Governor had vetoed the Poulson Bill which provided for a legislative audit of State business.

While the major functioning of the Budget Committee was expected to be in conjunction with the biennial budget for 1943-45, we feel that this new legislative assistance amply demonstrated its usefulness in connection with the work done during the Extraordinary Session of the Legislature of 1941. The consideration of the several appropriation bills proposed to meet the war emergency by the Legislative Auditor for the enlarged Budget Committee made possible a quicker and sounder action and finally a better judgment than otherwise could have been secured. Besides this, final action was taken in a shorter time.

Subsequent functioning in promoting economies in relation to Senate Concurrent Resolution No. 6 of the Special Session was effective. The committee pointed out a number of economies in State Government which could be made effective at once and which, we are happy to report, have been to a large degree translated into action.

In addition to the regular budget work and special session and other matters mentioned, the Legislative Auditor has rendered material and effective service to a number of other legislative committees which in itself yielded direct results and will, in turn, contribute to recommendations in relation to the forthcoming biennial budget.

We believe that this partial report of the committee demonstrates the soundness of the original purpose as set forth in Senate Concurrent Resolution No. 22, and that the additional reports that will be presented from time to time as the budget for 1943-45 is being considered for the various departments of the State Government will further demonstrate the usefulness of this type of procedure and the value of continuing this work in the interest of the Legislature for the promotion of sound and economic government.

Respectfully submitted.

#### LEGISLATIVE BUDGET COMMITTEE

SENATOR W. P. RICH, Chairman

SENATOR JERROLD L. SEAWELL

SENATOR ARTHUR H. BREED, JR.

SENATOR T. H. DELAP

SENATOR EDWARD H. TICKLE

ASSEMBLYMAN SETH MILLINGTON, Vice Chairman

ASSEMBLYMAN NORRIS POULSON, Secretary

ASSEMBLYMAN GEORGE A. CLARKE

ASSEMBLYMAN GORDON H. GARLAND

ASSEMBLYMAN C. DON FIELD

January 4, 1943

**First Partial Report of the Joint Legislative Budget Committee to the Honorable Frederick F. Houser, President, and to the Members of the Senate and to the Honorable Charles W. Lyon, Speaker, and to the Members of the Assembly of the State of California**

#### Creation of Legislative Budget Committee and Office of Legislative Auditor

Pursuant to the foregoing Senate Concurrent Resolution No. 22, Chapter 117, Statutes of 1941, the California Legislature created a joint Legislative Budget Committee. This committee was empowered to employ a Legislative Auditor and such technical staff as was necessary.

The committee was made up of five members of the Senate and five members of the Assembly. The Senate members designated were the President Pro Tempore and one member each from the committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, to be selected by the respective committees. The Assembly members were to consist of the Speaker and four members appointed by the Speaker. The membership of the committee is as follows: Senators W. P. Rich, Jerrold L. Seawell, Arthur H. Breed, Jr., T. H. DeLap, Edward H. Tickle; Assemblymen George A. Clarke, Gordon H. Garland, Seth Millington, Norris Poulson, C. Don Field.

The duty of the committee as stated in the resolution is to ascertain facts and make recommendations to the Legislature "concerning the State Budget, the revenues and expenditures of the State, its departments, subdivisions and agencies, with a view toward reducing the cost of the State Government and securing a greater efficiency and economy."

#### Authority to Subpena Witnesses and Records

The committee has ample authority to subpoena witnesses and records, for the resolution creating it provided that the provisions of Legislative Joint Rule 35 shall



apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution.

While the committee believes that such authority is essential to guarantee full functioning of the committee, it is pleased to report that it did not find it necessary to issue a single subpoena for either witnesses or records. It was able through its staff to secure all essential information and assistance through cooperation and voluntary testimony. No doubt the power to subpoena, although not used, was helpful in securing information.

#### Support of the Committee

The sum of forty thousand dollars (\$40,000) was appropriated from the Contingent Fund of the Senate and the Assembly for carrying out the provisions of the resolution establishing the committee. An additional five thousand dollars (\$5,000) was appropriated by the First Extraordinary Session of the 1941 Legislature to finance the special services rendered by the enlarged budget committee in relation to appropriation and legislation of the special session.

The funds appropriated have been spent carefully and have been sufficient to carry on the work of the committee, and partly due to the fact that reclusively trained research men have not been available in the number desired, approximately eighteen thousand dollars (\$18,000) of the original appropriation remains unspent at the convening of the Fifty-fifth Session of the Legislature. This large balance remains for the reason that the committee itself, constituted for the purposes of producing economy, has endeavored to practice this principle in its own operations. This has been done in part by holding investment in equipment to the minimum and meetings to those essential to consider matters of importance.

With the exception of a typewriter and miscellaneous office supplies, all office equipment has been secured from the surplus stock of the liquidated State Relief Administration. Costly letterheads and other expensive printing have been eliminated, and other office costs strictly controlled. The committee has held only five meetings of the full committee other than those of the enlarged committee held during the Special Session of 1941.

In addition, as much information as possible has been secured from the State departments and agencies and also secured on a cooperative basis with governmental and private research organizations. This procedure has made it possible for the committee to secure a vast amount of detailed information at a minimum of expense. However, the committee must acknowledge that research investigations have not been carried on in as broad a scope or in as detailed a manner as is desirable or as would have been accomplished had it been possible to secure and retain trained and experienced research people.

#### Term and Succession of the Committee

The Legislative Budget Committee, since it is a creation of the 1941 Legislature, exists only until the succeeding Legislature comes into being. This report, in fact, is not only the preliminary but actually the final report of the committee as originally constituted. It is recommended that the pro tempore Legislative Budget Committee set up in the resolution and the succeeding Budget Committee provide for the issuing of additional reports from material on hand covering the Governor's budget, special appropriation bills, revenue measures and administrative reorganization matters when these are before the Legislature and the actual amounts and proposals can be considered.

The succession to the Budget Committee is provided in the resolution creating it in the following words: "Upon the organization of the Legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee shall be temporarily transferred to a pro tempore Legislative Budget Committee consisting of the Senate Committee on Rules and of the new Speaker and four Members of the Assembly appointed by him, until the committee as hereinabove provided for is appointed or selected when all such funds available for the use of the committee shall revert to such committee."

According to this provision of the resolution, it was foreseen that the work of the Legislative Budget Committee, by its very nature, must be coordinated with the executive budget, to which it has been largely directed and which has been the purpose of a large part of its study and operation. While large values have been derived continuously through its functioning during the past year, and while many of these have been translated effectively into the budget document itself, additional dividends consistent with the purposes of the committee will be made available in subsequent reports dealing directly with the budget, special appropriations and administrative reorganizations.

### Legislative Budget Committee and Legislative Auditor—A Departure in Legislative Procedure

The establishment of an interim Legislative Budget Committee and the employment of a Legislative Auditor with the broad powers set forth in Senate Concurrent Resolution No. 22, is an innovation in California legislative procedure.

This is the culmination of the desire of the Legislature, which has been proposed in several previous sessions since 1931 to provide a legislative organization responsible to the Legislature alone to carry on a continuous program of research, analysis, and observation of governmental administration, for the purpose of securing for legislative consideration all necessary facts on the administration and the cost of State Government. The proposal to create a fact-finding bureau for the Legislature and responsible solely to that body has taken many forms. Bills have been presented for a Legislative Audit Bureau, a Legislative Research Bureau, a Bureau of Administrative Research and other similar agencies under legislative control, but none of these resulted in a statutory creation. The nearest approach to this procedure in recent years was the Poulson Bill of the 1941 Session of the Legislature. This provided for an independent post-audit of the several departments of the State by an officer responsible to the Legislature. This bill passed both houses of the Legislature, but was vetoed by Governor Olson on the recommendation of the Department of Finance.

### Other States Have Similar Organizations

Some of the other States of the Union have organizations somewhat similar to the Legislative Budget Committee with its Legislative Auditor. Most of these are permanent organizations. They have as their principal duty the providing of facts for the Legislature on the cost of government for the use of the Legislature in its deliberations, particularly in regard to budgetary appropriations, special appropriation bills and governmental reorganization.

### Underlying Reasons for the Creation of a Budget Committee and Establishment of a Legislative Auditor

Succeeding Legislatures for years have felt that they were handicapped because of lack of information, particularly so in considering State appropriations and the Governor's budget. This arose from the fact that the Legislatures did not have reliable information and facts free from bias and prejudice and political considerations upon which it could base its decisions and its legislation.

The executive budget, prepared in accordance with the provisions of Section 34, Article IV, of the State Constitution, expresses the Chief Executive's view and conclusions. The authorization of the executive budget is set forth in Section 34, Article IV, of the Constitution, in the following terms:

"The Governor shall, within the first 30 days of each regular session of the Legislature and prior to its recess, submit to the Legislature, with an explanatory message, a budget containing a complete plan and itemized statement of all proposed expenditures of the State provided by existing law or recommended by him, and of all its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for each fiscal year of the ensuing biennial period; together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the first fiscal year of the existing biennial period and the actual and estimated revenues and expenditures for the second fiscal year thereof. If the proposed expenditures for the ensuing biennial period shall exceed the estimated revenues therefor, the Governor shall recommend the sources from which the additional revenue shall be provided."

The Governor, moreover, has the power to secure information and assistance in the preparation of his budget, thereby giving him a means of securing the facts which are not open to the Legislature. The authority for this is set forth in Section 34, Article IV of the Constitution, is provided in the following words:

"The Governor, and also the Governor-elect, shall have the power to require any institution, department, board, bureau, commission, officer, employee or other agency to furnish him with any information which he may deem necessary in connection with the budget or to assist him in its preparation."

If the Chief Executive has a political policy requiring appropriations, he can include these in the budget. If he favors one program as opposed to another, he can enlarge the expenditures in the budget for this while he can curtail those functions of government which he does not favor. There is little opportunity for the departments concerned to make their voice felt unless they can go directly to the Legisla-

ture. This is frequently very difficult to do, and even if it is done the weight of the Chief Executive and the Department of Finance, which exercises control over State spending, will be found in opposition.

The administration has a trained budget staff and a large auditing force in the Department of Finance working continuously on the budget, fiscal year budgets, control of expenditures and the auditing thereof. These men are available to prepare and present the Governor's program. These experts and technicians are continuously and readily available at the call of the Governor. Experience has shown that even these employees with full civil service protection bow to the will and desires of the Governor and his Director of Finance under whom they must work.

The Legislature, on the other hand, has a more limited opportunity to secure facts in relation to the budget and appropriations as are recommended by the Governor and as appear in special appropriation bills. The authority of the Legislature to secure such facts as provided in the Constitution is found in Section 37, Article IV, in the following terms:

"In order to expedite the work of the Legislature, either house of the Legislature may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control, and joint committees for such purposes, consisting of members of both houses, may be created by concurrent resolutions.

The resolution creating any such committee may authorize it to act either during sessions of the Legislature or after final adjournment. Any such committee shall have such powers and perform such duties as may be provided by the resolution creating it and in addition shall have such powers and perform such duties as may be provided by law or by the rules of the Legislature or either house thereof."

In previous years, in compliance with this section of the Constitution, succeeding Legislatures have appointed committees to ascertain facts in relation to State appropriations, administration and expenditures.

One very fruitful committee of this kind was the Senate Fact Finding Committee of the Fiftieth Session (1933) headed by Senator David F. Rush, and whose report is commonly known as the Rush Fact Finding Report. Many other committees have from time to time functioned as interim committees or during the sessions of the Legislature. Frequently, however, the matter of analysis of the budget and the passing thereon has been left to the Finance Committee in the Senate and the Ways and Means Committee in the Assembly. Generally, but not always, the respective chairmen of these committees, out of courtesy, have been selected either with the approval and full knowledge of the Governor, or at least with his tacit approval.

These committees of both houses, dealing with the executive budget and the Budget Appropriation Bill and special appropriations, generally have been divided into subcommittees for the consideration of specific parts of the budget or specific appropriation bills. These subcommittees have done yeoman service, and in some instances, particularly meritorious work under great handicaps and with the too limited time available to cover the matters under consideration thoroughly.

For a long time many members of the Legislature have felt the need of the Legislature having its own employee responsible to itself constantly on the job securing information on State expenditures, the functioning of State Government, reviewing each and every department's operations with the purpose of presenting the facts of this operation to the Legislature and making suggestions for consolidation of activities, elimination of duplications, and the establishment of great efficiency; and with the over-all purpose of having immediately available essential facts upon which to base legislation, particularly in respect to appropriations. It has been generally felt in the Legislature that a Legislative Research Bureau or a Legislative Auditor or some similar office of the Legislature should provide the facts of governmental administration and the cost thereof for the Legislature on an unbiased, non-partisan basis in a similar fashion to that of the Legislative Counsel in its rendering of legal opinion and drafting of bills for the Legislature, its committees and individual members.

#### Meetings of Committee

It was the intention of the resolution creating the committee that the Legislative Budget Committee should meet from time to time between sessions and during the sessions to consider matters within its jurisdiction and to review reports of the Legislative Auditor and to consider such bills and proposals as were referred to it or fall within its purview. The regular committee has held five meetings, most of them two day sessions, and all of them held at the Capitol. The enlarged



committee, existing during the extraordinary session of the 1941 Legislature, held seven meetings. Besides this, several subcommittees held a number of meetings in Sacramento, Los Angeles, San Francisco and Oakland on subventions to counties and cities, fire disaster plan, and civilian defense.

The committee established a procedure and method of operation that demonstrated its effectiveness during the extraordinary session of the 1941 Legislature, and in its observation and checking of the expenditures of the several State departments resulting in a series of economy recommendations to the Governor, and currently in its cooperation with the Governor-elect in presenting information during the budget hearings and the formulation of the operating program for the coming biennium, 1943-45.

#### **Organization of Committee and Employment of a Legislative Auditor**

The Legislative Budget Committee met and was organized on October 4, 1941. Senator William P. Ruch was elected chairman, Assemblyman Seth Millington vice chairman, and Assemblyman Norris Poulson, secretary. The committee employed Rolland A. Vandegrift, former Director of Finance of the State of California and a research specialist in governmental organization and taxation for many years, as Legislative Auditor.

Mr. Vandegrift has been engaged in governmental research since 1922. He was the first Director of Research of the California Taxpayers' Association and subsequently head of Vandegrift Research Associates. He carried on governmental research activities in California and in several other of the Western States.

The Legislative Budget Committee feels that in Mr. Vandegrift it has secured a person who is not only an expert in governmental finance and a trained research specialist in government, but one who also has had actual experience of making two State budgets and in functioning these budgets as Director of Finance in 1931-34. Also, through his continuous contact with State Government subsequently, he is intimately familiar with the entire operations of the government of the State. This training and experience, the committee felt, would make it possible for the Legislative Auditor to begin functioning immediately in conformity with the resolution establishing the committee and with the program of procedure outlined by the committee. The soundness of the committee's reasoning was demonstrated by the effectiveness of the Legislative Budget Committee in relation to the appropriation bills before the First Extraordinary Session of the 1941 Legislature.

#### **Operations of the Committee**

The temporary office of the Legislative Budget Committee was established in Room 416, Capitol Building, and later quarters were secured in Room 445. A small staff was employed and study just begun when the incident of Pearl Harbor occurred. Immediately the Governor called a special session of the Legislature and the regular work and program of the Budget Committee was at once suspended.

The Legislative Auditor was instructed by the chairman by telephone to drop everything he was doing and to immediately start analyzing and studying the various proposals the Governor was putting forth to meet the war emergency, particularly the State Guard.

These proposals included the enlargement of the State Guard, the expansion of the State Council of Defense, and appropriating a vast sum to the emergency fund of the State in order to take care of wartime contingencies which it was believed would arise in practically every department of the State Government. All the departments of the State immediately felt that they should assume responsibility for carrying on the war in one or more of its several phases, and requested large appropriations accordingly.

In fact, the first proposals were for appropriations totalling \$110,000,000, some \$45,000,000 of which was to be for the State Guard for the remainder of the biennium, a period of some 18 months. By the time the Legislature was assembled in special session, the requests had been reduced to approximately \$45,000,000.

The Legislative Auditor increased his force somewhat and secured some volunteer assistants to carry on the concentrated studies necessary to provide sufficient facts for the Legislature on the various questions and proposed appropriations presented to it.



**The Enlarged Legislative Budget Committee**

The Legislative Budget Committee was enlarged to 22 members December 22, 1941, by Assembly Concurrent Resolution No. 19, Resolutions, Chapter 30, First Extraordinary Session, 1941, and given specific duties as shown in the following copy:

AMENDED IN SENATE DECEMBER 22, 1941

**Assembly Concurrent Resolution****No. 19**

INTRODUCED BY MR. LYON

December 22, 1941

REFERRED TO COMMITTEE ON RULES

*Assembly Concurrent Resolution No. 19—Relative to augmentation of the membership and functions of the Joint Legislative Budget Committee, and making additional funds available for the work of the committee.*

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That for the duration of this Extraordinary Session of the Legislature which convened on the nineteenth day of December, 1941, and for the consideration of subjects of legislation specified in the proclamation by which this session was convened, the membership of the Joint Legislative Budget Committee (created by Senate Concurrent Resolution No. 22 at the Fifty-fourth Regular Session of the Legislature) is hereby augmented, as follows:

The Speaker of the Assembly shall appoint to said committee those members of the present Assembly Standing Committee on Rules who are not already members of the Joint Legislative Budget Committee, and the Senate Standing Committee on Rules shall appoint an equal number of Members of the Senate to the Joint Legislative Budget Committee, to the end that during the time and for the purposes stated the membership of said joint committee be augmented by an equal number of members from each house;

Said additional memberships shall cease and terminate upon final adjournment of the Legislature at this Extraordinary Session and thereafter the membership of the Joint Legislative Budget Committee shall be the same as it this resolution had not been adopted; and be it further

*Resolved,* That during this Extraordinary Session, including any recesses thereof, the Joint Legislative Budget Committee (in addition to its existing powers and duties and not in derogation or diminution of any thereof) is charged with the duty of conducting studies and investigations and collecting information and data and reporting to the Legislature concerning any and all subjects specified in said proclamation; and be it further

*Resolved,* That in addition to moneys otherwise made available to the committee, the sum of five thousand dollars (\$5,000) is hereby appropriated from the Contingent Funds of the Senate and Assembly, to be expended equally from the Contingent Funds of the Senate and Assembly in carrying out the work of the committee and defraying the expenses of the committee and its members.

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The additional members were Senators Robert W. Kenny, Harry L. Parkman, John Phillips, Peter P. Myhand, Clarence C. Ward, Jesse M. Mayo, and Assemblymen Charles W. Lyon, Hugh M. Burns, Harrison W. Call, Earl D. Desmond, Ernest O. Voigt and Gardiner Johnson.

**Special Session Appropriations Considered**

All proposed appropriations of the special session were referred to this committee. After considering the various proposals of the Governor and the demands of the people for appropriations, the enlarged budget committee conducted hearings. They called on the Director of Finance to explain the appropriation proposals, and on the various departments and agencies of the State concerned, including The Adjutant General in relation to the State Guard, the representatives of the Department of Natural Resources and the Division of Forestry in relation to the Emergency Fire Disaster Plan, the Department of Agriculture, Bureau of Criminal Identification, and all other agencies that might possibly be concerned with the war effort.

These hearings demonstrated that facts were not immediately available on which to base sound judgment. The Legislative Budget Committee then recommended that the special session recess for two weeks to give the committee and its Legislative Auditor an opportunity to analyze the appropriation bills, to meet with the Director of Finance and the heads of the departments and agencies concerned to make as complete an analysis of all these matters as time would allow.

#### **Requests Reduced**

This procedure was followed out and the success of its operation is demonstrated by the fact that the requests of the Governor for \$45,000,000, after a careful study and consideration, were so reduced that all of these, together with some additional items not included by the Governor, totaled only \$15,646,344.62 in the final appropriations. This amply demonstrated the desirability and effectiveness of the Legislature's having before it all possible information and facts concerning proposed appropriations.

#### **Appropriations Sufficient**

At the date of this report, January 4, 1943, we are able to determine with a reasonable degree of accuracy whether the estimates of the Legislative Budget Committee as respects these special appropriation bills were reasonably accurate, and whether the Governor's request for \$45,000,000, or the Legislature's approval of appropriations for \$15,646,344 met all necessary requirements. In other words, was the legislative appropriation for approximately one-third of what the Governor requested, and in round numbers, \$30,000,000 less than he requested, a sufficient appropriation to carry all of the requirements of the State up to the meeting of the next session of the Legislature, or to the present time, for this is what the Legislature intended to do. The facts demonstrate that the Legislature was right, and if an error was made it was made on the side of adequacy, for not only has the State carried on satisfactorily and met the wartime emergency with the appropriations made, but in almost every instance there will be sufficient money to carry all of the activities concerned to the convening of the Legislature, and in some cases to the close of the biennium.

The State Guard should have enough money to last it well into March. The Fire Disaster Plan can be functioned almost to the close of the biennium. All of the other agencies have been able to carry on satisfactorily. Moreover, the appropriation to the emergency fund was sufficient to do everything required and yet at the present time, considering loans made, there is a sufficient balance to adequately meet the needs of the State.

Besides this, we find that each and every department of the State has been able to pay a wartime bonus of \$15 per month to each State employee, financed out of salary savings, and that they will be able to carry this on through January and part of them through February. The meeting of this emergency, while possibly desirable, was not mandatory. The money could have been used to have met some other more pressing need and the solution of this problem of assisting State employees to meet the increased cost of living could have been left to the present Legislature.

#### **Appropriations Specific—No Blank Checks**

What is more important than just the reduction of appropriation requests was that the appropriations were not made as was requested by the Governor in the way of a blank check by having all appropriations made to the emergency fund and allowing the Governor to distribute them as he saw fit and making them available for supplementing any appropriation made in the Appropriation Act of 1941. These appropriations were made direct to the departments, divisions and bureaus of the State, with the exception that the general State emergency fund was restored to \$1,000,000 net, after allowing for allotments already promised from the emergency fund and an estimated allotment of \$185,000 for the State Council of Defense.

A special appropriation was made to the emergency fund as seen as the Legislature convened in the sum of \$1,000,000 with \$500,000 of this allocated to the State Guard. This was done on the recommendation of the Budget Committee so as to meet the emergency and to carry on the operations of the State Government during the two-week interval while the special session was in recess. There also was voted subsequently an addition of \$1,000,000 to the special emergency fund set aside to meet the increased price in food for the State institutions and prisons.

#### **Facts Essential for Legislation**

Through relying on the recommendations of the enlarged Legislative Budget Committee and its staff, the Legislature was not stampeled into turning over the Treasury to the Governor because of the Pearl Harbor incident. After organizing the special session and listening to the Governor's message and his proposals and after passing the first emergency allotment of \$1,000,000, the Legislature referred all appropriation measures to the enlarged Legislative Budget Committee. It allocated \$5,000 additional funds to this committee to be used in considering the

special session bills. The Legislature then recessed for two weeks, for the specific purpose of giving the Legislative Budget Committee time to study the proposed appropriations.

The Legislative Auditor and his staff concentrated on the job at hand. He reviewed these requests and all information provided by the Director of Finance, by the departments and divisions concerned, and secured independently other data and information. Out of this accumulation he made recommendations as to specific amounts for the various appropriations. With the exception of the appropriation for legislative printing of \$40,000, the emergency fund for the University of California for \$500,000, and the contingent Assembly expense item of \$5,055.62, and the Assembly mileage item of \$2,500, the amounts as recommended by the Legislative Auditor to the Legislative Budget Committee and by this committee to the Legislature appear in the final appropriation acts exactly as recommended.

A list of the appropriations, showing the bill numbers, the agencies, the amounts of the original requests, the amounts of the appropriations approved and the chapter numbers follows herewith.

Bill No.	Agency	Governor's Original Request	Appropriation to Agency	Chapter No.
A.B. 36	Division of Forestry-----	\$5,353,000 00	\$4,022,700 00	7
A.B. 43	Division of Criminal Identification and Investigation -----	75,780 00	32,110 00	10
A.B. 41	Bureau of Paroles-----	60,000 00	12,540 00	8
A.B. 47	Division of Vital Statistics-----	225,000 00*	8,805 00	12
A.B. 49	Division of Mines-----	866,000 00	52,500 00	21
A.B. 35	California Polytechnical School†-----	None	196,500 00	6
A.B. 55	SRA—State Controller-----	None	78,000 00	18
A.B. 56	State Controller-----	None	25,000 00	25
A.B. 61	Contingent Expense Assembly-----	None	5,055 62	23
A.B. 78	Mileage Assembly-----	None	2,500 00	14
A.B. 79	Legislative Printing-----	None	40,000 00	15
A.B. 80	Legislative Counsel Bureau-----	None	6,000 00	16
S.B. 36	California State Guard-----	37,000,000 00	7,934,365 00	19
A.B. 44	Emergency Fund (Item 216, Chapter 600/41)-----	8,790,843 00	642,319 00†	11
S.B. 31	University of California, direct appropriation to Emergency Fund (earmarked)-----	None	500,000 00	24
A.B. 42	Special Emergency Fund (Item 217, Chapter 600 41)-----	2,500,000 00	1,000,000 00	9
S.B. 1	Emergency Fund (Item 216, Chapter 600 41) (State Guard \$500,000)-----		1,000,000 00	2
A.B. 48	Division of Parks, State Parks, Maintenance and Acquisition Fund-----	2,000,000 00	87,950 00	13
	Total Appropriations-----		\$15,646,344 62	

\* Request made for the Department of Health.

† Appropriation to the California Polytechnical School is in the form of a loan from the General Fund and is to be repaid out of moneys allocated to the California Polytechnical School from the Fairs and Expositions Fund.

‡ Includes \$185,000 for State Council of Defense. Governor requested \$285,000.

It should be noted that the request for the emergency fund originally included all items other than the State Guard, so there is, in fact, in this schedule a duplication. In making comparisons this item should be reduced by the amount of the original requests allocated to the different departments and to the special emergency fund.

The whole matter of appropriations requested by the Governor at the special session was one of confusion. This followed from the fact that the Governor at first merely requested a blanket appropriation to the emergency fund and an appropriation for the State Guard. Subsequently, on request of the Budget Committee, these were broken down by the Director of Finance in two schedules. The first one, requested for the 12 months' period ending December 31, 1942, for the war emergency exclusive of the State Guard, \$15,104,189. On January 6, after the Budget Committee had insisted on a breakdown of this request and an allocation to the different departments, the Director of Finance requested an appropriation to the emergency fund for immediate defense needs of the State during the remainder of the present year the sum of \$8,790,843, as an augmentation of the emergency fund exclusive of support of the State Guard in addition to the \$500,000 already appropriated by the special session to the emergency fund, over and above the \$500,000 allocated in the emergency fund appropriation to the State Guard.

Some of the items that were approved by the Legislature as primary were considered as secondary in the Director of Finance's schedule. Some other items approved by the Legislature did not appear at all in the Governor's requests or in the Director of Finance's schedule, so that in fact, as measured by the Governor's requests, the



recommendations for appropriations made by the Legislative Budget Committee and finally approved by the Legislature are relatively even much less than the total appropriation of \$15,644,344.

There are four contributions following from the work of the Legislative Budget Committee during the special session.

1. The appropriations were reduced to amounts actually needed.
2. A more equitable treatment of the needs of the State was secured and some appropriations not requested were made where needed.
3. The need for appropriations had to be demonstrated and the facts considered, rather than merely the approval of a blanket sum.
4. Reasonable control of expenditures was established through making appropriations direct to the agencies concerned and through certain limitations placed in the appropriation bills.

The volume of work required on the part of the Legislative Auditor and by the Budget Committee to handle the special session fiscal matters can hardly be appreciated by anyone who did not participate. The job was all the more difficult due to the fact that the time available was very limited and proposals were changed frequently. For example, no less than 26 different sets of figures and estimates were required for the numerous Guard bills that at one time or another were before the Legislature and its committees. Each of these required very careful calculations not only for the amount of pay depending upon the strength of the Guard, but also the cost for subsistence, equipment, transportation, hospitalization, administration and other miscellaneous items. Many of these did not vary in direct ratio with the strength of the Guard, but had to be calculated in relation to the number of organizations. Each time the strength of an organization or the number in an organization or on active duty was varied the cost therefore had to be calculated accordingly.

The calculations made for the appropriations for the Division of Forestry to function the Fire Emergency Plan were almost as complicated. These had to be divided up into several categories, such as the allotment for stand-by equipment, that for the operation of a mobile pool, the purchase of pool equipment, and the allotment for the operation of a dispatch system. These, in turn, had to be calculated for varying periods of time. This also required the making of estimates for the normal operation of the Division of Forestry and for the winter move-up plan for fire protection, using normal equipment.

The only reason that satisfactory results were secured in this emergency in relation to appropriations followed from the fact that the Legislative Budget Committee was already organized and the Legislative Auditor was already intimately familiar with the entire operation of the State Government, and also that he already had in hand available for the committee basic information which could be used at a moment's notice.

### Continuous Research Necessary

The importance of continuously collecting, compiling, adjusting, and coordinating facts on the cost of the government of California and on the operations of each department and agency of the State so as to be prepared to supply the Legislature at all times with these facts can not be overestimated. It is absolutely essential to have this storehouse of information available on short notice in order to provide the facts for current problems the Legislature must consider and for the long time view that is required when the Legislature makes appropriations to cover a biennium which may end from two to two and a quarter years in the future.

A continuous study of the operations of government and the compilation of essential facts is required if the Legislative Auditor is to provide the Budget Committee and this, in turn, the full Legislature, with the information needed for considering the biennial budget, special appropriation bills, the revision of governmental organization and such other administrative matters as will come before the Legislature.

This is particularly important when we consider that each session of the Legislature not only adds more duties to existing departments and agencies of the State, but it frequently creates additional agencies and commissions. Moreover, with power vested in department heads to reorganize their departments with the approval of the Governor and the authority of certain other officers, bureaus, and commissions to reorganize or enlarge their functions without additional legislative approval, there is a continually changing administrative organization of the State. Additional functions, both with and without legislative approval, become effective during the interim between sessions and concerning which there is no experience available to the Legislature on which to formulate appropriations or enact legislation.

With the existence of the Legislative Budget Committee with its Legislative Auditor and staff continuously functioning, the Legislature has an instrumentality whereby it can observe the operation of the already existing functions of government, and the new or additional agencies and functions and the cost and operation thereof can be reported back to the Legislature. The Legislature can observe whether or not the will of the people as expressed through the Legislature has been carried into



effect or whether it has been circumvented. This value was amply demonstrated following the Special Session of the 1941 Legislature.

### Continuance of Regular Program

After the Special Session was over the Legislative Auditor went back to his regular work following the instructions of the committee, studying the State Government, but with an added job as set forth in Senate Concurrent Resolution No. 6, copy as follows:

### Senate Concurrent Resolution No. 6

#### CHAPTER 4

*Senate Concurrent Resolution No. 6—Relative to calling upon the Governor and other State officials to preserve the strictest economy during the present war emergency and instructing the Legislative Auditor to observe the extent to which this is done.*

[Filed with Secretary of State December 22, 1941.]

WHEREAS, The United States of America can not apply its maximum strength toward the winning of the great war in which it is now engaged unless all of its resources, whether public or private, are made available for its tremendous war needs; and

WHEREAS, Every expenditure by this State, however desirable during time of peace, which does not advance the war effort of this country diverts resources otherwise available for that effort and deprives the inhabitants of this country of funds which would otherwise be available to pay the mounting Federal taxes and to purchase defense bonds and stamps; and

WHEREAS, The funds now available for expenditure by the various departments and other agencies of this State were appropriated by the Legislature prior to the present war emergency, and, hence, this Legislature did not approve their expenditure under present conditions; and

WHEREAS, The present State taxes were imposed at a time when the United States was not at war, and, therefore, there is no indication by the Legislature that the State is warranted in imposing these taxes at the present time; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Governor of this State, the Director of Finance, and all State departments and agencies, whether self supporting or supported from the General Fund, undertake to reduce all expenditures to the minimum amounts required to maintain services necessary in themselves or necessary to further the war effort; and be it further

*Resolved,* That all heads of State departments and other agencies are urged to appraise immediately every possibility of securing economy in their respective departments or agencies, including, whenever possible, leaving vacant the positions of State employees leaving the departments or agencies; and be it further

*Resolved,* That the Legislative Auditor is instructed to observe the extent to which the policies expressed in this resolution are carried out and to make periodic reports thereon to the Joint Legislative Budget Committee; and be it further

*Resolved,* That the Secretary of the Senate is directed to furnish copies of this resolution to the Governor, Director of Finance, and the Legislative Auditor.

This resolution provided that the Legislative Auditor should observe and report to the Legislative Budget Committee what economies the State departments and divisions of government were making in the light of the war effort.

As instructed by the Committee, the Legislative Auditor immediately sent out a circular letter to all of the department heads, bureau chiefs, and agencies of the State Government, calling upon them to make a report.

Upon receipt of this notice the departments and agencies of the State immediately began to consider their program and in general they communicated to the Legislative Auditor economies already being made effective, or which were contemplated.

As a result of Senate Concurrent Resolution No. 6, the work of the Legislative Auditor was immediately enlarged and he has included this subject in each subsequent report to the Legislative Budget Committee.

### Economy Suggestions

At the April, 1942, meeting of the committee, the Legislative Auditor presented some 56 economy suggestions which might be considered State-wide in the operation of State Government. After carefully reviewing these suggestions they were

approved and the committee, on the invitation of the Governor, transmitted these suggestions to him.

The Legislative Auditor carefully followed the possibility of making these suggestions effective and was able to report that approximately one-half of them have either been made effective or are in the process of being made effective by the Governor or the department heads and agency chiefs where they can be applied. The committee must report that these economy suggestions were not adopted as universally as was possible and that in some instances not only no response was made but opposition and antagonism to the legislative suggestions appeared.

The committee, while it can not claim full credit for the economies achieved does not hesitate to claim that it added a directing force in this matter which resulted in rather large economies, many of which are being continued.

#### **Services to Other Legislative Committees**

At the second meeting of the Legislative Budget Committee held on November 22, 1941, instructions were given the Legislative Auditor to render such services as were possible and consistent with his duties to other legislative committees. This he has done on numerous occasions. In particular, he has served the Assembly Committee on Governmental Efficiency and Economy, and the Assembly Subcommittee on Social Security. In one instance he compiled a complete report on the operation of the Division of Commodity Distribution in the Department of Social Welfare. In other instances he has analyzed expenditures, accounting methods and procedures, and the accounts of certain agencies and provided other facts and figures useful in these committee deliberations.

All of this work done for other committees has yielded direct values in providing facts and figures useful to the Budget Committee work. For example, the study of commodity distribution in the Department of Social Welfare was used directly and effectively in the budget hearing on the Department of Social Welfare with the result that the budget request for this activity was materially reduced.

#### **Effectiveness of Interim Committees Increased**

It is a well-known fact that many legislative interim committees secure limited results for the reason that they are handicapped in not having a definite procedure and not being in possession of facts or definite information as to where or how to secure those facts and to coordinate them with information available in public records. Much time is wasted by these committees in organization and in formulation of a program and also in carrying on investigations with the hope that they will hit on something of real value. By having a legislative representative continuously on the job, assistance can be given in formulating a program and in setting up a procedure of operations and in providing available basic facts, even to the determination of witnesses who should throw light on matters at issue. An outline of questions to be asked which will build a coordinated body of information necessary for the purpose of the committee can be prepared. Such procedure will eliminate much of the waste motion and reduce the time and costs of committee operation. It also will make possible the multiple use of information gathered, for frequently information secured by or for one committee will be useful to several others.

#### **Functions of the Committee in Relation to the 1943-45 Budget**

The committee adopted an original policy to be followed in preparing for considering the Governor's biennial budget for 1943-45, and instructed the Legislative Auditor to review each and every department, division, commission and agency of the State with the idea of making effective all possible economies through having in hand an analysis of the operation of the State Government which would give the committee the facts as to the operation and costs for performing all of the services supplied by the State. Duplications, overlapping functions, inefficient procedure, surplus employees, extravagant use of supplies and materials and all other unnecessary expenditures in so far as possible were to be pointed out, purely on the basis of fact. It was the intention of the committee in its original plan to have such information in hand and then to consider budget requests as found in the Governor's budget and in appropriations, and with these facts to reduce all proposed expenditures to minimum amounts required to maintain services necessary in themselves or necessary to further the war effort. In this procedure the committee was following the spirit of Senate Concurrent Resolution No. 6, previously noted, which called upon all State departments and agencies to reduce expenditures following these general principles.

It should again be noted that in this resolution the Legislature called on the heads of all State departments and agencies to appraise immediately every possibility of securing economy in their respective department or agencies, including wherever possible leaving vacant the positions of State employees severing their connections with these departments or agencies to engage in the war effort. The committee stated that they felt that the nation's war effort demanded every resource and energy be dedicated to winning the war at the earliest possible moment. To

achieve this victory drastic changes in normal operations of government as well as in the private lives of citizens are necessary. The luxuries in governmental spending and operation must go as luxuries in civilian life are going.

The committee held that appropriations should be based upon the assumption that the war will continue through the period of the budget, or in other words throughout the next biennium; therefore, appropriations should be made on this basis.

They further expressed the view that governmental activities clearly made necessary by the war effort or which definitely contribute to winning the war should be provided for to the extent necessary for their effectiveness. With these principles in mind, the committee instructed the Legislative Auditor to review the activities and functions of the State agencies and to examine them critically as to their necessity under wartime conditions with the thought that every expenditure which does not clearly serve an essential service of government needed in wartime should be eliminated.

They further instructed that those agencies which assumed additional responsibilities as a result of the war should finance them as far as possible out of their existing budget by curtailing or eliminating functions not essential to the war effort. However, the operation of each agency was to be adjusted so that the war effort assumed a proper function and could best be performed in that particular agency, and also that it did not overlap with some other agency. In addition, such special items as were solely developed to meet the war effort should be clearly set out and kept distinguishable from the regular activities, so that at the end of the war these emergency efforts would not appear as a permanent activity of the agency concerned.

It was the consensus of opinion of the committee that the information secured by the Legislative Auditor should be held in file and used in relation to appropriations after the Governor presented his budget. This was adopted for the reason that the committee did not then know whether an economy budget or not would be presented.

#### **Department of Finance Advises State Agencies to Make Budgets on an Economy Basis**

On September 28, 1942, the Director of Finance sent out Circular Letter No. 213 to all State departments, boards, commissions, etc., concerning the budget requests for the 1943-45 biennium. This letter contains substantially the economic suggestions promulgated by the Legislative Budget Committee. Subsequently, the Governor-elect, Honorable Earl Warren, stated that he concurred in the general principles expressed in this letter and that he desired that they be followed in preparing his budget.

#### **Plan of Operations of Committee Modified to Harmonize With Economy Budget Views of Governor-elect**

Upon the election of the Honorable Earl Warren as Governor, he contacted the chairman of the Legislative Budget Committee and expressed his ideas of having an economy budget and he suggested that he would like to have all possible assistance in securing a sound economy budget, very much in line with the principles previously enunciated by the committee. The Governor-elect also stated that he would appreciate any assistance rendered in helping to produce an economy budget. He not only invited the Legislative Auditor to sit in at the budget hearings, representing the Legislative Budget Committee, but requested that he participate in the budget hearings and also requested that he participate in the final consideration of the budget items with the Governor-elect before these were finally determined. The Budget Committee had already instructed the Legislative Auditor to participate in the budget hearings and to bring out such facts as were necessary to make a decision upon requested appropriations, but not to disclose the possible recommendations of the Budget Committee. The committee, at its meeting December 4, 1942, discussed this matter and instructed the Legislative Auditor to modify the plan of operations and to render every assistance to the Governor-elect in making the budget, participating in the budget hearings, and to bring out such facts as were necessary in making a decision upon requested appropriations as respects their necessity to carry on the essential functions of the State Government and forward the war effort.

The Legislative Auditor has attended all of the budget hearings, both open and closed, held by the Department of Finance and the Governor-elect, and has participated along the lines indicated. In addition, numerous conferences have been held with representatives of the Department of Finance working on the budget concerning specific items, both as to inclusion, reduction, or elimination from the budget.

The facts and information presented and brought out by the questions asked by the Legislative Auditor have resulted in materially affecting the budget allotments, although it should not be inferred that through this procedure complete results have



been secured or that much more can not be done in securing greater economy as respects many appropriations.

The limitation on the time available to prepare the executive budget after the election of the Governor and the required time of its presentation to the Legislature does not make it possible to make a complete and exhaustive analysis of every budget request. Furthermore, the incoming Governor and his advisors are not sufficiently armed with the facts and experience to exhaustively cover the budget requests which, in their total, exceed half a billion dollars. Here is a manifest weakness in the State's budgeting procedure which presents itself with the election of each new Governor. Time and information available to the new Governor and his department heads are absolutely too short subsequent to an election to make possible adequate consideration of the budget by the newly elected Governor and his newly appointed chiefs. It appears to be desirable to extend this time in some fashion by at least 30, and preferably 60 days. This would result in fuller consideration by the Executive of appropriation requests and undoubtedly a better budget and a more acceptable document would result. The values which would come from making possible this more detailed consideration would be of maximum amount if the Legislative Budget Committee, through the Legislative Auditor, could participate continuously in the budget program.

It is self-evident that under the present conditions the permanent budget staff of the Department of Finance must be depended upon to provide analyses of expenditures and necessary facts for the Governor-elect. In this instance, and for the first time in the history of the State, the Legislature has had its own representative participate with the Governor-elect in preparing a budget. From the volume of facts and information gathered by the Legislative Auditor during the past year and from his previous experience with State budgets and State administration, a distinct contribution and assistance has been made in preparing the budget which the Governor-elect has welcomed.

The Budget Committee, when it instructed the Legislative Auditor to participate in the budget hearings, also directed him to secure all possible facts as respects appropriation requests and to make a further analysis thereof and to present these to the Legislative Budget Committee at their subsequent meetings. The information thus secured will be used, together with the data collected previously concerning each department and agency, in reviewing the executive budget and in considering the Budget Bill and such other appropriation bills as come before the Legislature.

It was felt by the Budget Committee that the procedure above outlined would result in securing a more economical and satisfactory budget document to be presented by the Governor in the first instance to the Legislature, and also that the Legislative Budget Committee can effectively review the executive budget and consider the Budget Bill and such other special appropriation bills as come before the Legislature with a minimum of effort. This will follow from the fact that the original budget document itself will reflect much of the information secured by the Legislative Budget Committee and passed on to the Governor-elect during the budget hearings. This should result in mutual agreement on many items in the budget and in first-hand knowledge concerning the decisions made by the Governor-elect on other items. With this information and other necessary facts the Legislative Budget Committee can recommend to the Legislature such action as the facts demonstrate to be desirable.

In this way the consideration of the Governor's budget should be reduced to a much shorter period of time than has been customary in the past. This bottleneck in legislative operations, where the Constitution provides that no appropriation bill, other than an urgency measure, can be considered before the Budget Bill is passed, will be removed. Legislative business will be expedited. Moreover, the final appropriation bill should provide for all necessary appropriations on a more fair and equitable basis. The legislative session should be considerably shortened and a greater degree of understanding of appropriation requests exist, and resultant harmony in legislation should prevail.

#### **Final Budget Requests Being Further Analyzed**

Due to loss of technical staff, the Legislative Auditor has had to personally analyze all budget requests and participate in all budget hearings. This has required a suspension of practically all other activity. It has also required all possible available time. Revised budgets to be submitted by State agencies where original budgets were inadequate have delayed final consideration. In addition, the final consideration of budget requests by the Governor-elect will extend throughout at least the first two weeks of the legislative session, and other detailed consideration until approximately January 20th, so that the final budget document will not go to the printer until about January 25th.

Complying with a request of the Committee immediately after the completion of final consideration by the Governor-elect on any department's or agency's budget, a copy of the final typed form is sent to the Legislative Auditor and an analysis of this final form by the Auditor is under way.



Subsequent reports will be made to the Legislative Budget Committee on these several final budgets, using information and facts secured in the regular studies conducted by the Legislative Auditor, and these final recommendations will be available progressively for the use of the Legislature in acting upon the Budget Bill.

Respectfully submitted.

#### LEGISLATIVE BUDGET COMMITTEE

SENATOR W. P. RICH, Chairman

SENATOR JEROLD L. SEAWELL

SENATOR ARTHUR H. BILED, JR.

SENATOR T. H. DELAP

SENATOR EDWARD H. TICKLE

ASSEMBLYMAN SETH MILLINGTON, Vice Chairman

ASSEMBLYMAN NORRIS POULSON, Secretary

ASSEMBLYMAN GEORGE A. CLARKE

ASSEMBLYMAN GORDON H. GARLAND

ASSEMBLYMAN C. DON FIELD

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Rules has appointed Senators Keating and Judah as members of the Committee on Pension Problems, which is to be created by the Governor.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Biggar, Swan, and Ward as members of the committee created under Senate Resolution No. 51.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Shelley, Mayo, Brown, Gordon, McBride, and Deuel as members of the committee created under Senate Resolution No. 49.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Hatfield and Crittenden as members of the committee created under Senate Concurrent Resolution No. 13.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Swing and Salsman as members of the committee created under Senate Concurrent Resolution No. 17.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Shelley, Judah, Luckey, Slater, Keating, and Quinn as members of the committee created under Senate Resolution No. 35.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Tenney and Burns as members of the committee created under Senate Concurrent Resolution No. 8.

SEAWELL, Chairman

MR. PRESIDENT: Your Committee on Rules has appointed Senators Quinn and Swing as members of the State War Council.

SEAWELL, Chairman

#### RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

##### Senate Resolution No. 53

*Resolved*, That the Secretary of the Senate be and he is hereby ordered and directed to procure, during the constitutional recess, for the use of the members of the Legislature, a complete and comprehensive Legislative Manual or Handbook similar to such publications of previous sessions, same to contain list of members and officers of both houses of the Legislature, lists of committees and rules of both

houses and joint rules, together with indexes to the same; also to procure for the use of members of the Legislature a Semitinal Calendar containing a history of all bills introduced to date, together with a complete index and cross index to the same, to be printed and distributed during the constitutional recess, and the Controller is hereby ordered and directed to draw his warrant on the contingent fund of the Senate in favor of the Secretary of the Senate in the sum of one thousand dollars (\$1,000) to pay for such handbook and Semitinal Calendar, and the Treasurer is hereby ordered and directed to pay the same. The cost of printing shall be charged to the Legislative Printing Fund. The Secretary of the Senate is further directed to furnish the Controller with vouchers for all expenditures made by him in pursuance of this resolution.

DEUEL  
POWERS  
TICKLE  
SEAWELL

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

### By Committee on Rules:

#### Senate Resolution No. 54

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of three thousand, six hundred and seventy-six dollars and fifty-four cents (\$3,676.54) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses incurred during and prior to the first part of the Fifty-fifth Session and expenses to be incurred during the constitutional recess, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

The Pacific Telephone and Telegraph Co.....	\$ 57 83
Postal Telegraph-Cable Co.....	13 14
Western Union.....	35 79
Cascade Towel Supply.....	8 60
H. S. Crocker, stationery and supplies.....	344 26
Department of Finance, typewriter service.....	70 51
Jones & Dart Music Company.....	15 00
Sacramento Convention Bureau, music for inaugural ceremonies .....	20 00
Carithers Sign Company, lettering door.....	12 00
Railway Express Agency.....	1 03
Postage .....	1,560 00
Bancroft-Whitney Co., codes.....	1,538 38
	<b>\$3,676 54</b>

DEUEL  
POWERS  
TICKLE  
SEAWELL

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

### MESSAGES FROM THE GOVERNOR

#### Budget Message

*To the Senate and the Assembly of the State Legislature of California*

In conformance with the duty imposed by the Constitution of the State, I herewith submit for your consideration the budget for the biennium beginning July 1, 1943, and ending June 30, 1945.

It may be that further economies can be effected during the biennium after we have had opportunity for more detailed study. I say this because, in my opinion, it

is impossible for any incoming Governor to make what I consider to be an accurate and detailed analysis of budgetary problems within the short interval of time allowed.

Between election and taking office, the incoming Governor must make whatever analysis he can, for the time after taking office is required for assembly and printing of the budget. It is my belief that provision should be made for the elapse of a greater length of time before an incoming Governor must complete and submit his initial budget.

During the short period of time available to prepare and present this document, I have relied very largely upon the staff of the Department of Finance which has been faithful to its task. In all of our budget hearings we have exchanged views with your Legislative Auditor and feel indebted to him for many valuable suggestions.

The budget which I now submit has been compiled in a period of war and for a State which is an important contributor to the war effort of the Nation. It is a budget influenced by war economy. In total recommended expenditures it calls for \$463,947,005 for the operation of State Government. This represents a decrease of \$64,264,452 from the actual and estimated total for the present biennium and is \$133,054,145 below the estimated total revenue of the State during the two-year period beginning July 1, 1943.

### Executive Policies

In compiling the budget certain general policies were adopted. This is a necessary procedure in order to assure that some semblance of standard practice may be established and uniform treatment accorded all State agencies. These general policies are briefly indicated in the following:

The budget is based on the premise that the war will continue through the biennium.

The general principle upon which the budget is predicated is that war essential services are to be adequately provided for and lesser essential services curtailed.

In those departments performing war functions or where the work load is accentuated by the war, the appropriations recommended consider the facts as applying throughout the period.

Due to war conditions curtailment has been advisable in some agencies. In all items of reduction, consideration has been given the need for protecting the investment of the State in organization, trained man power and physical assets.

Expansion of departments or functions not directly connected with the war effort has been eliminated.

Only such functions have been included as are now authorized by statute. Appropriations are provided for these functions in accordance with the indicated intent of past Legislatures.

In every budget involving personnel, an allowance has been made for the \$15 emergency increase approved by the Personnel Board effective July 1, 1942.

War conditions have reduced building construction to an absolute minimum. No requests were considered unless priorities were in hand or could be reasonably expected.

In developing this budget I have laid considerable emphasis upon the elimination of waste and red tape, and also the development of operating economies. Many departments will not fill vacant positions.

The recommended appropriations are based on a curtailment of travel in order that additional relief may be given to transportation facilities.

### War Problems of State Government

The impact of global war has had a tremendous influence upon the State of California. The transition from peace to war production; the migration of workers from other States into our manufacturing areas; the intensity of the National program of civilian, war factory, and coastal defense; the transportation of materials and men; the safeguarding of public health; and the draft of man power have all had a broad and disturbing influence upon the operations of normal State Government.

The State is responding to these changes in creating and developing new agencies for defense, and by imposing upon all of its civil and protective units such functions as are deemed to contribute to the general betterment of the lot of all the people of the State. In addition, many of the departments will assume responsibilities for the execution of powers delegated by the war agencies of the Federal Government.

The financial program of the State may require adjustment time after time, until we are able to meet the challenge of these problems. Some of the departments have been curtailed and as we progress further into the biennium more drastic curtailments may be made. Man power should be flexible and the assignment of employees to the most essential tasks should be permitted.

### War Agency Study Continues

I wish to call special attention at this time to the probability that I may have something further to report in connection with the budgets of four agencies of government which are now involved in reorganization studies. These are: Civilian



Defense, State Guard, Division of Forestry, and the Department of Public Health. Studies are under way which may materially alter present tentative recommendations.

While we are in the process of reorganizing the civilian defense program of the State, I deemed it advisable to ask for the amount requested for the existing State Council of Defense. Since the figures were not developed in connection with an analysis of needs under proposed reorganization, a supplemental statement will doubtless be required.

This same consideration should be applied to the State Guard budget of \$15,100,000. The Adjutant General is now conducting a preliminary survey which is likely to lead to new recommendations in weeks to come.

It is likewise entirely probable that I may have some new recommendations to make in regard to the budget of the Division of Forestry when studies have been completed.

Likelihood also exists that there may be an additional report required for the Department of Public Health. The protection of the health of the communities of California and the rendering of health facilities for Selective Service and the armed forces is a duty of vital importance. I have recommended an increase of \$300,000 from the General Fund for the Department of Public Health. The recommended increase does not cover any transfer of the functions heretofore supported by Federal funds to the General Fund.

### Industrial Relations

Another agency which is performing an essential war service is the Department of Industrial Relations. The character of the war service performed is in reality an expansion of its normal function. The quick development of great war industries hiring thousands of workers has necessitated additional safety engineers to protect the workers against hazards of employment. An upward trend in accidents has increased the work resulting from the operation of the Workmen's Compensation and Safety Act.

The housing congestion in defense areas has caused an increase in the Division of Immigration and Housing. In cooperation with other governmental authorities the trailer and auto camp problems must be solved. The Division of Industrial Welfare budget has been adjusted to care for the problems of women in industry. The over-all increase recommended for the Department of Industrial Relations is \$300,000.

### Highway Patrol

The Highway Patrol has been operating on a much expanded program due primarily to the war effort. The principal war functions may be enumerated as follows: regulation of traffic within reduced speed limits; patrol for the prevention of sabotage; participation in the scrap metal drives; regulation of traffic in congested manufacturing areas; enforcement of dim-out regulation; coastal patrol, convoying the transporting of men and materials; and training of auxiliary patrol. This program required an expenditure greatly in excess of the funds provided by a declining revenue. In view of the condition of the fund, I am recommending an appropriation \$1,250,000 below the actual and estimated expenditures for the current biennium. Despite this decrease the Motor Vehicle Support Fund will show a deficit of \$850,000 at the end of the biennium. It is necessary therefore for me to request that you appropriate an additional 4 per cent of the registration fees for the support of the department or provide a similar amount from some other source of revenue.

### Education—University and State Colleges

There are several current factors affecting the educational system of our State. Enrollments have declined on the University campuses from 28,000 a year prior to the war to an estimated 15,000 at the start of the next school year. The seven State colleges have experienced a similar decline. War needs may effect further decreases.

The budgets recommended for support of the University and State colleges have been reduced to \$29,950,000 which is a decrease of \$3,200,000 from current expenditures in line with the indicated trend in enrollments. The sum recommended is commensurate with reduced enrollments only in so far as reductions are possible without damage to the institutions.

The recommended budget includes an increase of \$60,000 for support of the California Maritime Academy. This increase is occasioned by the moving of this institution to its new base at Morrow Cove where more suitable quarters have been provided.

Previously the Polytechnic School received all its support from horse racing revenues. With the curtailment of revenue from this source, it was necessary to transfer support of this school to the General Fund. An amount of \$528,000 will thus become a liability of the General Fund.



### Highways

The administration of the State Highway System presents a serious financial problem, due to the greatly increased burden of heavy war and industrial traffic, and the unprecedented reduction in gasoline tax. The elimination of Federal aid represents a further loss of approximately \$9,800,000. The funds available for State highway purposes, as shown by this budget, will be reduced about \$34,000,000.

There are sections of State highway now beyond the point where their useful condition can be preserved by ordinary maintenance. Since these highways are essential to the war effort, reconditioning will be necessary. This will constitute an extraordinary, but necessary demand on the reduced highway funds. Only small amounts will be left for engineering, planning, and acquisition of rights of way for postwar work on urgently needed highway projects.

### Youth Correction Authority

This new agency has been organized to provide a better means of training youths both to cure and prevent delinquency. During the present biennium the Authority has operated only to a very limited extent. For the next biennium I have recommended an appropriation of \$378,000. This amount will permit the Authority to operate diagnostic and classification clinics; guidance and prevention work; parole and after care; and training and custody in work camps. At the present time the Authority is contracting with the Federal Forest Service for farm and forest work. These camps will assist the war effort in providing man power to raise goods for rubber. Funds provided by the Federal Government will enable the Authority to finance a program involving the expenditure of \$1,300,000. Over 500 youths will participate in the program.

Revenue has been estimated in excess of \$300,000 for charges to counties for youths committed to the Authority. It is my belief that the amount of this budget and the expanded program of assuming actual custody and care of present county charges should be dependent upon the enactment of statutory authority fixing the financial obligation on the counties.

### Institutions and Prisons

I am recommending appropriations totaling \$32,500,000 to provide for the institutions and prisons of the State. This represents an increase of \$1,250,000. These agencies will provide for the care and maintenance of 37,000 persons during the next biennium. Commodity price increases; increased population in mental institutions and correctional schools; full period operations of recently constructed units; added personnel for maintenance of buildings; increased expenditures on institutional farms; and additional fire protection provided for the agencies have necessitated this increase.

With the development of the Youth Correction Authority into an active agency, I am proposing a further expansion of its influence. I would ask that you consider the advisability of transferring the three correctional schools—Preston School of Industry, Fred C. Nelles School for Boys, and Ventura School for Girls—from the Department of Institutions to the Authority.

### Social Welfare

The regular activities of the Department of Social Welfare are recommended at an increased amount of \$375,000. This increase is not brought about by expansion but originated from continuation of positions authorized in the current biennium and extension of emergency salary adjustments. While a noticeable decrease in the case loads of the categorical aids is estimated for the next biennium, a comparable decrease is not reflected in administrative expenditures of the department because its duties are more of a supervisory nature and are not directly in ratio to the case loads.

The special activities of the department consisting of WPA, Stamp Plan and Surplus Commodities have been eliminated from this budget with the exception of an amount of \$440,000 for a restricted program of warehousing surplus commodities for the school lunch program. This represents a cut of \$1,000,000 from the request for Surplus Commodity Distribution.

### Personnel Problems

Government today is confronted by labor problems very similar to those confronting industrial establishments. There has been a substantial increase in labor turnover. Hundreds of State employees have been granted military leave to enter the armed forces of our Country. Thousands have accepted employment in war industries. Records show that 8,200 resignations from State service were filed during the period of eight months ending with October, 1942.

This situation in man power has increased the number of unfilled positions until it can be recognized as a measurable factor in the amounts required for salaries and wages. In preparing this budget it has been assumed that the number of vacancies will continue to be abnormally high in the coming biennium and this fact has been taken into account.

As a means of maintaining morale among State employees by recognizing the increase in cost of living, and to retain the personnel essential to government operations, provision has been made for the continuation of the emergency salary increase recently granted State employees. Conditions are changing very rapidly and the amount of the increase merits further study and investigation. The \$15 allowance now in effect amounts to some \$10,000,000 for the next biennium and is a significant factor in the budget total.

In all probability the employment problems of State Government will become more critical during the coming months. At the present time State employees are not paid for overtime work. It is common practice in private industry to meet labor shortages by extending the hours of labor and making commensurate adjustments in salaries or wages. This principle has recently been adopted by the Federal Government and other public agencies. I am recommending that you give consideration to granting statutory authority to pay for overtime work when required by depletion of man power but in so doing it is my belief we should conform with National policy in regard to the 40-hour week.

#### **Motor Vehicle Appropriation**

Because of the unsettled conditions no allowance had been recommended for any motor vehicles in General Fund departments. During the current year the class of small cars has been frozen for purchase by the armed forces. It will be necessary to take definite steps to conserve cars now owned by the State. Some discretion should be exercised in determining whether or not cars should be purchased for the lesser essential services. Since such a determination can not be made at this time it has been deemed advisable to recommend one amount of \$250,000 to be appropriated at the disposal of the Department of Finance, to be used to the best advantage of the State General Fund departments when necessary for the purchase and maintenance of automotive equipment.

#### **Payments and Grants to Local Governments**

As a result of wartime conditions, payments and grants by the State to local units of government will be substantially lower during the coming biennium than in the current two-year period. Shifting conditions and not State policy have caused the change in outlook. Factors underlying the decline are temporary in nature and illustrate how definitely our fiscal programs have been thrown into a state of flux by the war. It is estimated that these State costs will total \$250,000,000 during the 1943-1945 biennium—a decrease of \$35,000,000.

The demands of industry and the armed forces upon students in our secondary schools will result in lower school enrollments and decreased State expenditures for school support during the coming two fiscal years. A similar disruption exists in the case of expenditures for aid to needy aged, blind and children. Sharp decreases will be noted in the apportionments of motor vehicle taxes and fees and in gasoline tax.

Any appraisal of the State's fiscal position and financial outlook must take into consideration the fact that these decreases in requirements and revenue are wholly artificial; that the postwar reaction must be met largely from the State General Fund and that over 98 per cent of these items are General Fund obligations fixed by law.

#### **Improvements in Accounting Methods**

Since the enactment of the retail sales tax in 1933, the State has been counting as cash and including as part of its assets, money which was not, in fact, received until after the close of its fiscal year. This money would not be available to pay any bills due at that time and the practice is not applied with respect to other State taxes.

From the viewpoint of consistency the accounting for all sources of revenue should be identical. In the interests of better financial reporting, the State should count as income only the cash actually received in the Treasury during each fiscal year, leaving to the subsequent period any revenue in the hands of its taxpayers but not as yet carried in the State's accounts. This practice is fully applied beginning with the present budget by reporting sales and use tax receipts upon a cash basis.

Another change relates to the accounting of State revenue. In the past, receipts from the retail sales and use taxes, the alcoholic beverage taxes, and the personal income tax have been treated as revenue for special funds, with the expenditures for administration of these levies being accounted as special fund costs. Only the net receipts after payment of administrative charges have been considered General Fund revenues. In the case of all other principal general levies, receipts have been treated as General Fund resources, with administrative charges being met through appropriations from the General Fund. As a result of this varying treatment as between different sources of revenue, there has been no clear-cut distinction between General Fund operations and those of the various special funds. This situation is remedied in the present budget. This change will not affect any limitations existing

in present laws with respect to the amounts which may be expended in the collection of these taxes.

### Estimated Revenue

California's State Government is at present passing through a period of unprecedented high revenue income. The tremendous stimulant of war expenditures has produced a volume of tax income which surpasses anything that might have been expected solely on the basis of previous experience. By its very nature, this flow of revenue into the State Treasury can not be long continued at its present level. As wartime excesses give way to restrictions, and the productive power of the Nation is fully concentrated upon the material of war, a contraction in several important sources of State revenue will be inevitable. It is therefore highly important that the State's financial outlook be judged not so much in the light of what has happened in the last two years, as by what is probable for the coming two years.

Although the swift developments of war and the far-reaching impact of wartime activity upon normal civilian life make it extremely difficult to forecast the State's revenue for the 1943-1945 biennium with a high degree of accuracy or assurance, it now appears that receipts from existing revenue sources during the biennium will total \$597,000,000. As compared with the \$676,000,000 actual and estimated total for the current two-year period, this represents a reduction of \$79,000,000. It is, however, substantially more than has been recorded in any biennium except the one now in progress.

General Fund receipts during the 1943-1945 biennium from existing taxes are projected at \$468,000,000, as compared with \$497,000,000 actual and estimated for the current two-year period. In view of the dislocations within the State's economic structure as a result of the war, this \$29,000,000 reduction in General Fund revenue may appear surprisingly moderate. The resources of the General Fund are broad and varied and will reflect the emergency conditions in different ways and in varying degrees. For example, although sales tax revenue will decrease as a result of restrictions upon civilian consumption, it is expected that the losses at this point will be offset to some degree by gains in the yield of such levies on income as the bank and corporation franchise tax and the personal income tax.

Special fund revenue, conversely, rests for the most part upon charges incident to the ownership and operations of motor vehicles. Because production of motor vehicles for civilian use has been discontinued, while operation will be restricted under gasoline rationing, it is likely that motor vehicle tax revenue will fall off sharply in the coming biennium. In total, special fund receipts are estimated at \$129,000,000 for 1943-1945, a decrease of \$49,600,000 from the total estimated in the current period.

### General Fund Financial Condition

With revenues of \$468,000,000 estimated for the 1943-1945 biennium, and expenditures recommended or required under existing law in the amount of \$330,000,000, current operations of the State General Fund are well within balance. The excess of anticipated revenue over prospective disbursements in the coming period is \$138,000,000. It should be noted that this projected operating surplus is based upon expenditures contemplated in this budget and estimated revenue from taxes now in force, without modification. Tax reduction or increased expenditures would, of course, reduce this figure.

In addition to the surplus arising out of operations in the coming biennium, the State will carry forward a \$90,000,000 General Fund surplus as a result of excess income during the 1941-1943 biennium. In total, therefore, the anticipated General Fund surplus on June 30, 1945, is \$228,000,000. This situation is of such importance in the fiscal management of the State, and represents such a vast change from the conditions which have prevailed during the past 12 years, a further analysis of the total is in order. Briefly, this may be summarized as follows:

General Fund Deficit June 30, 1941.....	\$66,000,000 00
Revenue, 1941-1943 .....	\$497,000,000 00
Expenditures, 1941-1943 .....	341,000,000 00
Operating Surplus, 1941-1943 Biennium.....	156,000,000 00
General Fund Surplus, June 30, 1943, Estimated.....	\$90,000,000 00
Revenue, 1943-1945, Estimated.....	\$468,000,000 00
Expenditures, 1943-1945, Estimated.....	330,000,000 00
Operating Surplus, 1943-1945 Biennium.....	138,000,000 00
General Fund Surplus, June 30, 1945, Estimated.....	\$228,000,000 00

### The General Fund Surplus

A surplus of \$228,000,000 in the State General Fund is a matter of serious concern. It constitutes a sacred trust for those who have the power to spend, for



it has been collected from all the people and should be expended or preserved only for uses which will redound to the benefit of all.

In the consideration of this sum, we will be wise if we consider it the foam cast up by intense war activity and not the natural product of our normal tax system. It is generated by an activity which can be cut off as quickly as it started.

In times such as these it is not safe to trifle with fundamentals. This reasoning should, in my opinion, be applied both to expenditures and taxation. Unless we are extremely careful in our expenditures at this particular time of surplus, we will be fixing standards of expenditure which will be difficult to change as time progresses. We must remember that when the first reaction comes we will not only have to take care of new needs but also the false standards fixed during this period of apparent prosperity. We should also be careful in our treatment of the tax structure, particularly its base, for when both revenue and obligations shift, we will need all the experience we have gained during both the good years and the bad to carry on the progressive government demanded by our people.

The present surplus—that which will accrue by June 30, 1943—is admittedly the product of unusual circumstances. A part of the total is, in fact, borrowed from the future. It arose, in part, through the rush of our citizens to purchase today what they knew would not be available for purchase tomorrow. The sales tax thus generated is already in the State Treasury and there will be a reaction evidenced by decreased tax collections in coming months.

A part of the present and prospective surplus arises through the postponement of building construction at State institutions and at other agencies where facilities are needed. This cessation and delay of building is but another product of the war. When we eliminated capital outlay from the present State budget, it was not done as a matter of desired policy. It was done only as a matter of war requirement and with full recognition of the responsibility of fitting such construction into the postwar program.

It is my hope that the Legislature will take such action as is required to insure the use of portions of this surplus for needed institutional construction during the postwar period. In this connection it may also be found advisable to survey the possibility of saving the State large rental fees resulting from the leasing of properties in several cities.

Another part of the anticipated surplus, especially that in prospect as a result of operations in the 1943-1945 biennium, is the product of reductions in State payments to local governments for the maintenance of schools and support of social welfare programs. These by-products of war activity will vanish at the end of the current conflict and expenditures required by law for these purposes will again increase at least to previous levels.

#### War Catastrophe Reserve

There is another way in which I believe a huge sum of surplus money could be put to protective use at this time. This State has been designated as a potential combat area. Within the State are great war plants—necessary and vital to the success of the war. These plants are serving an indispensable purpose. They are, however, lures for attack from our enemies. The State is concerned with the lives and safety of its people and the protection of their property. Every governmental unit in the State has formally established an agency to protect and defend our life and property. Thousands of volunteer workers now are trained and ready for any eventuality. Should an attack or invasion occur, the State Government must be ready. It is, therefore, my recommendation that a "War Catastrophe Reserve" of \$25,000,000 be set aside at the disposal of the War Council to be used, only in case of an actual bombing or invasion, for the relief of suffering among the peoples of this State.

It is my earnest hope that no part of this amount will be needed for the purpose to which I am requesting that it be dedicated. Should it not be required for this desperate use, it could later be released to contribute to the financing of postwar programs.

#### Tax Reduction

It is fortunate that the present and prospective financial condition of State Government is such as to allow both the creation of adequate resources and tax reduction. I have, as you know, appointed a Citizens Advisory Committee to investigate and recommend upon the possibility of reducing State taxes. This body is actively at work, and will collaborate with your committees. When its recommendations are received, I shall communicate with you further upon the matter of tax reductions. The committee expects to report by March 15th.

It shall be my purpose and the purpose of all departments of State Government to extend you every assistance possible in your task for analyzing this budget and our State fiscal problems.

Respectfully submitted.

EARL WARREN, Governor of California

January 30, 1943



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 569

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By CARROLL DUDLEY, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Concurrent Resolution No. 31**—Relative to commending Joseph C. Beard, Captain of State Police.

Referred to Committee on Rules.

**Assembly Bill No. 569**—An act to add Section 2710.2 to the Penal Code, relating to the California Institution for Men Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY CONCURRENT  
RESOLUTION NO. 31

Senator Seawell moved that Assembly Concurrent Resolution No. 31 be withdrawn from Committee on Rules for the purpose of consideration. Motion carried.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 31

**Assembly Concurrent Resolution No. 31**—Relative to commending Joseph C. Beard, Captain of State Police.

Resolution read, and unanimously adopted.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 743:** By Senator Deuel—An act to add Section 1204.5 to the Fish and Game Code, providing for duck stamps, the establishment of a fund with the money received from a sale thereof, and the payment of indemnities to land owners for damage caused by ducks.

Referred to Committee on Fish and Game.

**Senate Bill No. 744:** By Senator Collier—An act to amend Section 2350 of the Welfare and Institutions Code, relating to life care contracts.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 745:** By Senator Swan—An act to add Section 59.5 to the State Civil Service Act, providing for the creation of a Clerical Pool to make available clerical services to all State appointing powers.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 746:** By Senator Collier—An act to amend Sections 2761 to 2766, inclusive, 2769 and 2770, and to repeal Sections 2773 and 2774 of the Penal Code, relating to prison road camps.

Referred to Committee on Judiciary.

**Senate Bill No. 747:** By Senator Collier—An act to amend Section 970 of the Fish and Game Code, relating to crab traps.

Referred to Committee on Fish and Game.

**Senate Bill No. 748:** By Senator Jespersen—An act to amend Section 689.5 of the Political Code, relating to the Service Revolving Fund.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 749:** By Senator Biggar—An act to amend Section 675 of the Political Code, relating to the Department of Finance.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 750:** By Senator Biggar—An act to amend Sections 2190 and 3001 of the Revenue and Taxation Code, relating to real property taxes.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 751:** By Senator Swan—An act creating the State Economy Commission to promote economy in the State Government, and making an appropriation for its support.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 752:** By Senator Swan—An act to add Article 9.5, consisting of Sections 5.107-1 to 5.107-4, inclusive, to Chapter 1 of Part 1 of Division 5 of the School Code, relating to the granting of degrees to vocational teachers.

Referred to Committee on Education.

**Senate Bill No. 753:** By Senator Jespersen—An act to amend Section 4258 of the Political Code, relating to compensation for public services, in counties of the twenty-ninth class.

Referred to Committee on Local Government.

**Senate Bill No. 754:** By Senator DeLap—An act to repeal Sections 650 to 653 inclusive, 950 to 954 inclusive and 958 of the Code of Civil Procedure, relating to rules of practice and procedure on appeal in civil actions and proceedings.

Referred to Committee on Judiciary.

**Senate Bill No. 755:** By Senator DeLap—An act to amend Section 1239 and repeal Section 1241 of the Penal Code, relating to rules of practice and procedure on appeal in criminal cases.

Referred to Committee on Judiciary.

**Senate Bill No. 756:** By Senator Swan—An act to amend Section 5.750 of the School Code and Section 13841 of the Education Code, relating to absences from duty of employees of school districts.

Referred to Committee on Education.

**Senate Bill No. 757:** By Senator Swan—An act to add Section 1.3 to the School Code and to add Section 16002.5 to the Education Code, relating to registration of pupils.

Referred to Committee on Education.

**Senate Bill No. 758:** By Senator Swan—An act to amend Section 10 of The Personal Income Tax Act and Section 17952 of the Revenue and Taxation Code, relating to credits against net income.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 759:** By Senator Swan—An act to amend Section 125 of the Code of Civil Procedure, relating to secrecy of proceedings in certain actions.

Referred to Committee on Judiciary.

**Senate Bill No. 760:** By Senator Keating—An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System.

Referred to Committee on Natural Resources.

**Senate Bill No. 761:** By Senator Swan—An act to add Section 13½ to the Public Utilities Act, relating to electrical corporations.

Referred to Committee on Public Utilities.

**Senate Bill No. 762:** By Senator Swan—An act to add Section 5.316 to the School Code, relating to examinations of applicants for renewal certificates.

Referred to Committee on Education.

**Senate Bill No. 763:** By Senator Salsman—An act to add Section 510 to the Streets and Highways Code, to include an additional route or portion of a route in the State Highway System.

Referred to Committee on Transportation.

**Senate Bill No. 764:** By Senators Parkman and Shelley—An act to add Section 83.5 to the Agricultural Code, relating to District Agricultural Association 1A and the directors thereof.

Referred to Committee on Agriculture.

**Senate Bill No. 765:** By Senators Judah and Mayo—An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof.

Referred to Committee on Transportation.

**Senate Bill No. 766:** By Senator Swan—An act to add Section 197a to the Civil Code, relating to the custody of minor children, and prohibiting one parent from depriving the other of custody without authority.

Referred to Committee on Judiciary.

**Senate Bill No. 767:** By Senator Swan—An act to prohibit hazing by members of any fraternity at any school, college, or university

receiving tax exemption or State appropriations, and to provide penalties therefor.

Referred to Committee on Education.

**Senate Bill No. 768:** By Senator Swan—An act to add Section 5.782 to the School Code, relating to salaries.

Referred to Committee on Education.

**Senate Bill No. 769:** By Senators Carter and Keating—An act to add Section 7531 to the Business and Professions Code, relating to the State Board of Prison Directors.

Referred to Committee on Business and Professions.

**Senate Bill No. 770:** By Senator Engle (By request)—An act to amend Section 1270 of the Fish and Game Code, relating to deer seasons.

Referred to Committee on Fish and Game.

**Senate Bill No. 771:** By Senator Engle—An act to amend Section 1203.6 of the Fish and Game Code, relating to pheasants.

Referred to Committee on Fish and Game.

**Senate Bill No. 772:** By Senators Engle, Swan, Jespersen, and Biggar—An act to add Section 4041.37 to the Political Code, relating to contracts and taxes for the purpose of controlling juvenile delinquency.

Referred to Committee on Local Government.

**Senate Bill No. 773:** By Senator Engle—An act to amend Section 1177 of the Fish and Game Code, relating to entirely protected birds and to pheasants.

Referred to Committee on Fish and Game.

**Senate Bill No. 774:** By Senator Luckey—An act to amend Section 92 of the Fish and Game Code, relating to districts.

Referred to Committee on Fish and Game.

**Senate Bill No. 775:** By Senator Tickle—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Referred to Committee on Natural Resources.

**Senate Bill No. 776:** By Senator Tickle—An act to amend Section 20 of the "Personal Property Brokers Act" as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to personal property brokers and to persons who, as brokers, negotiate loans made by personal property brokers.

Referred to Committee on Financial Institutions.

**Senate Bill No. 777:** By Senator Tickle—An act to amend Section 19 of the "California Small Loan Act," relating to lenders engaged in the business of making loans of \$300 or less, and to persons who, as brokers, negotiate loans made by such lenders.

Referred to Committee on Financial Institutions.



**Senate Bill No. 778:** By Senator Hatfield—An act making an appropriation to the counties of this State for road and highway purposes.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 779:** By Senator Luckey—An act to add Chapter 4 of Part 2 of Division 1 to the School Code, to add Chapter 7 to Division 8 of the Education Code, and to add Section 1312 to the Labor Code, relating to employment of minor pupils.

Referred to Committee on Education.

**Senate Bill No. 780:** By Senators Shelley, Tenney, Breed, and Parkman—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, and 3352.5 to, and Chapter 10, comprising Sections 4301 to 4436, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 7, comprising Sections 1570 to 1573, inclusive, to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the State Council of Defense to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 781:** By Senator Parkman—An act to amend Sections 19530 and 19532 and to repeal Section 19532.5 of the Business and Professions Code, relating to horse racing and horse race meetings.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 782:** By Senator Parkman—An act to amend Section 19537 of the Business and Professions Code, relating to the apportionment of racing days to licensed racing associations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 783:** By Senator Parkman—An act to add Section 19537.5 to the Business and Professions Code, relating to the allocation of racing days for horse racing.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 784:** By Senator Jespersen—An act relating to escheats to the State of California of unclaimed moneys deposited with public utilities for obtaining service, and unclaimed moneys due to employees for wages shall escheat to the State of California, and to provide for the collection, use and disposition of such funds.

Referred to Committee on Judiciary.

**Senate Bill No. 785:** By Senators Jespersen and Crittenden—An act to add Section 16904.5 to the Business and Professions Code, for the purpose of preventing evasion of resale price restrictions imposed with respect to any commodity by any contract entered into pursuant to

the provisions of Sections 16900 to 16905, both inclusive, of the Business and Professions Code.

Referred to Committee on Business and Professions.

**Senate Bill No. 786:** By Senators Jespersen and Crittenden—An act to amend Section 17701 of the Business and Professions Code, relating to the issuance of redeemable coupons and prohibiting their use where such use constitutes unfair competition or is an unfair trade practice.

Referred to Committee on Business and Professions.

**Senate Bill No. 787:** By Senator Mixter—An act to amend Section 5003 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 788:** By Senator Mixter—An act to amend Section 5304 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 789:** By Senator Mixter—An act to amend Section 5406 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 790:** By Senator Mixter—An act to amend Sections 4660, 4662 and 4663 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 791:** By Senator Mixter—An act to amend Section 4453 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 792:** By Senator Mixter—An act to amend Section 3208 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 793:** By Senator Mixter—An act to amend Section 5951 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 794:** By Senator Mixter—An act to amend Section 5705 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 795:** By Senator Mixter—An act to amend Section 5708 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

**Senate Bill No. 796:** By Senators Breed, Parkman, and Ward—An act to provide for civilian defense activities and for the allocation of State funds to counties, cities and counties, cities, and public districts, to establish a Civilian Defense Allocation Board and prescribe its powers, duties and functions, to create a Civilian Defense Fund and to

provide for the expenditures to be made from said fund, and making an appropriation.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 797:** By Senator Carter—An act to amend Section 3423 of the Public Resources Code, relating to the imposition of a tax lien and the enforcement thereof by summary seizure and sale of property.

Referred to Committee on Natural Resources.

**Senate Bill No. 798:** By Senator Carter—An act to amend Sections 2163 and 2222 of the Welfare and Institutions Code, relating to old age aid.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 799:** By Senator DeLap—An act to amend Section 329 of the Political Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law.

Referred to Committee on Judiciary.

**Senate Bill No. 800:** By Senator Mixter—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Referred to Committee on Finance.

**Senate Bill No. 801:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 1030 of the Political Code, relating to office and working hours.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 802:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal Sections 375, 375a, 375b, 375c and 375d of, and to add Sections 375, 375.1, 375.2, 375.3, 375.4 and 375.5 to, the Political Code, creating a Department of Investment in the State Government to supervise the administration of certain laws relating to investments and providing for the powers, duties and positions of certain public officers in connection therewith.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 803:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 473.5 to the Political Code, relating to the employment of attorneys by the State and to the powers and duties of the Attorney General and the State Personnel Board in connection with such employment.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 804:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to prevent any officer, employees or agencies of the State Government from assuming or performing any functions of



counties, cities or other local governmental agencies, or interfering therein without the express approval of the Legislature.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 805:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 661 of the Political Code, relating to deficiencies in appropriation.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 806:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 661.2 to the Political Code, relating to appropriations and the expenditure thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 807:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal the act establishing the State Planning Board as approved June 14, 1935, and to establish in place thereof a State Economic Planning Commission and prescribe its powers and duties.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 808:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to abolish the Waste Utilization Commission and to provide for the transfer of its property, powers, and duties to the Department of Agriculture, and to repeal certain acts specified herein.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 809:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act providing for the transfer of all lands owned by the State on Sherman Island to the State Lands Commission and providing for the sale thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 810:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act providing for the transfer to the State Lands Commission of control and management of a tract of land owned by the State in Napa County and providing for the sale of a portion thereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 811:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 127 to the Civil Service Act, relating to the payment of persons accepting appointment contrary to the acts or rules.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 812:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 472.1 to the Political Code, relating to the Attorney General, his assistants and deputies, and counsel employed or appointed by the Superintendent of Banks, Building and Loan Commissioner, or the Insurance Commissioner.

Referred to Committee on Governmental Efficiency.



**Senate Bill No. 813:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 1030 of the Political Code, relating to hours of employment of State employees.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 814:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 1030.2 to the Political Code, relating to overtime and compensating time off.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 815:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 1030.4 to the Political Code, and to repeal Sections 359c and 359d thereof, and Section 150 of the State Civil Service Act.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 816:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved by the Governor, June 14, 1935, to establish the State Economic Planning Commission and prescribing its powers and duties; authorizing the State Economic Planning Commission to make investigations, reports, recommendations and plans for a program for the promotion, development, conservation and utilization of the human, natural, and economic resources of the State; making an appropriation; and to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the State Planning Board to the State Economic Planning Commission.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 817:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 526, 531, 538, 540 and 542 of, and to add Section 525 to, the Political Code, relating to printing and binding for State agencies.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 818:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 1000 of, and to add Sections 380.3, 1000.1, 1000.2 and 1000.3 to, the Political Code, relating to specific term appointments made by the Governor, and requiring the confirmation thereof by the Senate.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 819:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to regulate the employment of publicists employed by State departments and agencies, and prescribing penalties for the violation hereof.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 820:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 408.5 to the Political Code, relating to the filing of all contracts made by or on behalf of the State, providing

for the examination of such contracts, and requiring the Secretary of State to index such contracts.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 821:** By Senators Rich, DeLap, Tickle, Breed, and Seawell—An act to provide for the deposit in the State Treasury of funds expended by, or under the supervision of, State agencies under contracts with public agencies or districts.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 822:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 356a of the Political Code, relating to contracts between State agencies.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 823:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 693 of the Political Code, relating to the publication of State notices.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 824:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to create a Board of Budget Appeals, designating the members thereof, defining its powers and duties, and to amend Sections 661 and 677.5 of the Political Code, relating to State expenditures.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 825:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Sections 5.129-1 and 5.153 to the School Code and to add Sections 12010 and 12154 to the Education Code, relating to credentials and certificates.

Referred to Committee on Education.

**Senate Bill No. 826:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 2.1361-1 to the School Code and to add Section 174.1 to the Education Code, relating to the Director of Education.

Referred to Committee on Education.

**Senate Bill No. 827:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 2.1412 of the School Code and to amend Section 144 of the Education Code, relating to the Deputy Superintendent of Public Instruction.

Referred to Committee on Education.

**Senate Bill No. 828:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 76 of, and to add Section 77 to, the Agricultural Code, relating to the abolition of the State Agricultural Society Contingent Fund, the disposition of the moneys received by the board of directors of the State Agricultural Society, and making an appropriation for the support of such board.

Referred to Committee on Agriculture.

**Senate Bill No. 829:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 19620 of, add Sections 19621 and

19622 to, and to repeal Sections 19621, 19622, 19623, 19624, 19625, 19626, 19626.5 and 19627 of, the Business and Professions Code, relating to fees, commissions, and other moneys received by the California Horse Racing Board.

Referred to Committee on Business and Professions.

**Senate Bill No. 830:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal Sections 10082 and 10083 of the Business and Professions Code, relating to the directory and bulletin issued by the Real Estate Commissioner.

Referred to Committee on Business and Professions.

**Senate Bill No. 831:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal Section 2.1321 of the School Code and to repeal Section 172 of the Education Code, relating to the Department of Education.

Referred to Committee on Education.

**Senate Bill No. 832:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to repeal Section 2.1321 of, to add Section 2.1331-1 to, the School Code, and to repeal Section 172 of, and to add Section 177.1 to, the Education Code, relating to the Department of Education.

Referred to Committee on Education.

**Senate Bill No. 833:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Sections 4.931 and 4.932 to the School Code, relating to the computation of average daily attendance.

Referred to Committee on Education.

**Senate Bill No. 834:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to authorize the sale of the Voorhis Unit of the California Polytechnic School.

Referred to Committee on Education.

**Senate Bill No. 835:** By Senators Rich, Tickle, Breed, DeLap, and Seawell—An act to add Section 355.5 to the Political Code, relating to the approval by the Attorney General of contracts for legal services made by or on behalf of the State.

Referred to Committee on Judiciary.

**Senate Bill No. 836:** By Senators Rich, Tickle, Breed, DeLap, and Seawell—An act to add Sections 375e, 375f and 375g to the Political Code, relating to the conserving, rehabilitating, reorganizing, and liquidation of banks, building and loan companies, and insurance companies, including the bureaus of the Division of Banks, Division of Building and Loan, and Department of Insurance established for the purpose of handling conservatorships, rehabilitations, reorganizations, and liquidations, and the assistants, officers and employees appointed or employed therefor.

Referred to Committee on Financial Institutions.

**Senate Bill No. 837:** By Senators Rich, Tickle, DeLap, and Seawell—An act to amend Section 6816 of and to repeal Sections 5014 and 6817 of the Public Resources Code, relating to and providing for the



abolition of the State Park Maintenance and Acquisition Fund and for certain transfers in connection therewith.

Referred to Committee on Natural Resources.

**Senate Bill No. 838:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 511 of the Public Resources Code, relating to the Department of Natural Resources Printing Revolving Fund.

Referred to Committee on Natural Resources.

**Senate Bill No. 839:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 2210 of the Public Resources Code, and to abolish the Division of Mines Revolving Printing Fund, relating to the Division of Mines Revolving Printing Fund and unexpended balances therein.

Referred to Committee on Natural Resources.

**Senate Bill No. 840:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 6002, 6101, 6102, and 6103 of, and to repeal Sections 6104 to 6106, inclusive, of the Public Resources Code, relating to and providing for the abolition of the State Lands Commission and its succession by the Department of Finance.

Referred to Committee on Natural Resources.

**Senate Bill No. 841:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Section 2275 of the Public Resources Code, relating to the abolition of the Ore Buyer's License Fund and providing for the transfer of any balance therein to the General Fund.

Referred to Committee on Natural Resources.

**Senate Bill No. 842:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 1152 and 1159 of the Harbors and Navigation Code, relating to the compensation of, and expenditure of funds by, the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Referred to Committee on Transportation.

**Senate Bill No. 843:** By Senator McBride—An act to add Sections 701 to 704, inclusive, to the Military and Veterans Code, providing a system for insuring property owned or sold by the Veterans' Welfare Board, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 844:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 1044.5 to the Military and Veterans Code, relating to the Veterans' Home of California.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 845:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Section 12.5 to the Reclamation Board Act, relating to the disposal of lands acquired by the Reclamation Board.

Referred to Committee on Water Resources.



**Senate Bill No. 846:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 4356 and 4357 of the Water Code, relating to disbursements from the State Water Master Service Fund.

Referred to Committee on Water Resources.

**Senate Bill No. 847:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to provide for the identification of persons in State institutions in the event of disaster due to enemy action, by providing for the fingerprinting of such persons by or under the supervision of the Bureau of Criminal Identification and Investigation.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 848:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to prohibit the provision of public assistance to persons inimical to the United States or to this State, and providing for the enforcement thereof.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 849:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 850:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 851:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 852:** By Senators Rich, Tickle, DeLap, Breed, and Seawell—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 853:** By Senator DeLap—An act to amend Section 1233 of the Probate Code, relating to rules of practice in probate matters, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Senate Bill No. 854:** By Senator Shelley—An act relating to the reinstatement of employees who leave their positions to serve in the merchant marine.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 855:** By Senator Shelley—An act to amend Section 96.5 of the State Civil Service Act, relating to status of members of armed forces on civil service lists.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 856:** By Senator Dillinger—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 857:** By Senators Shelley and Judah—An act to add Section 566 of the Vehicle Code, relating to pedestrians.

Referred to Committee on Transportation.

**Senate Bill No. 858:** By Senators Gordon and Jespersen—An act to add Section 1.5 to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, and to provide that this act shall take effect immediately.

Referred to Committee on Public Utilities.

**Senate Bill No. 859:** By Senators Gordon and Jespersen—An act to add Section 9603.5 to the Revenue and Taxation Code, relating to the taxation of vehicles, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 860:** By Senator Gordon—An act adding Section 1352.5 to the Labor Code, relating to the extension of hours of labor for women in seasonal occupations during the period of economic emergency due to shortage of labor and the need for increased production during time of war.

Referred to Committee on Labor.

**Senate Bill No. 861:** By Senator Tenney—An act to add Section 607g to the Civil Code, relating to humane societies.

Referred to Committee on Judiciary.

**Senate Bill No. 862:** By Senator Tenney—An act to amend Section 9653 of the Revenue and Taxation Code, relating to exemptions from the transportation license tax.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 863:** By Senator Tenney—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Senate Bill No. 864:** By Senator Tenney—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

**Senate Bill No. 865:** By Senator Tenney—An act making an appropriation for the acquisition, development and protection of ocean beaches for public recreational use.

Referred to Committee on Natural Resources.

**Senate Bill No. 866:** By Senator Tenney—An act to add Sections 5015, 5016, and 5017 to the Public Resources Code, relating to parks and beaches, and making an appropriation.

Referred to Committee on Natural Resources.

**Senate Bill No. 867:** By Senator Tenney—An act to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for participation in religious exercises or for moral and religious instruction.

Referred to Committee on Education.

**Senate Bill No. 868:** By Senator Burns—An act making an appropriation for services to physically handicapped children.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 869:** By Senator Swan—An act to add Chapter 2.5, consisting of Sections 4900 to 4904, inclusive, to Division 7 of the Elections Code, relating to expenditures by legislative advocates.

Referred to Committee on Elections.

**Senate Bill No. 870:** By Senator Swan—An act to add Section 171 to the Vehicle Code, relating to the registration and operation of vehicles owned by aliens.

Referred to Committee on Transportation.

**Senate Bill No. 871:** By Senator Swan—An act to add Section 89.5 to the State Civil Service Act, relating to civil service examinations and oral interviews.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 872:** By Senator Swan—An act to add Section 193 to the Military and Veterans Code, relating to compulsory military training in junior colleges and State colleges.

Referred to Committee on Education.

**Senate Bill No. 873:** By Senators Mixter and Cunningham—An act to add Sections 5.653-1, 5.653-2, 5.653-3, 5.653-4, 5.653-5, 5.653-6, 5.653-7, 5.653-8 and 5.653-9 to, and to amend Section 5.654 of, the School Code, and to add Sections 13528.1, 13528.2, 13528.3, 13528.4, 13528.5, 13528.6, 13528.7, 13528.8, and 13528.9 to, and to amend Sections 13529 and 13530 of, the Education Code, relating to permanent employees of school districts.

Referred to Committee on Education.

**Senate Bill No. 874:** By Senator Swan—An act to add Section 98.5 to the State Civil Service Act, relating to persons eligible for State employment.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 875:** By Senator Swan—An act to add Section 542.2 to the Political Code, relating to charges for State printing.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 876:** By Senator Swan—An act to amend the Section 695 of the Political Code which was added thereto by Chapter 412 of the Statutes of 1931, and to repeal Chapter 92 of the Statutes of 1933, relating to publications and documents, including the transfer to the State Board of Control of functions in connection therewith.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 877:** By Senator Slater—An act making an annual appropriation for maintenance and repair of the Jenner Jetty on the Russian River.

Referred to Committee on Fish and Game.

**Senate Bill No. 878:** By Senator Engle—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 1½.

Referred to Committee on Fish and Game.

**Senate Bill No. 879:** By Senator Shelley—An act to add Article 10, comprising Sections 150 to 305 to, and to amend Sections 40 and 41 of, the Unemployment Insurance Act, establishing a System of Disability Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 880:** By Senator Shelley—An act making an appropriation to pay the claim of W. H. Roman against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 881:** By Senator Crittenden—An act making an appropriation for the purchase of land, by the Director of Institutions.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 882:** By Senator Crittenden—An act to add Sections 1530, 2167, 3052 and 3451 to the Welfare and Institutions Code, relating to the restoration of previously granted aid under the Public Assistance Laws.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 883:** By Senator Crittenden—An act making an appropriation for highway construction, repair and maintenance in San Joaquin County.

Referred to Committee on Transportation.



**Senate Bill No. 884:** By Senator Crittenden—An act making an appropriation for the purpose of reclamation and flood control in San Joaquin County.

Referred to Committee on Water Resources.

**Senate Bill No. 885:** By Senator Swan—An act to amend the title and Section 3 of, and to add Articles 11 to 18, inclusive, comprising Sections 151 to 357, inclusive, to the Unemployment Insurance Act, relating to a System of Health Insurance within the System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 886:** By Senator McCormack—An act to convey the Solano Monument Lands, whose use for a monument has been abandoned, to the contributors of the purchase price.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 887:** By Senator McBride—An act to add Section 123.5 to the Vehicle Code, relating to members of the California Highway Patrol.

Referred to Committee on Transportation.

**Senate Bill No. 888:** By Senator Biggar—An act to amend Section 372 of the Vehicle Code, relating to commercial vehicles and fees payable in respect thereto.

Referred to Committee on Transportation.

**Senate Bill No. 889:** By Senator Engle—An act to amend Section 610 of the Fish and Game Code, relating to bag limits.

Referred to Committee on Fish and Game.

**Senate Bill No. 890:** By Senators Engle, Gordon, Powers, Quinn, Biggar, and Collier—An act making an appropriation to the Department of Agriculture for predatory animal control.

Referred to Committee on Agriculture.

**Senate Bill No. 891:** By Senators Engle, Gordon, Powers, Quinn, Biggar, and Collier—An act to make an appropriation for predatory animal control.

Referred to Committee on Agriculture.

**Senate Bill No. 892:** By Senators McBride and DeLap—An act to add Sections 14404.5, 14514.1 and 14514.2 to, and to amend Sections 14411, 14425, 14466, 14511, 14526, 14544, 14561, 14564, 14581, 14587 and 14589 of, the Health and Safety Code, relating to county fire protection districts.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 893:** By Senators McBride and DeLap—An act to add Section 214.5 to the Revenue and Taxation Code, relating to taxable and exempt properties.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 894:** By Senators McBride and DeLap—An act to add Section 14002.5 to, and to amend Sections 14025, 14029, 14109, 14151, 14251, 14276, and 14301 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 895:** By Senator McBride—An act creating an additional district court of appeal known as the District Court of Appeal for the Fifth Appellate District, redividing the State into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

Referred to Committee on Judiciary.

**Senate Bill No. 896:** By Senator McBride—An act to add Section 161 to the Revenue and Taxation Code, relating to contracts for the publication of notices, delinquent lists and other documents.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 897:** By Senators McBride, Parkman, and Seawell—An act to amend Sections 10202 and 10203 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 898:** By Senator McBride—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing.

Referred to Committee on Fish and Game.

**Senate Bill No. 899:** By Senators McBride, Parkman, and Seawell—An act to amend Sections 916 and 918 and repeal Section 10487 of, to add Sections 10150.1, 10478 and 10479 to, and to add Article 3a to Chapter 1 and Article 3A to Chapter 5 of Part 2, Division 2 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Senate Bill No. 900:** By Senator McBride—An act to amend Part 7 of Division 2 of the Revenue and Taxation Code, relating to insurance taxation.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 901:** By Senator Tenney—An act to add Section 3480.5 to the Civil Code, relating to public nuisances.

Referred to Committee on Judiciary.

**Senate Bill No. 902:** By Senator Ward—An act to add Section 6363 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 903:** By Senator Swan—An act to amend Section 108 of and to add Section 110.5 to, the Vehicle Code, relating to a Division of Drivers' Licenses.

Referred to Committee on Transportation.

**Senate Bill No. 904:** By Senator Deuel—An act to add Chapter 3.5, comprising Sections 4852.01 to 4852.15, inclusive, to Title 6 of Part 3 of the Penal Code, relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; and prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon.

Referred to Committee on Judiciary.

**Senate Bill No. 905:** By Senator Fletcher—An act to amend Section 48 of the Fish and Game Code, relating to fines and forfeitures.

Referred to Committee on Fish and Game.

**Senate Bill No. 906:** By Senators Jespersen and Crittenden—An act to amend Section 17071 of the Business and Professions Code, relating to proof of intent in sales below cost.

Referred to Committee on Business and Professions.

**Senate Bill No. 907:** By Senator Quinn—An act to amend Section 1571 of the Military and Veterans Code, relating to civilian defense.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 908:** By Senator Donnelly—An act to amend Sections 2000, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2186, 2187, and 2222 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Division 3 thereof, to add Sections 2000.1, 2000.2, 2014, 2015, 2016, 2020.1, 2020.2, 2141.5, 2143, 2162.5, 2163.3, 2163.4, 2166, 2182.1, 2187.5, and 2224.5 thereto, and to repeal Section 2224 thereof, relating to aid to the aged, designating such aid as senior citizens' grants, providing for the amount thereof, the age, residence, and property qualifications therefor, and for the administration thereof, releasing State and county claims for reimbursement therefor, and making an appropriation.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 909:** By Senator Donnelly—An act to amend Section 2786 of the Business and Professions Code, relating to nursing schools.

Referred to Committee on Business and Professions.

**Senate Bill No. 910:** By Senator Donnelly—An act making an appropriation to the Department of Agriculture for the purpose of constructing, establishing, equipping, and operating a poultry and animal disease diagnostic and testing laboratory in Stanislaus County.

Referred to Committee on Agriculture.

**Senate Bill No. 911:** By Senator Quinn—An act relating to radio broadcasts in foreign languages.

Referred to Committee on Judiciary.

**Senate Bill No. 912:** By Senators Fletcher and Burns—An act to amend Section 528 of the Political Code, relating to the printing and distribution of laws.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 913:** By Senators Fletcher and Burns—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Referred to Committee on Judiciary.

**Senate Bill No. 914:** By Senators Fletcher and Burns—An act to amend Section 4022 of the Political Code, relating to official bonds of county and township officers.

Referred to Committee on Local Government.

**Senate Bill No. 915:** By Senators Fletcher and Burns—An act to amend Section 665.5 of the Political Code, relating to deductions from the salaries and wages of officers and employees of the State for the purpose of buying United States bonds or similar United States obligations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 916:** By Senators Fletcher and Burns—An act to add Section 1184e to the Code of Civil Procedure, relating to claims against public agencies, including claims against those persons rendering services or supplying personal property to public agencies.

Referred to Committee on Judiciary.

**Senate Bill No. 917:** By Senators Fletcher and Burns—An act to amend Section 2 of an act entitled "An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately," approved January 26, 1942, relating to wage and salary deductions for public officers and employees for the purpose of purchasing United States bonds or similar United States obligations.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 918:** By Senators Fletcher and Burns—An act to amend Section 4141 of the Political Code, relating to recording fee.

Referred to Committee on Local Government.

**Senate Bill No. 919:** By Senator Breed—An act to amend Sections 3284, 3285 and 3286 of the Streets and Highways Code, relating to proceedings for the sale and redemption of delinquent property.

Referred to Committee on Transportation.

**Senate Bill No. 920:** By Senators Fletcher and Burns—An act to repeal Section 3235 of the Political Code, relating to the products of Mongolian labor.

Referred to Committee on Labor.



**Senate Bill No. 921:** By Senators Fletcher and Burns—An act to amend Section 1981 of the Government Code, relating to injury to person or property by reason of the defective condition of public property or the negligence or carelessness of any officer.

Referred to Committee on Judiciary.

**Senate Bill No. 922:** By Senators Fletcher and Burns—An act to amend Section 1001 of the Government Code, relating to the civil executive officers.

Referred to Committee on Judiciary.

**Senate Bill No. 923:** By Senator Slater—An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein.

Referred to Committee on Education.

**Senate Bill No. 924:** By Senator Slater—An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 40006 to Division 20, of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools.

Referred to Committee on Education.

**Senate Bill No. 925:** By Senator Slater—An act to add Article 1, comprising Sections 5301 to 5303, inclusive, to Chapter 3 of Division 3, and to add Section 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund.

Referred to Committee on Education.

**Senate Bill No. 926:** By Senator Slater—An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 40008 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools.

Referred to Committee on Education.

**Senate Bill No. 927:** By Senator Slater—An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund.

Referred to Committee on Education.

**Senate Bill No. 928:** By Senator Slater—An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash bearing lands.

Referred to Committee on Education.

**Senate Bill No. 929:** By Senator Slater—An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund.

Referred to Committee on Education.

**Senate Bill No. 930:** By Senator Slater—An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 3, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund.

Referred to Committee on Education.

**Senate Bill No. 931:** By Senator Slater—An act to add Article 3, comprising Sections 6951 to 6960, inclusive, to Chapter 13 of Division 3, and to add Section 40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools.

Referred to Committee on Education.

**Senate Bill No. 932:** By Senator Slater—An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools.

Referred to Committee on Education.

**Senate Bill No. 933:** By Senator Slater—An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund.

Referred to Committee on Education.

**Senate Bill No. 934:** By Senator Slater—An act to add Article 2, comprising Sections 7131 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to high schools.

Referred to Committee on Education.

**Senate Bill No. 935:** By Senator Slater—An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense.

Referred to Committee on Education.

**Senate Bill No. 936:** By Senator Slater—An act to add Sections 14458 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund.

Referred to Committee on Education.

**Senate Bill No. 937:** By Senator Slater—An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges.

Referred to Committee on Education.

**Senate Bill No. 938:** By Senator Slater—An act to add Section 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund.

Referred to Committee on Education.

**Senate Bill No. 939:** By Senator Slater—An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music.

Referred to Committee on Education.

**Senate Bill No. 940:** By Senator Slater—An act to add Sections 20551 and 40022 to the Education Code, relating to the Student Building Fund of State Colleges.

Referred to Committee on Education.

**Senate Bill No. 941:** By Senator Slater—An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf.

Referred to Committee on Education.

**Senate Bill No. 942:** By Senator Slater—An act to add Sections 20946, 20947 and 40024 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind.

Referred to Committee on Education.

**Senate Bill No. 943:** By Senator Slater—An act to add Sections 21158 and 40025 to the Education Code, relating to payments by students of the California Maritime Academy.

Referred to Committee on Education.

**Senate Bill No. 944:** By Senator Slater—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund.

Referred to Committee on Education.

**Senate Bill No. 945:** By Senators Carter and Collier—An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of and rights in streams, wells, pumping plants, and conduits, the establishment and operation of public



districts relating to water, and to repeal certain acts and parts of acts specified herein.

Referred to Committee on Water Resources.

**Senate Bill No. 946:** By Senators Carter and Collier—An act to add Division 5 and Section 150005 to the Water Code, relating to flood control by cities, counties and the State, including provisions relating to the Reclamation Board, the Sacramento and San Joaquin Drainage District, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

**Senate Bill No. 947:** By Senators Carter and Collier—An act to add Division 6 to the Water Code, relating to the conservation, development and utilization of the water resources of the State, including provisions relating to the State Water Plan, the Central Valley Project, the San Luis Rey Water Authority, the Colorado River Board, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

**Senate Bill No. 948:** By Senators Carter and Collier—An act to add Division 10 and Section 150010 to the Water Code, thereby revising and consolidating the law relating to the financial supervision of irrigation and other public districts, including provisions relating to the approval and certification of bonds of such districts as legal investments and as security for the deposit of public money, provisions relating to the obligations and finances of such districts, and provisions relating to the California Districts Securities Commission and other State agencies having powers similar to said commission, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

**Senate Bill No. 949:** By Senators Carter and Collier—An act to add Division 11 to the Water Code, thereby revising and consolidating the law relating to irrigation districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

**Senate Bill No. 950:** By Senators Carter and Collier—An act to add Section 150004 to the Water Code, repealing Sections 1410a, 1414, 1415, 1416, 1417, 1418, 1419, 1420 and 1422 of the Civil Code, relating to appropriation of water.

Referred to Committee on Water Resources.

**Senate Bill No. 951:** By Senators Carter and Collier—An act to add Section 1534 to, and to add Article 4, consisting of Sections 1810 to 1814, inclusive, to Chapter 11 of Part 2 of Division 2 of, the Water Code, relating to the appropriation of water.

Referred to Committee on Water Resources.

**Senate Bill No. 952:** By Senators Carter and Collier—An act to add Sections 202, 203, 1050.5 and 1050.6 to, to amend Sections 228 and 275



of and to repeal Article 5, of Chapter 1 of Part 2 of Division 2 of the Water Code, relating to the administration of the provisions of said code.

Referred to Committee on Water Resources.

**Senate Bill No. 953:** By Senators Carter and Collier—An act to amend Sections 228 and 275 and to repeal Article 5 of Chapter 1 of Part 2 of Division 2 of the Water Code, relating to administration of the provisions of said code, relating to water.

Referred to Committee on Water Resources.

**Senate Bill No. 954:** By Senators Carter and Collier—An act to amend Section 20700 of the Water Code, relating to the formation of irrigation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 955:** By Senators Carter and Collier—An act to amend Section 21658 of the Water Code, relating to nomination of officers of irrigation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 956:** By Senators Carter and Collier—An act to amend Section 1201 of the Water Code, relating to water subject to appropriation.

Referred to Committee on Water Resources.

**Senate Bill No. 957:** By Senators Carter and Collier—An act to amend Section 103 of the Water Code, relating to the intent of the Legislature in enacting and amending said code.

Referred to Committee on Water Resources.

**Senate Bill No. 958:** By Senators Fletcher and Burns—An act to establish a Government Code, thereby consolidating and revising the law relating to the organization, operation, and maintenance of a system of State and Local Government, and repealing acts and parts of acts specified herein.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 959:** By Senator Biggar—An act to amend Section 4280 of the Political Code, relating to the compensation of public personnel.

Referred to Committee on Local Government.

**Senate Bill No. 960:** By Senator Jespersen—An act to prohibit the destruction of edible farm commodities, unless such commodities are unfit for human consumption.

Referred to Committee on Agriculture.

**Senate Bill No. 961:** By Senator Seawell—An act to add Section 3702.5 to the Health and Safety Code, relating to drinking water.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 962:** By Senator Donnelly—An act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to common drunkards, Indians, insane or incompetent persons.

Referred to Committee on Judiciary.

**Senate Bill No. 963:** By Senator Powers—An act to add Section 5267.5 to the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 964:** By Senator Seawell—An act to add Section 276.5 to the Vehicle Code, relating to operator's license.

Referred to Committee on Transportation.

**Senate Bill No. 965:** By Senator Mixter—An act to add Section 395.1 to the Code of Civil Procedure, relating to the venue of actions.

Referred to Committee on Judiciary.

**Senate Bill No. 966:** By Senator Shelley—An act to provide for the operation and maintenance by the State of the Golden Gate Bridge, and for the incorporation thereof into the State Highway System.

Referred to Committee on Transportation.

**Senate Bill No. 967:** By Senator Shelley—An act to add Section 253 to the Streets and Highways Code, relating to the State Highway System.

Referred to Committee on Transportation.

**Senate Bill No. 968:** By Senator Shelley—An act to add Section 255 to the Streets and Highways Code, relating to Sausalito Lateral, including its incorporation into the State Highway System.

Referred to Committee on Transportation.

**Senate Bill No. 969:** By Senator Shelley—An act relating to the acquisition of the toll bridge across the Bay of San Francisco to the County of Marin, and defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in connection therewith.

Referred to Committee on Transportation.

**Senate Bill No. 970:** By Senator Shelley—An act to add Section 17.5 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to the refunding of debts, and to the issuance of bonds in connection therewith.

Referred to Committee on Transportation.

**Senate Bill No. 971:** By Senator Shelley—An act to add Section 17.9 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the

collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to bridge and highway districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

**Senate Bill No. 972:** By Senator Shelley—An act to amend Section 96 of the Labor Code, relating to claims for exemption from attachment or execution.

Referred to Committee on Judiciary.

**Senate Bill No. 973:** By Senator Shelley—An act to amend Section 690.11 of the Code of Civil Procedure, relating to claims of exemption from attachment or execution.

Referred to Committee on Judiciary.

**Senate Bill No. 974:** By Senator Donnelly—An act to raise revenue and to provide for the payment of annuities therefrom.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 975:** By Senators Ward, Breed, Parkman, and Crittenden—An act to amend Section 142 of the Vehicle Code, relating to exemptions from registration.

Referred to Committee on Transportation.

**Senate Bill No. 976:** By Senators Hatfield, Crittenden, and Biggar—An act to amend Section 647 of the Agricultural Code, relating to conveyances transporting milk or cream or containers therefor.

Referred to Committee on Agriculture.

**Senate Bill No. 977:** By Senator Engle—An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 978:** By Senator Carter—An act to amend Section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles, and claims and actions therefor.

Referred to Committee on Judiciary.

**Senate Bill No. 979:** By Senator Tenney—An act to amend Section 227 of the Civil Code, relating to adoption of children.

Referred to Committee on Judiciary.

**Senate Bill No. 980:** By Senator Breed—An act to add Section 7.1 to the Unemployment Insurance Act, relating to employments excluded from the act.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 981:** By Senators Carter and Collier—An act to amend Section 2526 of the Water Code, relating to statutory adjudication of water rights.

Referred to Committee on Water Resources.



**Senate Bill No. 982:** By Senators Carter and Collier—An act to add Section 8710.5 to the Water Code, relating to approval of works of reclamation proposed by public districts within the Sacramento and San Joaquin Drainage District.

Referred to Committee on Water Resources.

**Senate Bill No. 983:** By Senators Carter and Collier—An act to add Section 4028.5 to the Water Code, relating to distribution of water in watermaster service areas.

Referred to Committee on Water Resources.

**Senate Bill No. 984:** By Senators Carter and Collier—An act to add Section 1252.5 to the Water Code, relating to appropriation of water.

Referred to Committee on Water Resources.

**Senate Bill No. 985:** By Senators Carter and Collier—An act to amend Section 2500 of the Water Code, relating to statutory adjudication of water rights.

Referred to Committee on Water Resources.

**Senate Bill No. 986:** By Senators Carter and Collier—An act to amend Section 11102 and to repeal Section 11600 of the Water Code, relating to the Central Valley Project.

Referred to Committee on Water Resources.

**Senate Bill No. 987:** By Senators Carter and Collier—An act to amend Section 6008 of the Water Code, relating to dams.

Referred to Committee on Water Resources.

**Senate Bill No. 988:** By Senator Luckey—An act to provide for the limiting of service areas by the California Districts Securities Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Water Resources.

**Senate Bill No. 989:** By Senator Luckey—An act to amend Sections 32a, 32b, 32c, 32d, and 32e, of the California Irrigation District Act, relating to the issuance of warrants, bonds, funding and refunding bonds and the refunding of bonds and warrants or bonds and warrants.

Referred to Committee on Water Resources.

**Senate Bill No. 990:** By Senator Luckey—An act to provide for the limiting of service areas by the Railroad Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Utilities.

**Senate Bill No. 991:** By Senator Tenney—An act to amend Section 1203 of the Penal Code, relating to granting probation.

Referred to Committee on Judiciary.



**Senate Bill No. 992:** By Senators Ward and Powers—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits thereunder.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 993:** By Senators Ward and Powers—An act to amend Section 6 and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, and 78 to the Unemployment Insurance Act, relating to the administration thereof, creating the office of Executive Director and abolishing the California Employment Commission.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 994:** By Senators Ward and Powers—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 995:** By Senators Ward and Powers—An act making an appropriation for the auditing and publishing accounts and reports, for the Unemployment Fund.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 996:** By Senators Ward and Powers—An act to repeal Section 72 and add Sections 72, 72.1, 72.2, 72.3, 72.4, 72.5, and 72.6 to the Unemployment Insurance Act, relating to appeals thereunder and creating the Board of Review.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 997:** By Senators Ward and Powers—An act to amend Section 68 of the Unemployment Insurance Act, relating to hearings before referees and appeals thereunder.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 998:** By Senators Ward and Powers—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 999:** By Senators Ward and Powers—An act to amend Section 56 of the Unemployment Insurance Act, relating to eligibility for benefits.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1000:** By Senators Ward and Powers—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to contributions and refunds thereunder.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1001:** By Senators Ward and Powers—An act to amend Section 67 of the Unemployment Insurance Act, relating to claims for benefits.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1002:** By Senators Ward and Powers—An act to amend Section 90 of the Unemployment Insurance Act, relating to the administration thereof.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1003:** By Senators Ward and Powers—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employment under said act.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1004:** By Senator Seawell—An act to amend Section 164 of the Military and Veterans' Code, relating to the salary of The Adjutant General.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1005:** By Senator McBride—An act relating to and providing for the levy and collection of a tax upon sales of tangible personal property and making provision for the administration thereof and prescribing penalties for violations of its provisions.

Referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 14:** By Senator Jespersen—A resolution to propose to the people of the State of California an amendment to Section 22 of Article XX of the Constitution of said State, relating to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 15:** By Senator Mixter—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XIII thereof a new section to be numbered 1.1, relating to property taxation and exemptions.

Referred to Committee on Revenue and Taxation.

**Senate Joint Resolution No. 14:** By Senators Judah and Tickle—Relative to memorializing the President and Congress in relation to artichokes as essential farm products.

Referred to Committee on Agriculture.

**Senate Joint Resolution No. 16:** By Senators Swan and Tenney—Relating to the production of synthetic rubber.

Referred to Committee on Governmental Efficiency.

**Senate Joint Resolution No. 17:** By Senator Hatfield—Relating to representation upon Management-Labor Committees of the War Manpower Commission.

Referred to Committee on Agriculture.

**Senate Concurrent Resolution No. 25:** By Senator Burns—Relative to horse racing during the war emergency.

Referred to Committee on Governmental Efficiency.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Concurrent Resolution No. 21**—Relative to the reports of the annual conventions of the Disabled American Veterans of the World War of the Department of California, and the Department Encampment of the Grand Army of the Republic.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Carter, Cunningham, Dond, Dannelly, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—22.

**NOES**—None.

**Assembly Bill No. 307**—An act to add Chapter 3 to Part 3 of Division 6 of the School Code and to add Chapter 11 to Division 9 of the Education Code, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dond, Dorsey, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dond, Dorsey, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 341**—An act to add Section 21849 to the Welfare and Institutions Code, relating to and to the aged, and declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dond, Dannelly, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dond, Dannelly, Dorsey, Engle, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 290**—An act to add Section 214 to the Revenue and Taxation Code, relating to the exemption from taxation of merchandise arrested by war conditions from actually continuing to move

in interstate or foreign commerce, declaring the urgency thereof and providing that this act take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swang, Tenney, and Ward—27.

**NOES**—None.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Bigger, Breed, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, and Ward—26.

**NOES**—Senator Carter—1.

Motion carried. Time, 4:57 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### MOTION TO RE-REFER ASSEMBLY BILL NO. 489

Senator Powers moved that Assembly Bill No. 489 be re-referred to Committee on Governmental Efficiency.

Motion carried.

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 368**—An act to amend Section 185 of, and to add Section 186.5 to, the Streets and Highways Code, relating to expenditures for highway purposes, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 368:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 22, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

#### ASSEMBLY BILL NO. 368

"An act to amend Section 185 of, and to add Section 186.5 to, the Streets and Highways Code, relating to expenditures for highway purposes, declaring the urgency thereof, and providing this act shall take effect immediately", in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.



I, therefore, recommend consideration of Assembly Bill No. 398 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Luekey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Luekey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 504**—An act to add Division 4.5, comprising Sections 6100 to 6149, inclusive, to the Labor Code, relating to benefits payable to employees of the State of California and their dependents, directly or through the medium of insurance, on account of injuries arising out of and occurring in the course of their employment, which injuries or resulting death are not compensable under the provisions of Division 4 of the Labor Code, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Luekey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Luekey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 319**—An act to add Article 4 to Chapter 2, Division 5 of the Welfare and Institutions Code, to amend and renumber Section 3305 and to repeal Section 3261, relating to the revolving funds of the manufacturing departments of the Industrial Home for the Adult Blind, the San Diego Workshop and the Los Angeles Workshop for the Adult Blind, declaring the urgency thereof, to take effect immediately.

Bill read third time.

### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 319:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 25, 1943

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

#### ASSEMBLY BILL No. 319

"An act to add Article 4 to Chapter 2, Division 5 of the Welfare and Institutions Code, to amend and renumber Section 3305 and to repeal Section 3261, relating to the revolving funds of the manufacturing departments of the Industrial Home for the Adult Blind, the San Diego Workshop and the Los Angeles Workshop for the Adult Blind, declaring the urgency thereof, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 319 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 320**—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Bill read third time.

### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 320:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, January 25, 1943.

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

#### ASSEMBLY BILL No. 320

"An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 320 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

#### President Pro Tempore of the Senate Presiding

At 5.50 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Assistant Secretary Harry Hammond at the Desk.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 321**—An act to amend Section 3304 of the Welfare and Institutions Code, relating to the Los Angeles Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 321:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 25, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

#### ASSEMBLY BILL NO. 321

"An act to amend Section 3304 of the Welfare and Institutions Code, relating to the Los Angeles Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof".

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 321 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride,

McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 322**—An act to amend Section 3304-5 of the Welfare and Institutions Code, relating to the San Diego Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 322:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 25, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

#### ASSEMBLY BILL No. 322

"An act to amend Section 3304-5 of the Welfare and Institutions Code, relating to the San Diego Industrial Workshop for the Blind, making an appropriation and declaring the urgency thereof",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 322 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH ON ASSEMBLY BILL NO. 290

At 5.46 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.



The names of the absentees were called, and Assembly Bill No. 290 passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

**Assembly Bill No. 384**—An act to add Section 495 to the School Code and to add Section 8161 to the Education Code, relating to the maintenance of schools and classes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

**NOES**—Senator Dorsey—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—28.

**NOES**—Senators Dorsey, and Shelley—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 770**—An act to increase production by providing for exemptions from various requirements relating to employment and working conditions of female employees essential to the war effort, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, January 30, 1943

*Honorable Jervald L. Seawell, President Pro Tempore of the Senate  
State Capitol, Sacramento, California*

DEAR SENATOR SEAWELL: I am appointing a committee for the purposes of studying the pension problem during the interim, with the expectation that it will, for

the benefit of the Legislature during the second half of the session, be able to report on the pension problem in a way that will enable us to solve some of the vexatious problems confronting us and enable us to move forward on a sound pension plan.

Will you, in accordance with our previous conversation, please undertake to see that one Republican and one Democrat is selected from each House of the Legislature to serve on the committee.

Sincerely yours,

EARL WARREN, Governor

#### RECESS

At 6.20 p.m., on motion of Senator Slater, the Senate recessed until 8 p.m.

#### REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

J. A. Beek, Secretary of the Senate, at the desk.

#### Call of the Senate

Senator Powers moved a call of the Senate.

Motion carried.

Time, 8 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 29

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 352

Assembly Bill No. 384

Assembly Bill No. 307

Assembly Bill No. 770

Assembly Bill No. 290

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 367

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 26

Assembly Concurrent Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 26

Assembly Joint Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LUNDGREN, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 367**—An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

**Assembly Concurrent Resolution No. 26**—Relative to Reports of the 1942, 1943 and 1944 Annual Conventions of the Military Order of the Purple Heart.

Without reference to committee.

**Assembly Concurrent Resolution No. 27**—Relative to Reports of the Annual Conventions or Encampments of the Veterans of Foreign Wars of the Department of California.

Without reference to committee.

**Assembly Joint Resolution No. 26**—Relative to the Pharmacy Corps Bill.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 28**—Relating to destruction of crops by ducks.

Referred to Committee on Fish and Game.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 30, 1943.

MR. PRESIDENT: Your Committee on Rules has examined

**Senate Bill No. 122**—An act to repeal Sections 11 and 21 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," to amend Section 13 and to add Sections 11, 11.10, 11.20, 11.30, 11.40, 11.50, 11.60, 11.70, 21, 21.10, 21.20, 21.30, 21.40, 21.50, 21.60, 21.70, 21.80, 21.90 and 21.100, providing for the powers of the board of directors to determine all questions of policy, to supervise and regulate all utilities owned and operated by a municipal utility district, to appoint a general manager and other officers, assistants and employees, to contract

for or employ services, and to provide for the performance of work or services, to create the positions necessary to carry on the functions of the district and to abolish positions and establish salary ranges; providing for the tenure and removal of the general manager; and relating to the powers of the board of directors generally; the powers and duties of the general manager; also providing for the adoption and administration of a civil service system, specifying the positions included therein and excepted therefrom, providing for appointments based on merit and discharge for cause, period of probation, suspensions, adoption of rules by the general manager, providing for the making of appointments without examination during the present emergency; and relating to civil service generally; and the severability of the act; and declaring the urgency thereof, to take effect immediately.

**Senate Concurrent Resolution No. 8**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.  
And reports that the same have been correctly enrolled, and presented to the Governor on the thirtieth day of January, 1943, at 2.50 p.m.

SEAWELL, Chairman

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 354

Assembly Bill No. 572

Assembly Bill No. 1009

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 13.

DELAP, Chairman

Above reported bills ordered to second reading.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 150

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above bill ordered enrolled.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 755

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes—8; absent 3.

RICH, Chairman

Above reported bill ordered to second reading.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

**Senate Resolution No. 55**

*Resolved*, That all attaches and employees of the Senate, except the Secretary of the Senate, be stricken from the pay roll of the Senate upon the completion of work Sunday, January 31, 1943.

Resolution read, and unanimously adopted.



By Senator Tickle:

**Senate Resolution No. 56**

WHEREAS, The Legislature of the State of California assembled in the Fifty fifth Session will be at recess from January 31, 1943, to March 8, 1943; and

WHEREAS, It will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistance incident thereto, therefore be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, or as certified by the Secretary, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keith, Lacey, McBray, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

By Senators Jespersen, Crittenden, and Donnelly:

**Senate Resolution No. 57**

Relating to meetings of the Senate Committee on Agriculture

*Resolved by the Senate of the State of California*, That the standing Committee on Agriculture of the Senate is hereby authorized to meet during any recess of the Regular Session of the Fifty-fifth Legislature, at the State Capitol or elsewhere in the State, to perform the duties and to exercise All the powers vested in it by the Standing Rules of the Senate; and be it further

*Resolved*, That except as otherwise expressly provided in this resolution, all of the powers conferred upon a committee by Rule 35 of the Joint Rules of the Assembly and Senate are hereby conferred upon the standing Committee on Agriculture of the Senate; and be it further

*Resolved*, That the sum of one thousand dollars (\$1000) is hereby made available to the standing Committee on Agriculture of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of its persons and transportation, and an allowance of ten dollars (\$10) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents (\$5.00) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and Rule 35 of the Joint Rules of the Assembly and Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keith, Lacey, McBray, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

**REPORTS OF STANDING COMMITTEES**

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

**Assembly Joint Resolution No. 26**

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported resolution ordered on file.

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 23**—Relative to opinions of the Legislative Counsel Bureau concerning legislation.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 23?

**Amendment No. 1**

On page 1 of the printed resolution, after the last line of the resolution, insert "On page 14, line 13, of the printed Senate Concurrent Resolution No. 4, being the Joint Rules of the Senate and Assembly, in the last paragraph of Rule 35, strike out "eight dollars (\$8)", and insert "ten dollars (\$10)".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 23 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Above resolution ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Mixer asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 26, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 26**

**Assembly Joint Resolution No. 26**—Relative to the Pharmacy Corps Bill.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tickle, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Salsman asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 23, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 23**

**Assembly Joint Resolution No. 23**—Relative to memorializing Congress to enact Senate Bill 450 regarding compensation to civilians.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 577**—An act making an appropriation to meet a deficiency in the appropriation for support of the Division of Corporations, Department of Investment, State of California, for the Ninety-fourth Fiscal Year, to take effect immediately.

Bill read third time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 577:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 24, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GENTLEMEN:

## ASSEMBLY BILL NO. 577

"An act making an appropriation to meet a deficiency in the appropriation for the support of the Division of Corporations, Department of Investment, State of California, for the Ninety-fourth Fiscal Year, to take effect immediately."

In my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, and consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 577 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor of California

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, McCormack, Mixter, Packman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 29, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 29

**Assembly Concurrent Resolution No. 29**—Relative to adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after such recess and fixing the date for said adjournment and said reassembling.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Judah, Luckey, McBride, McCormack, Mixter, Packman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—25.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 10

Assembly Bill No. 367

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MIXTER, Chairman

Above reported bills ordered to second reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Judah asked for, and was granted, unanimous consent to take up Assembly Bill No. 10, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 10

## Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Judah:

*Resolved*, That Assembly Bill No. 10 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 10**—An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately.

Bill read second time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 10:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 27, 1943

To the Honorable Members of the Senate  
Sacramento, California

GENTLEMEN:

## ASSEMBLY BILL NO. 10

"An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.



I, therefore, recommend consideration of Assembly Bill No. 10 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—None.

**Assembly Bill No. 10**—An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator McCormack asked for, and was granted, unanimous consent to take up Assembly Bill No. 367, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 367

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Assembly Bill No. 367 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provisions of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 367**—An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 367:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 25, 1943

*To the Honorable Members of the Senate  
State Capitol, Sacramento, California*

GENTLEMEN:

**ASSEMBLY BILL NO. 367**

"An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 367 as necessary for the immediate preservation of the public peace, health, and safety, and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor of California

**Assembly Bill No. 367**—An act relating to the performance by the Department of Public Works of highway and other cooperative work for the Federal Government, making an appropriation for administrative expenses, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Quinn asked for, and was granted, unanimous consent to take up Assembly Bill No. 755, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY BILL NO. 755****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Quinn:

*Resolved*, That Assembly Bill No. 755 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLoe, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Langer, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Sawell, Shaffer, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

Article IV, Section 15, of the Constitution, was declared suspended.

**Assembly Bill No. 755**—An act to add Sections 82 and 131 to The Personal Income Tax Act and Sections 17356 and 18434 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Bill read second time.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLoe, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Langer, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Sawell, Shaffer, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

**Assembly Bill No. 755**—An act to add Sections 82 and 131 to The Personal Income Tax Act and Sections 17356 and 18434 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLoe, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Ketting, Langer, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Sawell, Shaffer, Slater, Swan, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

### REQUEST FOR UNANIMOUS CONSENT

Senator McBride asked for, and was granted, unanimous consent to take up Assembly Bill No. 1009, at this time, for consideration.

### CONSIDERATION OF ASSEMBLY BILL NO. 1009

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator McCormack:

*Resolved*, That Assembly Bill No. 1009 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Article IV, Section 15, of the Constitution, was declared suspended.

**Assembly Bill No. 1009**—An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of Internal Revenue Laws of the United States, declaring the urgency of this act, to take effect immediately.

Bill read second time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

**Assembly Bill No. 1009**—An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of Internal Revenue Laws of the United States, declaring the urgency of this act, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Carter asked for, and was granted, unanimous consent to take up Assembly Bill No. 572, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 572

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Carter:

*Resolved*, That Assembly Bill No. 572 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter,



Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 572**—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read second time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

**Assembly Bill No. 572**—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 354, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 354

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

*Resolved*, That Assembly Bill No. 354 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 354**—An act to amend Section 1183 of, and to add Section 1184.5 to, the Civil Code, relating to the proof or acknowledgment of instruments and the administering of oaths or affirmations, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

**NOES**—None.

**Assembly Bill No. 354**—An act to amend Section 1183 of, and to add Section 1184.5 to, the Civil Code, relating to the proof or acknowledgment of instruments and the administering of oaths or affirmations, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Hatfield asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 26, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 26**

**Assembly Concurrent Resolution No. 26**—Relative to Reports of the 1942, 1943 and 1944 Annual Conventions of the Military Order of the Purple Heart.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Hatfield asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27**

**Assembly Concurrent Resolution No. 27**—Relative to reports of the Annual Conventions or Encampments of the Veterans of Foreign Wars of the Department of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Lusk, McBride, McCar-mack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT RESOLUTION NO. 27

Senator McBride moved that Assembly Joint Resolution No. 27 be withdrawn from Committee on Fish and Game for purpose of consideration.

Motion carried.

#### Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 27, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 27

**Assembly Joint Resolution No. 27**—Relative to memorializing Congress in relation to retaining the administration of California fishery production in the United States Department of Agriculture

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Lusk, McBride, McCar-mack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### MOTION TO EXPLAIN VOTE

Senator Quinn moved that the following explanation of his absence during roll call on Senate Bill No. 15 be printed in the Journal:

Motion carried.

*To the Honorable Members of the Senate  
Sacramento, California*

I was absent from the State Senate on the roll call of Senate Bill No. 15, a bill providing salary and wage increases for State employees, by Senator Swan. At the time the roll was called, I was before the Assembly sitting as a Committee of the Whole, on a hearing of the War Powers Act.

Had I been present when the roll was called, I would have voted for this bill.

Sincerely yours,

IRWIN T. QUINN

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 411

Senate Bill No. 473

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By BRUCE ALLEN, Assistant Clerk

Above bills ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 10.35 p.m., on motion of Senator Powers, further proceedings under the call of the Senate were dispensed with.

## ADJOURNMENT

At 10.35 p.m., on motion of Senator Rich, the President pro tempore declared the Senate adjourned until 10 a.m., Sunday, January 31, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

TWENTY-EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Sunday, January 31, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding

Secretary J. A. Beck at the desk

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCracken, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by Hon. George M. Biggar, Senator from Fourth Senatorial District.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 10 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Swan.

Senator Burns, on motion of Senator Tenney.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Private and Mrs. John M. Keyes of Exeter.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT  
RESOLUTION NO. 14**

Senator Tenney moved that Assembly Journal Resolution No. 14 be withdrawn from Committee on Business and Professions, for purpose of consideration.

Motion carried.

**Request for Unanimous Consent**

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 14, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 14**

**Assembly Joint Resolution No. 14**—Relative to small business enterprises.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Donnelly, Engle, Gordon, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.30 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1006:** By Senator Mixter—An act to add Section 61.1 to the Alcoholic Beverage Control Act, relating to minors.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1007:** By Senator Swan—An act to add Chapter 10, comprising Section 3.108, to Part 1 of Division 3 of the School Code, relating to report cards.

Referred to Committee on Education.

**Senate Bill No. 1008:** By Senator Swan—An act to add Section 6.267 to the School Code, relating to school textbooks.

Referred to Committee on Education.

**Senate Bill No. 1009:** By Senator Swan—An act to add Section 3.807 to the School Code, relating to examinations in prescribed courses.

Referred to Committee on Education.

**Senate Bill No. 1010:** By Senator Swan—An act to add Section 5.409.2 to the School Code, relating to certificated employees.

Referred to Committee on Education.

**Senate Bill No. 1011:** By Senator Swan—An act to add Section 538.5 to the School Code, relating to suspension of diplomas and certificates.

Referred to Committee on Education.

**Senate Bill No. 1012:** By Senator Swan—An act to repeal Sections 2.1440 and Article 7, comprising Sections 2.1460 to 2.1469, inclusive, of Chapter 2 of Part 4 of Division 3 of, and to add Sections 2.1440 to 2.1440.4, inclusive, to, the School Code, relating to the divisions in the Department of Education, and to the officers and employees thereof.

Referred to Committee on Education.

**Senate Bill No. 1013:** By Senator Swan—An act to add Section 5.712a to the School Code, relating to reappointment rights of permanent employees.

Referred to Committee on Education.

**Senate Bill No. 1014:** By Senator Swan—An act to add Section 2.5 to an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof, to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to names of collection agencies.

Referred to Committee on Judiciary.

**Senate Bill No. 1015:** By Senators Swan and Tenney—An act to add Section 480 to the Political Code, relating to investigation by the Attorney General of complaints regarding police brutality.

Referred to Committee on Judiciary.

**Senate Bill No. 1016:** By Senator Tenney—An act to add Section 3928.5 to and to amend Section 3929 of the Elections Code, relating to ballots at primary elections.

Referred to Committee on Elections.

**Senate Bill No. 1017:** By Senator Tenney—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National convention.

Referred to Committee on Elections.

**Senate Bill No. 1018:** By Senator Tenney—An act to amend Sections 422 and 423 of the Probate Code, relating to appointment of administrators.

Referred to Committee on Judiciary.

**Senate Bill No. 1019:** By Senator Tenney—An act to amend Section 1959S of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Referred to Committee on Business and Professions.

**Senate Bill No. 1020:** By Senator Tenney—An act to amend Sections 17 and 20 of the Personal Property Brokers Act, approved April 16, 1909, as amended and revised by Chapters 952 and 1044 of the Statutes of 1939, relating to rates of interest on loans.

Referred to Committee on Financial Institutions.

**Senate Bill No. 1021:** By Senator Tenney—An act to amend Sections 17 and 20 of the Personal Property Brokers Act, approved April 16, 1909, as amended and as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to rates of interest on loans.

Referred to Committee on Financial Institutions.

**Senate Bill No. 1022:** By Senator Tenney—An act to amend Section 337f of the Penal Code, relating to crimes in connection with horse racing.

Referred to Committee on Judiciary.

**Senate Bill No. 1023:** By Senator Tenney—An act to add Section 337g to the Penal Code, relating to the possession, use, and transportation of drugs at race tracks.

Referred to Committee on Judiciary.

**Senate Bill No. 1024:** By Senators Engle, Gordon, Collier, Powers, and Biggar—An act to make an appropriation to the Division of Forestry, to be expended for brush burning.

Referred to Committee on Natural Resources.

**Senate Bill No. 1025:** By Senator Ward—An act to add Section 44.1 to the Unemployment Insurance Act, relating to contributions thereunder.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1026:** By Senator Ward—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1027:** By Senator Keating—An act to add Section 103½ to the Code of Civil Procedure, relating to clerks in justices' courts of Class A.

Referred to Committee on Judiciary.

**Senate Bill No. 1028:** By Senator Biggar—An act to add Section 8.7 to the Agricultural Prorate Act, relating to the abolition of existing proration programs.

Referred to Committee on Agriculture.

**Senate Bill No. 1029:** By Senator Swan—An act to add Section 5.409-1 to the School Code, relating to administrative employees.

Referred to Committee on Education.



**Senate Bill No. 1030:** By Senator Swan—An act to amend Section 31 of The Personal Income Tax Act and to add Section 19353.5 to the Revenue and Taxation Code, relating to disposition of proceeds in the Personal Income Tax Fund.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 1031:** By Senator Jespersen—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue-producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Referred to Committee on Local Government.

**Senate Bill No. 1032:** By Senator McBryde—An act to add Section 4148.5 to the Political Code, relating to the disposal of dead bodies.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 1033:** By Senator Seavell—An act to provide for the improvement of the State Capitol Grounds, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1034:** By Senator Dorsey—An act to add Article 9 comprising Sections 3766.1 to 3767.9, inclusive, to Chapter 2 of Part 4 of Division 3 of the School Code, relating to 24-hour vocational schools.

Referred to Committee on Education.

**Senate Bill No. 1035:** By Senator Carter—An act to add Section 1274.5 to the Fish and Game Code, relating to deer.

Referred to Committee on Fish and Game.

**Senate Bill No. 1036:** By Senator Carter—An act to amend Section 64 of the Fish and Game Code, relating to fish and game district.

Referred to Committee on Fish and Game.

**Senate Bill No. 1037:** By Senator Carter—An act to amend Section 391 of the Agricultural Code, relating to estray animals.

Referred to Committee on Agriculture.

**Senate Bill No. 1038:** By Senator Carter—An act to amend Section 241 of the Code of Civil Procedure, relating to grand juries and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

Referred to Committee on Judiciary.

**Senate Bill No. 1039:** By Senator Donnelly—An act to add Section 1556.5 to the Welfare and Institutions Code, relating to wages of orphans and other needy children.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1040:** By Senator Donnelly—An act to add Section 2.1402 to the School Code and Article 3, comprising Section 24541, to Chapter 5 of Division 12, of the Education Code, relating to identification emblems for children.

Referred to Committee on Education.

**Senate Bill No. 1041:** By Senator Hatfield—An act making an appropriation to purchase bonds issued by the Veterans' Finance Committee of 1943.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1042:** By Senators Hatfield and DeLap—An act to add Sections 701, 702, 703 and 704 to the Military and Veterans Code, relating to the Veterans' Welfare Board and the Director of Veterans' Welfare.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1043:** By Senator Carter—An act to amend Section 4661 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

**Senate Bill No. 1044:** By Senator Carter—An act to amend Sections 5405, 5409, and 5804 of the Labor Code, and to add Sections 4665, 4665.2, 4903.4, 4909.7 and 5411 thereto, relating to workmen's compensation.

Referred to Committee on Labor.

**Senate Bill No. 1045:** By Senator Hatfield—An act to add Section 57.7 to the State Civil Service Act, relating to the secretary of the Advisory Pardon Board.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1046:** By Senator Salsman—An act to amend Sections 2.2 and 8 of the County Civil Service Enabling Act, relating to the County Civil Service Commission and its powers.

Referred to Committee on Local Government.

**Senate Bill No. 1047:** By Senator Swan—An act making an appropriation to the State Treasurer for the support of his office.

Referred to Committee on Finance.

**Senate Bill No. 1048:** By Senator Swan—An act making an appropriation to the Secretary of State for the support of his office.

Referred to Committee on Finance.

**Senate Bill No. 1049:** By Senator Swan—An act making an appropriation to the State Controller for the support of his office.

Referred to Committee on Finance.

**Senate Bill No. 1050:** By Senator Swan—An act making an appropriation to the Superintendent of Public Instruction for the support of his office.

Referred to Committee on Finance.

**Senate Bill No. 1051:** By Senator Ward—An act making an appropriation for the education of the public concerning cancer, and for the control thereof.

Referred to Committee on Public Health and Safety.

**Senate Bill No. 1052:** By Senator Ward—An act making an appropriation to pay the claim of Harold Hansen against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 1053:** By Senator Ward—An act making an appropriation to pay the claim of Herluf Herlow against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 1054:** By Senator Ward—An act making an appropriation to pay the claim of George R. Bonella against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 1055:** By Senator Ward—An act making an appropriation to pay the claim of Steven Granaroh against the State of California.

Referred to Committee on Finance.

**Senate Bill No. 1056:** By Senator Hatfield—An act to add Section 4041.12b to the Political Code, relating to the county labor coordinator.

Referred to Committee on Local Government.

**Senate Bill No. 1057:** By Senator Seawell—An act to amend Sections 133 and 3661 of, and to repeal Chapter 43 of Part 6 of Division 1 of, the Revenue and Taxation Code, relating to the State Land Classification Commission and to the classification of tax-deeded property.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 1058:** By Senator Seawell—An act to amend Sections 7501, 7502 and 7592 of the Business and Professions Code, relating to detectives, and providing for appropriate transfers.

Referred to Committee on Business and Professions.

**Senate Bill No. 1059:** By Senators DeLap and Seawell—An act to add Section 328.5 to the Political Code, relating to interpretation of statutes.

Referred to Committee on Judiciary.

**Senate Bill No. 1060:** By Senator Rich—An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County.

Referred to Committee on Local Government.

**Senate Bill No. 1061:** By Senator Jespersen—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

**Senate Bill No. 1062:** By Senator Jespersen—An act to add Section 1015.5 to the Fish and Game Code, relating to abalone.

Referred to Committee on Fish and Game.

**Senate Bill No. 1063:** By Senator Hatfield—An act to add Section 4041.12b to the Political Code, relating to the county labor coordinator.

Referred to Committee on Local Government.

**Senate Bill No. 1064:** By Senator Deuel—An act to repeal Sections 4808, 4809, 4810, 4811, 4812 and 4813 of the Penal Code, relating to the Advisory Pardon Board.

Referred to Committee on Judiciary.

**Senate Bill No. 1065:** By Senators Biggar, McCormack, Collier, Parkman, McBride, and Fletcher—An act to authorize the Department of Finance to start erection of buildings under the State building program.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1066:** By Senators Biggar, McCormack, Collier, Parkman, McBride, and Fletcher—An act making an appropriation to the Division of Architecture Revolving Fund for preparation of plans for State building program.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1067:** By Senator Tenney—An act to amend Section 1203b of the Penal Code, relating to granting of probation summarily.

Referred to Committee on Judiciary.

**Senate Bill No. 1068:** By Senator Hatfield—An act to amend Section 841 and repeal Section 841a of the Military and Veterans' Code, relating to veterans' farm and home purchase funds.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1069:** By Senator Burns—An act to repeal Article 11, comprising Sections 2450 to 2459, inclusive, of Chapter 1 of Division 5, and Sections 2834, 2835, 2836, 2837, 2840, and 2841 of and to amend Sections 2831, 2832, 2833, 2839, 2842, and 2843 of the Elections Code, relating to county central committees.

Referred to Committee on Elections.



**Senate Bill No. 1070:** By Senator Tenney—An act making an appropriation for the cost of equipment, support and maintenance of the California State Guard, declaring the urgency of this act and that it shall take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1071:** By Senator Tenney—An act to amend Sections 16, 101, 120, 121, 125, 127, 141, 175, 176, 188, 321, 322, 324, 325, 332, 333, 340, 360, 361, 364, 366, 374, 394, 395, 410, 411, 416, 421, 422, 423, 431, 432, 434, 435, 455, 456, 457, 458, 459, 469, 555, 556, 557, 640, 641, 642, 643, 644, 645, 648, and 649 of the Military and Veterans Code, and to add thereto Section 230.1 and Chapter IV-A thereof, and to repeal Sections 160, 223.5, 554, 555.1, 555.2, 556.1, 556.2, and 556.3 thereof, relating to the military forces of the State; declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1072:** By Senator Swan—An act to amend Section 2 of the Alcoholic Beverage Control Act, relating to definitions and the administration of the act, and providing for necessary transfers.

Referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 16:** By Senator Moxley—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article XIII of said Constitution, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Senate Constitutional Amendment No. 17:** By Senator Carter—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article I thereof, relating to grand juries.

Referred to Committee on Judiciary.

**Senate Constitutional Amendment No. 18:** By Senator Swan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, to amend Section 22 of Article XX, relating to intoxicating liquors.

Referred to Committee on Governmental Efficiency.

**Senate Joint Resolution No. 18:** By Senator Donnelly—Relative to the construction of a dam on the Stanislaus River.

Referred to Committee on Water Resources.

#### RESOLUTIONS

The following resolutions were offered:

By Senator Seawell:

#### Senate Resolution No. 58

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the hour of 12 o'clock noon, January 31, 1943, has arrived, and the Senate is ready to adjourn for the constitutional recess pursuant to the provisions of Assembly

Concurrent Resolution No. 29, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Seawell, adopted.

**Appointment of Special Committee**

In accordance with the above resolution, the President appointed Senators Crittenden, Slater, and Gordon as a committee to inform the Assembly that the Senate is ready to adjourn for the constitutional recess, and ask if the Assembly has any further communications to transmit to the Senate.

By Senator Seawell:

**Senate Resolution No. 59**

*Resolved*, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Seawell, adopted.

**Appointment of Special Committee**

In accordance with the above resolution, the President appointed Senators Mixter, Ward, and Judah as a committee to wait on His Excellency, Governor Earl Warren, and inform him that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

By Senators Tenney, Burns, and Swan:

**Senate Resolution No. 60**

WHEREAS, This Senate has learned with sorrow of the passing of the Honorable John Francis Dockweiler, District Attorney of Los Angeles County, and former member, for three consecutive terms, of the House of Representatives from the Sixteenth Congressional District; and

WHEREAS, John Dockweiler distinguished himself throughout his career for independent thinking and statesmanlike ability, and truly served his county, State and Nation well; now, therefore, be it

*Resolved by the Senate of the State of California*, That when the Senate adjourns this day, it adjourn out of respect for the late John F. Dockweiler; and be it further

*Resolved*, That the Secretary of the Senate send appropriately engrossed copies of this resolution to the members of the bereaved family.

Resolution read and unanimously adopted.

**MOTION TO APPOINT SPECIAL COMMITTEE**

Senator Tenney moved that the President of the Senate appoint a Committee of Three Members of the Senate to attend the funeral services of the late John F. Dockweiler.

Motion carried.

**Appointment of Special Committee**

In accordance with the above motion, the President appointed Senators Tenney, McBride, and Dorsey as a committee to attend the funeral services of John F. Dockweiler.

**MESSAGES FROM THE ASSEMBLY**

At 11.30 a.m., a committee from the Assembly, consisting of Messrs. Dilworth, Hastain, and Desmond, appeared at the bar of the Senate

and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn for the constitutional recess.

### REPORTS OF SPECIAL COMMITTEES

Senator Mixer, as chairman of the Special Committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communication to transmit to the Senate.

Senator Crittenden, as chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess, reported that the committee had delivered the message to the Assembly, and had been requested to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the constitutional recess.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 30**—An act to amend Section 9660 of the Fish and Game Code, relating to salmon, declaring the urgency of this act, to take effect immediately.

**Senate Bill No. 49**—An act to amend Sections 2 and 3 of the Salvage Prevention Act, relating to punishment, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 151**—An act to amend Section 13 of The Personal Income Tax Act and Section 18431 of the Revenue and Taxation Code, relating to filing returns, declaring the urgency thereof, to take effect immediately.

**Senate Concurrent Resolution No. 16**—Providing for the continuance of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 130);

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of January, 1943, at 11:45 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 15**—An act creating the Salary Emergency Fund, and making an appropriation to said fund and providing salary and wage increases for State employees and providing that this act take effect immediately;

**Senate Concurrent Resolution No. 13**—Relative to a Fact-Finding Committee on the labor supply for agricultural and industrial enterprises, and defining its powers and duties;

**Senate Concurrent Resolution No. 22**—Approving certain amendments to the charter of the City of Roseville, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1942;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of January, 1943, at 11:40 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 411**—An act to amend Section 19024.5 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation, to take effect immediately.

**Senate Bill No. 452**—An act to add Section 4132.5 to the Business and Professions Code, relating to licentiate in pharmacy, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 473**—An act to amend Section 3519 of the Political Code, relative to the issuance of patents by the State, declaring the urgency of this act, to take effect immediately;  
And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of January, 1943, at 11:45 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 152**—An act to add Section 5.1 to the Personal Income Tax Act and Section 17053.5 to the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 180**—An act to add Section 350.5 to the Political Code, relating to the sale or rental of tools or equipment of the State, declaring the urgency thereof, and providing that this act shall take effect immediately;

**Senate Bill No. 301**—An act to add Section 704 to the Civil Code, relating to the ownership of United States savings bonds or other obligations of the United States registered in the name of two persons as co-owners or registered in the name of one person with a named survivor, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 309**—An act to amend Section 86.2 of the State Civil Service Act, relating to oaths to be taken by persons in the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately;

**Senate Bill No. 310**—An act to add Section 150.5 to, and to amend Sections 150, 151, and 190 of, the State Civil Service Act, relating to the payment of compensation earned and the computation of vacation and sick leave privileges, declaring the urgency thereof, and providing that this act shall take effect immediately;  
And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of January, 1943, at 11:45 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 17**—An act to add Section 78a to the State Employees' Retirement Act, relating to retirement of members of the State Employees' Retirement System, and providing for retention in State service, upon conditions specified therein, of persons who have attained the age of compulsory retirement, to take effect immediately;

**Senate Bill No. 80**—An act to amend Sections 10600, 10602, 10603, 10604, and 10607 of the Health and Safety Code, relating to proceedings to establish records of birth, death or marriage, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 98**—An act to amend Section 2009 of the Code of Civil Procedure, relating to the use of affidavits in a proceeding to establish the fact of birth, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 147**—An act to amend Section 5.876 of the School Code and to amend Section 14536 of the Education Code, relating to the employment of persons retired under the State Teachers Retirement Act and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 150**—An act providing for substitution of fiduciaries during wartime, declaring the urgency thereof, to take effect immediately;  
And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of January, 1943, at 11:45 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, January 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 17**—Relative to the creation of a joint committee to investigate the water situation at Needles and vicinity;

**Senate Concurrent Resolution No. 21**—Amending and supplementing Joint Rule 36 and Senate Concurrent Resolution No. 4, relative to the Legislative Budget Committee;

**Senate Joint Resolution No. 12**—Relative to memorializing the President of the United States, the members of Congress from California and the Surgeon Generals of United States Army and Navy, to institute investigations concerning the advantages that would accrue to the patients, if one or more military hospitals of convalescent or other nature were erected in mineral spring areas located in California; with special reference to the treatment of invalid soldiers and sailors suffering from shock or nervous or other disorders and for whom mineral spring and spa procedures offer special advantages in recovery of health and rehabilitation for useful life;



**Senate Concurrent Resolution No. 23**—Relative to opinion of the Legislative Counsel Bureau concerning legislation.

And reports that the same have been correctly amended and presented to the Governor on the thirty-first day of January, 1943, at 11:45 a.m.

SEAWELL, Chairman.

#### MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 25, 1943; Tuesday, January 26, 1943; Wednesday, January 27, 1943; Thursday, January 28, 1943; Friday, January 29, 1943; and Saturday, January 30, 1943; were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

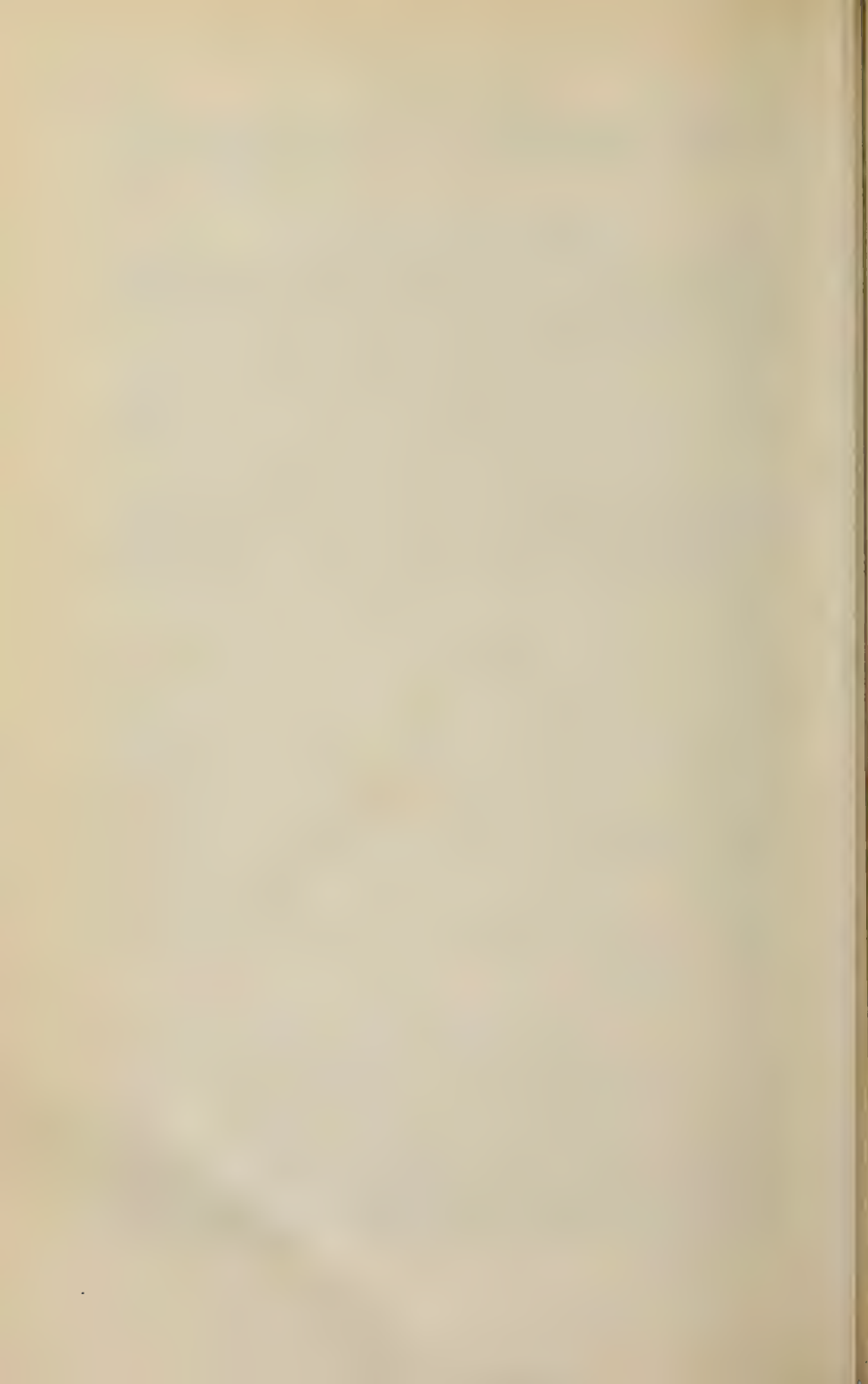
#### APPROVAL OF MINUTES

The minutes of this day, Sunday, January 31, 1943, were read, and, on motion of Senator Seawell, approved as read.

#### ADJOURNMENT FOR CONSTITUTIONAL RECESS

Thereupon, at 12 o'clock noon, on motion of Senator Seawell, in accordance with the provision of Assembly Concurrent Resolution No. 29, Hon. Frederick F. Heiser, President of the Senate, declared the Senate adjourned for the constitutional recess, to reconvene at 11 o'clock a.m., on March 8, 1943.

JOHN F. LEA, Minute Clerk



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

SIXTY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 8, 1943

Pursuant to Assembly Concurrent Resolution No. 29, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at 11 a. m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burn, Collier, Cunningham, DeLoe, Deuel, Dillinger, Donnelly, Douse, Eagle, Fletcher, Gordon, Harbison, Jaspersen, Joubert, Keating, Luckey, Mayo, McBride, McCormack, Miller, Patterson, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tacey, Tucke, and Ward. 36

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Crittenden, on motion of Senator Deuel.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chester R. Cleator and Richard Shea, both of San Diego.

## RESOLUTIONS

The following resolutions were offered:

By Senator Swing:

Senate Resolution No. 61

*Resolved*, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened, after the constitutional

recess, in accordance with Assembly Concurrent Resolution No. 29, and is now ready to receive any communication he may have to make.

Resolution read and unanimously adopted.

#### Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Swing, Slater, and Mixer.

By Senator Salsman:

#### Senate Resolution No. 62

*Resolved*, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Assembly Concurrent Resolution No. 29 and is ready to proceed with the business of the State.

Resolution read and unanimously adopted.

#### Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Salsman, Tenney, and DeLap.

By Senator Powers:

#### Senate Resolution No. 63

*Resolved*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-fifth Session of the Legislature:

Senators	County	Mileage	Total at 5 cents per mile
Biggar, George M.	Merced	180	\$21 00
Breed, Arthur H., Jr.	Alameda	180	9 00
Brown, Charles	Fresno	1,292	64 60
Burns, Hugh M.	Fresno	348	16 90
Cartel, Oliver J.	Siasta	350	16 50
Collier, Randolph	Siskiyou	590	29 50
Crittenden, Bradford S.	San Joaquin	94	4 70
Cunningham, R. R.	Kings	428	21 40
DeLap, T. H.	Contra Costa	164	8 20
Deuel, Charles H.	Butte	202	10 10
Dillinger, H. E.	El Dorado	100	5 00
Donnelly, Hugh P.	Stanislaus	182	9 10
Dorsey, Jess R.	Kern	550	27 50
Engle, Clair	Tulare	286	14 30
Fletcher, Ed.	San Diego	1,146	57 30
Gordon, Frank L.	Napa	94	4 70
Hatfield, George J.	Merced	236	11 80
Jespersen, Chris N.	San Luis Obispo	636	33 30
Judah, H. R.	Santa Cruz	336	16 80
Keating, Thomas F.	Marin	210	10 50
Luckey, E. George	Imperial	1,292	64 60
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
McCrack, Thomas	Solano	124	6 20
Mixer, Frank M.	Tulare	444	22 20
Parkman, Harry L.	San Mateo	222	11 10
Powers, Harold J.	Modoc	832	41 60
Quinn, Irwin T.	Humboldt	624	31 20
Rich, Wm. P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	292	14 60
Seawell, Jerrold L.	Placer	38	1 90
Shelley, John F.	San Francisco	180	9 00
Slater, Herbert W.	Sonoma	204	10 20
Swan, John Harold	Sacramento	2	10
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Tickle, Edward H.	Monterey	174	23 70
Ward, Clarence C.	Santa Barbara	920	46 00



Officers	County	Message	Total at 10 points and vote
Frederick F. Houser, President	Los Angeles	449	61 40
J. A. Reek, Secretary	Orange	500	70 40
John F. Lea, Minute Clerk	Pasadena	70	7 40
Joseph P. Nolan, Sergeant-at-Arms	Los Angeles	594	89 40

## Resolution read

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Cunningham, Deuel, Dingler, Donnelly, Dorsey, Engle, Fletcher, Gordon, Harford, Jaspersen, Judah, Luckey, Mayo, McBride, McCormack, Perkins, Powers, Quinn, Rife, Seward, Shaw, Tamm, and Ward—27.

**NOES**—None.

## President of the Senate Presiding

At 11 12 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, MARCH 8, 1943

*To the Honorable Members of the Senate, State of California,  
Sacramento, California.*

**GREETINGS.** Pursuant to the provisions of Section 312 of the Political Code of the State of California, you are hereby notified that on the tenth day of February, 1943, at 4 25 p.m., Senate Bill No. 3990 was introduced and read in English, and together with a statement of my objections thereto, were delivered to J. A. Reek, Secretary of the Senate. A copy of the statement mentioned is appended hereto.

Respectfully submitted,

EARL WARREN, Governor.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, FEBRUARY 1943

*To the Honorable Members of the Senate, State of California,  
Sacramento, California.*

**GREETINGS.** I am returning herewith, without my signature, Senate Bill No. 3990, entitled: "An act to add Section 6781 1 to the Health and Safety Code, relating to the use of county assessor's rolls by sanitary district boards and the filing of resolutions by such boards declaring election of such use, declaring the urgency of this act, to take effect immediately."

My objections to this bill are as follows:

The object of this bill is to grant district boards of sanitary districts organized under Division 6 of the Health and Safety Code additional time within which to make the election provided in Section 6780 and to avail itself of the county assessment roll as the same appears on March 1, 1943, instead of February 1, 1943. As it is drawn, the board is limited upon making such election to accepting the assessment roll of the county assessor. As all utility properties are assessed by the State Board of Equalization and not by the county assessor, utility properties would be exempt from taxation. This was clearly not the intention.

Senate Bill No. 9, which became effective as Chapter 7 of the Statutes of 1943 on January 25, 1943, sufficiently provides such districts the time and the authority to accomplish the object sought by this bill.

As the bill does not fulfill its intended purpose, the author has requested me to return it to you without my signature.

Respectfully submitted,

EARL WARREN, Governor.

## CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read.

The question being: Shall Senate Bill No. 3990 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dingler, Donnelly, Engle, Fletcher, Gordon, Jaspersen, Judah, Luckey, Mayo, McBride,

McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

### COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Swing, ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, March 8, 1943

*Honorable Frederick F. Houser, Lieutenant Governor  
Members of the Senate of the State of California*

GENTLEMEN: I have just returned from the Sunkist Valleys of Southern California, the Orange Empire of the State. The growers of citrus fruits are suffering as much, if not more, from the lack of available labor than any other farming industry. The crops are now ready to harvest, but no labor available with which to pick or process the fruit. The situation is drastic. Millions of dollars are invested in crops and in the citrus industry.

As I traveled through the orange growing district, I was appealed to on every hand "to do something" to help the citrus grower harvest his crop. The crops are mature. Delay in picking will result in untold losses.

Typical of the situation is the communication received by me just before leaving home. It is hereto attached and made a part of this communication. It speaks for itself and does not overstate the situation.

The matter is brought to your attention at the opening of this session because, before the session is over, we, as a legislative body must, through proper authority, help solve the problem which the Federal bureaus and administrators are so shamefully neglecting.

At a later date I hope, with your cooperation, to propose a plan for relieving not only the citrus growers but the agricultural industry of the State.

Respectfully,

RALPH E. SWING

UPLAND HEIGHTS ORANGE ASSOCIATION

UPLAND, CALIFORNIA, March 3, 1943

*Honorable Ralph E. Swing  
San Bernardino, California*

DEAR RALPH: I am going to make this just as short a letter as I possibly can for I know that you have plenty to do.

Briefly this, the citrus grower must have some help with the picking of their oranges and lemons or all are sunk. Of course there are other things besides harvesting a crop in farming, but that is the main thing now. I have been trying to grow a few oranges for a long time and at its best it is not always a bed of roses. Weather conditions, pest control and the market must be right before the grower will see any money at all. He takes all these things as a matter of course and never says a word when things go wrong, but when our Government officials assure us that we will have help from Mexico in the way of pickers and not to worry, we naturally expect it.

We have done everything asked at this end—absolutely nothing done by those who said not to worry. Many of the people in this business are elderly. Those who have worked hard and long hours thinking they could take it a little easy, as they should. Many past 70 years, numerous women, 20 in our association alone, which is not large in membership. Eighty per cent of these are elderly. They can not go out with a picking sack and pick this crop of oranges and lemons. I know, I tried.

It is serious. Nothing like this in the 56 years I have been at it. We must have some help and we believe you know the situation better than anyone we can think of. You, with your long years in the Senate, together with Governor Earl Warren, can stop some of their double cross work before all here go broke and then on relief, which will surely happen in some cases. Many people are under the impression that the citrus growers are all large land owners. That is not the case, 90 per cent are of the 5-, 10-, and 20-acre class.

Today one of our orange pickers turned in his clippers and picking sack. It seems that he works a shift at the Ontario Air Depot and after he had completed his shift, he came here and worked the few remaining hours of the day. This morning he was told that he would have to quit picking oranges or quit down there. Now what kind of business would you call that? The Government is asking for more food and the farmer is doing his best to get it for them. Working longer hours than the men who are trying to push them around ever dreamed of doing.

I know you will go after this thing, we look to you. You, of course, can not do the impossible, but in all the years you have never let us down.

Very truly,

KIRK VERNON

## RESOLUTIONS

The following resolution was offered:

By Senator Swing:

**Senate Resolution No. 64**

Relative to the creation of a committee to consider methods of expediting legislation and eliminating duplicating functions.

WHEREAS, Many legislative proposals involve problems within the jurisdiction of more than one standing committee of the Senate and the subsequent consideration of such measures requires the cooperation of such several committees in order to speed duplicating the work of one such committee by another; and

WHEREAS, Much delay in the legislative process could be avoided if it were possible to eliminate such duplication of effort and provide a means for expediting the consideration of such measures; now, therefore, be it

*Resolved by the Senate at the State of California:* That there is hereby created a Special Committee designated the "Senate Legislative Process Committee," consisting of the chairman of the following standing Senate committees: Rules, who shall be chairman of the committee; Finance, Governmental Efficiency, Judiciary, Revenue and Taxation, and Agriculture; and be it further

*Resolved,* That the committee hereby created shall during the Fifty-fifth Session of this Legislature gather, assemble, study, and consider all bills relating to the legislative process with a view to eliminating duplicating functions of the standing committees of the Senate and expediting the legislative process during the session of the Legislature and for the purpose of devising a plan for increased efficiency and greater efficiency in the legislative function, to which end the committee shall have and exercise the duty and power:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees of one or more members from its membership, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To meet at any and all times prior to final adjournment of this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(6) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(7) To report its findings and recommendations to the Senate; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved,* That the committee, each of its members, and any representative of the committee therunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

*Resolved,* That the Sergeant-at-Arms of the Senate and other officers designated by him, are hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee or by a subcommittee; and be it further

*Resolved,* That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation and shall not be allowed mileage; and be it further

*Resolved*, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, or if incurred by a subcommittee, by the member or members of such subcommittee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### REPORTS OF SPECIAL COMMITTEES

The following reports of special committees were received :

Senators Swing, Slater, and Mixer, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Salsman, Tenney, and DeLap, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

#### MESSAGE FROM ASSEMBLY

At 12.05 p.m., a committee from the Assembly, consisting of Messrs. Crichton, Kraft, and Thompson, appeared at the bar of the Senate, and announced that the Assembly was duly organized and ready to proceed with the business of the State.

#### COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

CALIFORNIA CODE COMMISSION  
SACRAMENTO, CALIFORNIA, March 7, 1943

*Honorable Jerrold L. Seawell*  
*President Pro Tempore, Senate Chambers*  
*State Capitol, Sacramento, California*

#### GOVERNMENT CODE

DEAR SENATOR SEAWELL: The California Code Commission prepared a series of bills for presentation to this session of the Legislature establishing a Government Code. These bills were introduced by Senators Fletcher and Burns, and comprise Senate Bills 912 to 918, inclusive, Senate Bills 920 to 922, inclusive, and Senate Bill 958.

While all of these bills are concerned with one integrated program, and each bill is correlated to the others, all of the bills were not referred to one committee but were distributed over four different committees. It does not appear possible to explain adequately any one particular bill of this series without reference to all of the other bills.

In order to permit the consideration of all of the bills together, we have suggested to Senators Fletcher and Burns, the authors of the Government Code bills, that all of the bills not now before the Committee on Governmental Efficiency be re-referred to the Governmental Efficiency Committee, as that is the committee to which Senate Bill 958, the main code bill, has been referred. In line with this suggestion we have written to Senator Cunningham, Chairman of the Local Government Committee, Senator DeLap, Chairman of the Judiciary Committee, and Senator Biggar, Chairman of the Labor Committee, to each of whose committees some of the Government Code bills were referred, requesting their consent to the re-reference of the Government Code bills to the Committee on Governmental Efficiency.



Specifically, we are suggesting that the following action be taken if it meets with the approval of all concerned:

Bills	From	To
S. B. 913	Judiciary	Governmental Efficiency
S. B. 914	Local Government	Governmental Efficiency
S. B. 916	Judiciary	Governmental Efficiency
S. B. 918	Local Government	Governmental Efficiency
S. B. 920	Labor	Governmental Efficiency
S. B. 921	Judiciary	Governmental Efficiency
S. B. 922	Judiciary	Governmental Efficiency

The following bills are before the Committee on Governmental Efficiency and no further action need be taken with respect to their committee assignment:

S. B. 958, main code bill  
S. B. 912  
S. B. 915  
S. B. 917

Very sincerely yours,

FRED B. WOOD, Secretary  
By ARTHUR M. HUSE, Assistant Secretary

#### WITHDRAWAL AND RE REFERENCE OF SENATE BILLS

Senator Seawell moved that the following Senate Bills be withdrawn:  
Senate Bill No. 913 from Committee on Judiciary.  
Senate Bill No. 914 from Committee on Local Government.  
Senate Bill No. 916 from Committee on Judiciary.  
Senate Bill No. 918 from Committee on Local Government.  
Senate Bill No. 920 from Committee on Labor.  
Senate Bill No. 921 from Committee on Judiciary.  
Senate Bill No. 922 from Committee on Judiciary.  
and that they be re-referred to the Committee on Governmental Efficiency.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 8, 1943

MR. PRESIDENT: I am directed to inform you for the record that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 36

ARTHUR A. OHNIMUS, Clerk of the Assembly.  
By HAROLD F. LEWIS, Assistant Clerk.

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Concurrent Resolution No. 36**—Relative to the death of Joseph Timmons.

##### Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

**Assembly Concurrent Resolution No. 36**—Relative to the death of Joseph Timmons.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Donch, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jorgensen, Judah,

Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Resolution ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 37**—Relative to inviting Madame Chiang Kai-shek to address the California Legislature.

#### Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

**Assembly Concurrent Resolution No. 37**—Relative to inviting Madame Chiang Kai-shek to address the California Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### ADJOURNMENT

At 12:25 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, March 9, 1943, out of respect to the memory of Joseph Timmons.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

SIXTY-FIFTH CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 9, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brod, Brown, Carter, Collier, Cunningham, DeLong, Dwyer, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gopler, Harwood, Jassonow, Joslin, Keating, Luckey, Mayo, McBride, McCormick, Mixer, Parkman, Peters, Quay, Rich, Salsman, Seawell, Shelby, Slater, Swan, Swang, Tenney, Trule, and Ward—36.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:  
Senator Crittenden, on motion of Senator Mixer.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Howe of Sebastopol, Dr. D. P. Anderson and Ellsworth L. Barnett, both of Santa Rosa.

On request of Senators Collier and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Norman Green and Eola Green, all of Dunsmuir.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 8, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1326

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 8, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 64

Has had the same under consideration, and reports the same back with amendments and with the recommendation: Be adopted as amended.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

## CONSIDERATION OF SENATE RESOLUTION NO. 64

**Senate Resolution No. 64** Relative to the creation of a committee to consider methods of expediting legislation and eliminating duplicating functions.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

In the last paragraph of the resolution, lines 1 and 2, strike out "five thousand dollars (\$5,000)", and insert "six thousand dollars (\$6,000)".

Amendment read and adopted.

## Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Resolution No. 64, as amended, at this time, for consideration.

## Consideration of Senate Resolution No. 64, as Amended

## Senate Resolution No. 64

Relative to the creation of a committee to consider methods of expediting legislation and eliminating duplicating functions

WHEREAS, Many legislative proposals involve problems within the jurisdiction of more than one standing committee of the Senate and the adequate consideration of such measures requires the cooperation of such several committees in order to avoid duplicating the work of one such committee by another; and

WHEREAS, Much delay in the legislative process could be avoided if it were possible to eliminate such duplication of effort and provide a means for expediting the consideration of such measures; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a Special Committee designated the "Senate Legislative Process Committee," consisting of the chairmen of the following standing Senate committees: Rules, who shall be chairman of the committee, Finance, Governmental Efficiency, Judiciary, Revenue and Taxation, and Attaches; and be it further



*Resolved*, That the committee hereby created shall during the Fifty-fifth Session of this Legislature gather, assemble, study and analyze all facts relating to the legislative process with a view to eliminating duplicating functions of the standing committees of the Senate and expediting the legislative process during the session of the Legislature and for the purpose of evolving a plan for economical improvement and greater efficiency in the legislative function, to which end the committee shall have and exercise the duty and power:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees of one or more members from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its proceedings (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To meet at any and all times prior to final adjournment of this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(6) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(7) To report its findings and recommendations to the Senate; and

(8) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, be sworn in and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate and other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee or by a subcommittee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation and shall not be allowed mileage; and be it further

*Resolved*, That the sum of six thousand dollars (\$6,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, or if incurred by a subcommittee, by the member or members of such subcommittee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Harbald, Judah, Keating, Lackey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Serwell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

## REPORT OF INTERIM COMMITTEE

Senator Swing moved that the following Report of the Interim Committee Appointed to Study the State Employment Retirement System be printed in the Journal:

Motion carried.

*Mr. President and Members of the Senate:*

The committee appointed under Senate Resolution No. 158 at the Regular Session of the California Legislature in 1941 for the purpose of studying the status of the State Employees Retirement System and to recommend to the Legislature any necessary changes begs leave to report as follows:

Your committee held sessions in Sacramento on May 18, 1942, and in San Francisco on November 19, 1942, in addition to conferences that were held by the Chairman with Mr. Earl W. Chapman, Executive Secretary of the State Employees Retirement System; Mr. John J. Hamlyn, Counsel of the California State Employees Association; Mr. Jack H. Leam, former President of the C. S. E. A.; as well as conferences with various groups connected with the C. S. E. A. and Senator Ralph E. Swing, a member of this committee.

At the meeting in Sacramento on May 18, 1942, exhaustive testimony was taken from Mr. John J. Hamlyn, as well as testimony from Mr. Jack Leam and considerable testimony from Mr. Thomas Stanton, President of the Board of Administration of the State Employees Retirement System; Mr. Earl Chapman, Executive Secretary of the Retirement System; and Mr. Rane L. Rothschild, Investment Adviser of the Department of Finance; and Mr. R. G. Carpenter, representing the League of California Cities.

At the San Francisco meeting on November 19, 1942, further testimony was taken from Messrs. Chapman and Hamlyn, as well as from Mr. Donald Gallagher, member of the Board of Management of the Life Retirement System; and Mr. Ralph Nelson, Actuary for the Life Retirement Plan.

Your committee wishes to acknowledge excellent cooperation at every stage in its investigations from the Board of Management of the Life Retirement Plan, headed by Mr. Stanton, and from Mr. Earl W. Chapman, Executive Secretary.

On the suggestion of the committee, and in anticipation of recommendations to the Legislature for changes in the Retirement Law, Mr. Hamlyn, as Counsel for the California State Employees Association, made a complete canvass of the employees throughout California for the purpose of ascertaining their attitude toward an increase in the participating amounts paid by each of them in connection with any plan that would increase service retirement allowances and disability retirement allowances for California State employees. Under date of December 14, 1942, Mr. Hamlyn in a letter to the Chairman of the committee said: "This will confirm my statement made to your committee at its meeting in San Francisco, November 20, 1942, namely, that it would appear from our canvass of the votes by the various chapters of the Association that the membership is overwhelmingly in favor of the three proposed changes in the State Employees Retirement Act, which were previously presented to your committee. Under date of October 7, 1942, and following the first meeting of your committee, we prepared and sent to each of the presidents of the 70 chapters of the Association a letter transmitting a ballot—the returns, all of which are now in, disclose that the membership of the Association is overwhelmingly in favor of all three proposals."

The proposals as made to the membership by Robert C. Thomas, Executive Secretary of the C. S. E. A., are as follows:

1. QUESTION—Shall the Retirement Act be amended to increase contributions of both the State and the employee so as to provide retirement payments at age 60 equal to one-sixtieth of the employee's average pay during his last five years of employment multiplied by the number of years of service?

(EXPLANATION—At present the contributions are computed to produce retirement payments equal to one-seventieth at age 65. It is not proposed to change the compulsory retirement age of 70 or the voluntary age of 65, or the voluntary age of 60 with 20 years of service. Under present law an employee must work 35 years to be entitled at age 65 to a retirement allowance equal to one-half of his average pay for the last five years.

If the above change is made, it would mean that the employee would be entitled to one-half of his pay after 30 years of service and at age 60. The State now contributes \$4,301,354 biennially to the Retirement System. This change could increase the State's contributions by \$2,076,976. If this change is made, the individual employee's contribution would be increased approximately 50 per cent. In other words, an employee who now pays \$5 a month into the Retirement System would,

if the change is made, have his monthly contribution increased to approximately \$7.50.)

2. QUESTION—Shall the Retirement Act be amended to provide for a death benefit of \$150 for retired members?

(EXPLANATION—At present a death benefit is provided only for members who are still employed by the State. Provision for a death benefit to retired members would increase the biennial cost to the State by \$137,167.40. There would be no increase in cost to the individual employee.)

3. QUESTION—Shall the Retirement Act be amended to provide for a minimum guaranteed retirement payment of \$50 per month to employees who retire at age 70 or at 65 with 20 years of service?

(EXPLANATION—Under present law the minimum guarantee is \$40 per month, and this only for employees who were in State service prior to January 1, 1942. This change would increase the biennial cost to the State by \$89,014.50. There would be no increased cost to the individual employee.)

Taking up in sequence these three proposals, your committee has the following arguments to offer in support of their adoption and based on the data in Chapter of Senate Bill No. 35, which is before us at this session and which is in part based on Sections 65, 66, 70, 82, 83b, 84, 86, 88, 93, 108, and 109 of, and to add Section 100b to, the State Employees Retirement Act, relating to a retirement system for public employees.

In support of the first proposal for the increase of contributions of both the State and employee, so as to provide retirement payments at age 60 equal to one-sixtieth of the employee's average pay during his last five years of employment multiplied by the number of years of service, your committee believes that the records of the office of the Retirement System reveal in the payment of monthly allowances under service retirement and under disability retirement too low a ratio is given for the average person after retirement from the State service. The figures as of October, 1941, under the head of Service Retirement Allowances show that one of the allowances are \$40 or less, over 57 per cent of the allowances are \$50 or less, over 68 per cent of the allowances are \$60 or less, over 81 per cent of the allowances are \$80 or less. Under Disability Retirement Allowances as of October, 1941, over 48 per cent of the allowances are \$40 or less, over 76 per cent of the allowances are \$40 or less, over 84 per cent of the allowances are \$60 or less, over 91 per cent of the allowances are \$80 or less. Coming forward in the Service Retirement figures as of January, 1943, we find an increase of 2.2 per cent over October of 1941 where the allowances are \$40 or less, an increase of 3 per cent where the allowances are \$50 or less, an increase of 3 per cent where the allowances are \$60 or less, and an increase of 2 per cent where the allowances are \$80 or less, and in the Disability category we have a drop-off of 4 per cent where the allowances are \$30 or less, and a drop-off of 3 per cent where the allowances are \$40 or less, yet no change in the percentages where the allowances are \$60 or less, and a drop off of 1 per cent where the allowances are \$80 or less. The whole picture of monthly allowances under the Retirement Act reveals that our State employees at the present time, taken on the average, are spending in what from 20 to 35 years of their service in the State, with monthly contributions to a life retirement plan in partnership with the State, which is bringing to them upon retirement average amounts which are no more than the amounts now received by old-age assistance recipients in California in which the recipient contributes nothing. In January of this year there were 283 employees on retirement receiving between \$41 and \$40 per month. This is out of a grand total of 707 in the State receiving monthly allowances under service retirement. Only 17 of this total number were receiving above \$150 per month, 89 were receiving between \$41 and \$50, 77 were receiving between \$51 and \$60. Only 20 out of the 707 total were receiving between \$91 and \$100. Out of a total of 286 retired employees receiving disability allowances \$6 are receiving between \$21 and \$30 per month, only 75 are receiving between \$31 and \$40 per month, only four are receiving over \$111 and up.

Your committee is very much in accord with the statement made by former President Jack Leam, of the California State Employees Association, appearing in the report to the Eleventh Annual General Council of the C S E A. in Sacramento on February 10, 1941, reading as follows:

A sound retirement system provides the State with a sure and just method of eliminating from its active forces those employees who have become incapable of performing their best work because of disability or superannuation. In the absence of a retirement system an aged or disabled employee is left in active service "as long as he can go through the motions." He is really not on the job, but the cost to the State of paying his full salary is charged to the current budget. To a very great extent, the State pays for a retirement system even though one is not established.



Your committee feels that the willingness shown by the great majority of the State employees to increase their participation in the Life Retirement Fund up to 50 per cent over what they are now paying is a healthy indication of an intense interest in the security which the employee feels in State service, and that the State should not hesitate to fulfill its partnership obligation in the matter. Present abnormal conditions in California, due to the demands on State employees for service in the armed forces, and resignations and leaves of absence, caused by employment in war industry, has meant a loss of about 3,000 State employees as of January 1, 1943. A turnover of about 7,000 in the 30,000 employees in the State was revealed as of June 30, 1942. Statements to the Chairman of your committee by Executive Secretary Earl W. Chapman of the State Retirement System would indicate that the existence of a retirement plan is a strong factor in retaining interest by the employee in his job despite allotments that are being held out for temporary wartime employment. This fact further emphasizes the importance to the State, both now and for future emergencies, of a strengthened retirement system with rates of payment more in line with the necessities for decent living.

Your committee is in full agreement with statements made by President Thomas E. Stanton of the Board of Administration of the State Retirement System as made at the meeting of the committee on May 18, 1942, at Sacramento in connection with the proposed payment of a death benefit of \$150 for retired members. At present a death benefit is provided only for members who are still employed by the State. Mr. Stanton said that he believed that this payment was the least which the State should grant a faithful employee and particularly emphasizes the situation where an employee retires after 20 or more years' service and dies within a few days or months or even a few years after retirement. In such cases, under the present law, such a man's dependents or estate receive no return on the deceased individual's own contribution to the System made during the years he was an active employee. The committee concurs in Mr. Stanton's opinion that a \$150 death benefit would at least partly defray burial expenses and was little enough as a State contribution for this purpose.

The committee feels that the present minimum payment of \$40 per month to employees who retire at age 70 or at age 65 with 20 years of service is inadequate, if for no other reason than the argument that has been stated before in this report, and that is, that \$40 is no more than the amount now paid in old age assistance in California to persons who in no sense participated themselves in creating the fund from which such money is received. Your committee therefore feels that the suggested payment of \$50 as a minimum guarantee to employees who retire at age 70 or at age 65 with 20 years of service is more correct.

In conclusion, the committee has no hesitancy in reporting the opinion that the present Life Retirement System of the State is being excellently managed and is in a sound financial condition. The policy of the Board of Administration requires the investment of the money controlled by the System, in United States Government bonds and municipal issues of California cities. Testimony of Mr. Rothschild, the investment adviser, given at Sacramento at the meeting of May 18, 1942, was to the effect that interest now being received by these investments was adequate to support the full amount of benefit payments and operation costs of the System.

Out of an appropriation allowed for your committee of \$750, we have spent a total of \$422.22.

Respectfully submitted.

#### SENATE COMMITTEE FOR STUDY OF THE STATE EMPLOYEES RETIREMENT SYSTEM

H. R. JUDAH, Chairman  
RALPH E. SWING  
CHRIS N. JESPERSEN

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1326** An act making an appropriation for the contingent expenses of the Assembly, to take effect immediately.

Bill read second time.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 1326 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby



dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

#### Resolution read

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 1326**—An act making an appropriation for the contingent expenses of the Assembly, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 26**—By Senator Hatfield: Relative to making additional funds available to the Fact Finding Committee established by Senate Concurrent Resolution No. 13 (Res. Ch. 38, 1943).

Referred to Committee on Rules.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Biggar:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 9, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 737w of the Political Code, relating to the judge's salary for the County of Mendocino.

Respectfully submitted.

SENATOR BIGGAR

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 9, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 1073:** By Senator Biggar—An act to amend Section 737w of the Political Code, relating to the judge's salary for the County of Mendocino.

Referred to Committee on Local Government.

**Senate Joint Resolution No. 19:** By Senators Dillinger, Gordon, Biggar, Swan, Cunningham, Luckey, and Tickle—Relative to food shortage.

Referred to Committee on Agriculture.

**RESOLUTIONS**

The following resolutions were offered:

By Senator Ward:

**Senate Resolution No. 65**

Relating to the growing of guayule for rubber production

WHEREAS, Congress has authorized the Emergency Rubber Project of the United States Forest Service to secure 500,000 acres of land for the growing of guayule for the production of rubber; and

WHEREAS, The guayule plant is still in an experimental stage in so far as the production of rubber is concerned and is adapted to and will grow upon arid or nonirrigable land; and

WHEREAS, The Emergency Rubber Project of the United States Forest Service, pursuant to the authority vested in it, has secured thousands of acres of the best irrigable lands, adapted to the cultivation of necessary food products, and is now endeavoring to secure 7,500 acres of irrigable vegetable lands in Santa Barbara County alone, and is threatening to condemn these lands in event the owners refuse to lease them for the Guayule Project; and

WHEREAS, The entire Country is faced with an acute food shortage, and Santa Barbara County is furnishing an immense amount of vegetables to various military encampments and a great portion of the vegetables to the Los Angeles market; and

WHEREAS, One acre of irrigable land planted to guayule will produce only 800 pounds of rubber, if any, within three years, and the same acre if planted to vegetables under the multiple crop system will produce in the same period of time 240,000 pounds of essential foodstuffs; and

WHEREAS, The farmers throughout California have the machinery and necessary equipment for the production of essential foodstuffs, which will be rendered valueless for the production of food, if irrigable land is taken for the development of the guayule plant; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Congress of the United States, the Secretary of Agriculture, and William Jeffers, United States Rubber Administrator, be memorialized to take these factors into consideration and to restrict the development of guayule rubber projects to such areas as will not interfere with the production of essential foodstuffs; and be it further

*Resolved,* That copies of this resolution be forwarded to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, to William Jeffers, United States Rubber Administrator, and to each Senator and Member of the House of Representatives in the Congress of the United States from California.

Resolution read, and referred to Committee on Agriculture.

By Senator Tickle:

**Senate Resolution No. 66**

*Resolved,* That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 8, 1943, and the Con-

troller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	Seven days per week
Harry Hammond, Chief Assistant Secretary	\$9 00
Margaret Douville, Assistant Secretary	7 00
Arthur Dryden, Assistant Secretary	7 00
Buster Pearl, Assistant Secretary	7 00
Med Anderson, Assistant Secretary	7 00
T. A. Ryan, History Clerk	7 00
Ada Ford, File Clerk	7 00
Laura Prentice, Assistant Engrossing and Enrolling Clerk	6 00
H. B. Thomas, Assistant Engrossing and Enrolling Clerk	6 00
N. L. Levering, Journal Clerk	7 00
Gertrude Crawford, Assistant Journal Clerk	6 00
Harry Jordan, Bookkeeper to Sergeant-at-Arms	6 00
Thomas A. Wright, Assistant Sergeant-at-Arms	6 00
Robert Horbach, Assistant Sergeant-at-Arms	6 00
Frank W. Bennallack, Assistant Sergeant-at-Arms	6 00
Harry Kessler, Assistant Sergeant-at-Arms	6 00
Carl Johnson, Assistant Sergeant-at-Arms	6 00
Margaret A. Sweeny, Chief Stenographer	7 00
Rose J. Strei, Stenographer	6 00
Jackie Allen, Stenographer	6 00
Alysae Osmonson, Stenographer	6 00
Flora Gillam, Stenographer	6 00
Florence Tenney, Stenographer	6 00
E. Clancy, Stenographer	6 00
Margaret Deuel, Stenographer	6 00
Marguerite Bridges, Stenographer	6 00
Estell Bazo, Stenographer	6 00
Isabelle Robbins, Stenographer	6 00
Delbert Keith Harter, Stenographer	6 00
Marguerite Hansen, Stenographer	6 00
Helen R. Hutchings, Stenographer	6 00
Myra F. Harness, Stenographer	6 00
Thelma Smith, Stenographer	6 00
Emily Edwards, Stenographer	6 00
Sue Garrett, Stenographer	6 00
M. Inez Vincent, Stenographer	6 00
Rose Racich, Stenographer	6 00
Wanda Durkee, Stenographer	6 00
Mrs. Ruth Ortman, Stenographer	6 00

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Jurek, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Sewell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31

NOES—None.

### By Senator Tickle:

#### Senate Resolution No. 67

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 9, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	Seven days per week
Merna Gredell, Stenographer	\$6 00

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

#### ADJOURNMENT

At 2.51 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, March 10, 1943.



CALIFORNIA LEGISLATURE  
FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY  
SIXTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO  
Wednesday, March 10, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beck at the desk

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLaf. Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hattfield, Jepsen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Prews, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward. 37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:  
Senator Crittenden, on motion of Senator Deuel.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Engle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John C. Gibson, of Red Bluff.

On request of Lieutenant Governor Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator and Mrs. Sanborn Young of Los Gatos, California, and to Mr. and Mrs. George De Vreis of Norwalk, California.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Concurrent Resolution No. 38**—Relative to facilities for the care of the dead.

Referred to Committee on Public Health and Safety.

## REPORTS OF STANDING COMMITTEES

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 465

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

LUCKEY, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Joint Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

LUCKEY, Vice Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 385

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

LUCKEY, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 365

Senate Bill No. 910

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

LUCKEY, Vice Chairman

Above reported bills ordered re-referred to Committee on Finance.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 68

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 10, 1943, and the Controller is hereby directed to draw his warrants on favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

A. P. Bell-Is, Assistant Secretary	
Katherine V. Jackson, Assistant at Desk	
Gladys F. Kenyon, Stenographer	
Helen Rhodes, Stenographer	

Stated salary

per week

\$7.00

6.00

6.00

6.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Bizzini, Brown, Byrnes, Carter, Callio, Cunningham, DeLoach, Denel, Dillinger, Donnelly, Dwyer, Eagle, Elmer, Gartin, Hatfield, Johnson, Keating, Luckey, Mayo, McBride, McCormack, Meyer, Packman, Quinn, Rife, Salsman, Seawell, Slater, Swan, Swain, Tanton, Tickle, and Wood. A.

NOES: None.

By Senator Tickle:

## Senate Resolution No. 69

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work March 10, 1943:

Arthur Dryden, Assistant Secretary	
------------------------------------	--

Per day

\$7.00

Resolution read and unanimously adopted.

By Senator Salsman:

## Senate Resolution No. 70

Relating to the memory of Honorable Louis Oneal

WHEREAS, The Members of the Senate have been deeply shocked and grieved to learn of the sudden passing of Honorable Louis Oneal, who so capably and faithfully served as State Senator from the Thirty-first District in the Thirty-fourth and Thirty-fifth Sessions of the Legislature; and

WHEREAS, Louis Oneal was born in Paradise Valley, Nevada, on November 24, 1874; came to California in 1889; was educated in the public schools of Nevada and California; was admitted to the practice of law in California; served the public as deputy district attorney of Santa Clara County, and as city justice in San Jose before becoming a State Senator; and

WHEREAS, Louis Oneal was not only a capable public servant but also an outstanding and well-known civic leader; and

WHEREAS, Louis Oneal will be remembered by hundreds of friends throughout his beloved West and in other parts of the Country for his charitable and democratic disposition; and

WHEREAS, The members of this body wish to pay tribute to the memory of Louis Oneal and to extend their deepest sympathy to the members of his family; now therefore, be it

*Resolved by the Senate of the State of California*, That when the Senate this day adjourns it does so out of respect to the memory of Louis Oneal; and be it further

*Resolved*, That the Secretary of the Senate is hereby instructed to transmit suitable copies of this resolution to Mrs. Anna Oneal, widow; to Duncan Oneal, son;

and to two sisters, Mrs. E. Jean Campbell and Mrs. Lillian Walther of Portland, Oregon.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

**NOES**—None.

### RECESS

At 2.22 p.m., on motion of Senator Slater, the Senate recessed to hear remarks of the Honorable Sanborn Young, former Senator, and Mrs. Sanborn Young.

### REASSEMBLED

At 2.27 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

### REPORTS OF STANDING COMMITTEES

#### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Resolution No. 65

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

LUCKEY, Vice Chairman

Above reported resolution ordered on file.

### CONSIDERATION OF SENATE RESOLUTION NO. 65

**Senate Resolution No. 65**—Relative to the growing of guayule for rubber production.

Resolution read.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

#### Amendment No. 1

In the last line of paragraph 6 of the resolution, after the semicolon, insert "and WHEREAS, There are many acres of irrigable land within the boundaries of the State, particularly in Imperial and San Bernardino Counties, suitable for the production of guayule and not now used for the production of vegetables and essential foodstuffs and cotton, which could be utilized by the Guayule Emergency Rubber Project without endangering the food supply,"

Amendment read and adopted.

#### Motion to Amend

Senator Dorsey moved the adoption of the following amendment:

#### Amendment No. 1

In paragraph 3, line 5, of said paragraph, of the printed resolution, as it appears on page 482 of the Senate Journal of March 9, 1943, strike out the word "alone"



following the word "County" and insert "and in excess of 15,000 acres in the County of Kern".

Amendment read and adopted.

#### Request for Unanimous Consent

Senator Ward asked for, and was granted unanimous consent to take up Senate Resolution No. 65, as amended, at this time, for consideration.

#### Consideration of Senate Resolution No. 65, as Amended

##### Senate Resolution No. 65

Relating to the growing of guayule for rubber production.

WHEREAS, Congress has authorized the Emergency Rubber Project of the United States Forest Service to secure 500,000 acres of land for the growing of guayule for the production of rubber; and

WHEREAS, The guayule plant is still in an experimental stage as to its use in the production of rubber is concerned and is adapted to land with good water and is nonirrigable land; and

WHEREAS, The Emergency Rubber Project of the United States Forest Service pursuant to the authority vested in it, has secured thousands of acres of fine land irrigable lands, adapted to the cultivation of necessary food production and is thus endeavoring to secure 7,500 acres of irrigable vegetable lands in Santa Barbara County and in excess of 15,000 acres in the County of Kern, and is threatening to condemn these lands in event the owners refuse to lease them for the Guayule Project; and

WHEREAS, The entire County is faced with an acute food shortage and Santa Barbara County is furnishing an immense amount of vegetables to various military encampments and a great portion of the vegetables to the Los Angeles market; and

WHEREAS, One acre of irrigable land planted to guayule will produce only 500 pounds of rubber, if any, within three years, and the same acre if planted to vegetables under the multiple crop system will produce in the same period of time 240,000 pounds of essential foodstuffs; and

WHEREAS, The farmers throughout California have the machinery and necessary equipment for the production of essential foodstuffs, which will be rendered efficient for the production of food, if irrigable land is taken for the development of the guayule plant; and

WHEREAS, There are many acres of irrigable land within the boundaries of the State, particularly in Imperial and San Bernardino Counties, suitable for the production of guayule and not now used for the production of vegetables and essential foodstuffs and cotton, which could be utilized by the Guayule Emergency Rubber Project without endangering the food supply; now, therefore, be it

*Resolved by the Senate of the State of California* That the Congress of the United States, the Secretary of Agriculture and William Jeffers, United States Rubber Administrator, be memorialized to take these factors into consideration and to restrict the development of guayule rubber projects to such areas as will not interfere with the production of essential foodstuffs; and be it further

*Resolved*, That copies of this resolution be forwarded to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, to William Jeffers, United States Rubber Administrator, and to each Senator and Member of the House of Representatives in the Congress of the United States from California.

Resolution read and adopted.

#### MOTION TO FORWARD COPIES OF SENATE RESOLUTION NO. 65

Senator Seawell moved that the Secretary of the Senate be instructed to forward copies of Senate Resolution No. 65 to the proper officials in Washington, D. C.

Motion carried.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Gordon:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Sections 79.1 and 81.1 to the Fish and Game Code, relating to Districts 12A and 12C.

Respectfully submitted,

SENATOR GORDON

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 10, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Seawell:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 111.5 to the Vehicle Code, relating to the Vehicle Code, relating to the California Highway Patrol, placing said Patrol under the supervision and direction of The Adjutant General, declaring the urgency of this act, to take effect immediately.

Respectfully submitted,

SENATOR SEAWELL

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 10, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—34.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 1074:** By Senator Gordon. An act to add Sections 79.1 and 81.1 to the Fish and Game Code, relating to Districts 12A and 12C.

Referred to Committee on Fish and Game

**Senate Bill No. 1075:** By Senator Seawell. An act to add Section 111.5 to the Vehicle Code, relating to the Vehicle Code relating to the California Highway Patrol, placing said Patrol under the supervision and direction of The Adjutant General, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency

## RESOLUTIONS

The following resolution was offered

By Senator Tickle:

**Senate Resolution No. 71**

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as taken effect on completion of work March 10, 1943:

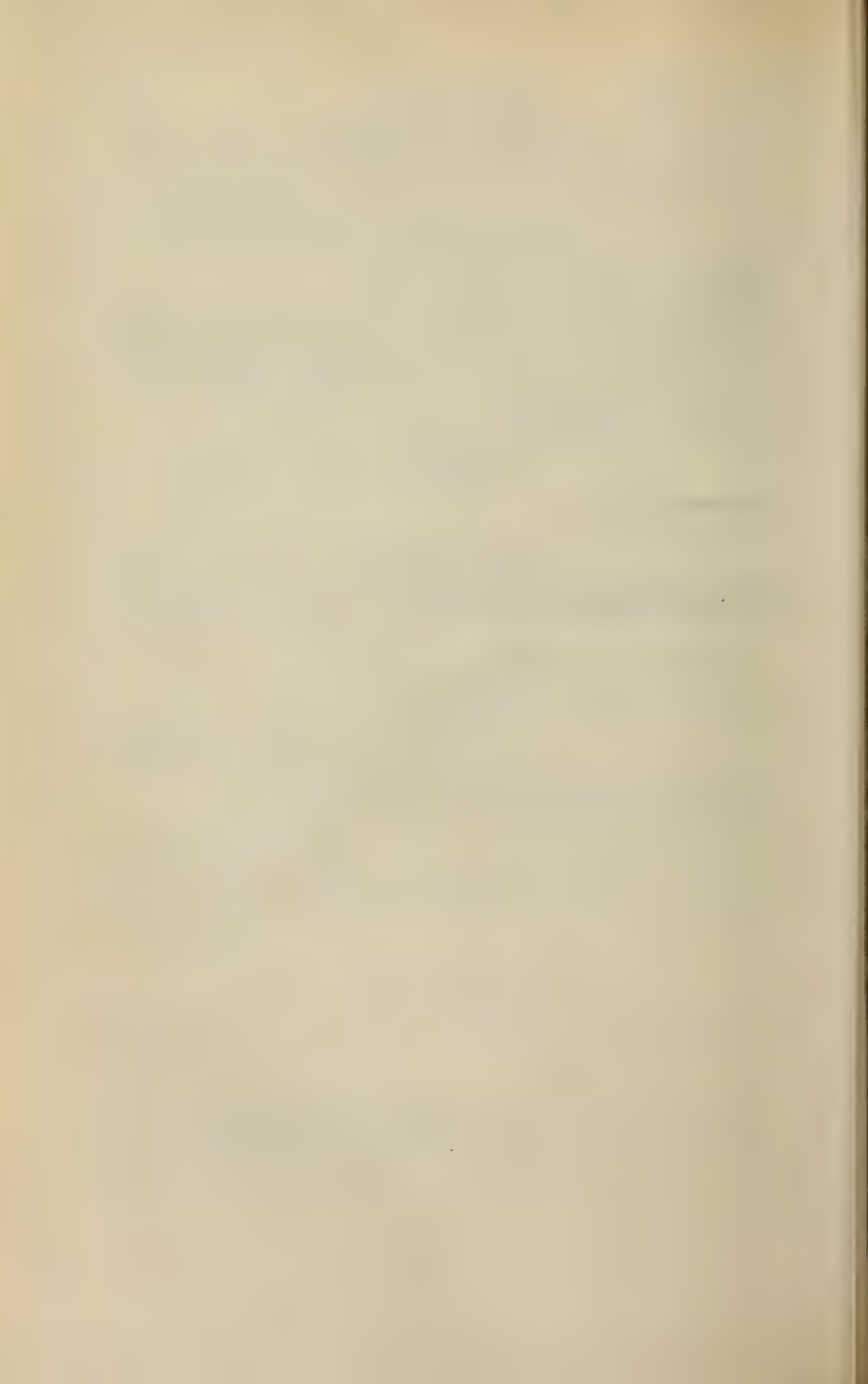
Merna Gredell, Stenographer

*Per day*  
\$6.00

Resolution read, and unanimously adopted

## ADJOURNMENT

At 2.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Thursday, March 11, 1943, out of respect to the memory of the late Honorable Louis Oniz.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

SIXTY-SEVENTH CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 11, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beck at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLeon, Deuel, Dillinger, Donnelly, Donsey, Engle, Fletcher, Gordon, Hartford, Jaspersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rode, Salsman, Seawell, Shelley, Slater, Swan, Swing, Temcox, Tickle, and Ward. 35.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Judah, on motion of Senator Collier.

Senator Crittenden, on motion of Senator Deuel.

Senator Keating, on motion of Senator Luckey.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. K. G. Bitter of San Diego.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1120

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 2

Assembly Constitutional Amendment No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By CLEVE TAYLOR, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1120**—An act making an appropriation for the operation, maintenance, and organization of the State Guard, to take effect immediately.

Referred to Committee on Finance.

**Assembly Constitutional Amendment No. 2**—A resolution proposing to the people of the State of California to amend Section 23 of Article IV of the Constitution of said State, relating to the compensation of Members of the Legislature.

Referred to Committee on Governmental Efficiency.

**Assembly Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 14 of Article XIII, relating to exemptions of property on account of military service.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 32**—Relative to auditing the accounts of the Department of Employment.

Referred to Committee on Governmental Efficiency.

## COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, March 10, 1943

*To the Senate of the State of California*

GREETINGS: As mentioned in an earlier message to your honorable body, there has been in progress, under the direction of The Adjutant General, a detailed study of the State Guard problem in California.

This study is now complete and I am today transmitting the conclusions, which I have drawn from the facts thus developed.

Based upon the report of Adjutant General Ray W. Hays concerning both the present organization and the effectiveness of the State Guard, I have arrived at the conclusion that I must recommend that the active force of the State Guard be abolished unless the Federal Government grants deferment of its personnel and enables it to acquire adequate weapons, transportation, and means of communication.

Such action would, in my opinion, have to be followed by the restoration of the Guard to the status of the National Guard prior to its induction into Federal

service—that is to say—that the State Guard should be recruited on the basis of community organization with State supervised training, and be available when called into service by the Governor for the protection of their own communities in times of greatest emergency.

The State Guard at the present time is not and can not be made effective for the protection of our State against organized sabotage or other dangers likely to arise in modern warfare.

The reasons for this conclusion are several:

1. The Federal Government can and equips the Guard with proper weapons and equipment for such service and the State is not permitted to do so either.

2. Heretofore it has been held that men under 38 years of age should be available for Guard service. The Selective Service Act just passed that will cover between 38 and 45 years of age in nonessential occupations must be redefined and made available for induction into regular military service or the essential war industry.

3. The Act of Congress permitting organization of State Guards essentially provides that: No person shall, by reason of his membership in any such unit, be exempted from military service under Federal law.

4. There is and for some time past has been a deficiency of 20 per cent per month in State Guard personnel which in itself has made it impossible to maintain an adequately trained body of men.

The Legislature, in January, 1942, authorized an active State Guard of 7,000 men and officers. At that time the membership was 3,017. It had never reached the number authorized by the Legislature. As of February 27, 1943, the active membership of the Guard was 5,280 enlisted men and 412 officers. Of this number, the appalling total of 696 were absent without leave, 98 were in confinement for military offenses, and an unknown number were sick in hospitals or in prison. Of the remaining number, 308 were enlisted women.

In the opinion of The Adjutant General, not more than 2,500 Guardsmen are available for duty and of this number a considerable percentage are physically or mentally incapable of performing any type of effective military service. The number of men fit for duty has dropped month by month since August, and it is only a question of a comparatively short time until there will be few, if any, fit-bodied alert men who will be available for active service in the Guard.

It had been my hope that we could have a small, well-trained, mobile active Guard unit which could be moved into any threatened area in time of emergency. No one could deny that such a force, in times like these, would be consistent with need but I do not believe under existing conditions that it is possible either to build or to maintain such an organization.

It is obvious that the Federal Government is not in a position to permit deferment to enable the State to build an active State Guard which could perform such a service. All of the other States of the Union have long since recognized this fact because the total number of Guardsmen in all the States combined is only a small percentage of the number now on active duty in California.

I have arrived at my conclusions relative to the State Guard because I know California and to her full part in the protection of life and property in this coastal area. However, I can not be satisfied with a mere gesture of security which is in the continuance of an active State Guard under present conditions would constitute. Neither General Hays nor I are willing to be responsible for the effectiveness of an organization which can not in the very nature of affairs be efficient.

If and when demobilization of the active State Guard is launched, I would suggest that it be accomplished in an orderly way over a period of months, during which period adequate means of protection could otherwise be developed. While this is going on, should the Federal Government alter its position on deferments and priorities for the Guard, I would suggest that the State remain in a position to recruit, organize, and equip a force of such size and number as you may determine to be required. If demobilization is completed, State property can be protected by The Adjutant General through the use of civilian Guardsmen.

The enthusiasm shown and the service rendered by the State Guard prior to December 7, 1941, as well as that of the military companies in the Militia since that date, convinces me that there is a great reservoir of the finest man power in the State which we can draw into a new Guard program. By permitting Guardsmen to engage in their normal occupations and by limiting their active service to times of great emergency and to the communities in which they reside and are organized, I believe we can develop an outstanding military organization. Such an organization could, in my opinion, be geared into and become an integral part of our civilian defense program which will be inaugurated under the War Powers Act which you approved in your January session.

Respectfully,

EARL WARREN, Governor

## REPORTS OF STANDING COMMITTEES

## Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 341

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Revenue and Taxation.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 340

Has had the same under consideration, and reports the same back with the recommendation that it be re-referred to the Committee on Revenue and Taxation.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bill ordered re-referred to Committee on Revenue and Taxation.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 318

Senate Bill No. 471

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 923

Senate Bill No. 924

Senate Bill No. 925

Senate Bill No. 926

Senate Bill No. 927

Senate Bill No. 928

Senate Bill No. 929

Senate Bill No. 930

Senate Bill No. 931

Senate Bill No. 932

Senate Bill No. 933

Senate Bill No. 934

Senate Bill No. 935

Senate Bill No. 936

Senate Bill No. 937

Senate Bill No. 938

Senate Bill No. 939

Senate Bill No. 940

Senate Bill No. 941

Senate Bill No. 942

Senate Bill No. 943

Senate Bill No. 944

Senate Bill No. 472

Senate Bill No. 193

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 904

Senate Bill No. 136

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

DeLAP, Chairman

Above reported bills ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 342

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7, noes 2, absent 4.

DE LAP, Chairman.

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 107

Senate Bill No. 142

Senate Bill No. 139

Senate Bill No. 403

Senate Bill No. 141

Senate Bill No. 1059

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9, absent 4.

DE LAP, Chairman.

Above reported bills ordered to second reading.

## WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 113

Senator Slater moved that Assembly Bill No. 113 be withdrawn from Committee on Military and Veterans Affairs, and referred to Committee on Education.

Motion carried.

## REPORTS OF STANDING COMMITTEES

## Committee on Education

## SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 113

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7, noes 2.

SLATER, Chairman.

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 72

*Resolved*, That the following named person he and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 11, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Peggy Matthews, stenographer.....	Seven days per week \$6.00
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Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

By Senator Tickle:

**Senate Resolution No. 73**

*Resolved*, That the following named persons previously elected to the statutory offices set forth below be and the same are hereby directed to reassume their official duties. The compensation set opposite their names is to be paid weekly and the Controller is hereby directed to draw his warrant for the said amount, and the Treasurer is hereby directed to pay the same: Such compensation to begin and include March 8, 1943.

	<i>Seven days per week</i>
Joseph F. Nolan, Sergeant-at-Arms-----	\$8 00
John F. Lea, Minute Clerk-----	9 00
Richard C. Dwyer, Chaplain-----	4 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 27:** By Senator Mixter: Relative to Reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Referred to Committee on Rules.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 465** An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 12, of the printed bill, strike out "accommodate", and insert "accomplish".

**Amendment No. 2**

On page 1, between lines 19 and 20, of the printed bill, insert "SEC. 3. Section 89.6a is added to the Agricultural Code, to read:  
89.6a. As used in Section 89.5 and Section 89.6, the term "agricultural labor camps" includes student harvest camps and any and all camps for persons engaged in agricultural labor."

**Amendment No. 3**

In line 1 of the title of the printed bill, strike out "Section 89.5", and insert "Sections 89.5, 89.6 and 89.6a".

**Amendment No. 4**

In line 3 of the title of the printed bill, following the comma, insert "and the use of county fair property".

**Amendment No. 5**

On page 1, line 5, of the printed bill, strike out "until the cessation of hostilities in the present wars": strike out all of line 6: and in line 7, strike out "States".

**Amendment No. 6**

On page 1, line 7, of the printed bill, following "and", insert "with the approval of the Department of Finance."

**Amendment No. 7**

On page 1, line 8, of the printed bill, insert a comma following "it."

**Amendment No. 8**

On page 1, line 9, of the printed bill, following "camps" insert "during the calendar years 1943, 1944, and 1945."

**Amendment No. 9**

On page 1, line 9, of the printed bill, following "and" insert "with the approval of the Department of Finance."

**Amendment No. 10**

On page 1 of the printed bill, between lines 19 and 20, insert:

"Sec. 2. Section 89.6 is added to the Agricultural Code to read:

89.6. The board of supervisors of any county may use or permit the use of any property, real or personal, owned, managed or controlled by the county for any purposes, for the purpose of agricultural labor camps during the calendar years 1943, 1944 and 1945. Each county may, with the approval of the State Department of Finance, expend any money appropriated or otherwise available to it under this article in making necessary alterations, improvements, or use of such property to accommodate this purpose and in maintaining these agricultural labor camps when established. Any income received by a county from the operation of agricultural labor camps may be used only to defray the cost of the purpose or any other purpose. The Department of Finance may, before any money is expended with Section 112 in any county and any advancements may be expended for the purpose of both in this section."

**Amendment No. 11**

On page 1, line 20, of the printed bill, strike out "2" and insert "4."

Amendments read and adopted.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "Associations", insert "including associations described in Section 94 of this article".

**Amendment No. 2**

On page 1, line 9, of the printed bill, after "camps", and before the period, insert "or for military purposes".

**Amendment No. 3**

On page 1, line 15, of the printed bill, after "camps", insert "or for use of such property for military purposes".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 385** An act to amend Section 307 of the Agricultural Code, relating to meat.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 12 to 24, inclusive, and insert "the animals were slaughtered. The certificate must be renewed the first day of January of each year. Should facilities for inspection become available at any".

**Amendment No. 2**

On page 2 of the printed bill, after line 29, insert:

"(c) The producer or owner of meats from curing or smoking or grinding or having cured or smoked or ground in his behalf such meats or portions thereof when same are for use for purposes other than sale; provided, however, that any meats or

portions thereof referred to in this paragraph which have originated from any carcass which has not been officially inspected shall not be cured or smoked or ground in an establishment wherein Federal, State or municipal meat inspection is maintained."

Amendments read and adopted.

Bill ordered printed, and be re-referred to Committee on Agriculture.

#### CONSIDERATION OF DAILY FILE

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Joint Resolution No. 25:** Relative to memorializing Congress not to pass reciprocal trade agreements.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—Senator Shelley—1.

Resolution ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 24

Senate Bill No. 51

Senate Bill No. 444

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 143

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

#### ADJOURNMENT

At 2:46 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Friday, March 12, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

SIXTY-EIGHTH CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 12, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Buzs, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gaudin, Harbo, Lamm, Mason, McBride, McCormack, Minter, Parkinson, Powers, Quinn, Rich, Salmon, Sewell, Slater, Swan, Swing, Tenney, Tinkle, and Ward. 32

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Deuel.

Senator Crittenden, on motion of Senator Deuel.

Senator Judah, on motion of Senator Collier.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. P. Dunlevy, member State Teachers Retirement Board.

On request of Senators Tenney and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. Arnholt Smith of San Diego.

On request of Senators Breed and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Belle Fish and Mrs. Mary B. Garside, both of Oakland.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 33**—Relative to memorializing Congress to enact legislation providing a Federal System of Workmen's Compensation for civilian defense volunteers injured in the course of their duties.

## Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 33, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 33

**Assembly Joint Resolution No. 33**—Relative to memorializing Congress to enact legislation providing a Federal System of Workmen's Compensation for civilian defense volunteers injured in the course of their duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tinkle, and Ward—25.  
NAYS—None.

Resolution ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 912  
Senate Bill No. 913  
Senate Bill No. 914  
Senate Bill No. 915

Senate Bill No. 916  
Senate Bill No. 917  
Senate Bill No. 920

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman.

Above reported bills ordered to second reading.

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Joint Resolution No. 15

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported resolution ordered on file.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 958

Senate Bill No. 918

Senate Bill No. 563

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bills ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 108

Senate Bill No. 134

Senate Bill No. 510

Senate Bill No. 194

Senate Bill No. 133

Senate Bill No. 195

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1120

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MINTER, Chairman

Above reported bill ordered to second reading.

**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 315

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered on file.

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 308

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 465

And reports the same correctly engrossed.

SEAWELL, Chairman

#### REQUEST FOR UNANIMOUS CONSENT

Senator Mixter asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 27, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 27

**Senate Concurrent Resolution No. 27**—Relative to Reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 341**—An act to amend Sections 1, 2, 4 and 23, and to repeal Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on National banking associations, banks and financial corporations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

##### Amendment No. 1

On page 1 of the printed bill, commencing in the first line of the title, strike out "and 23, and to repeal Section 4a", and insert "4a and 23".

##### Amendment No. 2

On page 1, line 8, of the printed bill, strike out "of 5 per centum", and insert "provided for in Section 4a hereof".

##### Amendment No. 3

On page 1, line 20, of the printed bill, strike out "of 5 per centum", and insert "provided for in Section 4a hereof".

##### Amendment No. 4

On page 2, line 5, of the printed bill, strike out "of 5 per centum", and insert "provided for in Section 4a hereof".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

##### Amendment No. 5

On page 3, line 23, of the printed bill, strike out "is repealed.", and insert "is amended to read:

Sec. 4a. The rate of tax on national banking associations and other banks and financial corporations mentioned in Sections 1, 2 and 4 of this act shall be a percentage equal to the percentage of the total amount of net income, allocable to this State, of every corporation taxable under subdivision (3) of Section 4 of this act, for the next preceding calendar year or fiscal years ended during such calendar



year, required to be paid to this State as franchise taxes according to or assessed by such net income, plus 1% of the net income of each capital holding company, banks and financial corporations [and required to be paid to this State or its political subdivisions as personal property taxes during the preceding calendar year or three years ended in such calendar years], provided, however, that said rate of tax shall not exceed eight per centum. The percentage of the net income of every corporation taxable under subdivision (c) of section 4 of this act required to be paid to this State or its political subdivisions as personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less four per cent thereof, bears to the total amount of net income of such corporations, allocable to California, increased by the amount of such personal property taxes, provided, however, that if any such corporation transfers its net income allocable to California the personal property taxes required to be paid by such corporation to this State or its political subdivisions during the preceding calendar year or three years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

The commissioner, after public hearing and opportunity given to examine the data on which his determination is based, shall determine not later than the thirty-first day of December of each year the average percentage of net income above specified, and shall forthwith mail notice of his determination and the amount of tax payable on the basis of such determination to all taxing and political corporations affected thereby, but such determination shall not be considered as a deficiency assessment within the meaning of section 25 hereof.

If it be judicially determined that the rate of tax on net income of corporations is higher than is authorized by law, such basis on corporations shall be without liability for any tax imposed by this act only to the extent of the amount paid that legally authorized."

#### Amendment No. 6

On page 4, line 9, of the printed bill, strike out "National", and insert "national".

#### Amendment No. 7

On page 4, line 13, of the printed bill, strike out "corporation's National", and insert "corporations, national".

#### Amendment No. 8

On page 4, line 21, of the printed bill following the period, insert "The effect herein provided for shall be applied to such second installment."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 318**—An act to amend Section 21441 of the School Code and to amend Section 10002 of the Education Code, relating to the State Curriculum Commission.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

#### Amendment No. 1

On page 1 of the printed bill, beginning in line 5, strike out "one principal of a junior college", and insert "one person employed in a junior college in a position requiring certification qualifications".

#### Amendment No. 2

On page 1 of the printed bill, beginning in line 13, strike out "one principal of a junior college", and insert "one person employed in a junior college in a position requiring certification qualifications".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 471**—An act to amend Section 545 of the School Code and to amend Section 20377 of the Education Code, relating to leaves of absence of employees of State colleges not in State civil service.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 2, line 8, of the printed bill, strike out "during the existence of such emergency".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 923** An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 924** An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 40006 to Division 20, of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 925** An act to add Article 1, comprising Sections 5301 to 5303, inclusive, to Chapter 3 of Division 3, and to add Sections 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 926** An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 40008 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 927** An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 928** An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash bearing lands.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 929**—An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 930**—An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 4, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 931**—An act to add Article 3, comprising Sections 6951 to 6969, inclusive, to Chapter 13 of Division 3, and to add Section 40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 932**—An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 933**—An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 934**—An act to add Article 2, comprising Sections 7131 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to high schools.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 935**—An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 936**—An act to add Sections 14458 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 937**—An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 938**—An act to add Sections 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 939**—An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 940**—An act to add Sections 20551 and 40022 to the Education Code, relating to the student building fund of State colleges.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 941**—An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 942**—An act to add Sections 20946, 20947 and 40024 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 943**—An act to add Sections 21158 and 40025 to the Education Code, relating to payments by students of the California Maritime Academy.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 944**—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March



18, 1907, as amended, relating to the apportionment of monies received by counties from the United States Forest Reserve Fund.

Bill read second time, and ordered re-referred to Committee on Finance.

**Senate Bill No. 472**—An act to add Section 4283 to the School Code and to add Section 5007 to the Education Code relating to the investment of funds of school districts in bonds issued by the United States of America for the prosecution of the war.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 193**—An act to amend Section 2174 of the School Code and to amend Section 2593 of the Education Code relating to the lapsing of school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 904**—An act to add Chapter 15, comprising Sections 4852.01 to 4852.15, inclusive, to Title 6 of Part 3 of the Penal Code relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; and prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 2 of the title of the printed bill, strike out "4852.15" and insert "4852.2".

##### Amendment No. 2

In line 7 of the title of said bill, strike out "and".

##### Amendment No. 3

In line 9 of the title of said bill, strike out the period, and insert ", declared the urgency of this act and providing that it shall take effect immediately."

##### Amendment No. 4

On page 1, line 2, of said bill, strike out "4852.15", and insert "4852.2".

##### Amendment No. 5

On page 2, line 26, of said bill, strike out the period, and insert ", shall conduct himself with sobriety and industry, shall exhibit a good moral character, and shall conform to and obey the laws of the land."

##### Amendment No. 6

On page 2, lines 32 and 33, of said bill, strike out "Section 4852.02", and insert "Sections 4852.02 and 4852.05".

##### Amendment No. 7

On page 2, line 48, of said bill, strike out the period, and insert "or if in the opinion of the court the petitioner needs counsel, the court shall assign counsel to represent him."

##### Amendment No. 8

On page 3 of said bill, between lines 17 and 18, insert "4852.11. Any peace officer under whose supervision such petitioner comes as provided in Section 4852.02, shall report to the court, upon receiving a request as provided in Section 4852.1, all violations of law committed by said petitioner which may come to his knowledge. Upon receiving satisfactory proof of such violation the

court may deny the petition and determine a new period of rehabilitation not to exceed the original period of rehabilitation for the same crime. In that event, before granting the petition, the court may thereafter require the petitioner to fulfill all the requirements provided to be fulfilled before the granting of the certificate under the original petition.

4852.12. In any proceeding for the ascertainment and declaration of the fact of rehabilitation under this chapter, the court shall require from the district attorney and the chief of police or sheriff having jurisdiction as provided in subdivision (a) of Section 4852.02 written reports setting forth all matters within their knowledge relating to the conduct of the petitioner during his period of rehabilitation, including all matters mentioned in Section 4852.11."

**Amendment No. 9**

On page 3, line 19, of said bill, strike out "4852.11.", and insert "4852.13."

**Amendment No. 10**

On page 3, line 28, of said bill, strike out "4852.12.", and insert "4852.14."

**Amendment No. 11**

On page 3, line 33, of said bill, strike out "4852.13.", and insert "4852.15."

**Amendment No. 12**

On page 3 of said bill, strike out lines 35 to 41, inclusive, and insert "issued his civil rights, except the right to act as a trustee and the right to hold public office. However, nothing in this chapter shall be construed to abridge or impair the power or authority conferred by law on any officer, board, or tribunal to revoke or suspend any right, privilege, or franchise for any act or omission not involved in his conviction, or to require the reinstatement of the right or privilege to practice or carry on any profession or occupation the practice or conduct of which requires the possession or obtaining of a license, permit, or certificate. Nothing in this chapter shall affect any provision of Chapter 5 of Division 2 of the Business and Professions Code or the power or authority conferred by law on the Board of Medical Examiners therein, or the power or authority conferred by law upon any board that issues a certificate permitting any person to practice or apply his art or profession on the person of another."

**Amendment No. 13**

On page 3, line 43, of said bill, strike out "4852.14.", and insert "4852.16."

**Amendment No. 14**

On page 4 of said bill, before line 1, insert

"4852.17. Whenever a person is issued a certificate of rehabilitation or granted a pardon from the Governor under this chapter, the fact shall be immediately reported to the State Division of Criminal Identification and Investigation by the court, Governor, officer, or governmental agency by whose official action the certificate is issued or the pardon granted. The State Division of Criminal Identification and Investigation shall immediately record the facts so reported on the former criminal record of the person, and transmit such facts to the Federal Bureau of Investigation at Washington, D. C. When the criminal record is thereafter reported by said division, it shall also report the fact that the person has received a certificate of rehabilitation, or pardon, or both.

4852.18. Any person heretofore convicted of a felony who has been discharged from the State prison or other State institution or agency to which he was committed, after the completion of the term for which he was sentenced, and has complied with the requirements of Section 4852.05 for a period of one year prior to the effective date of this act, may, at any time after said date, file the notice of intention provided for in Section 4852.01 and immediately thereafter file the petition provided for in Section 4852.06 of this Code.

Any such person who has completed serving the term for which he was sentenced but has been discharged from custody for a period of less than one year prior to the effective date of this act, may file such notice of intention and such petition after the expiration of one year from the date of his discharge. Any such person who is on parole on the effective date of this act may file such notice of intention and such petition after the expiration of one year from the date of his discharge from custody. In the case of any person who seeks a certificate of rehabilitation under the provisions of this paragraph, such person must have complied with the requirements of Section 4852.05 hereof during the period of time from his release on parole until the date of filing of such petition.

4852.19. This chapter shall be construed as providing an additional, but not an exclusive, procedure for the restoration of rights and application for pardon. Nothing in this chapter shall be construed as repealing any other provision of law providing for restoration of rights or application for pardon."

**Amendment No. 15**

On page 4, line 1, of said bill, strike out "4852.15", and insert "4852.2."

**Amendment No. 16**

On page 4, line 4, of said bill, strike out "person convicted of felony" and insert "petitioner".

**Amendment No. 17**

On page 4 of said bill, strike out line 5, and insert "chapter, or in any opposition to the Governor for a pardon under this chapter, is"

**Amendment No. 18**

On page 1, after line 6, of said bill, add

"Sec. 2. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the State Constitution and shall therefore go into immediate effect. The facts constituting such necessity are as follows:

There are many able bodied men who, by reason of previous convictions of felonies, are not accepted for induction into the armed forces of the Nation or for employment in essential war industries. Said armed forces and war industries are in urgent need of men. The provisions of this act will enable men who have suffered previous felony convictions and who have rehabilitated themselves for community conduct to establish the fact of such rehabilitation by personal service and employment in the rights of citizenship and thus become eligible for service with the armed forces and for employment in essential war industries. It is essential that every opportunity be afforded as soon as possible to the armed forces and the war industries to augment their personnel in order that the present world-wide conflict may be brought to an early and successful conclusion, and this act should therefore go into effect immediately."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Judiciary.

**Senate Bill No. 136**—An act to add a new chapter to Title 34 of Part 4 of Division 3 of the Civil Code to be known as Chapter 36, relating to the assignment of accounts receivable and pending for the giving of notice thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill strike out lines 10, 11 and 12 and insert

"(1) "Account" means an open book account and or 10 demand time interest in the regular course of business and not represented by a payment, note, draft, acceptance, or other instrument for the payment of money. It includes claims under an unperfected contract which in the regular course will result in an open book account."

**Amendment No. 2**

On page 1 of the printed bill, strike out line 25, and insert "A debtor, once notified by his creditor or the assignee not to do so, may pay or otherwise deal in good faith with the assignor or any person who has succeeded in the assignor's interest, and shall have as against the assignee any right of setoff, counterclaim or defense against such assignor or person existing in his favor at the time he was so notified."

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 1, 2, 3, and 4.

**Amendment No. 4**

On page 2 of the printed bill, commencing in line 34, strike out "The fee for such filing shall be one dollar (\$1)", and insert "Upon the filing of any such notice, if requested so to do by the person filing such notice, it shall be the duty of the filing officer to deliver to or mail to such person a certificate under seal, certifying that such notice has been filed, giving the file number and date and hour of filing, and stating therein whether or not there is on file in his office on the date and hour of such filing any other valid unrecorded notice of assignment by the assignor named in the notice so filed and setting forth therein the names and addresses of the assignee or assignees named in any such valid unrecorded notice or notices then on file. The filing fee for such filing shall be one dollar (\$1) and the fee for the issuance of any such certificate shall be one dollar (\$1)."

**Amendment No. 5**

On page 2 of the printed bill, between lines 49 and 50, insert "3023. Any notice filed hereunder may be canceled by a certificate executed and acknowledged by the assignee reciting (1) the date of the notice, (2) the date of the filing thereof, (3) the names of the parties thereto, (4) and a statement that the same is canceled."

**Amendment No. 6**

On page 2, line 50, of the printed bill, strike out the second "3", and insert "4".

**Amendment No. 7**

On page 3 of the printed bill, strike out line 12; and in line 13, strike out "damages suffered", and insert "be liable to the assignor for all actual direct damages suffered by him as a result of such failure and, if the failure is in bad faith, for a penalty of one hundred dollars (\$100)."

**Amendment No. 8**

On page 3, line 14, of the printed bill, after the word "satisfaction", insert "or cancellation".

**Amendment No. 9**

On page 3 of the printed bill, between lines 17 and 18, insert "3025. The assignor of an account shall be a trustee of an assignee of the proceeds of the account and of any of the property sold which is returned to or recovered by the assignor. The rights of a person who purchases or takes a lien upon property so held in trust in good faith and for value without notice of the trust are superior to the rights of the assignee."

3026. It shall be the duty of any assignee who has filed a presently valid and uncanceled assignment to furnish to any person such information relative to assignments of accounts as the assignor may in writing direct."

**Amendment No. 10**

On page 3, line 18, of the printed bill, strike out "4", and insert "7".

**Amendment No. 11**

On page 3, line 23, of the printed bill, strike out "5", and insert "8".

**Amendment No. 12**

On page 3, line 26, of the printed bill, strike out "6", and insert "9".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 342**—An act to amend Section 1530 and to repeal Section 1531 of the Probate Code, relating to the sale or encumbrance of property by guardians.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 107**—An act to amend Section 926 of the Political Code, relating to an office becoming vacant.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 139**—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 141**—An act to amend Section 373 of the Civil Code and Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 142**—An act to amend Section 688.1 of the Code of Civil Procedure, relating to liens upon causes of action and judgments.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 403.** An act to amend Section 444 of the Code of Civil Procedure, relating to grounds of demurrer to the answer.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1059.** An act to add Section 328.5 to the Political Code, relating to interpretation of statutes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 24.** An act to add Section 39.1 to the Fish and Game Code, relating to kelp.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "expended such funds as may be necessary for", and insert "make forthwith a"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 51.** An act to add Sections 101 and 480.5 to the Fish and Game Code, relating to the creation of a new fish and game district and the taking of fish therein.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 2 of the printed bill, strike out lines 6 to 10, inclusive, and insert "480.5. In District 101 fishermen holding a sporting fishing license may take fish of any species at any time with hook and line only without regard to size or limit of fish so taken. Fish can not otherwise be taken in said district except under special permit issued by the Fish and Game Commission."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 444.** An act to add Section 39.1 to the Fish and Game Code, relating to open seasons, and providing a penalty for the breach thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, line 8, of the printed bill, strike out "or when existing"; strike out line 9; and in line 10, strike out "the control of the State."

##### Amendment No. 2

On page 1, lines 14 and 15, of said bill, strike out "concurrent with or superseding", and insert "or concurrent with".

##### Amendment No. 3

On page 1 of said bill, strike out lines 25, 26 and 27.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 143**—An act to amend Sections 582, 583, 584, 585, 587, 588, 589, 590, 591, 592, 593, 594, 596 of the Fish and Game Code, relating to kelp and other aquatic plants.

Bill read second time, ordered engrossed, and to third reading.

**Motion to Refer to the Inactive File**

Senator Fletcher moved that Senate Bill No. 143 be transferred to the Inactive File.

Motion carried.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Bill read second time, and ordered to third reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 214

Senate Bill No. 218

Senate Bill No. 215

Senate Bill No. 219

Senate Bill No. 216

Senate Bill No. 220

Senate Bill No. 217

Senate Bill No. 223

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 222

Senate Bill No. 224

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bills ordered to second reading.

**MOTION TO RE-REFER SENATE BILL NO. 465**

Senator Seawell moved that Senate Bill No. 465 be re-referred to Committee on Finance.

Motion carried.

**ADJOURNMENT**

At 11.45 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, March 15, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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**SENATE DAILY JOURNAL**

TWENTY-EIGHTH LEGISLATIVE DAY

SEVENTY-FIRST CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Monday, March 15, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Reek at the desk.**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLoop, Daniel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hart, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkinson, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tiekie, and Ward—36.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Carter, on motion of Senator Seawell.

Senator Crittenden, on motion of Senator Fletcher.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Dora Shaw Heffner, Director of the Department of Institutions.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank Cookley of Oakland, California.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor and Mrs. Sears of Brawley, California.

On request of Senators Fletcher and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs.

G. W. Fishburn of San Diego, California, and Mrs. T. Fenton Knight of Los Angeles, California.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ex-Senator Edward H. Law.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1264

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1264**—An act making an appropriation support of the Governor's Office, to take effect immediately.

Referred to Committee on Finance.

**Assembly Concurrent Resolution No. 39**—Relative to the death of Charles F. Reindollar.

#### Request for Unanimous Consent

Senator Keating asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 39, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 39

**Assembly Concurrent Resolution No. 39**—Relative to the death of Charles F. Reindollar.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Resolution ordered transmitted to the Assembly.

#### MOTION TO PRINT IN JOURNAL

Senator Keating moved that the following remarks regarding the death of the Honorable Charles F. Reindollar be printed in the Journal:  
Motion carried.

Remarks of Senator Keating on the Occasion of the Adoption of Assembly Concurrent Resolution No. 39, Relative to the Death of the Late Senator Charles F. Reindollar

In addition to the remarks that I have made regarding the life and kindly deeds of my late friend and your former colleague, the Honorable Charles F. Reindollar,



on the occasion of asking you to adopt unanimously Assembly Concurrent Resolution No. 39 in his memory, and to adjourn this day out of respect therefore I should like to express my regret that it is not a Senate resolution which we are today adopting, but rather an Assembly concurrent resolution, which was introduced on Friday last, while I was absent from the Legislature in attendance upon the funeral. I had prepared a resolution to be introduced today in the Senate, but upon appearing here found that Assembly Concurrent Resolution No. 39 had already been introduced and adopted in the Assembly, and I therefore take it up rather than introduce my own resolution, in order to avoid a duplication of effort.

### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, March 15, 1943

*To the Members of the Senate of the State of California*

GREETINGS. It is my privilege to transmit herewith the Report of the Citizens Tax Committee which I appointed in January to make a study of the tax and surplus problem confronting our State.

I believe the committee has done an admirable job and that the practically unanimous agreement of its members, representing a cross section of California taxpayer groups, should carry conviction.

The findings of the committee will be my recommendation to you and it is my hope that in the report you will find suggestions which will facilitate immediate solution of the problem now confronting you and the citizens of the State as a whole.

Respectfully,

EARL WARREN, Governor

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 107

Senate Bill No. 139

Senate Bill No. 141

Senate Bill No. 142

Senate Bill No. 193

Senate Bill No. 342

Senate Bill No. 403

Senate Bill No. 472

Senate Bill No. 1059

Senate Joint Resolution No. 16

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 24

Senate Bill No. 51

Senate Bill No. 318

Senate Bill No. 444

Senate Bill No. 471

And reports the same correctly engrossed.

SEAWELL, Chairman

#### Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 12, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 524

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

#### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Joint Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported resolution ordered on file.

## SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 83

Senate Bill No. 266

Senate Bill No. 267

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

## RESOLUTIONS

The following resolution was offered:

By Senators Hatfield and Swing:

## Senate Resolution No. 74

*Resolved by the Senate of the State of California.* That the attached telegram be forthwith sent to the Honorable Claude R. Wickard, Secretary of Agriculture, at Washington, D. C., and that copies hereof be sent to the California Delegation in Congress:

SACRAMENTO, CALIFORNIA, March 15, 1943

*Hon. Claude R. Wickard, Secretary of Agriculture  
Washington, D. C.*

Lack of Federal cooperation in providing agriculture labor replacement and farm implement priorities is jeopardizing food production in California, discouraging crop planting and creating a state of general confusion among farming interests.

The uncertainty resulting from constant changing in Federal labor personnel and Federal farm policies in this State is such that the farmer fears to venture forward without some assurance of relief.

The Senate of the State of California respectfully requests information as to what is being done to meet the requirements of agriculture in California and what the farmer may expect in the way of labor and priorities.

It is imperative that we be forthwith advised how and when relief may be expected and how and what encouragement you can give the farmer that will enable him to solve his labor and priority problems and encourage him to proceed with food production with assurance that his efforts will not be futile and that farm labor and implements will be available when and as needed.

The situation is acute. Relief must be certain and immediate.

## SENATE OF THE STATE OF CALIFORNIA

By FREDERICK F. HOUSER, Lieutenant Governor, President of the Senate

Resolution read, and unanimously adopted.

## President Pro Tempore of the Senate Presiding

At 2.55 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 75

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 15, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Erma M. Marchant, Assistant-at-Desk	\$6 00
Ann K. French, Stenographer	6 00
Katherine G. Pearson, Stenographer	6 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Duell, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Lusk, Mason, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shoney, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

By Senators Hatfield and Powers

#### Senate Resolution No. 76

Relating to the imposition of ceiling prices on live stock on the hoof

**WHEREAS**, There has been scheduled a hearing in Washington for the purpose of determining whether or not the Secretary of Agriculture will impose and the Administrator of the Office of Price Administration will enforce ceiling prices on live stock on the hoof; and

**WHEREAS**, It is the opinion of the Senate of the State of California that the imposition of said ceiling prices on live stock on the hoof will not only result in chaos and require a complete revolution in existing methods of marketing live stock but will discourage production, encourage black markets and further reduce the limited supply of live stock for consumption in California; and

**WHEREAS**, The imposition of such ceiling prices on live stock on the hoof is to even partially effective will require an army of law enforcement officers and result in multiplying the ever increasing regulations under which producers, slaughterers, wholesalers and retailers are now required to operate, with a consequent loss of manpower which should be devoted either to production of live stock or of other material necessary to the war effort; now, therefore, be it

*Resolved by the Senate of the State of California*, That it is the sense of this body that it is unalterably opposed to the imposition of ceiling prices on live stock on the hoof and to the imposition of any additional burdens upon the production, processing and distributing of live stock; and, be it further

*Resolved*, That the Secretary of the Senate shall transmit a copy of this resolution to the President and Vice President of the United States, the Members of the Congress of the United States from the State of California, the Honorable Claude R. Wickard, Director of Agriculture, Prentiss Brown, Administrator of the Office of Price Administration, and to Marvin Jones, Assistant to the Director of Economic Stabilization.

Resolution read, and unanimously adopted.

#### MOTION TO FORWARD COPIES OF SENATE RESOLUTION NO. 76

Senator Hatfield moved that the Secretary of the Senate forward copies of Senate Resolution No. 76 by telegram to Claude R. Wickard, Director of Agriculture, and Alford J. Elliott, Congressman from California.

Motion carried.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, MARCH 12, 1943

Hon. Fred Houser

Lieutenant Governor

After weeks of study of California Guard situation by the most competent individuals available, the Los Angeles County Council of the American Legion, consisting of representatives of 192 Legion Posts whose membership numbers in excess of 28,000 World War veterans, went on record endorsing in principle the recommendations contained in Senate Bill No. 1071. As Commander of the Los Angeles County Council, may I respectfully request that serious consideration be given by you to recommendations from the representatives of California Guard Officers Association who have been designated by me as my representatives before the Legislature on matters relating to military affairs. Lieutenant Colonel Silliman is directing the activities of this group.

WALTER J. SULLIVAN, Commander

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolutions were offered:

**Senate Constitutional Amendment No. 19:** By Senator Tenney—A resolution to propose to the people of the State of California to amend the Constitution of the State, by amending Section 11 of Article I thereof, relating to local operation of laws.

Referred to Committee on Local Government.

**Senate Constitutional Amendment No. 20:** By Senator Dorsey—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 14 of Article XIII of said Constitution, relating to exemption from taxation.

Referred to Committee on Revenue and Taxation.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Swan:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 6060.6 to the Business and Professions Code, relating to admission to the practice of law.

Respectfully submitted.

SENATOR JOHN HAROLD SWAN

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 15, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1076:** By Senator Swan—An act to add Section 6060.6 to the Business and Professions Code, relating to admission to the practice of law.

Referred to Committee on Judiciary.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 27

ARTHUR A. OLINIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.



ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 201

Assembly Bill No. 385

Assembly Bill No. 525

ARTHUR A. OLINIMUS, *Chief Clerk of the Assembly*  
By HAROLD F. LEWIS, *Assistant Clerk*

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 201**—An act to add Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, and 1661 to Article 3 of Chapter 1 of Part 6 of Division 2 of the Labor Code, relating to artists' managers.

Referred to Committee on Labor

**Assembly Bill No. 385**—An act to amend the title and Sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act providing for the creation of county treasurers' cash difference funds and overage funds in the counties of the State," approved April 23, 1941, relating to county officers' cash difference funds and overage funds.

Referred to Committee on Local Government.

**Assembly Bill No. 525**—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties and townships of the State.

Referred to Committee on Local Government.

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 912**—An act to amend Section 528 of the Political Code, relating to the printing and distribution of laws.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 913**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 914**—An act to amend Section 4022 of the Political Code, relating to official bonds of county and township officers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 915**—An act to amend Section 665.5 of the Political Code, relating to deductions from the salaries and wages of officers and employees of the State for the purpose of buying United States bonds or similar United States obligations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 916**—An act to add Section 1184c to the Code of Civil Procedure, relating to claims against public agencies, including claims against those persons rendering services or supplying personal property to public agencies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 917**—An act to amend Section 2 of an act entitled “An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately,” approved January 26, 1942, relating to wage and salary deductions for public officers and employees for the purpose of purchasing United States bonds or similar United States obligations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 920**—An act to repeal Section 3235 of the Political Code, relating to the products of Mongolian labor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 958**—An act to establish a Government Code, thereby consolidating and revising the law relating to the organization, operation, and maintenance of a system of State and local government, and repealing acts and parts of acts specified herein.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 4, line 30, of the printed bill, between “cute” and “and”, insert “process,”.

##### Amendment No. 2

On page 6, line 35, of said bill, strike out the comma after “witnesses”, and insert a semicolon.

##### Amendment No. 3

On page 10, line 41, of said bill, strike out “Forty-fourth, Fifty-fifth, Sixty-second”, and insert “Fifty-seventh, Fifty-eighth, Sixty-third”.

##### Amendment No. 4

On page 42 of said bill, place line 51 before line 50, in order to correct transposition.

##### Amendment No. 5

On page 85, line 44, of said bill, after “office,” insert “or”.

##### Amendment No. 6

On page 85, line 45, of said bill, strike out “is punishable by”, and insert (starting a new line, flush with margin) “is punishable by”.

##### Amendment No. 7

On page 88, line 14, of said bill, strike out “is brought against any member”, and insert (starting a new line, flush with margin) “is brought against any member”.

##### Amendment No. 8

On page 97, line 43, of said bill, before “This”, insert “4301.”

##### Amendment No. 9

On page 102, line 20, of said bill, between “bond” and “the”, insert “of”.

##### Amendment No. 10

On page 105, line 16, of said bill, between “required” and “any”, insert “by”.

##### Amendment No. 11

On page 112, line 21, of said bill, strike out “is”, and insert (starting new line, flush with margin) “is”.

**Amendment No. 12**

On page 128, in Section 500004, of said bill, under "General Laws 1941-2: 2: 2d Ex. Sess.", strike out "Section 2", and insert "Section 3".

**Amendment No. 13**

On page 132, first column, of said bill, strike out "1963:191:238", and insert "1963:191:250".

**Amendment No. 14**

On page 144, center column, of the printed bill, between "1917:434:547" and "1919:408:818", insert the entries in the center column on page 145 beginning with "1917:435:547" and ending with the entry in the third column on page 145 reading "1919:406:816".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 918**—An act to amend Section 4141 of the Political Code, relating to recording fee.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 10, of the printed bill, strike out "property", and insert "proper"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 563**—An act to amend Section 675 of the Political Code, relating to the powers of the Director of Finance

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2 of the printed bill, after line 48, insert

"12. To authorize the transfer or loan between State department, boards, commissions, or officers of personal property owned by the State if in the judgment of the director such transfer or loan, and the terms and conditions thereof, will be for the best interests of the State."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 108**—An act to amend Section 39 of the Public Utility District Act, relating to public utility district taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 510**—An act to amend Section 737c of the Political Code, relating to salaries of judges of the superior court.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 133**—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 134**—An act to amend Sections 737xy and 737fff of the Political Code, relating to the annual salaries of the judges of the superior courts of Sutter and Yuba Counties.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 194**—An act to amend Section 38c of the State Employees' Retirement Act, relating to city retirement systems.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendment:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "city".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 195**—An act to add Section 38h to the State Employees' Retirement Act, relating to city retirement systems.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendment:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "city".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 315**—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 308**—An act to provide for the printing and sale of legislative publications by the State Printer.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 214**—An act to add Section 30022.2 to the Business and Professions Code, relating to money collected under the California Terminal Weighing Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 215**—An act to add Section 30031.5 to the Business and Professions Code, repealing an act entitled "An act to prohibit prizefighting," approved March 9, 1893.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 216**—An act to add Section 30034.5 to the Business and Professions Code, repealing Chapter 436 of the Statutes of 1933, relating to horse racing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 217**—An act to add Section 30045 to the Business and Professions Code, repealing certain acts and parts of acts therein specified, relating to auctioneers.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 218**—An act to add Section 30022.1 to the Business and Professions Code, repealing certain laws relating to the baled hops.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 219**—An act to add Article 4, comprising Section 12925, to Chapter 9 of Division 5 of the Business and Professions Code and to add Section 30022.4 to the Business and Professions Code, relating to wool products and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 220**—An act to add Article 3, comprising Sections 12915 to 12921, inclusive, to Chapter 9 of Division 5 of the Business and Professions Code, and to add Section 30022.3 to the Business and Professions Code, thereby codifying and revising the law relating to the baling and pressing of hay and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 223**—An act to add Chapter 2, comprising Sections 11590 to 11628, inclusive, and Chapter 3, comprising Sections 11650 to 11658, inclusive, to Part 2 of Division 4 of the Business and Professions Code, to add Section 30043 to the Business and Professions Code and to amend Section 325 of the Revenue and Taxation Code, thereby consolidating and revising the law relating to the surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; the powers and duties of cities, counties and towns with reference to the surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof and repealing acts and parts of acts specified therein.

Bill read second time, ordered engrossed, and to third reading.

#### MOTION TO REFER SENATE BILLS NOS. 222 AND 224

Senator Breed moved that Senate Bills Nos. 222 and 224 be amended and referred to Committee on Finance.

Motion carried.

#### CONSIDERATION OF DAILY FILE

##### SECOND READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 222**—An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 2, line 15, of the printed bill, strike out "Title insurers", and insert "Abstract companies".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Finance.

**Senate Bill No. 224**—An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11018, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof and repealing acts and parts of acts specified therein.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "11018", and insert "11020".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "11018", and insert "11020".

**Amendment No. 3**

On page 1, line 17, of said bill, strike out "(a)".

**Amendment No. 4**

On page 1, line 18, of said bill, strike out "(b)", and insert "10003."

**Amendment No. 5**

On page 2, line 1, of said bill, strike out "(c)", and insert "10004."

**Amendment No. 6**

On page 2, line 2, of said bill, strike out "(d)", and insert "10005."

**Amendment No. 7**

On page 2, line 5, of said bill, strike out "10003.", and insert "10006."

**Amendment No. 8**

On page 2, line 8, of said bill, strike out "10004. (a)", and insert "10007."

**Amendment No. 9**

On page 2, line 10, of said bill, strike out "(b)", and insert "10008."

**Amendment No. 10**

On page 2, line 13, of said bill, strike out "(c)", and insert "10009."

**Amendment No. 11**

On page 2, line 16, of said bill, strike out "(d)", and insert "10010."

**Amendment No. 12**

On page 2, line 19, of said bill, strike out "10005. (a)", and insert "10011."

**Amendment No. 13**

On page 2, line 22, of said bill, strike out "(b)", and insert "10012."

**Amendment No. 14**

On page 2, line 25, of said bill, strike out "(c)", and insert "10013."

**Amendment No. 15**

On page 2, line 29, of said bill, strike out "10006. (a)", and insert "10014."

**Amendment No. 16**

On page 2, line 32, of said bill, strike out "do", and insert "10015."

**Amendment No. 17**

On page 2, line 34, of said bill, strike out "do", and insert "10016."

**Amendment No. 18**

On page 2, line 37, of said bill, strike out "10007. do", and insert "10017."

**Amendment No. 19**

On page 2, line 40, of said bill, strike out "do", and insert "10018."

**Amendment No. 20**

On page 2, line 42, of said bill, strike out "do", and insert "10019."

**Amendment No. 21**

On page 2, line 45, of said bill, strike out "10008. (a)", and insert "10020."

**Amendment No. 22**

On page 2, line 48, of said bill, strike out "(b)", and insert "10021."

**Amendment No. 23**

On page 2, line 50, of said bill, strike out "(c)", and insert "10022."

**Amendment No. 24**

On page 6, line 44, of said bill, before "The", insert "10085."

**Amendment No. 25**

On page 7, line 23, of said bill, strike out "license", and insert "license."

**Amendment No. 26**

On page 8, line 19, of said bill, before "The", insert "10109."

**Amendment No. 27**

On page 8, line 26, of said bill, strike out "10109.", and insert "10110."

**Amendment No. 28**

On page 8, line 31, of said bill, before "When", insert "10111."

**Amendment No. 29**

On page 8, line 37, of said bill, strike out "10110.", and insert "10112."

**Amendment No. 30**

On page 8, line 42, of said bill, before "In", insert "10113."

**Amendment No. 31**

On page 9, line 7, of said bill, strike out "10111.", and insert "10114."

**Amendment No. 32**

On page 9, line 21, of said bill, strike out "10112.", and insert "10115."

**Amendment No. 33**

On page 9, line 28, of said bill, strike out "10113.", and insert "10116."

**Amendment No. 34**

On page 14, line 6, of said bill, strike out "(iv)", and insert "(iii)".

**Amendment No. 35**

On page 14, line 9, of said bill, before "The", insert "10155."

**Amendment No. 36**

On page 14, line 14, of said bill, strike out "10155.", and insert "10156."

**Amendment No. 37**

On page 14, line 25, of said bill, strike out "10156.", and insert "10157."

**Amendment No. 38**

On page 14, line 27, of said bill, strike out "issued. When a", and insert "issued. 10158. When a real estate".

**Amendment No. 39**

On page 14, line 31, of said bill, between "a" and "license", insert "real estate".

**Amendment No. 40**

On page 14, line 36, of said bill, before "Each", insert "10159."

**Amendment No. 41**

On page 14, line 44, of said bill, strike out "10157.", and insert "10160."

**Amendment No. 42**

On page 14 of said bill, strike out lines 50 and 51, and insert "10161. Immediately upon the real estate salesman's withdrawal from the employ of the real estate broker, the real estate broker shall return the real estate salesman's".

**Amendment No. 43**

On page 15, line 6, of said bill, strike out "10158.", and insert "10162."

**Amendment No. 44**

On page 15, line 19, of said bill, strike out "10159.", and insert "10163."

**Amendment No. 45**

On page 15, line 30, of said bill, strike out "10160.", and insert "10164."

**Amendment No. 46**

On page 15, line 36, of said bill, strike out "10161.", and insert "10165."

**Amendment No. 47**

On page 15, line 37, of said bill, strike out "10157, 10158, and 10160", and insert "10160, 10161, 10162, and 10164".

**Amendment No. 48**

On page 17, line 17, of said bill, insert

"10200. The fee for all real estate licenses shall at all periods of the fiscal year be the same as provided in this article. All real estate license fees shall be payable in advance of issuing the licenses and all examination fees shall be payable before taking the examination.

Unless otherwise provided, all licenses expire on June 30th of each year at midnight.

10201. If a person fails to apply for a renewal of his real estate license prior to the date of expiration thereof, no license shall be issued to him except upon another original application, except that within one year of such expiration, a renewal license may be issued upon payment of a fee double the amount otherwise required for renewal.

10202. The definitions contained in this article are solely for the purposes of this article.

10203. An original real estate broker's license is a real estate license issued to a person who did not have a real estate broker's license on June 30th of the fiscal year previous to the fiscal year for which the license is issued.

10204. A renewal real estate broker's license is a real estate license issued to a person who had a real estate broker's license unrevoked and unsuspended on June 30th of the fiscal year previous to the fiscal year for which the renewal real estate license is issued.

10205. An original real estate salesman's license is a real estate license issued to a person who did not have a real estate salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued.

10206. A renewal real estate salesman's license is a real estate license issued to a person who had a real estate salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued."

**Amendment No. 49**

On page 17, line 18, of said bill, strike out "10200.", and insert "10207."

**Amendment No. 50**

On page 17 of said bill, strike out line 20, and insert "provisions of this article."

**Amendment No. 51**

On page 17, line 21, of said bill, strike out "(a)", and insert "10208."

**Amendment No. 52**

On page 17 of said bill, strike out lines 25 to 28, inclusive.

**Amendment No. 53**

On page 17, line 29, of said bill, strike out "(b)", and insert "10209."

**Amendment No. 54**

On page 17, line 31, of said bill, strike out "(c)", and insert "10210."

**Amendment No. 55**

On page 17, line 32, of said bill, strike out "For the purpose of this section, a"; and strike out all of lines 33 to 36, inclusive.



**Amendment No. 56**

On page 17, line 37, of said bill, strike out "(1)", and insert "10211."

**Amendment No. 57**

On page 17, line 45, of said bill, strike out "(2)", and insert "10212."

**Amendment No. 58**

On page 18, line 3, of said bill, strike out "(d)", and insert "10213."

**Amendment No. 59**

On page 18 of said bill, strike out lines 7 to 12, inclusive.

**Amendment No. 60**

On page 18, line 13, of said bill, strike out "(e)", and insert "10214."

**Amendment No. 61**

On page 18, line 15, of said bill, strike out "(f)", and insert "10215."

**Amendment No. 62**

On page 18, line 16, of said bill, strike out "For the purpose of this section a" and strike out all of lines 17 to 22, inclusive.

**Amendment No. 63**

On page 18, line 23, of said bill, strike out "(g)", and insert "10216."

**Amendment No. 64**

On page 18, line 25, of said bill, strike out "(h)", and insert "10217."

**Amendment No. 65**

On page 18, line 27, of said bill, strike out "(i)", and insert "10218."

**Amendment No. 66**

On page 18, line 29, of said bill, strike out "(j)", and insert "10219."

**Amendment No. 67**

On page 18, line 31, of said bill, strike out "(k)", and insert "10220."

**Amendment No. 68**

On page 18, line 32, of said bill, strike out "(l)", and insert "10221."

**Amendment No. 69**

On page 18 of said bill, strike out lines 35 to 48, inclusive.

**Amendment No. 70**

On page 23, line 32, of said bill, strike out "When a", and insert "10281. When a business opportunity".

**Amendment No. 71**

On page 23, line 35, of said bill, between "a" and "Tenure", insert "business opportunity".

**Amendment No. 72**

On page 23, line 40, of said bill, before "Each", insert "10282."

**Amendment No. 73**

On page 23, line 48, of said bill, strike out "10281.", and insert "10283."

**Amendment No. 74**

On page 24, line 3, of said bill, before "Immediately", insert "10284."

**Amendment No. 75**

On page 24, line 10, of said bill, strike out "10282.", and insert "10285."

**Amendment No. 76**

On page 24, line 26, of said bill, strike out "10283.", and insert "10286."

**Amendment No. 77**

On page 24, line 37, of said bill, strike out "10284.", and insert "10287."

**Amendment No. 78**

On page 24, line 44, of said bill, strike out "10285.", and insert "10288."

**Amendment No. 79**

On page 24, line 45, of said bill, strike out "10281, 10282 and 10284." and insert "10283, 10284, 10285 and 10287."

**Amendment No. 80**

On page 26, line 18, of said bill, insert

"10320. The fee for all business opportunity licenses shall at all periods of the fiscal year be the same as provided in this article. All business opportunity license fees shall be payable in advance of issuing the licenses and all examination fees shall be payable before taking the examination.

10321. All business opportunity licenses shall be issued for the fiscal year of July 1st to June 30th, inclusive, and shall expire on June 30th of each fiscal year at midnight.

10322. The definitions contained in this article are solely for the purposes of this article.

10323. An original business opportunity broker's license is a business opportunity license issued to a person who did not have a business opportunity broker's license on June 30th of the fiscal year previous to the fiscal year for which the license is issued.

10324. A renewal business opportunity broker's license is a business opportunity license issued to a person who had a business opportunity broker's license unrevoked and unsuspended on June 30th of the fiscal year previous to the fiscal year for which the renewal business opportunity license is issued.

10325. An original business opportunity salesman's license is a business opportunity license issued to a person who did not have a business opportunity salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued.

10326. A renewal business opportunity salesman's license is a business opportunity license issued to a person who had a business opportunity salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued."

**Amendment No. 81**

On page 26, line 19, of said bill, strike out "10320.", and insert "10327."

**Amendment No. 82**

On page 26, line 21, of said bill, strike out "schedule"; and insert "provisions of this article."

**Amendment No. 83**

On page 26, line 22, of said bill, strike out "(a)", and insert "10328."

**Amendment No. 84**

On page 26, line 26, of said bill, strike out "For the purpose of this section, an original", and strike out all of lines 27 to 30, inclusive.

**Amendment No. 85**

On page 26, line 31, of said bill, strike out "(b)", and insert "10329."

**Amendment No. 86**

On page 26, line 33, of said bill, strike out "(c)", and insert "10330."

**Amendment No. 87**

On page 26, line 34, of said bill, strike out "For the purpose of this"; and strike out all of lines 35 to 38, inclusive.

**Amendment No. 88**

On page 26, line 39, of said bill, strike out "(1)", and insert "10331."

**Amendment No. 89**

On page 26, line 47, of said bill, strike out "(2)", and insert "10332."

**Amendment No. 90**

On page 27, line 5, of said bill, strike out "(d)", and insert "10333."

**Amendment No. 91**

On page 27, line 9, of said bill, strike out "An original salesman's license is"; and strike out all of lines 10 to 14, inclusive.

**Amendment No. 92**

On page 27, line 15, of said bill, strike out "(e)", and insert "10334."

**Amendment No. 93**

On page 27, line 17, of said bill, strike out "(f)", and insert "10335."

**Amendment No. 94**

On page 27, line 18, of said bill, strike out "For the purpose of this"; and strike out all of lines 19 to 24, inclusive.

**Amendment No. 95**

On page 27, line 25, of said bill, strike out "(g)", and insert "10336."

**Amendment No. 96**

On page 27, line 27, of said bill, strike out "(h)", and insert "10337."

**Amendment No. 97**

On page 27, line 29, of said bill, strike out "(i)", and insert "10338."

**Amendment No. 98**

On page 27, line 31, of said bill, strike out "(j)", and insert "10339."

**Amendment No. 99**

On page 27, line 32, of said bill, strike out "(k)", and insert "10340."

**Amendment No. 100**

On page 27 of said bill, strike out lines 35 to 42, inclusive.

**Amendment No. 101**

On page 28, line 14, of said bill, strike out "(n)".

**Amendment No. 102**

On page 28, line 16, of said bill, strike out "(b)", and insert "10354."

**Amendment No. 103**

On page 28, line 18, of said bill, strike out "(c)", and insert "10355."

**Amendment No. 104**

On page 28, line 20, of said bill, strike out "(d)", and insert "10356."

**Amendment No. 105-106**

On page 28 of said bill, strike out line 23, and insert "10357. This Chapter, except Section 10363, does not apply."

**Amendment No. 107**

On page 28, line 42, of said bill, strike out "10358", and insert "10358."

**Amendment No. 108**

On page 28 of said bill, strike out lines 46 and 47, and insert "if obtained, property, or negotiating the purchase".

**Amendment No. 109**

On page 29, line 1, of said bill, strike out "10356", and insert "10359."

**Amendment No. 110**

On page 29, line 9, of said bill, strike out "10357", and insert "10360."

**Amendment No. 111**

On page 29, line 26, of said bill, strike out "10358", and insert "10361."

**Amendment No. 112**

On page 29, line 39, of said bill, strike out "10359", and insert "10362."

**Amendment No. 113**

On page 29, line 46, of said bill, strike out "10360", and insert "10363."

**Amendment No. 114**

On page 32, line 1, of said bill, strike out "When a", and insert "10382. When a cemetery brokerage".

**Amendment No. 115**

On page 32, line 5, of said bill, between "a" and "license", insert "cemetery brokerage".

**Amendment No. 116**

On page 32, line 10, of said bill, before "Each", insert "10383."

**Amendment No. 117**

On page 32, line 18, of said bill, strike out "10382.", and insert "10384."

**Amendment No. 118**

On page 32, line 23, of said bill, before "Immediately", insert "10385."

**Amendment No. 119**

On page 32, line 30, of said bill, strike out "10383.", and insert "10386."

**Amendment No. 120**

On page 32, line 43, of said bill, strike out "10384.", and insert "10387."

**Amendment No. 121**

On page 33, line 1, of said bill, strike out "10385," and insert "10388."

**Amendment No. 122**

On page 33, line 7, of said bill, strike out "10386," and insert "10389."

**Amendment No. 123**

On page 33, line 8, of said bill, strike out "10382, 10383 and 10385," and insert "10384, 10385, 10386, and 10388,".

**Amendment No. 124**

On page 34, line 32, of said bill, insert

"10420. The fee for all cemetery licenses at all periods of the fiscal year is the same as provided in this article. All cemetery license fees are payable in advance of issuing the licenses and all examination fees are payable before taking the examination. Except a temporary salesman's license, for which other provision is made, all licenses shall be issued for the fiscal year and shall expire on June 30th of each fiscal year at midnight.

10421. The definitions contained in this article are solely for the purposes of this article.

10422. An original cemetery broker's license is a cemetery license issued to a person who did not have a cemetery broker's license on June 30th of the fiscal year previous to the fiscal year for which the license is issued.

10423. A renewal cemetery broker's license is a cemetery license issued to a person who had a cemetery broker's license unrevoked and unsuspended on June 30th of the fiscal year previous to the fiscal year for which the renewal cemetery license is issued.

10424. An original cemetery salesman's license is a cemetery license issued to a person who did not have a cemetery salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued.

10425. A renewal cemetery salesman's license is a cemetery license issued to a person who had a cemetery salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued."

**Amendment No. 125**

On page 34, line 33, of said bill, strike out "10420," and insert "10426."

**Amendment No. 126**

On page 34 of said bill, strike out line 35, and insert "provisions of this article."

**Amendment No. 127**

On page 34, line 36, of said bill, strike out "(a)", and insert "10427."

**Amendment No. 128**

On page 34, line 39, of said bill, strike out "For the purpose of this section, an"; and strike out lines 40 to 42, inclusive.

**Amendment No. 129**

On page 34, line 43, of said bill, strike out "(b)", and insert "10428."

**Amendment No. 130**

On page 34, line 45, of said bill, strike out "(c)", and insert "10429."

**Amendment No. 131**

On page 34, line 46, of said bill, strike out "For the purpose of this section, a renewal"; and strike out all of lines 47 to 50, inclusive.

**Amendment No. 132**

On page 34, line 51, of said bill, strike out "(1)", and insert "10430."

**Amendment No. 133**

On page 35, line 8, of said bill, strike out "(2)", and insert "10431."

**Amendment No. 134**

On page 35, line 17, of said bill, strike out "(d)", and insert "10432."

**Amendment No. 135**

On page 35, line 20, of said bill, strike out "For the purpose of"; and strike out all of lines 21 to 26, inclusive.



**Amendment No. 136**

On page 35, line 27, of said bill, strike out "(c)", and insert "10433."

**Amendment No. 137**

On page 35, line 29, of said bill, strike out "(c)", and insert "10434."

**Amendment No. 138**

On page 35, line 30, of said bill, strike out "For the purpose of this section, a" and strike out all of lines 31 to 35, inclusive.

**Amendment No. 139**

On page 35, line 36, of said bill, strike out "(c)", and insert "10435."

**Amendment No. 140**

On page 35, line 38, of said bill, strike out "(b)", and insert "10436."

**Amendment No. 141**

On page 35, line 40, of said bill, strike out "(i)", and insert "10437."

**Amendment No. 142**

On page 35, line 42, of said bill, strike out "(j)", and insert "10438."

**Amendment No. 143**

On page 35, line 43, of said bill, strike out "(k)", and insert "10439."

**Amendment No. 144**

On page 35 of said bill, strike out all of lines 46 to 51, inclusive, and on page 36, strike out all of lines 1 and 2.

**Amendment No. 145**

On page 36, line 21, of said bill, before "The", insert "10452."

**Amendment No. 146**

On page 36, line 25, of said bill, before "All", insert "10453."

**Amendment No. 147**

On page 36, line 28, of said bill, strike out "10452.", and insert "10454."

**Amendment No. 148**

On page 36, line 38, of said bill, strike out "10453.", and insert "10455."

**Amendment No. 149**

On page 39, line 11, of said bill, between "11015" and "When", strike out "(a)".

**Amendment No. 150**

On page 39, line 22, of said bill, strike out "(b)", and insert "11016."

**Amendment No. 151**

On page 39, line 34, of said bill, strike out "(c)", and insert "11017."

**Amendment No. 152**

On page 39, line 38, of said bill, strike out "11016.", and insert "11018."

**Amendment No. 153**

On page 39, line 42, of said bill, strike out "11017.", and insert "11019."

**Amendment No. 154**

On page 40, line 1, of said bill, strike out "11018.", and insert "11020."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1120**—An act making an appropriation for the operation, maintenance, and organization of the State Guard, to take effect immediately.

Bill read second time, and ordered to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 318**—An act to amend Section 2.1431 of the School Code and to amend Section 10002 of the Education Code, relating to the State Curriculum Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 471**—An act to amend Section 5.45 of the School Code and to amend Section 20377 of the Education Code, relating to leaves of absence of employees of State colleges not in State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 472**—An act to add Section 4.283 to the School Code and to add Section 5007 to the Education Code, relating to the investment of funds of school districts in bonds issued by the United States of America for the prosecution of the war.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 193**—An act to amend Section 2.173 of the School Code and to amend Section 2593 of the Education Code, relating to the lapsing of school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating,

Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swann, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 342**—An act to amend Section 1540 and to repeal Section 1531 of the Probate Code, relating to the sale or encumbrance of property by guardians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brood, Brown, Burns, Collier, Cunningham, DeLoe, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gartin, Hartsh, Jastrow, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swann, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 107**—An act to amend Section 996 of the Political Code, relating to an office becoming vacant.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and Section 1770 of the Government Code".

#### Amendment No. 2

On page 2 of said bill, after line 7, add:

"Sec. 2. Section 1770 of the Government Code is hereby amended to read as follows:

1770. An office becomes vacant on the happening of any of the following causes before the expiration of the term:

- (a) The death of the incumbent;
- (b) His insanity, found upon a commission of lunacy issued to determine the fact;
- (c) His resignation;
- (d) His removal from office;
- (e) His ceasing to be an inhabitant of the State, or if the office be local, of the district, county, city, or township for which he was chosen or appointed, or within which the duties of his office are required to be discharged;
- (f) His absence from the State without the permission required by law beyond the period allowed by law;
- (g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the State with the permission required by law;
- (h) His conviction of a felony or of any offense involving a violation of his official duties;
- (i) His refusal or neglect to file his official oath or bond within the time prescribed;
- (j) The decision of a competent tribunal declaring void his election or appointment;
- (k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.

(l) His commitment to a hospital or sanatorium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant (1) until the expiration of five days after the making of the order of commitment without any demand having been made for a trial by jury, or (2) if such demand is made, until the jury has found that the incumbent is a drug addict, dipsomaniac, inebriate or stimulant addict, as the case may be.

Sec. 3. Section 2 of this act becomes operative only if the Government Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same

time as the Government Code takes effect, at which time Section 996 of the Political Code amended by this act is repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 139**—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 141**—An act to amend Section 373 of the Civil Code and Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 142**—An act to amend Section 688.1 of the Code of Civil Procedure, relating to liens upon causes of action and judgments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 403**—An act to amend Section 444 of the Code of Civil Procedure, relating to grounds of demurrer to the answer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1059**—An act to add Section 328.5 to the Political Code, relating to interpretation of statutes.

Bill read third time.



**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "Code," insert "and to add Section 9611 to the Government Code."

**Amendment No. 2**

On page 1 of said bill, after line 11, add

"SEC. 2. Section 9611 is added to the Government Code, to read:

9611. Notwithstanding any other provision of this chapter, whenever a provision of law is temporarily suspended, or is expressly or impliedly modified or repealed by a provision which is declared to be effective for only a limited period, the original provisions are not to be deemed repealed, but upon the expiration of the time of the temporary suspension or the effectiveness of the inconsistent provision, the original provision shall have the same force and effect as if the temporary provision had not been enacted.

SEC. 3. Section 2 of this act shall become operative only if the Government Code is enacted by the Legislature at its Fifty-fifth Session, and in such case at the same time as the Government Code takes effect, at which time Section 3285 of the Political Code, as added thereto by Section 1 of this act, is repealed."

Amendments read and adopted

Bill ordered printed, re-engrossed, and to third reading

**Senate Bill No. 24**—An act to add Section 301 to the Fish and Game Code, relating to kelp.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 51**—An act to add Sections 101 and 480.5 to the Fish and Game Code, relating to the creation of a new fish and game district and the taking of fish therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 15**—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain lands by the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—35.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RESOLUTIONS**

The following resolution was offered :

By Senator Keating :

**Senate Resolution No. 77**

WHEREAS, The Senate of California has learned with profound regret and deep sorrow of the death after a long illness of Senator Charles F. Reindollar of San Rafael, Marin County ; and

WHEREAS, The late Senator Reindollar distinguished himself by many years of faithful public service in this, his native State ; and

WHEREAS, In addition to holding other public offices in his home community during his lifetime and serving therein with great public spirit and enterprise, Senator Reindollar served the State of California long and faithfully and with great distinction in the halls of this Legislature in both the Assembly and Senate ; and,

WHEREAS, "Charlie" Reindollar, as he was affectionately known to his many friends in his home county and throughout the State, was a gentleman of unusual kindness, patience and courtesy who enjoyed the love and respect of those who knew him, to a degree that is meted out to few men ; and

WHEREAS, The record of his kindly deeds is written indelibly in the hearts of those whom he befriended and in the gratitude of many unfortunates to whom he lent a helping hand ; now, therefore, be it

*Resolved*, That the Senate of the State of California desires to make a lasting record of its regret at the loss that has been suffered by the State in the death of the Honorable Charles F. Reindollar and of its appreciation of his high qualities of integrity and public spirit, and above all, of his kindly and tolerant attitude toward his fellow man, and it is ordered that when the Senate shall adjourn this day, it shall do so out of respect to his memory ; and be it further

*Resolved*, That the Secretary of the Senate be instructed to prepare appropriately engrossed copies of this resolution, and to forward them to the members of the family of the late Senator Reindollar in token of sympathy in their bereavement, and in expression of the thoughts hereinabove set forth.

Resolution read and adopted by a rising vote of the following Senators :

Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Billinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**MOTION TO APPROVE JOURNALS**

The Senate Journals of Monday, March 8, 1943 ; Tuesday, March 9, 1943 ; Wednesday, March 10, 1943 ; Thursday, March 11, 1943, and Friday, March 12, 1943, were, on motion of Senator Mixer, approved as corrected by the Journal Clerk and Minute Clerk.

**ADJOURNMENT**

At 5.02 p.m., on motion of Senator Mixer, the President pro tempore declared the Senate adjourned until 2 p.m., Tuesday, March 16, 1943, out of respect to the memory of the late Honorable Charles F. Reindollar.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY

SEVENTY-SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 16, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding;  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Christensen, DeJoy, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Joshi, Keating, Lester, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Carter, on motion of Senator Engle.

Senator Crittenden, on motion of Senator Deuel.

Senator Dillinger, on motion of Senator Jespersen.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Engle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Muthen, formerly of Corning, now of Sacramento, California.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ford Griffin of Oakland, California.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lt. McGinn.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don Follert, President, California State Junior Chamber of Commerce, San Francisco, California.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Dan Gallagher, Board of Supervisors of San Francisco, California, and Supervisor Fred Meyer, Board of Supervisors of San Francisco, California.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence C. Kelly, Attorney at Law, Los Angeles, California.

On request of Lieutenant Governor Houser and Senators Parkman and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Rolph III, San Francisco, California.

On request of Lieutenant Governor Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Shoemaker, San Dimas, California.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

WESTERN MINING COUNCIL  
AUBURN, CALIFORNIA, March 15, 1943

*Senator J. L. Seawell, President pro tempore  
Senate Chamber, Capitol, Sacramento, California*

DEAR SENATOR: Would like to have you announce the Sacramento meeting of our council, an affiliation of all Northern California mining associations, to be held Tuesday evening, March 16th, 8 o'clock.

We will need the assistance of Legislators to go into the matter of a number of mining bills that have been introduced.

We would also like you to announce that Senator Scrugham of Nevada has been made chairman of a subcommittee on the United States Senate Committee to Investigate Small Business. His subcommittee will handle mining and he will be in California some time in April. His main objective will be to find out why the small mine operator is not participating in the mining of strategic minerals for the war effort, or why he is not being given an opportunity to do so. Our council has been asked to arrange his itinerary in Northern California and we would like the cooperation of Assembly Members in seeing that Senator Scrugham gets the information he wants. This matter will be on our program at the Sacramento meeting.

We understand that on the same evening (Tuesday) there is a reception to the new Sacramento city manager, which we presume will be attended by a number of Legislators. We will be getting well into our program by the time that adjourns, say 9 p.m., when we will be glad to have the members come to the Chamber of Commerce Auditorium and sit in with us.

Thanking you for this announcement I remain,

Sincerely,

J. P. HALL, President  
Western Mining Council

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 107

Senate Bill No. 1059

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 195

Senate Bill No. 194

Senate Bill No. 563

Senate Bill No. 918

And reports the same correctly engrossed.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Rules has engrossed

Senate Bill No. 108  
Senate Bill No. 133  
Senate Bill No. 134  
Senate Bill No. 214  
Senate Bill No. 215  
Senate Bill No. 216  
Senate Bill No. 217  
Senate Bill No. 218  
Senate Bill No. 219  
Senate Bill No. 220  
Senate Bill No. 223

Senate Bill No. 308  
Senate Bill No. 315  
Senate Bill No. 510  
Senate Bill No. 912  
Senate Bill No. 913  
Senate Bill No. 914  
Senate Bill No. 915  
Senate Bill No. 916  
Senate Bill No. 917  
Senate Bill No. 920

Senate Joint Resolution No. 18

And reports the same correctly engrossed

SEAWELL, Chairman

## Committee on Natural Resources

## SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred Senate Bill No. 291

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1

FLETCHER, Chairman

Above reported bill ordered to second reading

## SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred Senate Joint Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1

FLETCHER, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, March 15, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred

Senate Bill No. 173  
Senate Bill No. 289

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1

FLETCHER, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred

Senate Bill No. 923  
Senate Bill No. 924  
Senate Bill No. 925  
Senate Bill No. 926  
Senate Bill No. 927  
Senate Bill No. 928  
Senate Bill No. 929  
Senate Bill No. 930  
Senate Bill No. 931  
Senate Bill No. 932  
Senate Bill No. 933  
Senate Bill No. 934

Senate Bill No. 935  
Senate Bill No. 936  
Senate Bill No. 937  
Senate Bill No. 938  
Senate Bill No. 939  
Senate Bill No. 940  
Senate Bill No. 941  
Senate Bill No. 942  
Senate Bill No. 943  
Senate Bill No. 944  
Senate Bill No. 465

Assembly Bill No. 1264

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MINTER, Chairman

Above reported bills ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 358

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Concurrent Resolution No. 38

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 120

Senate Bill No. 128

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 188

Senate Bill No. 16

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 184

Senate Bill No. 480

Senate Bill No. 245

Senate Bill No. 512

Senate Bill No. 460

Senate Bill No. 513

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 720

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

## Senate Resolution No. 78

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300), in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

POWERS  
SEAWELL

DELL  
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Biggar, Breed, Burns, Collier, Cunningham, Deane, Deane, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judith, Lusk, Mason, McCall, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Thomas, Tickle, and Ward—28.

NOES: None.

By Senator Tickle:

## Senate Resolution No. 79

*Resolved*, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning March 16, 1943, and also be and she is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Salary, \$600  
per week  
\$6.00

Maxine Astell, Stenographer

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Biggar, Breed, Burns, Collier, Cunningham, Deane, Deane, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judith, Keating, Lusk, Mason, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Thomas, Tickle, and Ward—28.

NOES: None.

## REQUEST FOR UNANIMOUS CONSENT

Senator Engle asked for, and was granted, unanimous consent to take up Senate Bill No. 465, at this time, for consideration.

## CONSIDERATION OF SENATE BILL NO. 465

**Senate Bill No. 465**—An act to add Sections 89.5, 89.6 and 89.6a to the Agricultural Code, relating to the powers and duties of district agricultural associations, and the use of county fair property and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 465:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 15, 1943

To the Honorable Members of the Senate  
Sacramento, California

GREETINGS:

## SENATE BILL NO. 465

"An act to add Sections 89.5, 89.6 and 89.6a to the Agricultural Code, relating to the powers and duties of district agricultural associations, and the use of

county fair property and declaring the urgency thereof and providing that this act shall take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 465 as necessary for the immediate preservation of the public peace, health and safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 465**—An act to add Sections 89.5, 89.6 and 89.6a to the Agricultural Code, relating to the powers and duties of district agricultural associations, and the use of county fair property and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "with the approval of the Department of Finance".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

### REPORTS OF STANDING COMMITTEES

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 275

Senate Bill No. 272

Senate Bill No. 158

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 140

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

DELAP, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred

Senate Bill No. 338

Senate Bill No. 226

Senate Bill No. 111

Has had the same under consideration, and concurs (the same being both amendments with the recommendation: Amended, and approved as amended.)

Committee membership 13; committee vote: Ayes 9, absent 4.

De LAP, Chairman

Above reported bills ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 38, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 38**

**Assembly Concurrent Resolution No. 38—Relative to the facilities for the care of the dead.**

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES:** Senators Biggar, Broad, Burns, Callier, Cunningham, De Lap, Dewar, Donnelly, Dorsey, Eugh, Fitchner, Gorman, Jaspersen, Keating, Mayo, McHenry, Parkman, Powers, Rich, Salsman, Sewell, Slater, Sving, Thomas, Tolson, and Ward—26.

**NOES:** None.

Resolution ordered transmitted to the Assembly.

**RECESS**

At 2.35 p.m., on motion of Senator Sewell, the Senate recessed to hear the remarks of Lieutenant McGlum of the Women's Auxiliary Army Corps.

**REASSEMBLED**

At 2.39 p.m., Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

J. A. Beek, Secretary of the Senate, at the desk.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Jaspersen:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act relating to the regulation of the practice of naturopathy.

Respectfully submitted.

SENATOR JEPSERSEN

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read the first time:

**Senate Bill No. 1077:** By Senator Jespersen—An act relating to the regulation of the practice of naturopathy.

Referred to Committee on Business and Professions.

**WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS**

NOS. 892 AND 894

Senator McBride moved that Senate Bills Nos. 892 and 894 be withdrawn from Committee on Public Health and Safety for the purpose of amendment, and be re-referred to Committee on Public Health and Safety.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1120**—An act making an appropriation for the operation, maintenance, and organization of the State Guard, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Mixter moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out "20", and insert "19".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 765

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 124

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 962

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 9, absent 4.

DELAPE, Chairman

Above reported bill ordered to second reading.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 524**—An act to amend Section 1401 of the Elections Code, relating to initiative measures, the submission of a draft thereof to the Attorney General for the preparation of a summary thereof, and the payment of a fee therefor.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

## Amendment No. 1

On page 1 of the printed bill, as introduced on January 27, 1943, strike out all of lines 17 and 18, and insert "such fee to be placed in a trust fund in the office of the State Treasurer to be refunded to the proponents if, within two years from the date such summary is furnished to the proponents, such measure qualifies for the ballot. Otherwise such fee shall be forthwith paid into the General Fund of the State."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 83**—An act to amend Section 36 of, and to add Section 8b to, the California Water District Act, relating to districts organized under said act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 266**—An act to amend Section 19e of the California Irrigation District Act, relating to the appointment or election of officers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 267**—An act to amend Sections 21285 and 21336 of the Water Code, relating to the appointment or election of officers of an irrigation district.

Bill read second time, ordered engrossed, and to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 107**—An act to amend Section 996 of the Political Code, relating to an office becoming vacant.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1059**—An act to add Section 328.5 to the Political Code, relating to interpretation of statutes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 18**—Relative to the construction of a dam on the Stanislaus River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 563**—An act to amend Section 675 of the Political Code, relating to the powers of the Director of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

## RECESS

At 3.29 p.m., the Senate recessed to allow Lieutenant Governor Houser to introduce to the Senate James Rolph III. and to hear his remarks.

## REASSEMBLED

At 3.31 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

J. A. Beek, Secretary of the Senate, at the desk.



## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 108**—An act to amend Section 39 of the Public Utility District Act, relating to public utility district taxation

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Luskay, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swain, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 133**—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

## Motion to Transfer to Inactive File

Senator Rich moved that Senate Bill No. 133 be transferred to the inactive file.

Motion carried.

**Senate Bill No. 134**—An act to amend Sections 737yy and 737ff of the Political Code, relating to the annual salaries of the judges of the superior courts of Sutter and Yuba Counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, Judah, Keating, Luskay, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swain, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 194**—An act to amend Section 38c of the State Employees' Retirement Act, relating to city retirement systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luskay, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 195**—An act to add Section 38h to the State Employees' Retirement Act, relating to city retirement systems.

## Motion to Transfer to Inactive File

Senator Dorsey moved that Senate Bill No. 195 be transferred to the inactive file.

Motion carried.

**Senate Bill No. 315**—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "appoint", insert "with the advice and consent of the Senate".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out ", and", and insert ". He".

**Amendments read and adopted.**

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 308**—An act to provide for the printing and sale of legislative publications by the State Printer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry Hammond at the Desk**

**Senate Bill No. 214**—An act to add Section 30022.2 to the Business and Professions Code, relating to money collected under the California Terminal Weighing Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 215**—An act to add Section 30031.5 to the Business and Professions Code, repealing an act entitled "An act to prohibit prizefighting," approved March 9, 1893.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 216**—An act to add Section 30034.5 to the Business and Professions Code, repealing Chapter 436 of the Statutes of 1933, relating to horse racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Donnelly, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 217**—An act to add Section 30045 to the Business and Professions Code, repealing certain acts and parts of acts therein specified, relating to auctioneers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jaspersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 218**—An act to add Section 30022.1 to the Business and Professions Code, repealing certain laws relating to the tare on baled hops.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 219**—An act to add Article 4, comprising Section 12925, to Chapter 9 of Division 5 of the Business and Professions Code and to add Section 30022.4 to the Business and Professions Code, relating to wool products and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 220**—An act to add Article 3, comprising Sections 12915 to 12921, inclusive, to Chapter 9 of Division 5 of the Business and Professions Code, and to add Section 30022.3 to the Business and Professions Code, thereby codifying and revising the law relating to the

balancing and pressing of hay and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 223**—An act to add Chapter 2, comprising Sections 11500 to 11628, inclusive, and Chapter 3, comprising Sections 11650 to 11658, inclusive, to Part 2 of Division 4 of the Business and Professions Code, to add Section 30043 to the Business and Professions Code and to amend Section 325 of the Revenue and Taxation Code, thereby consolidating and revising the law relating to the surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; the powers and duties of cities, counties and towns with reference to the surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof and repealing acts and parts of acts specified therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Bill read third time.

#### Motion to Amend

Senator Swan moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "of", insert "and to add Section 395.3 to".

#### Amendment No. 2

On page 1, line 5, of the printed bill, as amended, strike out "is ordered".

#### Amendment No. 3

On page 1, line 6, of the printed bill, as amended, strike out "to serve", and insert "serves".

#### Amendment No. 4

On page 1, line 7, of the printed bill, as amended, strike out "or to serve in any civilian war effort or war industry".

#### Amendment No. 5

On page 1 of the printed bill, as amended, between lines 12 and 13, insert

"SEC. 2. Section 395.3 is added to the Military and Veterans Code, to read:

395.3. Any employee of a board of school trustees or board of education in a position not requiring certification qualifications who is ordered pursuant to the laws of the United States to serve in any war effort or war industry shall regain all rights to his position and shall be reinstated thereto upon his application at any time within 90 days of the termination of that service, but in any event within one year from the date of a treaty of peace terminating the hostilities in which the United States is now engaged."



**Amendment No. 6**

On page 1, line 18, of the printed bill, as amended, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 892**—An act to add Sections 14404.5, 14514.1 and 14514.2 to, and to amend Sections 14411, 14425, 14466, 14511, 14526, 14544, 14561, 14564, 14581, 14587 and 14589 of, the Health and Safety Code, relating to county fire protection districts.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, before "14514.1", insert "14481.1".

**Amendment No. 2**

In line 1 of the title of the printed bill, strike out the first "and", and insert a comma.

**Amendment No. 3**

In line 1 of the title of the printed bill, after "14514.2", insert ", 14560.1 and 14567.1".

**Amendment No. 4**

In line 2 of the title of the printed bill, before "14425", insert "14418".

**Amendment No. 5**

In line 2 of the title of the printed bill, before "14466", insert "14428".

**Amendment No. 6**

In line 3 of the title of the printed bill, before "14587", insert "14584".

**PRINTER'S NOTE.** There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

**Amendment No. 7**

On page 1 of the printed bill, between lines 19 and 21, insert

"Sec. 3. Section 14418 of the Health and Safety Code is hereby amended to read as follows:

14418. If the board overrules the objections, it shall hear any person having objection to the inclusion of any territory within the proposed district, and *shall* exclude any territory which would not be benefited by incorporation within the district.

Sec. 4. Section 14418.1 is hereby added to the Health and Safety Code, to read as follows:

14418.1. The board of supervisors shall not include within the proposed district any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owner files objections to the inclusion of any such land within the district."

**Amendment No. 8**

On page 1, line 21, of the printed bill, strike out "3", and insert "5".

**Amendment No. 9**

On page 1, line 24, of the printed bill, strike out "an order for", and insert "and order".

**Amendment No. 10**

On page 2 of the printed bill, between lines 2 and 4, insert

"Sec. 6. Section 14428 of the Health and Safety Code is hereby amended to read as follows:

14428. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, except that no notice of election other than the publication and posting of the resolution need be given, *and except further that only "persons entitled to vote" (as defined in Section 14404.5) shall vote at such elections.*"

**Amendment No. 11**

On page 2, line 4, of the printed bill, strike out "4", and insert "7".

**Amendment No. 12**

On page 2, line 12, of the printed bill, strike out "5", and insert "8".

**Amendment No. 13**

On page 2, line 20, of the printed bill, strike out "the", and insert "such".

**Amendment No. 14**

On page 2, line 22, of the printed bill, strike out "6", and insert "9".

**Amendment No. 15**

On page 2, line 30, of the printed bill, strike out "7", and insert "10".

**Amendment No. 16**

On page 2, lines 33 and 34, of the printed bill, strike out "the owner of the land shows".

**Amendment No. 17**

On page 2, line 36, of the printed bill, strike out "8", and insert "11".

**Amendment No. 18**

On page 2, line 46, of the printed bill, strike out "9", and insert "12".

**Amendment No. 19**

On page 3 of the printed bill, before line 1, insert  
"SEC. 13. Section 14560.1 is hereby added to the Health and Safety Code, to read as follows:

14560.1. Where any parcel of land containing more than five acres is included within the fire limits of the district, the board of supervisors, upon application of the owner, shall exclude from the district and from the taxable property of the district, all of the parcel in excess of five acres, which five acres shall include all portions of the parcel on which are situated any buildings or improvements."

**Amendment No. 20**

On page 3, line 1, of the printed bill, strike out "10", and insert "14".

**Amendment No. 21**

On page 3 of the printed bill, strike out lines 3 to 6, inclusive, and insert  
"14561. Fifty or more persons entitled to vote within the portion desired to be withdrawn from any district or a majority of such persons if there are less than 100 persons entitled to vote within the portion sought to be withdrawn may file a petition".

**Amendment No. 22**

On page 3, line 13, of the printed bill, strike out "11", and insert "15".

**Amendment No. 23**

On page 3 of the printed bill, between lines 20 and 22, insert  
"SEC. 16. Section 14567.1 is hereby added to the Health and Safety Code, to read as follows:

14567.1. If in the judgment of the board of supervisors, the exclusion of the territory sought to be withdrawn will make further existence of the district impracticable, the board shall proceed to call an election for dissolution."

**Amendment No. 24**

On page 3, line 22, of the printed bill, strike out "12", and insert "17".

**Amendment No. 25**

On page 3 of the printed bill, strike out lines 26 and 27, and insert "Fifty or more persons entitled to vote in the district or at least 51 per cent of such persons entitled to vote, if there are less than 100 such persons in the district,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

**Amendment No. 26**

On page 3 of the printed bill, between lines 29 and 31, insert  
"SEC. 18. Section 14584 of the Health and Safety Code is hereby amended to read as follows:

14584. The board shall consider and pass upon the objections and may either [deny] grant the petition for dissolution or, by resolution, call an election upon the proposition of dissolution of the district."

**Amendment No. 27**

On page 3, line 31, of the printed bill, strike out "13", and insert "19".

**Amendment No. 28**

On page 3, line 38, of the printed bill, strike out "14", and insert "20".

Amendments read and adopted

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**Senate Bill No. 894** An act to add Section 14002.5 to, and to amend Sections 14025, 14029, 14109, 14151, 14251, 14276 and 14301 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "14002.5", insert ", 14028.1, and 14029.1".

**Amendment No. 2**

In line 2 of the title of the printed bill, before "14276", insert "14256".

**Amendment No. 3**

In line 2 of the title of the printed bill, after "14276", insert ", 14280, 14283"

**Amendment No. 4**

On page 1 of the printed bill, strike out line 11, and insert "14025. Fifty or more persons entitled to vote in any unincorporated area, or at least".

**Amendment No. 5**

On page 1, line 12, of the printed bill, strike out "the", and insert "such".

**Amendment No. 6**

On page 1, line 12, of the printed bill, after "persons", insert "if there are less than 100 such persons".

**Amendment No. 7**

On page 1, line 12, of the printed bill, strike out "any", and insert "such".

**Amendment No. 8**

On page 1 of the printed bill, between lines 15 and 17, insert "Sec. 3. Section 14028.1 is hereby added to the Health and Safety Code, to read as follows:

14028.1. If the board overrules the objections to the formation of the district, it shall hear any person having objection to the inclusion of any territory within the proposed district and shall exclude any territory which would not be benefited by incorporation within the district."

**Amendment No. 9**

On page 1, line 17, of the printed bill, strike out "3", and insert "4".

**Amendment No. 10**

On page 1, line 19, of the printed bill, strike out "After", and insert "At the conclusion of the".

**Amendment No. 11**

On page 2 of the printed bill, before line 1, insert "Sec. 5. Section 14029.1 is hereby added to the Health and Safety Code, to read as follows:

14029.1. In determining the boundaries of the district, the board of supervisors shall not include therein any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owner files objections to the inclusion of any such land within the district."

**Amendment No. 12**

On page 2, line 1, of the printed bill, strike out "4", and insert "6".

**Amendment No. 13**

On page 2, line 9, of the printed bill, strike out "5", and insert "7".

**Amendment No. 14**

On page 2, line 18, of the printed bill, strike out "6", and insert "8".

**Amendment No. 15**

On page 2, line 22, of the printed bill, strike out the letter "s" in the word "portions".

**Amendment No. 16**

On page 2, line 23, of the printed bill, strike out the comma.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

**Amendment No. 17**

On page 2 of the printed bill, between lines 26 and 28, insert

"SEC. 9. Section 14256 of the Health and Safety Code is hereby amended to read as follows:

14256. The board of supervisors shall consider and pass upon all objections, and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district, [and will not serve as a fire hazard to the remaining portion of the district.] and that the territory not sought to be withdrawn will be benefited by continuing as a district, then it shall grant the petition."

**Amendment No. 18**

On page 2, line 28, of the printed bill, strike out "7", and insert "10".

**Amendment No. 19**

On page 2 of the printed bill, strike out lines 33 and 34, and insert "Fifty or more persons entitled to vote in the district, or at least 51 per cent of such persons entitled to vote, if there are less than 100 such persons in the district, may file with the".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

**Amendment No. 20**

On page 2 of the printed bill, between lines 36 and 38, insert

"SEC. 11. Section 14280 of the Health and Safety Code is hereby amended to read as follows:

14280. The board of supervisors may either [deny] *grant* the petition for dissolution or by resolution call an election upon the proposition of dissolution.

SEC. 12. Section 14283 of the Health and Safety Code is hereby amended to read as follows:

14283. In all other particulars not recited in the resolution, the election shall be held as provided by law for holding general elections in the county, *except that only persons entitled to vote (as defined in Section 14002.5) may vote at such election* [and any resident of the district who would be entitled to vote at a general election held at the same time may vote]."

**Amendment No. 21**

On page 2, line 38, of the printed bill, strike out "8", and insert "13".

**Amendment No. 22**

On page 2 of the printed bill, strike out lines 41 and 42, and insert "Fifty or more persons entitled to vote in the district, or at least 51 per cent of such persons entitled to vote, if there are less than 100 such persons in the district, may".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 34

Assembly Joint Resolution No. 35

Assembly Concurrent Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1943.

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 21  
Assembly Bill No. 596  
Assembly Bill No. 402  
Assembly Bill No. 622  
Assembly Bill No. 624

Assembly Bill No. 103  
Assembly Bill No. 142  
Assembly Bill No. 690  
Assembly Bill No. 685  
Assembly Bill No. 1131

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Chief

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time.

**Assembly Joint Resolution No. 34**—Relative to memorializing the President and Congress to enact legislation to secure to all employees of the Post Office Department an increase in wages commensurate with the increased cost of living and other benefits.

Referred to Committee on Welfare and Institutions.

**Assembly Joint Resolution No. 35**—Relative to memorializing the Congress of the United States to immediately launch an investigation into the administration of the Federal rent control program in California as requested in House Resolution No. 51 presented by the Hon. Thomas Rolph, Representative of the Fourth California Congressional District.

Referred to Committee on Welfare and Institutions.

**Assembly Concurrent Resolution No. 40**—Relative to the disposition of clothing and yardage by the State Department of Social Welfare.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 21**—An act to amend Section 8322 of the Streets and Highways Code, relating to the vacation of city streets.

Referred to Committee on Transportation.

**Assembly Bill No. 596**—An act to amend Section 6720 of, and to add Section 6726.5 to, the Welfare and Institutions Code, relating to the duty and power of the sheriff to arrest escaped and paroled patients and inmates of State hospitals and institutions and deliver them to persons authorized by the Department of Institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 402**—An act to amend Sections 9161, 9167 and 9220 and to amend and renumber Sections 9162 and 9163 of, and to repeal Article 2, comprising Sections 9370 to 9377, inclusive, of Chapter 4, Division 9, of the Public Resources Code, relating to soil conservation, to take effect immediately.

Referred to Committee on Natural Resources.

**Assembly Bill No. 622**—An act to amend Section 222 of the Welfare and Institutions Code of the State of California, relating to the cancellation of county warrants for the giving of aid if not presented for payment within six months after issuance.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 624**—An act to amend Section 4095 of the Political Code, relating to the cancellation of county warrants issued for aid where same are not presented for payment within six months after issuance.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 163**—An act to amend Section 928 of the Penal Code, relating to county grand juries.

Referred to Committee on Judiciary.

**Assembly Bill No. 142**—An act to amend Section 69 of the Civil Code, relating to marriage.

Referred to Committee on Judiciary.

**Assembly Bill No. 60**—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

Referred to Committee on Judiciary.

**Assembly Bill No. 685**—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Referred to Committee on Judiciary.

**Assembly Bill No. 1131**—An act to repeal Section 905 of the Political Code, relating to oaths of office of the Governor and Lieutenant Governor.

Referred to Committee on Judiciary.

#### RECESS

At 3.52 p.m., the Senate recessed at the pleasure of Lieutenant Governor Houser to allow ex-Senator Edward Law to address the Senate.

#### REASSEMBLED

At 4 p.m., Senate reconvened.

Hon. Frederick H. Houser, President of the Senate, presiding.

Chief Assistant Secretary Harry Hammond at the desk.

#### ADJOURNMENT

At 4.03 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, March 17, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY  
SEVENTY-THIRD CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO  
Wednesday, March 17, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Celler, Crittenden, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hartness, Jaspersen, Luckey, Mayo, McBride, McCormack, Mixter, Pearson, Packer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tieble, and Ward. 36

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Judah, on motion of Senator Dorsey.

Senator Keating, on motion of Senator Slater.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Honorable John R. Quinn of Los Angeles, California.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ellered Williams of Fairfield, California.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. L. Smith, member of State Board of Agriculture, of Buttonwillow, Kern County, California.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. T. Galeb, President, Santa Clara County Farm Bureau, of Saratoga, California.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Milton L. Kidd, Chairman, California Irrigation Association; Garrett Veneman, Chairman, Modesto Irrigation District; L. D. Thompson, Executive Committee, California Irrigation Association; and J. L. Ebie, Director, Modesto Irrigation District. All of the above are from Modesto, California.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Helms, Director, Civilian Defense, San Francisco, California.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 36**—Relative to memorializing Congress to designate the limits beyond which the Congress and administrative agencies of the United States shall not go in exercise of the power given to Congress to regulate interstate commerce.

Referred to Committee on Governmental Efficiency.

#### MOTION TO PRINT IN THE JOURNAL

Senator Deuel moved that the following Report of the Senate Interim Committee on Penal and Correctional Institutions be printed in the Journal:

Motion carried.

**Report of the Senate Interim Committee on Penal and Correctional Institutions  
To the Members of the Senate of the State of California:**

Senate Resolution No. 152, adopted at the Fifty-fourth Session of the Legislature, provided for an interim committee of five Members of the Senate, to be termed "A Penal and Correctional Institutions Investigating Committee," and directed such committee to survey and study conditions at the State prisons at San Quentin and Folsom, the California Institution for Men at Chino, the California Institution for Women at Tehachapi, the Preston School of Industry at Ione, the Ventura School for Girls at Ventura, and the Fred C. Nelles School for Boys at Whittier.

As members of such committee there were appointed: Senator Charles H. Deuel, chairman; Senator John Harold Swan, Senator Oliver J. Carter, Senator Peter P. Myhand, Senator Frank L. Gordon. The committee named Senator John Harold Swan its secretary.

In pursuance of the terms of the resolution, the committee herewith presents its report.

#### General Survey of Prisons and Schools

The committee, during the year 1942, visited all the above named institutions, and through subcommittees, made special studies in addition at San Quentin and Folsom. It also met with the Board of Prison Terms and Paroles and with the State Board of Prison Directors. Several conferences with members of the Youth



Correction Authority proved highly informative and valuable. Heads of these institutions and their personnel, members of the two boards and of the Youth Correction Authority, were fully cooperative and placed at the use of the committee all information requested and proffered many suggestions which were helpful and constructive.

The committee approached its duties with the desire to acquire an understanding of the facts concerning the tremendous problems associated with crime and youth delinquency, to make constructive recommendations to the Legislature, and the institutions concerned, and to aid the public generally in obtaining a better understanding of a situation which affects so large a sector of our population. This knowledge most penological students realize is lamentably restricted.

The committee made no attempt to delve into past scandals and shortcomings which, too frequently the committee is led to believe, occupy the public mind with the result that the more important phases of the ever-present phenomena of delinquency and crime are given little study and are dismissed with little or no thoughtful attention to the work of uncovering causes and the application of remedial measures before the schools, jails, and prisons receive their inmates and the almost difficult task of rehabilitation is undertaken.

#### *Youth Correction Authority*

The committee feels that the State when it established the Youth Correction Authority made a great forward step in that phase of criminal control and prevention which deals with youth, that perpetual reservoir from which 99 per cent of criminals are recruited. It feels, also, that the powers given the Youth Authority should lead not only to prevention, but will prove a great factor in restoring to useful lives those capable of being rehabilitated. It is true that the authority is still in the stage of experimentation and that it will require the passage of years to demonstrate its true worth, but the committee feels, nonetheless, that the objects sought are soundly based and offer for the first time in the State's history something tangible as against the long cherished and still little can be done about those who transgress the laws except to confine them behind bars and brand them with the marks of disgrace which endure throughout their lives.

#### *Institutional Population*

In spite of the prevalence of the belief that the great war which we are now waging would lead to an increase in crime and delinquency, thereby increasing the population of the incarcerated, the contrary seems to prevail in California. The population of San Quentin and Folsom has decreased to a remarkable extent during the year 1942, thus relieving much of the overcrowding which has been deplorable during the last decade. The opening of the Institution for Men at Chino has relieved congestion somewhat but accounts for only a fraction. The authorities ascribe the favorable condition as relates to housing at these two major prisons to the abundance of opportunities for employment which have prevailed, and still prevail, throughout the Nation. The uplifting and those of weak character turn more easily to crime when idle than when busy at constructive labor. The decline in the population of correctional schools has not been so marked as in the prisons, the population being practically static at this writing. Probably greater efficiency in juvenile courts has had something to do with this, although some of our courts dealing with juveniles receive, without praise. All of the testimony given to the committee pointed to the relation between juvenile delinquency and broken or unsatisfactory homes and parental neglect or inadequacy. The committee was unable to establish that the war movement of parents, regarded by so many with alarm, resulted in any material increase in the numbers committed to these schools; on the contrary, it is likely that the increased earning power of many parents resulted in better conditions for their children and hence in less temptation to depart from the normal way of life.

#### *Need for Closer Segregation*

The committee came to the realization that all through these schools and prisons there prevailed a large sector of the population which needed to be more closely classified and segregated. Mental deficiencies and psychopathic tendencies afflict many inmates and are the primary cause of their failure to adjust themselves to normal life. These weaknesses are almost wholly congenital and must be so recognized. Dealing with this class in both the schools and prisons requires skill and understanding and is hopeless unless the patients are closely classified and intelligently segregated. Classification is proceeding at the schools and prisons to the extent possible with inadequate staffs, but any material degree of segregation is impossible until the public and the Legislature is impressed with the need and economy, both financially and socially, of a solution so far as is possible of a problem which must be recognized as one of the premises underlying the whole puzzling picture of delinquency and crime.

*Sexual Deviates*

So serious is one phase of inmate mentality, that relating to sex deviates, that immediate steps should be taken to segregate these in an institution to be created or at least in additional quarters within the present compounds. Much of the disorder which occasionally arises in the penal institutions, either singly or in groups, has its origin in the relations of sexual perverts, whose perversions are not understandable to the normal person, yet nevertheless exist. Segregation is the only practical remedy offered unless the State in confirmed cases should declare the individual's sexual powers forfeit to the surgeon's scalpel, which it is doubtful society in its present lack of knowledge of the situation, would condone.

*Penal System Needs Reorganization*

There is a definite need of greater cohesiveness in penal affairs in California, particularly as they relate to policies. The committee believes that an entire reorganization of the penal system is desirable. At the head of such a department should be placed a director skilled and trained in modern penological practices. He should be free from political control and should be chosen because of knowledge and experience and be in possession of forward looking and progressive motives.

At present, in California, the prisons and schools are controlled by diverse influences. Either progressive methods as to the control and discipline of inmates and their ultimate rehabilitation are sound or are not sound. Neither the State Board of Prison Directors or the wardens at San Quentin, Folsom or Chino are in entire harmony regarding policies. The correctional schools if brought under the control of the Youth Correction Authority, which they should be, will be under a unified administration with definite policies applying uniformly to all of them.

*Conflicting Policies*

Through their choice of wardens the State Board of Prison Directors more or less definitely establishes the policies prevailing at San Quentin and Folsom. At San Quentin the committee was most favorably impressed with the conduct of the institution under its present warden, Clinton T. Duffy. Warden Duffy has quickly established himself as one of the outstanding prison wardens in the United States. His knowledge of men, his treatment of them, his realization that his charges are entitled to good food and fair play coupled with humane discipline, have brought about improved conditions applicable both to the inmates and the prison system of the State. The Board of Prison Directors is to be commended for having chosen a man of Mr. Duffy's caliber as warden of this, one of the largest prisons in the United States.

At the San Quentin Prison the committee finds an atmosphere of harmony and cooperation between the prisoners and their guardians, eagerness to learn and to improve, completely fair treatment, and the minimum of helplessness and despair.

*Folsom Atmosphere Contrasted*

The committee senses at Folsom an entirely different prison atmosphere. The committee recognizes that in the two prisons there are two different types of inmates and is making due allowance for that. In the case of Mr. Duffy we discern a man who visions progress in penological affairs, and in the case of Mr. Plummer every interview with him left the committee with the impression that his policy was embraced in the French phrase, "laissez-faire," which may here be defined as "things are as they are, let them alone."

The committee feels that the recent reappointment of Warden Plummer was unfortunate in that it perpetuated internal discord. The committee feels that the reappointment was influenced by political expediency, and that it would have proven the better part of proper administration if the prison directors had seized the opportunity offered by the expiration of the term of Mr. Plummer to eradicate the factionalism which had theretofore existed and bring about harmony through the appointment of some competent person as warden who had not been involved in the prison's factional and personal controversies.

*California Institution for Men*

The committee was favorably impressed with the situation at Chino, where operation of the California Institution for Men is getting fairly under way. The institution is well located on a fertile acreage of land extensive enough for its purposes for years to come. The original idea of the institution as being one of minimum security is now being carried out. Its superintendent, Kenneth Scudder, was selected from a list of accredited persons, which selection was apparently made upon merit, free from political considerations. He is progressive in thought, comprehends the ideals and the motives behind the establishment of the institution, and the committee commends his administration.

*Wholesome Contrast*

The California Institution for Men presents a wholesome contrast to the atmosphere of the average penal institution. The inmates, of course, are selected prior

inmates of San Quentin and have no long records of hardened criminal careers; nor are they recruited from those who have committed infamous or atrocious crimes. Because of classification, of background, and of good behavior, the managing authorities consider them possible of reform and rehabilitation. The population of the institution is not yet large. There is no overcrowding, hence none of the problems which always accrue in cases of inadequate housing. The supervisors have been carefully chosen and there is a spirit of hopefulness and achievement permeating the whole establishment.

#### *Activities at Chino*

It is interesting to know that while extraordinary liberty is accorded the inmates, of some 700 committed, fewer than 15 have attempted or made escape, all of whom were apprehended and returned to serve out their original sentences with additional penalties at San Quentin. The men work in the fields, the dairy and hog pens, and mechanical shops. They usually progress from the institution to the forest camps where they enjoy still wider liberties, thence through parole into the outer world. And it is a matter of record that in the vast majority of instances, they do not return to any prison. They have been rehabilitated under a sensible plan with immeasurable benefit to themselves and profit to the State and to society. The committee points to the results, present and certain to be had, emanating from the California Institution for Men, as a great lasting contribution to the task of understanding the foibles of men when they infract beyond the point which society establishes as a definite bound and where there is reasonable hope of restoration of the individual to self respect and of his conformity to the rules laid down by the State for the protection and well-being of its citizens. There will be, of course, failures at Chino as in all other human endeavors, but the committee believes that the institution will set the mark for other institutions of like nature in this and other States wherein crime at about its inception stage, committed by those capable of redemption, will be checked and the individuals restored instead of being condemned by harsher methods to perpetual disgrace and continuous expense to the Commonwealth.

#### *California Institution for Women*

The California Institution for Women, at Tehachapi, was established as a separate prison for female felons largely through the efforts of women citizens of the State interested in the rehabilitation of those of their sex who had transgressed in the larger sense and whom it was necessary to commit to prison. Previous to its establishment women felons had been confined to a part of San Quentin Prison. After the Legislature and the people through their votes had approved the establishment of a separate women's prison, the site at Tehachapi was selected. It is situated in an isolated and remote part of Kern County, on a large tract of land, a part of which is tillable, the remainder mere in the nature of range land. The buildings have been constructed on the cottage plan and are picturesque and reasonably commodious. The population of the institution has never been large, nearly always ranging below 200 inmates. The compound containing the buildings and immediate grounds was first designed under the minimum security idea which because of practical necessity has been somewhat abandoned. Experience with the women offenders has also shown in considerable degree that the highly altruistic ideals of the founders of the institution were too far reaching and impractical. The theory that most of the inmates could be transformed into well-rounded agricultural workers, skilled in all kinds of husbandry, fails under attempts at practical application. In other words, female felons as a class have most of the attributes, natural and acquired, of male felons, and efforts at rehabilitation should be directed in their prison training and education toward the arts and trades to which they are best suited both as individuals and in groups.

#### *Large Acreage Not Needed*

The large acreage acquired at Tehachapi is not needed as a training ground for the women inmates, for they are not suited either physically or by nature for large scale and heavy farming. Reasonably small scale gardening, poultry raising, some phases of dairying, flower culture, are about all the outdoor activity that may be profitably expected of the women. Indoor vocational training with adequate appliances and buildings and competent supervision and instruction seems to the committee to be the answer to the important query of how best to contribute to the restoration of the morale of the inmates and their ability after release to support themselves in a manner and with such results as will make them useful members of society.

#### *Vocational Training Desirable*

On the whole the institution seems to be well conducted. The housing for the present number of inmates is sufficient. The premises are clean and well kept, the food good, and the recreational facilities ample. As above indicated, the committee believes that something tangible should be done by the authorities with the help of



the Legislature to augment the vocational training facilities and insure the employment of more competent instructors. An example of utter waste and foolishness in the half hearted attempt to teach the women something useful is the institution's printing shop. The women supposed to be in training there have nothing modern to work with and have no instructor who knows anything about the trade. If they believe they are learning something there which may prove of use to them upon release, they will become sadly disillusioned when they finally discover that what they have been taught, or more likely "picked up," is a handicap rather than a help. If the teaching and equipment in other branches of vocational training in the institution is on a par with that found in the printing shop, the inmates had better be given rocking chairs in which to idle their time away.

### Correctional Schools

#### *Preston School of Industry*

The Preston School of Industry was established many years ago in the foothills of the Sierra Nevada, near the village of Lone, Amador County. It was designed as a correctional school for the care of boys between the ages of 15 and 21. For more than 20 years the school has been under the superintendency of O. H. Close, now also chairman of the newly created Youth Correction Authority. Mr. Close is widely recognized as being an authority on problems of youth, particularly as such problems merge with or become a part of delinquencies sufficiently serious to be classified as criminal.

The Preston School of Industry, as its name implies, was originally programmed to be an institution where erring male youth could not only be restrained, but more important could be trained in some useful occupation or pursuit, and thus be given direction as they emerged into manhood which would be reflected in their future years to the end that they would become useful and productive members of society.

#### LOCATION OF SCHOOL

The school is situated upon a tract of land much of which is under cultivation and from which a large part of the food used by the institution is produced almost wholly by the labor of the boys. The school contains within its buildings shops covering activities devoted to iron and wood working, boot and shoemaking and repairing, printing and laundering. The inmates respond splendidly to such attempts to teach them trades. So successful has been the vocational direction and production under the direction of Mr. Close that it would be only fair for the Legislature to respond to his suggestions for increasing the industrial and agricultural program.

#### ACTIVITIES

The Preston School has its problems, for it deals with youths who are in the institution because they have proven problems themselves, but the committee feels from its inspection of the school and its studies of statistics revealing activities, production and effects upon those committed and returned to outside life, that the institution is one that is intelligently and sanely conducted and that it is performing a high service to the State and to those who are committed to its care. Figures demonstrate that the average population is about 700; that the first months of the war resulted in a somewhat perplexing increase of commitments, though at this writing the congestion is not of serious import.

#### *Fred C. Nelles School for Boys*

The Fred C. Nelles School for Boys, at Whittier, formerly known as the Whittier School, is an institution established 50 years ago. Originally it was designed as a school for both boys and girls, and for a time was so used. Since the establishment of the School for Girls at Ventura the Whittier institution has been devoted to the custody of boys exclusively, their ages ranging from eight to 16 years. The present capacity of the school is 350. With the completion of needed buildings the capacity could easily be increased to better care for the large number of delinquent boys who should be in such an institution but who are not because capacity will not permit their reception.

#### PER CAPITA COST HIGH

The per capita cost at the Nelles school is high because of the low population and the capital investment, which latter amounts to about \$2,500,000. While it would require some additional investment to provide for an increased attendance, yet in view of the fact that there passed through the juvenile courts of the State in 1941, 13,000 boys, and only 400 of these boys were sent to either Whittier or Preston, it appears obvious that additional facilities in the correctional schools are necessary. The main reason, it was testified, that more of these youthful offenders were not sent to the schools, particularly Whittier, was that there was no room for them. If the correctional training at these schools is what it should be, more juveniles should be receiving the benefits instead of being shunted about from place to place and from refuge homes to indifferent boarding selections.



The Nelles school at Whittier was originally well located. But with the passage of time and the growth of the adjacent community it is now not sufficiently isolated, and thus the temptation at attempts to escape is increased. The educational and vocational attempts at the school do not meet with the criticism of the community, but in another part of this report attention is called to the need for greater activity in agricultural pursuits, for the training involved and as a contribution of material worth to the cost of food. The committee recommends to the proper authority at the school careful attention to that part of this report which deals with this subject.

#### PAST SCANDALS

The committee made no attempt to go into the deplorable scandals which were associated with the Nelles school in a previous year. The committee does not believe it a part of its function to seek out and appraise causes or conditions which led to such scandals because it believes that the Youth Correction Authority under whose auspices the school now operates, has taken effective steps to correct past conditions, has brought complete order into the institution, and that under its new management, Mr. Paul J. McCusick, who is a trained and understanding official, proper discipline, humane treatment and constructive training will follow.

So great was the public attention directed at this institution, and so widespread the stories alleging misadministration and inhumane treatment of inmates, that the committee believes it is only prudent to portray the changed conditions now existing although at the expense of considerable space. Therefore, under date of September 1, 1942, depicting the changed conditions then existing, which, by reason of its visit and observation, the committee deems as correct. The letter signed by the superintendent follows:

Youth Correction Authority,  
803 Washington Building,  
Los Angeles, California.

As you will recall the Youth Correction Authority sent me here to the State School at Whittier four months ago. My assignment here came two weeks after the Authority was asked to assume the responsibility for the reorganization and internal management of this State school. You asked me to study the program and recommend methods by which the school could become more effective in its task of rehabilitating boys. You pathetically asked me to study the causes of the many runaways and to take steps to hold the boys here in the school. I think it is appropriate at the end of the first four months to give you a general summary of the progress made.

The changing picture as to the runaway situation rather graphically portrays the improvement throughout the school. You will be interested in the following figures:

	March	April	May	June	July	August
Total runaways.....	72	12	21	21	10	5
Still on escape.....	2	0	4	2	1	1

There has been a change in the attitude of the staff toward their work, which probably is due primarily to their feeling that they are receiving the backing of an understanding and sympathetic State agency. They have been led to believe that as long as they are doing their best in the instruction and education of the problem boys who come to the school they will be backed up to the limit and protected from unjust and unfair criticism.

When I came out to the school in April it was operating with many of the key positions unfilled. This meant that various staff members had to be pulled away from their own positions to act in capacities for which they were not specifically prepared or trained. This was one of the factors which materially weakened the whole staff organization. I am happy to report that during the past four months we have filled several of these key positions through the cooperation of the Department of Institutions and through lists furnished by the State Personnel Board. Mr. Gerald G. Spence is now functioning full time in his capacity of assistant superintendent and business manager. Mr. Noel G. Bonelli is now serving as our permanent school principal. Mr. Elmore Powell has been hired as chief engineer for the whole plant, and has materially strengthened the administration by acting as superintendent of all of the maintenance work.

Several of our repair and replacement projects are being carried on through cooperation of the State Division of Architecture, but the day-by-day maintenance work which is necessary in the operation of a plant of this size, is carried on by our own boys, under the supervision of the vocational teachers and trades instructors. Doctor Hyman Tavis has been employed as our full time physician and surgeon. Doctor Tavis comes to us after fine experience in the United States Veterans Hospitals and in addition to supervising our hospital will conduct neuropsychiatric examinations on all boys entering the school.

This improved morale and increased interest on the part of the staff has been definitely and directly reflected in the lives and attitudes of the boys—the inmates. There is less fighting, less quarreling, less insolence toward superiors, and many less attempts to run away from the institution.

The boys and staff both realize that the Nelles School is now considered primarily an educational institution. Many of the boys who come to this school are from two to three years retarded in their academic school work and have had no vocational or trade training. A definite effort is being made to help the boys catch up in their school work as well as to give each boy a rather comprehensive pre-vocational training. Upon their being received at the school the boys are carefully studied and classified so that they may be placed in the program within the school and institutional life which will help them the most.

The improvement here at the school is due to many factors, including the aforementioned improvement in morale. There has been an extension of the leisure time and recreational activities which has been possible through methodical improvement of the playgrounds, the organization of intercottage competition, and the arrangement of games and competitive contests with outside teams. There has been installed a careful and systematic system of individual counselling with each boy upon his individual needs.

Two full time chaplains are at work at the school. These men not only arrange and carry out religious services on Sundays but are always present for individual counselling and spiritual guidance with all the boys, particularly the newer ones in the school.

The old Lost Privilege cottage as such has been abandoned. Every boy coming into the school is in need of discipline and careful guidance. No corporal punishment or brutality of any kind is tolerated. Boys who violate rules of the school are punished through the loss of some of their treats and special privileges, such as daily swims and weekly moving picture show. If the boy refuses to stay at the school or flatly refuses to cooperate in the educational program, he is segregated for a period of time but is never placed in isolation. The boys who are thus placed in a special observation cottage are under the care at all times of at least two well trained supervisors. Boys have been shown that there is but one honorable way to earn their release from the institution, that is by showing that they have made an adjustment in their attitudes and conduct.

Runaways have been materially cut down through more careful supervision, particularly of the new boys who arrive at the school. The courts, probation departments and school officials of California have the right to expect that this institution will hold and re-educate the boys who are committed to it. These aims will be constantly kept before the entire staff. We have at least a triple responsibility which might be outlined briefly as education, custody and inspiration for good citizenship.

(Signed) PAUL J. McKUSICK  
Superintendent

#### *California School for Girls at Ventura*

The California School for Girls at Ventura was established in 1916 when it was separated from the school at Whittier which was originally designed to harbor both girls and boys. At the opening of the school in 1916, 70 girls were transferred from Whittier. The capacity of the school is 180; at the time of the committee visit in June, 1942, the population was 143. There was no waiting list. The superintendent, Dr. Walton, reported that there had been a decline in population during the period dating from 1938. She ascribed the decline to uncertain causes and the reluctance and resistance of courts and parents to commitments because of the "fiasco," as she termed it, at Whittier.

#### NEED FOR REPAIRS

The school is located on 70 acres of ground near and overlooking the City of Ventura. Some of the land is planted to citrus and other fruits with limited areas suitable for gardens. The buildings are commodious, semimodern, many of them obviously in need of paint and repairs. The site of the school is beautiful from a scenic standpoint and the grounds are well improved. Attention of the committee was called to the need for reconstruction of the sewer line serving the school and from the information submitted it appears that proper improvements should be made.

Dr. Olive Walton, the superintendent for more than 20 years, who retired after the visit of the committee, organized the school in a sane and understanding manner and has coped with a very difficult situation in a most commendable manner.

#### TYPE OF INMATES

The testimony taken by the committee discloses that the average age of the inmates is 16 years. The girls come mostly from broken homes or from homes where the parents have little ability or pride in the rearing of their children. Few of the

girls have ever graduated from high school or have been taught to work or to perform the most casual of household duties. The average mentality of the girls is low, and about 50 per cent are in the school because they were promiscuous in their sexual relations. Many of them when admitted suffer from congenital diseases. They are difficult to bring under discipline and are slow in the development of a spirit of cooperation.

Dr. Walton's objectives in her conduct of the school have been the restoration of health, the repairment of physical ills caused by malnutrition which affect many of the girls when received; teaching them to do some useful work and to master the technique of simple cooking and housework, endeavoring to create the vocational spirit prevalent with practically all of them when admitted, and to fit them as far as is possible for return to outside life when they have reached the age of 20.

#### WORK OF REHABILITATION

While the population of the inmates at the Ventura School is not comparable with the population of the two other schools confined for the benefit of boys, the task of rehabilitation is perhaps greater and is certainly supplemented by more complex rules of society. Experience has proven that it is more difficult to reform an erring girl than an erring boy. The reasons therefor need not be entered into by the committee, but they exist and may largely be charged to society as a whole which over the ages has built up unwritten laws that continue to operate with confidence to written statutes and hopeful programs allocated and undertaken by intensely interested optimists.

Nevertheless, the State has a duty to perform and it must meet that obligation. The committee does not wish to give the impression that rehabilitation of juvenile offenders such as are committed to Ventura, is hopeless, for experience has proven the contrary in many instances. But the difficulties presented should be understood and a program of patience and proper custodial management encouraged and supported. The committee has nothing but commendation for the administration of Dr. Walton and believes under the regime imposed by the Youth Correction Authority her ideals and practical application of them will be continued.

#### Educational, Vocational Training, Industry, and War Work

##### *San Quentin*

The committee was most favorably impressed with the comprehensive educational program now in effect at San Quentin. A capable, experienced, and efficient Director of Education, Mr. Herman Buckner, has energetically encouraged an interest in self-betterment among the inmates and has provided a wide variety of courses so that the diverse needs of the men are taken care of. Mr. Buckner has made arrangements with the neighboring school districts to furnish qualified instructors in special fields and has, under the direction and with the enthusiastic cooperation of John C. Reswick of the State Department of Education, established vocational courses, many of which prepare directly for occupational service in war work.

The expanding program at San Quentin will perhaps soon necessitate additional housing. The committee was pleased to observe that the facilities now available were being utilized to the full limit of their capacity. The library is in need of additional volumes, particularly in technical fields. Splendid use, however, is being made of the present resources of the library, and commendation of the policy of encouraging the inmates to do constructive reading on their own time is deserved.

#### EDUCATIONAL PROGRESS

The educational department at San Quentin has an arrangement with the University of California whereby the resources of the Extension Division of the University are available to the inmates, and a large number avail themselves of this service. This arrangement merits approbation and should be emulated by the other prisons where such an educational program is not in effect or where it is not so widely developed.

The educational program at San Quentin is administered with the purpose of enabling the inmates to secure a well-rounded high school education, if at the time of their commitment they have not completed a high school education. By special arrangements with the State Board of Education an official certificate of high school graduation is awarded those who have completed the required curriculum. In the Summer of 1942 the first high school graduating class at San Quentin was awarded diplomas. The vision which made possible this notable achievement deserves the highest praise, and the morale and "esprit de corps" which have been built up by this enlightened program are obvious to even the most casual visitor.

The committee feels that the present leadership and direction of the whole academic and vocational educational program at San Quentin are accomplishing most worthwhile results and deserve the enthusiastic encouragement of the Board of Prison Directors and the Legislature. The committee believes that if the program now under way is permitted normal growth and expansion, lasting benefit will come



both to the individuals at San Quentin and eventually to the State and society as a whole.

#### SAN QUENTIN—INDUSTRY

As quickly as possible the new industrial building at San Quentin will be equipped and occupied. Many of the industries to be operated there are now carried on in the large four-story brick structure which is very poorly suited for this purpose, and which has in fact been condemned as hazardous and unsafe. The new industrial building is wisely planned and will enable the work to be carried on under more or less ideal conditions of lighting and safety. It should be noted that this building was constructed by inmate labor at a great saving to the State.

#### SPECIALIZED INDUSTRIES

The administration of the prison, under Warden Duffy, exhibits great resourcefulness in planning and establishing a variety of specialized industries. Among these may be mentioned the project now under way of processing tobacco for the use of the inmates in the State's institutions. Warden Duffy stated that a paint factory could be established under efficient conditions at San Quentin and that if the factory did nothing more than manufacture the paint used by the State Division of Public Works for painting the white lines on the highways, a saving of \$50,000 or \$60,000 a year might be effected.

The project of manufacturing automobile license plates was discussed with the warden, and he assured the committee that it is perfectly feasible and would result in a huge saving to the State.

#### JUTE MILL REMOVAL

The proposal has been made to move the jute mill from San Quentin to Folsom. While it is undeniably true that work in the jute mill does not prepare for civilian employment directly, yet the discipline and habits of work inculcated there are of great benefit to the inmates. More types of industry must be found at Folsom, but if the jute mill is removed from San Quentin, the board of directors must make certain that no idleness is created at San Quentin. Whatever is done in this regard must also take into consideration the vital necessity of increasing or at least of not decreasing the present inadequate supply of grain sacks for the farmers of the State.

#### FURNITURE FACTORY

The excellent work carried on by the furniture factory at San Quentin deserves special mention. The standards maintained by the factory are much higher in general than those which prevail in private industry. The statutes now wisely prohibit the sale of furniture manufactured by the inmates to any buyers except public bodies. It is to be deplored that all State departments do not purchase their furniture from San Quentin, for this practice would result in a huge saving to the State and in the acquisition of furniture of the very finest type. The committee investigated certain aspects of this problem and is convinced that the State Purchasing Agent could, if directed, work out with the industrial manager at San Quentin, Mr. Bauer, certain standardized types of furniture which the State would use and which could be manufactured at the prison and stored until needed in some specific State department. In short, if responsible State officials who now purchase furniture from private industry would cooperate with the administration of San Quentin, a large saving of State moneys could be effected.

The committee feels that every attempt is being made at San Quentin to see that each inmate does a full day's work and that the work assigned to him is of a type which will aid in his rehabilitation.

#### WAR WORK

From the beginning of our active participation in the war San Quentin has made worthwhile contributions to many phases of the war effort. The initiative, industry, and vision of the Warden and his Director of Industrial Activities, Mr. Bauer, have enabled San Quentin to perform much needed services for various branches of the armed forces, at a saving to the armed forces and at a profit to the institution.

A brief enumeration of what has been accomplished by the men at San Quentin in fostering the war effort is given herewith:

*Garments:* Many garments have been cut from patterns for neighboring Red Cross units, with the result that volunteer workers among the women could devote their full time to sewing the dresses and gowns.

*Boxes:* Large Red Cross boxes were made for different Red Cross chapters to be placed at strategic points in the county.

*Splints:* Hundreds of splints for arm, back, and leg injuries have been made.

*Blood Donors:* Over 700 inmates volunteered to provide a pint of blood for the Red Cross Mobile Unit, and over 144 inmates have already contributed.

*Clackers:* Hundreds of gas warning clackers have been manufactured and sold for civilian defense.



**Sirens:** Twenty sirens for air raid warnings were made and sent out in Marin County.

**Model Airplanes:** Hundreds of model airplanes have been constructed for the Army and Navy to be used by civilian airplane spotters.

**Night Sticks:** Many hundreds of night sticks have been made for the use of the California State Guard.

**Shoe Repairs:** Hundreds of pairs of shoes have been repaired for the State Guard in the San Quentin shoe repair shop.

**Steel Nets:** The Navy has furnished all the material and equipment necessary for weaving steel nets. These steel nets are used for submarine and torpeda protection. At the time of the committee's visit the inmates had produced one hundred and one (101) of these huge steel nets, many of them for use in the waters of the South Pacific.

**Naval Net Buoys:** Old buoys have been reconditioned, and new buoys have been assembled and painted.

**Laundry and Shoe Repair:** The shoe repair shop at San Quentin has repaired approximately 300 shoes for the naval depot at Tiburon, and at the present time does the entire laundry work for the depot every week.

**Valves:** Over 900 gate valves of sizes ranging from one-half inch to 24 inches have been completely reground, repacked, and reconditioned for the Navy Yard at Mare Island.

**Flanges:** Hundreds of flanges have been refaced.

**Mattress Covers:** The Navy Yard at Mare Island has bid for 80,000 mattress covers to be manufactured by the inmates at San Quentin. The estimated profit on this work is \$7,000.

**Blankets, Cleaned:** San Quentin has already made approximately \$250 clear profit on washing blankets for the Navy.

**Copper Wire:** San Quentin is now recleaning several hundred tons of copper wire for the Navy and will be paid \$13 per ton for this work.

**Commando Boats:** San Quentin has entered a bid for the construction of 1,000 Commando Boats for the Navy.

**Cafeteria Service Compartment Trays:** The inmates are now completing an order for 10,000 cafeteria service compartment trays. There is a possibility of the order being increased to 100,000 trays. In six weeks time, on this job alone, the inmates made \$3,000 for the State and saved the Navy \$2,500 at the same time.

**Furniture:** The furniture factory at San Quentin has sold many items of furniture to the armed forces.

**Forest Fire Fighting:** Over 800 men from San Quentin fought forest fires and thus released other men for necessary war work.

**Crop Harvesting:** Selected crews from San Quentin assisted in important farming districts in the harvesting of crops.

The foregoing enumeration gives an indication of the many varieties of services which the inmates are performing in the promotion of the war effort.

It is worthy of comment that at the time of the visit of the committee the men at San Quentin (ALTHOUGH THEY ARE PAID NOTHING FOR WHAT THEY DO IN THE PRISON AND ARE DEPENDENT ENTIRELY ON SMALL SUMS OF MONEY FURNISHED THEM BY THEIR FRIENDS AND RELATIVES), had purchased over \$30,000 worth of war bonds and stamps.

#### IMPROVEMENT OF MORALE

The committee is convinced that under the administration of Warden C. T. Duffy a marked general improvement in the morale of inmates and employees has occurred. No evidence exists of a lack of harmony in the administrative staff at the prison. In fact, the spirit throughout is one of a sincere desire to accomplish something worthwhile and constructive. Conditions which create dissatisfaction among the inmates are corrected as soon as discovered, and the *esprit de corps* is therefore extremely high. Especially noteworthy is the improvement already made in feeding the men. By changing certain practices of prior wardens, Mr. Duffy has made it possible for the food to be served to all of the men when it is still hot and palatable. The plan of course is to institute the cafeteria style of feeding as soon as metal far manufacturing the trays may be secured.

The cafeteria style of feeding is far superior from every standpoint to the present method, and should result in increased economy as well as greater satisfaction on the part of the inmates.

The committee feels that a continuation of the present warden's policies will result in maintaining and even further improving the morale of the inmates and the staff. The gains to society will become more and more obvious as the effects on the rehabilitation of the men are manifested.

#### FOLSOM

The development of a comprehensive educational program at Folsom has been neglected. From the standpoint of modern penological practice it would not be too much to say that no real beginning has yet been made at Folsom in providing

adequate educational opportunities for the inmates. The physical equipment and facilities for instruction are wholly unsuited for the purpose for which they are being used.

The library is nothing more than an accumulation of discarded books from various public libraries and other donors. In the main the books are out-dated in subject matter and contain information which has long since been supplanted by modern research and scientific discovery. Any real academic training at Folsom is impossible.

The committee feels that no sincere attempt has been made to give this aspect of rehabilitation the emphasis it obviously requires.

#### VOCATIONAL TRAINING

Vocational training affords the surest method of rehabilitation. The facilities for this type of education at Folsom are almost completely lacking. Certain trades, like those of tailoring, baking, cooking, laundry work, shoemaking and furniture and equipment repair are practiced at Folsom, but the machines used are antiquated and the methods taught are in many cases those long since abandoned in the trade or vocation outside the penitentiary.

The housing facilities are so inadequate that excessive crowding results in work-room and shop. The impression one gathers from inspection of the work is that of sweat-shop conditions.

#### PROGRAM LAGS

An immediate reorganization of the whole educational program under competent progressive leadership is necessary before any good results may be achieved. Eventually most of the Folsom inmates will be returned to society. Each man released from the penitentiary should be equipped with vocational knowledge and skill that is in accord with the best modern practice outside the penitentiary. If the program of vocational education at Folsom does not attain this objective, it should be improved until such a standard is attained. Any other result is unsatisfactory from the standpoint of rehabilitation.

#### FOLSOM

*Industry.* The idleness of a large percentage of inmates at Folsom Penitentiary creates an almost intolerable situation. The institution lacks a modern industrial building where trades and vocations may be properly taught. The situation existing at Folsom is one which must be corrected as soon as conditions permit new construction.

An attempt is being made to employ a considerable percentage of the inmates in worthwhile activity, but the facilities are so inadequate that even the most resourceful warden would not be able to initiate a full time constructive work program.

Specifically the number of men assigned to work in the quarry is so much greater than the amount of work which can be done that on the average the men labor only one hour per day. The inactivity in the rock quarry of over 85 per cent of the men assigned there is a constant source of danger and the cause of anti-social attitudes upon the part of the men.

#### BUILDINGS NEEDED

Before any constructive rehabilitation work can succeed at Folsom the Legislature must make adequate appropriations for the construction of modern industrial buildings. In these buildings the men can be taught useful trades under proper conditions.

The Legislature should also make provision for the appointment of a qualified Director of Training, whose duty will be to supervise a comprehensive vocational training program.

#### CANNERY COMMENDED

The cannery at Folsom is efficiently operated and has resulted in economies in the feeding of the inmates. Last year the cannery put up 137,000 cans of vegetables and fruits and according to the statement of the warden, could produce 750,000 cans if it were operated full time.

The committee desires to commend the successful operation of the cannery and plans for future development in the prison of this particular industry demonstrate possibilities for development of other industries and vocations which apparently heretofore have been passed by in a spirit of lethargy.

#### FOLSOM—WAR WORK

The prison administration at Folsom is attempting to provide an increasing amount of useful employment for the inmates by contracting for various types of work directly beneficial to the war effort. The lack of adequate shops makes the task of securing these jobs much more difficult than it should be.

The committee feels, however, that every encouragement should be given to the promotion of such activities and that funds should be made available whenever needed to provide equipment that will be used for war work. If the Board of Prison

Directors will give the warden full cooperation, he will be able to expand considerably this type of useful employment at Folsom Penitentiary.

#### BOMB-PROOF SHELTER

The warden at Folsom is to be commended for his resourcefulness in planning and carrying to completion the construction of a bomb proof shelter in one of the hillsides on the prison grounds. This work was done with a fine spirit of patriotism by the inmates and is an instance of foresight and leadership on the part of the warden.

One aspect of the war work at Folsom Penitentiary which merits superlative praise is the designing and manufacturing of over 48,000 posters of a patriotic type for various organizations and governmental bodies. This work is directed by Ralph Pekor, who has demonstrated outstanding ability in this important work.

#### IMPROVEMENT OF MORALE—FOLSOM

Satisfactory working conditions, proper food, the absence of political intrigue and the certainty of just and fair treatment without any favoritism being shown, these are basic factors which underlie the building and improving of morale in any penitentiary.

The present administration at Folsom has made some attempts to build proper morale among the men confined there, but the large number of influences and conditions which destroy morale have thus far prevented complete and fair success on the part of the present administration.

The idleness of the men at Folsom is recognized by the prison administration as a very important obstacle in the way of building proper attitudes. The Board of Prison Directors and the warden should be encouraged by the Legislature to develop every temporary expedient to cut down on the idleness of the inmates.

#### PROPER FOOD ESSENTIAL

The committee, on its visit to each institution, carefully inspected the dining halls, the kitchen facilities, and the food preparation. We collected menus for each meal served during the course of a week at Folsom, as we did elsewhere. It is our conclusion that the feeding of the men at Folsom suffers by comparison with the food provided in other institutions for the inmates. The warden states that some dietary control has recently been instituted and that an improvement in the feeding of the men should follow, but at the time of our visit this anticipated improvement was not observable.

A most careful check should be made at frequent intervals by the Board of Prison Directors to see that ample, nourishing food, scientifically prepared, is served to the men at Folsom. The proposed cafeteria style of feeding should be instituted as soon as conditions permit.

#### INTERNAL INTRIGUE APPARENT

Internal political intrigue at Folsom has tended to destroy the morale of inmates and guards; as a matter of fact a very definite division of loyalties exists among the guards, and as a consequence the administration of the prison suffers. No warden can operate an institution efficiently if his subordinates are not cooperative. The Board of Prison Directors should act in an intelligent way to correct this deplorable condition.

Considerable criticism concerning the dental and medical care of inmates at Folsom has been made. The committee feels that services of a full time, properly compensated dentist are required at the prison and that such a dentist should not engage in private practice. The prison also requires the full time services of a physician and surgeon, who should be paid enough so that he could forego completely private practice. Institutional doctors or dentists who also carry on a private practice too often are inclined to neglect their duties at the institution.

If the factors considered above are properly taken care of, a permanent improvement in both prisoner and guard morale should follow.

#### *California Institution for Men at Chino*

The educational program at the California Institution for Men at Chino is carefully planned. Arrangements have been made with the adjacent school district to provide part of the teaching staff, and in this way a more diversified curriculum can be provided. The vocational training aspect of the educational program impressed the committee as soundly conceived and efficiently administered. The authorities are keenly aware of all of the problems which must be taken care of in preparing an inmate to take his place again in society. The committee commends the work at the California Institution for Men and has no recommendations to make for improving the service.

#### *California Institution for Women at Tehachapi*

The educational program at the California Institution for Women had not been fully developed at the time of the committee's visit. Preliminary arrangements were



being completed for cooperation between the Tehachapi high school and the authorities of the institution, in the building up of a more diversified and more comprehensive educational program. It will be necessary to give considerable attention to a more practical vocational program. It is apparent that only a small percentage of the activities carried on at Tehachapi will fit the inmate for useful productive labor outside the institution.

It is probable that only a relatively small percentage of the inmates released may look forward to the resumption of marriage and normal family life; hence it will be necessary for them to earn a living in some occupation. The vocational training program should be coordinated with all of the occupational activities in the institution in such a way that every individual develops adequate skill in a practical vocation. In short, it is the committee's recommendation that many improvements in the vocational training program be instituted at the California Institution for Women at Tehachapi.

#### **Correctional Schools—Educational and Vocational Training Problems**

The committee visited the Preston School of Industry at Ione, the Fred C. Nelles School for Boys at Whittier, and the California School for Girls at Ventura. All of these correctional schools belong under the direction and control of the Youth Correction Authority. Unified administration will permit the development of a comprehensive integrated program of education and vocational training.

The primary emphasis in all of these correctional schools should be upon instruction in the fundamental subjects taught in the public schools. This academic training should be thorough and intensive, and for that reason the most capable of instructors should be engaged in those schools. At the present time the salary schedule of teachers in the correctional schools is far below desirable minimum standards and well below that paid to comparable positions in the public schools.

Because of the difficult nature of the work it is obvious to the committee that the salaries paid should be higher than those paid in the public school system.

#### *Vocational Training Should Be Stressed*

In addition to sound academic training in the basic subjects, as much practical vocational training should be given as time and the maturity of the inmates permit. Obviously because of the age of the inmates at the Whittier school only the beginning of vocational training may be established. The committee feels, however, that more opportunity, especially in agricultural pursuits, could be provided for some of the older boys at Whittier.

The vocational training program at Ione is well developed and functions with great efficiency. The facilities exist for the development of a wide diversity of occupational skills. The boys committed to Preston, therefore, can be trained in accordance with their individual needs and capacities.

The vocational training given at Ventura School for Girls should not be expanded at the cost of denying to each individual inmate a thorough training in the basic academic subjects and instruction in all of the domestic tasks about the house. The investigation of the committee indicates that most of the girls who enter Ventura School are pitifully deficient in an elementary school education and are wholly untrained in the domestic tasks of sewing, cooking, washing, and keeping a house clean. Obviously first emphasis in any training problem should be given to eliminating these deficiencies, and only after they have been eliminated should more specialized vocational training be given.

#### **Outline of Youth Correction Authority Activities at Present Time and Contemplated Program for the Next Biennium**

The committee submits to the Members of the Legislature, as a matter of information, the following statement as of December 29, 1942, disclosing the present status and program of the Youth Correction Authority:

"The members of the Authority appointed to administer the California act began to function in March, 1942. The budget at the Authority's disposal was less than \$100,000 after organization expenses were met. This limited budget is being very carefully expended. Two of the members of the Authority elected not to draw salaries from the Authority but to remain with their former positions and work for the Authority on a part-time basis, during the organization period. This saving which amounted to approximately \$30,000 is being used to create a diagnostic and classification clinic, temporarily located at Ione in quarters provided by the Department of Institutions at the Preston School of Industry.

"The Authority has recently completed a survey of the State to determine the approximate case load this organization will be required to supervise when the law goes into effect and force. The Fred C. Nelles School for Boys has been reorganized under the direction of the Authority and a survey of the Ventura School for Girls completed at the expense of the Authority. The three correctional schools since April 15, 1942, have been jointly managed by the Youth Authority and the Department of Institutions under agreement set up by the Governor of the State, the Youth Correction Authority, and the Director of Institutions.



### *Program for Next Biennium*

Plans are now being formulated to establish several camps in cooperation with the Forestry Service of the United States Department of Agriculture where many youthful offenders under 23 years of age, may be placed in camps and work on guayule plantations and in forestry camps set up for conservation and fire suppression. The cost of care and supervision of men placed in the Forestry camps will be borne by the United States Forestry Service. The Youth Correction Authority is to receive \$2.50 per day for all men placed in camps. This amount will provide sufficient funds to feed, clothe and supervise the men and probably leave sufficient funds to pay each man fifty cents per day. The Authority, for the duration of the war, plans to shape its programs, in so far as possible, to aid in the war effort.

### *Legislation Needed*

"Legislation has been drawn to present to the next session of the Legislature transferring the Preston School of Industry, the Fred C. Nelles School for Boys, and the Ventura School for Girls to the Youth Correction Authority. It is the belief of members of the Authority that the programs of these institutions can be made more effective if placed directly under the supervision of the Authority. It is also recommended that the division of probation, now a part of the State Department of Social Welfare, be transferred to the Youth Authority. Probation is a function that properly belongs with an agency dealing with the prevention and treatment of delinquency and crime.

"The proposed budget for the next biennium provides a modest sum for the beginning of a parole system to care for the release of boys from camps and institutions that will be under the direction of the Youth Correction Authority.

### *Community Assistance*

"The Youth Authority has already, in a small way started a program of community assistance in mental hygiene and delinquency prevention. Dr. Norman Fenton, Professor of Education at Stanford University, is now working on a part time basis and is visiting many of the rural counties where he formerly held clinics as Director of the California Bureau of Juvenile Research, which was legislated out of existence a few years ago. Dr. Fenton is reestablishing his old connections and associations with school authorities, probation officers, juvenile court judges and social workers interested in delinquency prevention.

"It is the plan of the Authority, during the next biennium, to continue its relationships with Stanford University and conduct a summer working session for teachers, social workers, probation officers and others interested in the problem of juvenile delinquency. Possibly some activities in research will be established.

"As an example of what the Youth Authority may accomplish, the Committee of the Authority recently spent two Sunday afternoons with interested officers in the City of Stockton and organized a Youth Coordinating Council in that city.

### *Powers of Authority*

"The California Youth Correction Authority Act gives its members unusual power to deal with youthful offenders in a way that should bring about, when the program is in full effect, a higher percentage of rehabilitated cases than under the present system of treatment in this State. The prevention program will check many cases at the source through community effort and improved probation. The law should also make it possible to more adequately protect society against the dangerous psychopathic delinquent and criminal. The law is very flexible and when in full operation, will not only provide a more efficient program of dealing with youthful offenders, but should, after several years of operation, definitely reduce the relative cost of dealing with crime in this State."

### *Agriculture, Horticulture, Dairying and Animal Husbandry*

The committee finds that all State penal institutions, with the exception of San Quentin, are well equipped with land, machinery, and man power for extensive agricultural activities and that all are engaging in such activities to some extent.

San Quentin, on account of its limited acreage, confines itself to poultry, hogs, and dairying, all well managed and successfully operated. Its dairy herd is outstanding and worthy of particular mention. The committee has no recommendation to make regarding more extensive farming at San Quentin as there is no land available in the immediate vicinity to extend its agricultural pursuits.

At the present time San Quentin is supplying its own needs to the following extent: Pork, 55 per cent; milk, 71 per cent; eggs, 35 per cent; vegetables, 2 per cent; poultry, 73 per cent.

### *Women Prisoners in Farm Work*

Although the California Institution for Women at Tehachapi has rather extensive farm lands, the agricultural pursuits are confined to poultry, vegetables, and dairying. The committee understands that the prison board has in mind a more extensive plan of farming at Tehachapi, and instead of leasing out the farm land as is done at

present, consideration is being given to further farming activities, to the extent at least of producing enough hay for the dairy herd. The committee does not feel that such a plan is necessary or that it would be successful. The need of plenty of open-air work for women prisoners as well as men is well recognized but it is doubtful whether prisoners at Tehachapi will ever fit into the agricultural picture physically, economically, or willingly. Their outdoor needs could be best taken care of by extending the present dairying, poultry, flower gardening, and vegetable and berry growing activities. A small canning unit could well be added to this institution and enough vegetables and berries grown to create a surplus for canning purposes.

This institution is badly in need of some constant and reliable source of advice in its farm work. Some competent farm expert should visit it at least once a week, in at least an advisory capacity. The county farm advisor could no doubt give some advice regarding the situation.

#### **Folsom Farming Activities**

The dairy and hog herds at Folsom rather suffer in appearance when compared with those of San Quentin. The reason for this is no doubt the fact that several years ago someone at San Quentin started to build the right kind of a dairy and hog herd, with proper feeding facilities, proper supervision, and adequate records, and these plans have been and are being carried through. A good dairy herd with proper surroundings and equipment is only acquired by careful and patient planning over a long period of time. The same care and patience would apply to hogs, but in a much lesser degree.

The land holdings at Folsom are mostly pasture. There are 608 acres of pasture, and 421 acres of cultivated lands, all being used to good advantage. Folsom supplies its own needs to the following extent: Fresh vegetables, 47 per cent; eggs, 82 per cent; milk, 100 per cent; pork, 60 per cent; dry onions, 59 per cent; a very creditable showing.

#### **Opportunities at Chino**

California Institution for Men at Chino is newly established and has not, as yet, got into its agricultural stride. The land holdings consist of 2,600 acres; 1,700 acres of which are now being farmed or can be farmed. The remaining 900 acres have been farmed in the past and can be again brought back to production.

Chino is now producing alfalfa, barley, corn and vegetables; also poultry, hogs, cattle, and dairy products. The officials are also negotiating with the U. S. Forestry Division to lease to them 465 acres for the growing of guayule for the production of rubber.

The Chino authorities are also contemplating the operation of a slaughterhouse for the purpose of slaughtering their own meats and of supplying other State institutions. They are also operating a cannery to take care of surpluses and are selling some to other State institutions and are negotiating with the United States Army to supply them with a certain amount of canned beef stew and with the State Guard for the canning of pork and beans.

This very complete program will require some very careful planning and supervision. The plans also include the planting of 900 acres to permanent pasture for the purpose of expanding the beef cattle herd. The committee would hesitate to criticize any of these projects with its very limited knowledge of the entire setup.

This is a very large body of land, and the program must necessarily be on a large scale if it is to be all utilized. The committee has no reason to doubt that it has been well thought out and will be successfully operated. The only suggestion that occurs is that instead of expanding to a great extent in cattle raising the institution might acquire a suitable flock of sheep. If the rainfall in that section is of any considerable amount, the low or valley lands would become too soft and miry to carry the weight of cattle and yet would be safe and desirable for sheep.

#### **Preston School of Industry**

Preston School of Industry has a total acreage of 991 acres; 496 of which is under production and 367 acres of that under irrigation. About everything in the vegetable and deciduous fruit line is produced in sufficient quantities to supply the needs at Preston. Preston sells some surplus vegetables to other State institutions and has had several tons of vegetables canned at Folsom, on which a very substantial profit was made in comparison with buying in the open market. It occurs to the committee that a cannery unit sufficient to take care of its own needs might well be established at Preston in order to save transportation costs as well as to give the inmates first-hand knowledge in all the processes of canning fruits and vegetables.

#### **Fred C. Nelles School for Boys, Whittier**

The farming activities at Whittier (Fred C. Nelles School for Boys), merit some censure. While Nelles School has 226 acres of land and 130 acres in production, still the boys lack enough outdoor work. There are 20 acres in vegetables, perhaps enough to supply most of the institution's own needs. This activity gives the boys some open air work. There is but one-half acre of deciduous fruits, which

can supply only a small part of the school's needs. Sixty-eight acres of cotton, fruits and 41 acres of walnuts are immediately very productive holdings, but not of little benefit to the boys occasionally as all of the work of operating the combines and harvesting the crops is done by outside labor. The fruits and nuts from these orchards are sold in the open market and not to other State institutions.

The committee feels there is a definite need at this school for more open and work for the boys and that this need could perhaps best be met by the employment of a good dairy herd. This herd should be large enough to take care of the school's own needs, and the milking and caring for the cows should be done as much as possible by the boys of the school.

The committee realizes that the boys in this school are too young to have farm labor, but they can milk cows and take care of live stock. The committee feels that there is no work more healthful, more educational, or more conducive to character building in adolescent boys than caring for live stock, with all of the present income.

The Ventura Home for Girls has no farming activities. It has a beautiful setting, the grounds being nicely laid out with lawns, flowers, and shrubbery, cared for mostly by the girls.

### Review of Farming Activities

In reviewing the entire farm picture of the State's penal and correctional institutions the committee finds occasion for some criticism and some suggestions for improvements, but as a whole the committee was favorably impressed. Because of the very extensive farm activities being undertaken by the State's penal and correctional institutions, the committee feels very definitely that at least one member of each prison board should be a practical farmer.

The committee is in complete accord with the wisdom and desirability of giving all prisoners the maximum of outdoor work to the end of betterment of health and morale. The State, however, should not go into the farm business through the State schools and prisons except in so far as it is necessary to supply their own needs and perhaps the needs of other State institutions, but at all times bearing in mind the need for sufficient outdoor work for inmates of all penal institutions and schools. The committee is also of the opinion that a very accurate and simple accounting should be kept of all costs of farm operations, including depreciation, county taxes, if any, and net income on a basis of selling on the open market. Particularly is this practice desirable at Whittier, Preston, and Chino where farm work enters so much into the rehabilitation efforts. The young men leaving these institutions and intending to follow farming as a means of livelihood should understand approved farming methods.

### Recommendations

#### Prisons

The committee recommends:

1. That entire reorganization of the penal system be made, with a director at its head, skilled and trained in modern penological practices. He should be chosen because of knowledge and experience and should be given wide powers over the institutions, their management and control.

2. That classification and segregation of inmates be more thoroughly brought about, particularly among those whose offenses pertain to sexual deviations, or those whose mentality is psychopathic or subnormal.

3. That, in order to bring about proper segregation, suitable buildings be constructed, either within the present prison compounds or elsewhere; these buildings to be equipped and staffed for proper treatment and hospitalization.

4. That vocational education and its practical application be encouraged to the fullest extent through the erection, particularly at Edson, of proper structures and their adequate equipment, complemented with competent instructors. That the academic educational program be encouraged to the end that all inmates who can profitably secure a high school education will have had the opportunity before their release to do so.

5. That, during the present war emergency and based upon successful experiments recently made, the paroling of inmates for necessary farm work, forest work and fire protection be permitted; that when and if it is deemed feasible by the military authorities to induct inmates into the armed forces who can qualify therefor, such inmates be released to the military service.

6. That the criminal statutes be revised to eliminate excessively severe penalties for relatively mild offenses. That since the operation of the indeterminate sentence and parole laws is frequently hampered in the extension of justice because of the harsh terms of the Habitual Criminal Act, the Habitual Criminal Act be amended so as to afford greater equality in the application of parole privileges.

7. That the Legislature consider fully the wisdom of extending to the penal institutions the principles of civil service for its guards and other employees, and of studying the matter of salary adjustments.



8. That because farming and agricultural pursuits are now a large part of the activities of the penal institutions, the Governor give serious consideration to the wisdom of appointing to the State Board of Prison Directors, at least one person who has had practical experience in and is now engaged in agriculture.

9. That proper committees of the Legislature should give serious thought to the necessity of adequate appropriations to carry out the intent of several of these recommendations.

10. That the Youth Correction Authority make an extensive study of the probation laws in which there appear to be considerable ambiguity and contradiction resulting in a confusion of courts, probation committees, and probation officers. That in view of the contemplated wide extension of the probation policy, provision be made for the appointment of additional probation officers selected through the merit system.

11. That the committee further recommends that conflicting authority existing between the State Board of Prison Directors and the Board of Prison Terms and Paroles in relation to the supervision of parolees, be reconciled through proper enactments.

12. That the statutes authorizing the creation of the State Board of Prison Terms and Paroles and setting forth the nature of its personnel, duties, and obligations, be amended so as to provide that members should be adequately compensated and should be required to give their full time to the duties of the board, and that their appointment be made subject to confirmation by the Senate.

### *Correctional Schools*

13. That the Youth Correction Authority (which if legislation now pending is enacted, will have full charge of the correctional schools), make a survey and study of the population capacities at the various schools in the endeavor to approximate their requirements for the ensuing decade.

14. That in its work of insuring that these schools operate to their fullest efficiency and rehabilitate those committed to their charge, the Youth Correction Authority pay particular attention to the need for rigid classification and segregation and proper and thorough education, both academically and in training for the pursuit of useful vocations.

15. That in such a program those in authority should insist upon staffs of instructors selected upon merit and adequately paid; even though in the endeavor to secure the services of such instructors higher salaries are necessarily paid than in the more comfortable surroundings from which this particular class of instructors must be drawn.

16. That inasmuch as the destiny of these youths released under conditions of parole or probation depends very largely upon their proper supervision during that period, the Youth Correction Authority be given such allotments as will permit it to secure the services of a sufficient number of parole and probation officers selected under rigid requirements.

17. That as far as practical the Youth Correction Authority be encouraged in releasing under proper supervision, such inmates of the correctional schools as are adapted to and express a willingness for outside labor, such as preparing for and harvesting crops where a shortage of labor prevails and for instruction and work in State or Federal forests and in such other pursuits as will encourage habits of industry and engender incentives for learning and improvement, thus not only benefiting the individual but being of value to society at large.

### **Conclusion**

The committee submits this report after intensive studies and after visits to the institutions involved. The problems of crime and of youth delinquency can not even be partially solved without keeping in mind the associate problems of rehabilitation. It is the hope of this committee that as a result of its survey, more even-handed justice will prevail and emphasis be given to the exceedingly important mission of rehabilitation in all its various and diverse phases. To that end the committee hopes to have the cooperation of both the legislative and executive branches of our State Government.

Respectfully submitted.

### **SENATE INTERIM COMMITTEE ON PENAL AND CORRECTIONAL INSTITUTIONS**

**CHARLES H. DEUEL, Chairman**  
**FRANK L. GORDON**  
**JOHN HAROLD SWAN**  
**OLIVER J. CARTER**  
**PETER P. MYHAND**

Sacramento, California  
March 16, 1943



## MOTION TO PRINT IN THE JOURNAL

Senator Hatfield moved that the following communication regarding the Farm Labor Program be printed in the Journal:

Motion carried.

## MEMORANDUM No. 97535, FARM LABOR PROGRAM

March 12, 1943

"This memorandum is being issued to provide for the administration of the Farm Labor Program until such time as pending legislation is enacted by Congress.

The Extension Service will direct the mobilization, placement, and processing of local farm labor resources, in accordance with previous instructions. In so doing, the Extension Service is to make the fullest possible use of facilities of the United States Employment Service of the War Manpower Commission. Until further notice, applications for labor should be made to the employment service where there are such offices, and where there are no such offices, applications should be made to the county agricultural agent.

The Farm Security Administration of the Food Production Administration will continue to be responsible for the recruitment, transportation, and housing of farm laborers, including aliens, in accordance with instructions previously given. Farm Security Administration will receive assistance from the United States Employment Service in recruiting workers to be transported, and from the Extension Service wherever possible.

State and county USDA war boards will continue to be responsible for all matters relating to Selective Service as it affects farm workers, including the assignments given in Memorandum No. 97533 of March 5, 1943, with respect to the classification of farm workers, for the completion of the farm manpower inventory, 1943, including in the 1943 farm plan work sheet for submission May 1, 1943, and for the submission of such reports on the farm labor situation as have been requested.

Agencies of the department are to consult and cooperate with existing State and county farm labor committees or councils, however they have been established. Utilization is to be made of all existing nongovernmental organizations and groups of citizens in order to take full advantage of local initiative and local resources on the farm labor front.

The Agricultural Labor Administration will work with other agencies of the department and the War Manpower Commission in meeting pressing farm labor problems within the limits of present authority and funds.

Regional consultants on agricultural labor will continue to represent the department in connection with the work of the War Manpower Commission and furnish such information and reports as may be requested from time to time by the Director of the Agricultural Labor Administration.

In view of the urgency of the situation, it is imperative that we continue all our resourcefulness and move ahead with all possible speed, as outlined in this memorandum.

CLAUDE R. WICKARD, *Secretary of Agriculture*

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 315

Senate Bill No. 465

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 958

Senate Bill No. 524

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 83

Senate Bill No. 266

Senate Bill No. 267

Senate Joint Resolution No. 9

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Elections**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 699

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 33

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

DE LAP, Chairman

Above reported bill ordered to second reading.

**Committee on Fish and Game**

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 191

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 140** An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "11a. and 12a", and insert "and 11a".

**Amendment No. 1a**

On page 2, line 17, of said bill, strike out "a monthly", and insert "every three months a".

**Amendment No. 2**

On page 2, line 23, of said bill, after the period, insert "A copy of said report shall be served by the guardian on the district attorney of the county, and said guardian shall give said district attorney notice of the hearing of said report."

**Amendment No. 3**

On page 2, line 24, of said bill, strike out "to be sold", and insert "to make such report, or serve such copy thereof, or notify such district attorney shall".

**Amendment No. 4**

On page 2, line 26, of said bill, strike out "Sections 10 and 10a hereof", and insert "Section 10a of this act".

**Amendment No. 5**

On page 2, line 27, of said bill, strike out "monthly", and insert "quarterly".

**Amendment No. 6**

On page 2 of said bill, strike out lines 47 to 49, inclusive, and insert "guardianship matters."

**Amendment No. 7**

On page 3, line 16, of said bill, strike out "any", and insert "Whenever said".

**Amendment No. 8**

On page 3, line 17, of said bill, strike out "less than the fee".

**Amendment No. 9**

On page 3, line 18, of said bill, strike out "less"; and strike out all of lines 19 to 21, inclusive, and insert ", but excluding interests in real property occupied by Section 7 of this act, is hereafter created by any landlord or owner and possessed by any alien mentioned in Section 2 of this act, or any".

**Amendment No. 10**

On page 3 of said bill, strike out line 23, and insert "of this act, in violation of the provisions of this act, then and in such event, all of the right, title and interest of such landlord or owner in and to said real property, other than a landlord or owner who has acted in good faith and after reasonable investigation, and the interest of such alien or such company, association, or corporation, in the said property shall escheat to the State of California as of the".

**Amendment No. 11**

On page 3, line 24, of said bill, strike out "such", and insert "the creation and"

**Amendment No. 12**

On page 3, line 26, of said bill, strike out "The"; and strike out line 27, and insert "such landlord or such owner and such alien mentioned in Section 2 of this act or such company, association or corporation mentioned in Sec-".

**Amendment No. 13**

On page 3, line 28, of said bill, after "tion", strike out "2", and insert "3".

**Amendment No. 14**

On page 3 of said bill, strike out lines 30 to 32, inclusive; and in line 33, strike out "of the lessee", and insert "the event that the interest of such landlord or owner is an interest less than the fee, then in such proceedings the court shall determine the value of all of the right, title, and interest of such landlord or owner, if any, and such alien, company, association, or corporation".

**Amendment No. 15**

On page 3, line 35, of said bill, strike out "The said judge", and strike out all of lines 36 to 47, inclusive, and insert "Thereupon the court shall order the sale of the right, title and interest of such landlord or owner and such alien or such company, association, or corporation as provided in Section 1271 of the Code of Civil Procedure. Upon the confirmation of such sale the court shall".

**Amendment No. 16**

On page 3 of said bill, strike out line 51, and insert "county out of the proceeds of the sale and the balance shall be paid into the State Treasury."

The provisions of this section shall not apply to any real property hereafter acquired in the enforcement or satisfaction of any lien now existing upon or interest in such property so long as such real property so acquired shall remain the property of the alien, company, association, or corporation acquiring the same in such manner. No alien, company, association or corporation mentioned in Section 2 or in Section 3 of this act shall hold for a longer period than two years in possession of any agricultural land acquired in the enforcement of or in satisfaction of a mortgage or other lien hereafter made or acquired in good faith to secure a debt.

The provisions of this section shall not operate to divest any bona fide interest of any person, firm, corporation, or association, which is acquired in good faith and for value and not in violation of this act prior to the filing of a notice of lis pendens in connection with an action for escheat under the provisions of this act.

Any share of stock or the".

**Amendment No. 17**

On page 4, line 9, of said bill, strike out "against both the lessor and the lessee".

**Amendment No. 18**

On page 4, line 11, of said bill, strike out "less than the fee".

**Amendment No. 19**

On page 4, line 16, of said bill, strike out "two", and insert "ten".

**Amendment No. 20**

On page 4 of said bill, strike out line 47, and insert

"SEC. 11a. Whenever leases, cropping agreements, or any other".

**Amendment No. 21**

On page 4, lines 51 and 52, of said bill, strike out "when said lease agreements, cropping contracts or other contracts".

**Amendment No. 22**

On page 5 of said bill, strike out lines 2 to 4, inclusive, and insert "name of any other person, and when any such alien mentioned in Section 2 of this act is then or thereafter allowed to".

**Amendment No. 23**

On page 5, line 5, of said bill, after "remain", insert "or go".

**Amendment No. 24**

On page 5 of said bill, strike out lines 9 and 10, and insert "produced on said lands, then any person signing or entering into any such agreement with knowledge that any such alien shall be allowed or permitted to farm and cultivate such land and enjoy directly or indirectly the beneficial use of such agricultural lands or have a beneficial interest in or use of the proceeds received from the sale of the agricultural crops produced on said lands or any person who allows or permits any such alien to farm and cultivate such lands and enjoy directly or indirectly the beneficial use of such agricultural lands or obtain or have a beneficial interest in or use of the proceeds received from the sale of the agricultural crops produced on said lands".

**Amendment No. 25**

On page 5 of said bill, strike out lines 22 to 28, inclusive.

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Judiciary.

**MOTION TO SEND TELEGRAM**

Senator Swing moved that the Secretary of the Senate send a telegram to Claude R. Wickard, and ask him to give consideration to the wire of March 15th concerning farm labor and priorities, and if the information requested is forthcoming.

Motion carried.



## MOTION TO PRINT IN THE JOURNAL

Senator Swan moved that his following explanation as to the purpose he had in mind when introducing Senate Bill No. 693 and why the bill is unduly criticized, be printed in the Journal:

Motion carried.

## Statement of John Harold Swan

Both houses of the California Legislature are now deluged with communications from teachers and teacher groups attacking Senate Bill No. 693 of which I am the author. Some of these communications are hysterical and inflammatory, some are libelous and contain assertions which no thoughtful person would make. The whole campaign against the bill is, in my judgment, inspired and executed by Miss Helen Heffernan of the State Department of Education and constitutes a fraud upon the Legislature and upon the people of the State of California.

We have reached an intolerable situation in California if a bare majority in Sacramento can organize a campaign of misrepresentation and mispropaganda the Legislature so that no changes may be made in the school laws of the State except those of which she approves. I must warn my colleagues in the Senate with all the solemnity of which I am capable that the people of the State have lost control of their schools if an individual with this bureau chief's philosophy can, under the protection of civil service, impose her visionary and impractical experimentation upon the children of the State and the protests of parents go scorned and unheeded.

Senate Bill No. 693 abolishes the position now occupied by Miss Heffernan, because there is no other way to remove her pernicious influence. Miss Heffernan was on leave six months last year, and her absence did not result in any crisis in education in California. I have not heard of any Member of the Legislature being requested during her absence, to save the schools by bringing her back. But now the Assembly and Senate secretaries are overwhelmed with the task of answering the avalanche of letters which teachers' groups have been urged to send in to the Legislature. I condemn such tactics as unworthy of the profession of teaching.

I am a teacher. I have taught in the public schools of California for almost 16 years. I know that the schools cost hundreds of millions of dollars annually, and I realize that much of this tremendous sum is expended in support of secondary education. I want the taxpayers and the parents to get something for their money. At the present time under the philosophy preached in this movement the children are denied an education in the fundamentals. Scores of teachers and parents tell me that they are forced to educate their own children at home.

I have had over 5,000 students in my classes. They have come from school districts all over the State. The vast majority of these students realize that the education in schools dominated by the Heffernan philosophy is inadequate, and they apologize for their ignorance in the fundamentals by intelligently stating that penmanship, grammar, reading, and arithmetic are no longer taught except incidentally.

Miss Heffernan has written extensively. Her bizarre and fantastic theories of education are expressed in unmistakable language. I urge everyone to read her article, "What Practices Are Defensible in Education in Times of Crisis," in the April, 1941, issue of the "National Elementary Principal." In this article she scorns the fundamentals and argues for a vital curriculum for the elementary schools, dealing with problems of unemployment, public health and safety, conservation, capital and labor, crime, taxation, protestation against disease, economic stress in old age, and industrial accidents. These problems in their simple and basic aspects are entirely within the comprehension of elementary school children, she declares. Such subjects obviously can not be considered in the elementary schools on a *factual basis*, especially by students who are not even encouraged to learn the alphabet.

There is no more important subject before the Legislature than the kind of elementary schools we are to have. I urge that the inspired campaign against Senate Bill No. 693 be disregarded so that the bill may have a fair and just hearing on the facts. Let us help the citizens of the State to regain control of their schools and to assert their children's right to a sound education in the fundamentals. Let us eliminate the radical progressivism in education which DOUBLES school costs and reduces results almost to the vanishing point!

JOHN HAROLD SWAN

## RECESS

At 2:35 p.m., on motion of Senator Seawell, the Senate recessed to be addressed by the Honorable Senator Shelley from San Francisco, California, on the activities and achievements of Saint Patrick.

## REASSEMBLED

At 2.44 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
J. A. Beek, Secretary of the Senate, at the desk.

## MOTION TO PRINT IN THE JOURNAL

Senator Rich moved that the address delivered by Senator Shelley regarding Saint Patrick, be printed in the Journal.

Motion carried.

## St. Patrick's Day Address by Senator Shelley

*Mr. President, Reverend Chaplain, and Gentlemen of the Senate*

It is with a deep feeling of privilege that I take the floor at this time on the occasion of our annual celebration of St. Patrick's Day, as one of Irish descent. I thank you for the honor conferred upon me, and I will briefly review the history of St. Patrick and attempt in my feeble way to illustrate why these things St. Patrick stood for are still issues of the day.

St. Patrick is not only the Patron Saint of Ireland, much beloved by all of the Irish and all persons of Irish descent. Both St. Patrick and his day, March the seventeenth, are looked upon by Americans as a day of celebration. A review of the history of Patrick and the principles he sought to establish will explain this feeling of respect and admiration that we, in America, hold for Ireland's Patron Saint.

Much of the actual history of St. Patrick is inaccurate. The historians differ not only as to the year of his birth, but as to the place of his birth. Because of the lack of authenticated historical documents, many legends have grown around the life and work of St. Patrick. In the main, however, we can arrive at a fairly authentic history of the life of this great missionary.

St. Patrick was born most likely in the year 380 on the Island of Britain, although it is not entirely clear as to exactly what portion of the island. Some historians contend his birthplace was in Scotland and others that it was in Southwest England.

He was the son of a Decurion Calpornius, who was a local official of his own province. Patrick's given name was Succoth and it is likely that he also had the name "Patricius."

During this period, it was common for the Celts inhabiting the Island of Ireland to raid the Island of Britain, capturing such inhabitants of the latter island as they could and bring them to Ireland where they served in bondage. When Patrick was 16, he was captured by one of these raiding parties of Celts, and by them delivered into the service of Milcho, a local King in Antrim. After six years in bondage, Patrick escaped and made his way to the southeast coast of Ireland where he succeeded in arranging passage as a workaway on a boat carrying Irish wolfhounds to the coast of Gaul (France). From there he made his way southward to the Mediterranean coast of France where he took refuge in a monastery. He did not at this time enter the clergy, but, after a restful sojourn with the monks, he returned to his native Island of Britain and rejoined his family.

Shortly thereafter, Patrick left home and went to France, where he entered the priesthood and, after the sum of 14 years of work and study, he asked that he be assigned as a missionary to Ireland. Patrick recalled his experiences during the six years of bondage he had earlier served in this country. He recalled that also Ireland was not a completely pagan country, it was predominately pagan and far from Christian. Patrick was given this assignment and proceeded to Ireland to match his wits, energy, and ideals with those of the Druid kings who reigned over this small island.

Much can be said about his travels, the length and breadth of the island. He was not received with open arms by the Druid rulers. One of the facts related by most historians, which indicates the resourcefulness with which Patrick was endowed was the situation which occurred at the Hill of Slaine on an Easter Eve. Patrick was well aware that this was also the day of a great pagan celebration on the neighboring Hill of Tara and that the Druid celebration would be climaxed by a great fire. Patrick gathered around him some of the newly acquired followers and he kindled a fire on the Hill of Slaine shortly in advance of the kindling of the Druid fire on the Hill of Tara. Many of the tribesmen mistook Patrick's fire for the Druid celebration and when they gathered, he successfully instilled in them a feeling for Christianity. After this incident, King Leary, son of Niall, sent for Patrick. Leary awakened to the fact that further opposition to Patrick's efforts was, perhaps, useless, and he adopted a method which is still used by people in public life—he had an understanding with Patrick and offered him friendship, thereafter according him protection in his work throughout the countryside.

Patrick is not revered only for his conversion of the Irish people to Catholicism, but he established a strong feeling of Christianity and great desire for education in an heretofore pagan and uneducated people. At the time of his arrival into Ireland, there were no schools. At the time of Patrick's death there were over 300 schools, all of which helped instill in the Irish people the love for freedom and fair play that is so traditional with them.

Patrick worked in Ireland for some 60 years and died at approximately 96 years of age. Shortly before his death, he resigned his post of Bishop of Armagh and lived in seclusion in the northeast part of Ireland. It was during this period that he left to us what are perhaps the only two written documents of his life, one "The Confessions," is not so much a history of his actual life as it is a history of his works and what he sought to do thereby; the other is "Letter to Coroticus," a British kinklet, containing the Irish chant known as the "Lament" or "Benedictus Hymn." St. Patrick left with the Irish a feeling of loyalty to their ideals, a love of fair play and a keen appreciation of their right of freedom of religion and the right to speak their mind. These things are exemplified down through the ages in the history of the Irish race and the actions of them and their descendants. Even as in ancient days, we today are fighting for these rights as to our Country, appreciate these rights and these freedoms and that gentlemen, as to the new American people pay homage to St. Patrick and those things for which he stood. Ideals and principles for which the Irish never fail to fight, schools and universities for which they have fought through the years in the wars of this Country. May God Bless the sons of St. Patrick and the followers of those ideals.

Thank you.

## REPORTS OF STANDING COMMITTEES

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Joint Resolution No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 154

Senate Bill No. 567

Senate Bill No. 378

Senate Bill No. 878

Senate Bill No. 192

Senate Bill No. 673

Senate Bill No. 526

Senate Bill No. 770

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 556

Senate Bill No. 896

Senate Bill No. 458

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 407

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 750

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 222

Senate Bill No. 224

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Agriculture

## SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 189

Senate Bill No. 631

Senate Bill No. 636

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

LUCKEY, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 385

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

LUCKEY, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 109

Senate Bill No. 634

Senate Bill No. 632

Senate Bill No. 635

Senate Bill No. 633

Senate Bill No. 637

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

LUCKEY, Vice Chairman

Above reported bills ordered to second reading.



**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill No. 291**—An act to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who have been forced to cease operations because of the war, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 2, line 3, of the printed bill, after "ore", insert "or gold bearing gravel".

**Amendment No. 2**

On page 2, line 4, of said bill, after "made," insert "or payment could be made on the purchase, lease or option to purchase of other mining property in California or stock in a corporation which holds title thereto, which the person is purchasing or leasing for the purpose of fulfilling his program of mining operations."

**Amendment No. 3**

On page 2, line 25, of said bill, after "operation", insert "or otherwise to perform the terms of his contract".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 289**—An act to amend Sections 5439, 5440 and 5450 of the Public Resources Code, relating to public recreation districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 923**—An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 924**—An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 40006 to Division 20, of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 925**—An act to add Article 1, comprising Sections 5301 to 5303, inclusive, to Chapter 3 of Division 3, and to add Section 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 926**—An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 40008 to Divi-

sion 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 927**—An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 928**—An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash bearing lands.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 929**—An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 930**—An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 3, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 931**—An act to add Article 3, comprising Sections 6951 to 6960, inclusive, to Chapter 13 of Division 3, and to add Section 40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 932**—An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 933**—An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 934**—An act to add Article 2, comprising Sections 7131 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and

revising the law relating to apportionments from the State General Fund to high schools.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 935**—An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 936**—An act to add Sections 14458 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 937**—An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 938**—An act to add Sections 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 939**—An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 940**—An act to add Sections 20551 and 40022 to the Education Code, relating to the student building fund of State colleges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 941**—An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 942**—An act to add Sections 20946, 20947 and 40024 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 943**—An act to add Sections 21158 and 40025 to the Education Code, relating to payments by students of the California Maritime Academy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 944**—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of

expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 120**—An act to amend Section 4951 of, and to add Sections 4659, 4865 and 4866 to, the Health and Safety Code, relating to the powers of sewer maintenance districts and districts formed under Chapter 2, Part 3, Division 5 of said code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 128**—An act to repeal Section 14407 of the Health and Safety Code, relating to repayment of the cost of furnishing firefighting equipment and services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 275**—An act to amend Section 117b of the Code of Civil Procedure, relating to the small claims affidavit and order.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 272**—An act validating grants by municipal corporations to the United States of America for military or naval purposes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 158**—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 338**—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption by a stepparent.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, lines 5 and 6, of the printed bill, strike out "commissioner of deeds for the State of California", and insert "notary public or other person authorized under Civil Code Sections 1182, 1183 and 1183.5 to acknowledge instruments."

##### Amendment No. 2

On page 2 of said bill, after line 9, insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 226**—An act to amend Section 204a of the Code of Civil Procedure, relating to the appointment of a jury commissioner in certain counties.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 7 of the printed bill, strike out "200,000", and insert "100,000"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 111** An act to amend Sections 424, 450 and 452 of the Probate Code, relating to the administration of estates of decedents.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after "of", insert "the person entitled, filed in court. If the person making the request is"

**Amendment No. 2**

On page 1, line 7, of the said bill, strike out "and"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 765** An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "five", and insert "seven"

**Amendment No. 2**

On page 1, line 12, of said bill, strike out "four", and insert "six".

**Amendment No. 3**

On page 1, line 26, of said bill, strike out "In the years 1944, 1945, 1946 and 1947", and insert "one in each of the years 1944 and 1946 and two in each of the years 1945 and 1947."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 124** An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "three"; and strike out line 5, and insert "October 1st of each year, upon forms".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 18, inclusive, and insert  
 "(a) The total unexpended balance of "Motor Vehicle Fund" and "Motor Vehicle Fuel Fund" money remaining on hand from prior years at the commencement of the preceding fiscal year.

(b) The amount of money received from the "Motor Vehicle Fund" of the State and the amount of money received from the "Motor Vehicle Fuel Fund" of the State during said year.

(c) The total amount of such money expended during said year for each of the following purposes: (1) the maintenance, improvement or construction of county highways and bridges, (2) the assistance of municipalities within the county in the maintenance, improvement or construction of streets or highways of general county interest, (3) the purchase of equipment, (4) the reduction of indebtedness, (5) any other specific purpose or purposes for which the law may now or may hereafter authorize the expenditure of such money.

(d) The unexpended balance of such money which remained on hand at the close of said year."

**Amendments read and adopted.**

Bill ordered printed, and referred to Committee on Judiciary.

**Senate Bill No. 962**—An act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to common drunkards, Indians, insane or incompetent persons.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 7, of the printed bill, after "State", and before the comma, insert "and has not been restored to legal capacity".

**Amendment read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 184**—An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 245**—An act to amend Section 4 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 460**—An act to amend Section 658.5 of, and to add Section 658.8 to, the Political Code, relating to refund of fees without approval of the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 480**—An act to repeal an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a

penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation and the disposition of money in the Boat Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 512**—An act to provide for the disposal of certain real property of the State in Sonoma County and for the disposition of the proceeds of such sale.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 513**—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 720**—An act to add Section 79 to the Penal Code, relating to officers and employees of the State Board of Equalization, their powers and duties, and prescribing penalties for violation of the provisions hereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 2, of the printed bill, after "Act", insert "and amend".

##### Amendment No. 2

On page 1, lines 2 and 3, of the printed bill, after "State", strike out "Board of Equalization".

##### Amendment No. 3

On page 1, line 5, of the printed bill, strike out "board" and insert "State".

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Governmental Efficiency.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1264**—An act making an appropriation support of the Governor's Office, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 358**—An act to add Section 10202 to the Health and Safety Code, relating to certified copies of birth certificates.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act", insert "to amend Section 10200 of and".

##### Amendment No. 12

In line 2 of the title of said bill, strike out "certified copies of".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within brackets.

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**Amendment No. 2**

On page 1, line 1, of said bill, after "Section 1.", insert  
 "SECTION 10200. Section 10200 of the Health and Safety Code is amended to read:

10200. The certificate of birth shall contain the following items and such other items as the State department may designate:

(1) Full name of child. If the child dies without a name, before the certificate is filed, enter the words "died unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" shall be left blank.

(2) Place of birth, including State, county, township or town, village or city. If in a city, the street and house number; if in a hospital or other institution, its name shall be given, instead of the street and house number.

[(3)] (3) Usual residence address of mother, giving city, village, township or town, county, and State of residence, and the street and house number if in a city.

[(4)] (3) Sex of child.

[(5)] (4) Whether twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births. For plural births, the number of each child in order of birth.

[(6)] Number of months of pregnancy.

[(7)] (5) Date of birth, including year, month and day.

[(8)] (6) Full name of father.

[(9)] (7) Color or race of father.

[(10)] Age of father at last birthday.

[(11)] Length of residence of father in State.

[(12)] (8) Birthplace of father; at least State or foreign country, if known.

[(13)] Occupation of father. The occupation shall be reported if engaged in any remunerative employment, with the statement of the trade, profession or particular kind of work done.

[(14)] General industry or business in which work was done.

[(15)] (9) Full maiden name of mother.

[(16)] (10) Color or race of mother.

[(17)] Age of mother at last birthday.

[(18)] (11) Birthplace of mother; at least State or foreign country, if known.

[(19)] Occupation of mother. The occupation shall be reported if engaged in any remunerative employment, with the statement of trade, profession or particular kind of work.

[(20)] General industry or business in which work is done.

[(21)] Number of children of this mother (a) born alive and now living; (b) born alive but now dead; (c) stillborn.

[(22)] Mailing address of mother.

[(23)] (12) The certification of attending physician or midwife as to attendance at birth, including statement of hour of birth. This certification shall be signed by the attending physician or midwife, with address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of the public or private institution where the birth occurred, or other competent person whose duty it is to notify the local registrar of the birth.

[(24)] (13) Exact date of filing in office of local registrar; registered number.

[(25)] (14) Signature of registrar.

[(26)] Was a prophylactic for ophthalmia neonatorum used?

[(27)] Prenatal examination for syphilis, including period of gestation in months or weeks at which examination was made, and if examination was not made, including reason for not making such examination; provided, however, that the result of said examination be not included on said certificate nor made public in any manner.

[(15) If given name is added later, the name and date of adding.]

[(28)] Crippling congenital deformities.]

SEC. 2."

**Amendment No. 3**

On page 1, line 3, of said bill, after "10202.", insert "Beneficially interested persons may obtain".

**Amendment No. 4**

On page 1 of said bill, strike out lines 5 to 13, inclusive, and insert "trar which shall contain only the data described in Section 10200. Other data required by the department shall not become part of the certified copy unless specifically requested."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Public Health and Safety.



## THIRD READING OF SENATE BILLS

**Senate Bill No. 444** An act to add Section 39.1 to the Fish and Game Code, relating to open seasons, and providing a penalty for the breach thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 912**—An act to amend Section 528 of the Political Code, relating to the printing and distribution of laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 913**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 914**—An act to amend Section 4022 of the Political Code, relating to official bonds of county and township officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 915**—An act to amend Section 665.5 of the Political Code, relating to deductions from the salaries and wages of officers and employees of the State for the purpose of buying United States bonds or similar United States obligations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 916**—An act to add Section 1184e to the Code of Civil Procedure, relating to claims against public agencies, including claims against those persons rendering services or supplying personal property to public agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 917**—An act to amend Section 2 of an act entitled "An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately," approved January 26, 1942, relating to wage and salary deductions for public officers and employees for the purpose of purchasing United States bonds or similar United States obligations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 920**—An act to repeal Section 3235 of the Political Code, relating to the products of Mongolian labor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Luckey, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 958**—An act to establish a Government Code, thereby consolidating and revising the law relating to the organization, operation, and maintenance of a system of State and local government, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 918**—An act to amend Section 4141 of the Political Code, relating to recording fee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 510**—An act to amend Section 737c of the Political Code, relating to salaries of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jaspersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 315**—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—Senator Carter—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 524**—An act to amend Section 1401 of the Elections Code, relating to initiative measures, the submission of a draft thereof to the Attorney General for the preparation of a summary thereof, and the payment of a fee therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 266**—An act to amend Section 19c of the California Irrigation District Act, relating to the appointment or election of officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 267**—An act to amend Sections 21285 and 21336 of the Water Code, relating to the appointment or election of officers of an irrigation district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 83**—An act to amend Section 36 of, and to add Section 8b to, the California Water District Act, relating to districts organized under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 465**—An act to add Sections 89.5, 89.6 and 89.6a to the Agricultural Code, relating to the powers and duties of district agricultural associations, and the use of county fair property and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield,



Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—31  
 NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 9** Memorializing Congress and the United States Fish and Wild Life Service to allow hunting in the Sheepy Lake area.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

#### Motion to Re-refer Assembly Bill No. 113

Senator DeLap moved that Assembly Bill No. 113 be re-referred to Committee on Military and Veterans Affairs.

Motion carried.

**Assembly Bill No. 1120**—An act making an appropriation for the operation, maintenance, and organization of the State Guard, to take effect immediately.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1120:

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, March 10, 1943

To the Honorable Members of the Senate  
 Sacramento, California

GREETINGS:

#### ASSEMBLY BILL No. 1120

"An act making an appropriation for the operation, maintenance, and organization of the State Guard, to take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 1120 as necessary for the immediate preservation of the public peace, health and safety and as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen,

Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Joint Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: **Be adopted.**

Committee membership 11; committee vote: Ayes 10; absent 1.

LUCKEY, Vice Chairman

Above reported resolution ordered to third reading.

##### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 16, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 371

Has had the same under consideration, and reports the same back with amendments with the recommendation: **Amend, and do pass, as amended.**

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

#### ADJOURNMENT

At 4.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 3 p.m., Thursday, March 18, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY  
SEVENTY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO  
Thursday, March 18, 1943

The Senate met at 3 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators: Biggar, Breed, Brown, Brown, Burton, Carson, Cahan, Cattermole, Coughlin, DeLoach, DeLoach, Dilling, Donald, Dore, Egan, Feltner, Gaudin, Hatfield, Jespersen, Keating, Luckey, Mayo, McBrat, McCarroll, Mason, Paulman, Powers, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swain, Tanton, Tickle, and Ward—37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Teaney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter R. Hinton, Mayor of Burbank, California.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. S. B. Sherman, wife of the Sheriff of Tulare County, Visalia, California.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. E. Black of San Diego, California.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles Real of Oakland, California.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bohus Bones of the Czechoslovak Consul, San Francisco, California.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Guss Olsen of Clarksburg, California.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff O. H. Clyde and wife, of Hanford, California.

On request of Senator Engle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Lontere and her daughter Miss Francine Lontere of Sacramento, California.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. B. Cooke of San Francisco, California and R. W. Lefever, member, Board of Supervisors, Ventura, California.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION, WASHINGTON, March 3, 1943

*Mr. Joseph A. Beek, Secretary of the Senate,  
California Legislature, Sacramento, California*

DEAR MR. BEEK: The copy of Senate Joint Resolution No. 10 adopted by the California Legislature, inclosed with your letter of February 11th to Secretary Ickes, and referred by him to this bureau, has been noted.

The resolution presents a strong case for continuing the construction of certain features of the Central Valley Project to the end that production of vital foods and fibers, in which there are now serious shortages, may be substantially increased.

The Bureau of Reclamation is prepared to resume promptly construction of the facilities on which work has been halted when the cease-construction orders of the War Production Board are lifted, and priorities are given for critical materials. It also is ready to initiate the construction of additional facilities on the project when clearance is given and funds are provided.

For the Commissioner  
Very truly yours,

H. W. BASHORE, Assistant Commissioner

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 555  
Assembly Bill No. 208  
Assembly Bill No. 246

Assembly Bill No. 96  
Assembly Bill No. 376  
Assembly Bill No. 217

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 555**—An act to amend Section 7a of the Municipal Court Act of 1925, relating to attaches.

Referred to Committee on Judiciary.

**Assembly Bill No. 208**—An act to amend Section 131.5 of the Civil Code, relating to the entry of an interlocutory decree of divorce nunc pro tunc.

Referred to Committee on Judiciary.



**Assembly Bill No. 246**—An act to amend Section 1461a of the Penal Code, relating to procedure in municipal courts.

Referred to Committee on Judiciary.

**Assembly Bill No. 96**—An act to amend Section 1263 of the Civil Code of the State of California, relating to homesteads.

Referred to Committee on Judiciary.

**Assembly Bill No. 376**—An act to validate the organization, homed aries, governing officers or boards, acts, proceedings, and bonds of districts organized under the California Water District Act.

Referred to Committee on Water Resources.

**Assembly Bill No. 217**—An act to add Section 189.5 to the Code of Civil Procedure, relating to vouchers filed in court proceedings.

Referred to Committee on Judiciary.

### RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

#### Senate Resolution No. 80

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set out opposite his name, payable weekly, beginning March 18, 1943, and the Comptroller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Charles E. Anderson, Engrossing and Enrolling Clerk

Salary, \$600  
per week  
\$7.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, DeLap, Delinger, Gordon, Jespersen, Mayo, McBride, McCormack, Moxter, Packman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—24.

**NOES**—None.

### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 18, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 1005 of the Water Code, relating to water rights.

Respectfully submitted.

SENATOR ED FLETCHER

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 18, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 3.14 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 222.

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 120

Senate Bill No. 128

Senate Bill No. 158

Senate Bill No. 173

Senate Bill No. 184

Senate Bill No. 245

Senate Bill No. 272

Senate Bill No. 275

Senate Bill No. 289

Senate Bill No. 460

Senate Bill No. 480

Senate Bill No. 512

Senate Bill No. 513

Senate Bill No. 140

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1004

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 722

Senate Bill No. 742

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bills ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 227

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 221

Senate Bill No. 237

Senate Bill No. 404

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6, absent 3

SHELLEY, Chairman

Above reported bills ordered to second reading

**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 166

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee

Committee membership 11; committee vote: Ayes 8, absent 3

WARD, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 135

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7, noes 1, absent 3

WARD, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 744

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7, absent 4.

WARD, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 506

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Joint Resolution No. 34

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 105

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 369

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 300

Assembly Bill No. 685

Senate Bill No. 299

Assembly Bill No. 1131

Senate Bill No. 312

Assembly Bill No. 345

Senate Bill No. 1027

Senate Bill No. 140

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 116

Assembly Bill No. 60

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

## Committee on Education

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 231

Senate Bill No. 725

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 620

Senate Bill No. 651

Senate Bill No. 647

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered re-referred to Committee on Finance.



SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 504

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 724

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 621

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 699**—An act to add Section 1407 to the Elections Code, relating to the initiative.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 33**—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

## Amendment No. 1

On page 2, line 3, of the printed bill, after "in", insert "the"; and in line 4, before "any", insert "superior court of".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 191**—An act to add Sections 103.9, 615.3 and 615.4 to the Fish and Game Code, relating to creation of new fish and game district and the taking of fish therein.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

## Amendment No. 1

On page 1 of the printed bill, strike out line 21, and insert "that part of Scott Creek and its tributaries comprising District 103.9 any treble hooks, landing gear".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 154**—An act to repeal Section 64.5 of, and to amend Section 1270 of, the Fish and Game Code, relating to District 1 $\frac{1}{2}$ , declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 378**—An act to repeal Section 64.5 of the Fish and Game Code, relating to districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 192**—An act to repeal Sections 180 and 181 of the Fish and Game Code, relating to fish refuges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 526**—An act to add Section 1347 to the Fish and Game Code, relating to elk.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 567**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 878**—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 1 $\frac{1}{2}$ .

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 673**—An act to amend Section 1293 of the Fish and Game Code, relating to damage to crops by animals and the taking of such animals.

Bill read second time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendment:

#### Amendment No. 1

In line 2 of the title of the printed bill, strike out "to crops".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 770**—An act to amend Section 1270 of the Fish and Game Code, relating to deer seasons.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 556**—An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation Insurance Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 896**—An act to add Section 161 to the Revenue and Taxation Code, relating to contracts for the publication of notices, delinquent lists and other documents.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 458**—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments,

boards, commissions, officers or employees from accountability for collection of taxes or other moneys, the amount of which does not justify the cost of their collection or where collection is impracticable.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 407**—An act to require notice to mortgagees or lien holders that taxes levied on real property subject to such encumbrances have not been paid, and to add Section 3450 to the Revenue and Taxation Code, relating to notice of delinquency in taxes to mortgagees or lien holders of the assessed property.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "require notice to mortgagees or lien holders that taxes", and insert "permit redemption by mortgagees or lien holders of real property on which taxes have".

##### Amendment No. 2

In the title of said bill, strike out line 2

##### Amendment No. 3

In line 3 of the title of said bill, strike out "3350", and insert "4101.3".

##### Amendment No. 4

In line 4 of the title of said bill, strike out "notice of delinquency in taxes to", and insert "redemption by".

##### Amendment No. 5

On page 1 of said bill, strike out lines 1 to 23, inclusive, and insert:

"SECTION 1. Whenever property on which taxes or assessments are delinquent has been sold to the taxing agency, any mortgage or lien holder of record of said property shall have the right to redeem it within the same period in which it could be redeemed by the assessee.

SEC. 2. Section 4101.3 is added to the Revenue and Taxation Code, to read:

4101.3. "Redemption" also means any mortgagee or lien holder of record of tax sold or tax-deeded property."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 750**—An act to amend Sections 2190 and 3001 of the Revenue and Taxation Code, relating to real property taxes.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 2190 and", and insert "Section".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "2190", and insert "3001".

##### Amendment No. 3

On page 1 of said bill, strike out lines 3 to 8, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 189**—An act to amend Section 369 of the Agricultural Code, relating to estrays.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 2, line 25, of the printed bill, strike out "for a period of one year from date of sale".

**Amendment No. 2**

On page 2, line 26, of the printed bill, after "appear", insert "within one year from date of sale".

**Amendment No. 3**

On page 2, line 27, of the printed bill, after "sold", strike out "after which it shall be paid to the"; and strike out all of lines 28 and 29, and insert "if, after the expiration of one year from date of such sale no claim is made and ownership established, said money shall be paid to the State Treasurer and by him credited to the Department of Agriculture Fund to be expended in carrying out the provisions of this".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 385**—An act to amend Section 307 of the Agricultural Code, relating to meat.

Bill read second time.

**Motion to Amend**

Senator Gordon moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 41, of the printed bill, as amended, after the period, insert "The operator of an establishment who cures, smokes, or grinds meat for a producer or owner of such meat shall report quarterly to the director the amount and kind of meat cured, smoked or ground during the quarter for each producer or owner. Such report shall give the name and address of each person for whom such meat is cured, smoked or ground."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 631**—An act to amend Section 25.1 of the Agricultural Prorate Act, relating to changes in proration zone boundaries.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1 of the printed bill, strike out all of lines 22 and 23; and in line 24, strike out "zone and recommend", and insert

"Upon the receipt of a petition for modification of the boundaries of any proration zone, filed by producers owning or operating not less than 10 per cent of the producing factors located either within the boundaries of the zone as constituted, or within the boundaries of the area proposed to be added, requesting".

**Amendment No. 2**

On page 1, line 27, of the printed bill, strike out ". The", and insert ", the".

**Amendment No. 3**

On page 1, line 28, of the printed bill, after "hearing", insert ", as provided in Section 9 of this act,".



**Amendment No. 4**

On page 1, line 29, of the printed bill, strike out "money", and insert "monies".

**Amendment No. 5**

On page 2, line 12, of the printed bill, strike out "purpose", and insert "purposes".

**Amendment No. 6**

On page 2 of the printed bill, after line 24, insert

"If the director finds that the requisite assent has not been given, he shall make an order dismissing the proceedings, and the program in operation at the time the proceedings were instituted shall continue in operation within the boundaries of the zone as then constituted, with the same force and effect as though no proceedings had been instituted under the provisions of this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 636**—An act to add Section 21.1 to the Agricultural Prorate Act, relating to proceedings for the collection of fees

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 1, of the printed bill, strike out "2.1", and insert "21.1".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 109**—An act to amend Section 453 of the Agricultural Code, relating to the inspection and condemnation of milk, cream, and products thereof.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 632**—An act to amend Section 5 of the Agricultural Prorate Act, relating to meetings of the Agricultural Prorate Advisory Commission.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 633**—An act to amend Sections 15 and 18 of the Agricultural Prorate Act, relating to the selection and appointment of marketing program committee members, their terms and duties.

Bill read second time.

**Motion to Amend**

Senator Donnelly moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 11, of the printed bill, after the period, insert "In the event a corporation or a partnership is a producer, it may designate a representative who may be a nominee."

**Amendment No. 2**

On page 2, line 21, of the printed bill, after "may", insert a comma.

**Amendment No. 3**

On page 3, line 15, of the printed bill, after "death", strike out the comma.

**Amendment No. 4**

On page 3, line 20, of the printed bill, strike out "filed", and insert "filled".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 634**—An act to amend Sections 18.1 and 19.1 of the Agricultural Prorate Act, relating to hearings on marketing program modifications and to functions of program committees under marketing programs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 635**—An act to amend Section 21 of the Agricultural Prorate Act, relating to the disposition of funds collected under marketing programs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 637**—An act to add a new section, to be numbered 25.2, to the Agricultural Prorate Act, relating to a periodic referendum.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 371**—An act to amend Sections 3, 4, 5 and 10 of The Personal Income Tax Act, and Sections 17052, 17951, 17952, 17953, 18401, 18402, and 18405 of the Revenue and Taxation Code, relating to rates of and exemptions from the personal income tax, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, lines 7 and 8, of the printed bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

##### Amendment No. 2

On page 1, lines 10 and 11, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

##### Amendment No. 3

On page 1, line 17, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

##### Amendment No. 4

On page 2, line 14, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

##### Amendment No. 5

On page 2, lines 18 and 19, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

##### Amendment No. 6

On page 3 of said bill, strike out lines 37 to 52, inclusive, and insert "thirty thousand dollars (\$30,000), 6 per centum in addition of such excess."

##### Amendment No. 7

On page 4, lines 41 and 42, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

##### Amendment No. 8

On page 4, lines 44 and 45, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

##### Amendment No. 9

On page 4, line 48, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

##### Amendment No. 10

On page 5, line 7, of said bill, strike out "(i)", and insert "(j)".

**Amendment No. 11**

On page 6 of said bill, strike out lines 13 to 14, and insert "(100) thousand dollars (\$20,000), 6 per cent in addition of such excess."

**Amendment No. 12**

On page 7, lines 24 and 25, strike out "one thousand five hundred (\$1,500)", and insert "two thousand dollars (\$2,000)".

**Amendment No. 13**

On page 7, lines 27 and 28, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

**Amendment No. 14**

On page 7, line 30, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

**Amendment No. 15**

On page 7, lines 46 and 47, of said bill, strike out "Section 17169 or Section 18173", and insert "Sections 17164, 17165, 17166 and 17167, or Section 18112, 18172.5 and 18172.7".

**Amendment No. 16**

On page 8, lines 15 and 16, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

**Amendment No. 17**

On page 8, line 19, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

**Amendment No. 18**

On page 8, line 28, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

**Amendment No. 19**

On page 8, line 45, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

**Amendment No. 20**

On page 8, lines 49 and 50, of said bill, strike out "three thousand dollars (\$3,000)", and insert "three thousand five hundred dollars (\$3,500)".

**Amendment No. 21**

On page 9 of said bill, strike out lines 17 to 19, inclusive, and insert "Sec. 12. This act shall be applicable to taxable years ending after the effective date of this act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 222**—An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 224**—An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11020, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof and repealing acts and parts of acts specified therein.

Bill read second time, ordered engrossed, and to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 289**—An act to amend Sections 5439, 5440 and 5450 of the Public Resources Code, relating to public recreation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 120**—An act to amend Section 4951 of, and to add Sections 4659, 4865 and 4866 to, the Health and Safety Code, relating to the powers of sewer maintenance districts and districts formed under Chapter 2, Part 3, Division 5 of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## Senator Rich Presiding

At 4:02 p.m., Senator Rich, of the Tenth District, presiding.

**Senate Bill No. 128**—An act to repeal Section 14407 of the Health and Safety Code, relating to repayment of the cost of furnishing fire-fighting equipment and services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 275**—An act to amend Section 117b of the Code of Civil Procedure, relating to the small claims affidavit and order.

Bill read third time.

## Motion to Amend

Senator Gordon moved the adoption of the following amendment:

## Amendment No. 1

On page 2 of the printed bill, after line 19, insert  
"Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_"

Justice of the Peace (or, clerk of the court)".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.



**Senate Bill No. 272**—An act validating grants by municipal corporations to the United States of America for military or naval purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cather, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Donsey, Fager, Fletcher, Gaudin, Jespersen, Keating, Luckey, Mayo, McBride, Miller, Parkinson, Parsons, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 158**—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

Bill read third time.

The bill was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cather, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Donsey, Fager, Fletcher, Gaudin, Jespersen, Keating, Luckey, Mayo, McBride, Miller, Parkinson, Parsons, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 512**—An act to provide for the disposal of certain real property of the State in Sonoma County and for the disposition of the proceeds of such sale.

Bill read third time.

#### Motion to Amend

Senator Slater moved the adoption of the following amendments:

#### Amendment No. 1

On page 3 of the printed bill, between lines 3 and 4, insert:

"Sec. 2. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, together with the right to prospect for, extract and remove such deposits of minerals, including oil and gas, therefrom.

Sec. 3. The proceeds of the sale of said lands shall be deposited in the General Fund in the State treasury."

#### Amendment No. 2

On page 3, line 4, of the said bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 513**—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Bill read third time.

#### Motion to Amend

Senator Slater moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 49, of the printed bill, after "appropriated," insert "to the Director of Institutions".

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Finance.

**Senate Bill No. 245**—An act to amend Section 4 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 184**—An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 924  
Senate Bill No. 925  
Senate Bill No. 926  
Senate Bill No. 927  
Senate Bill No. 928  
Senate Bill No. 929  
Senate Bill No. 930  
Senate Bill No. 931  
Senate Bill No. 932  
Senate Bill No. 933  
Senate Bill No. 111  
Senate Bill No. 226  
Senate Bill No. 291  
Senate Bill No. 338

Senate Bill No. 765  
Senate Bill No. 962  
Senate Bill No. 934  
Senate Bill No. 935  
Senate Bill No. 936  
Senate Bill No. 937  
Senate Bill No. 938  
Senate Bill No. 939  
Senate Bill No. 940  
Senate Bill No. 941  
Senate Bill No. 942  
Senate Bill No. 943  
Senate Bill No. 944  
Senate Joint Resolution No. 19

And reports the same correctly engrossed.

SEAWELL, Chairman

## THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1264**—An act making an appropriation for support of the Governor's Office, to take effect immediately.

Bill read third time.

**Recommendation of the Governor**

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1264:

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, March 14, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 1264

"An act making an appropriation for special contingent expenses of the Governor's office, to take effect immediately."

In my opinion constitutes an emergency bill within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1264 as necessary for the immediate preservation of the public peace, health, or safety and as an emergency matter.

Respectfully submitted

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Broad, Carter, Collier, Critchfield, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Jaspersen, Keating, Luckey, Mayo, McBride, McCosack, Mixer, Patterson, Quinn, Ruff, Salomon, Seawell, Slater, Swan, Tenney, Trible, and Ward—41

**NOES**—None.

**Motion to Amend Title**

Senator Mixer moved the adoption of the following amendment to the title of Assembly Bill No. 1264:

**Amendment No. 1**

In line 1 of the title of the printed bill, as presented, after "contingent expenses" insert "for".

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

**MR. PRESIDENT:** Your Committee on Judiciary, to which was referred

Senate Bill No. 117

has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership: 13; conference vote: AYES 11; DUBOIS 2

DE LAP, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 923

And reports the same correctly engrossed.

SEAWELL, Chairman

## THIRD READING OF SENATE BILLS (RESUMED)

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, March 10, 1943

*To the Honorable Members of the Senate  
Sacramento, California*

GREETINGS:

## SENATE BILL No. 923

"An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries, and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein";

## SENATE BILL No. 924

"An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 40006 to Division 20, of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools";

## SENATE BILL No. 925

"An act to add Article 1, comprising Sections 5301 to 5303, inclusive, to Chapter 3 of Division 3, and to add Section 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund";

## SENATE BILL No. 926

"An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 40008 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools";

## SENATE BILL No. 927

"An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund";

## SENATE BILL No. 928

"An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash-bearing lands";

## SENATE BILL No. 929

"An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund";

## SENATE BILL No. 930

"An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 3, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund";

## SENATE BILL No. 931

"An act to add Article 3, comprising Sections 6951 to 6960, inclusive, to Chapter 13 of Division 3, and to add Section 40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools";

## SENATE BILL No. 932

"An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools";

## SENATE BILL No. 933

"An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund";



## SENATE BILL NO. 934

"An act to add Article 2, comprising Sections 7141 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment from the State General Fund to high schools";

## SENATE BILL NO. 935

"An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense";

## SENATE BILL NO. 936

"An act to add Sections 14158 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund";

## SENATE BILL NO. 937

"An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges";

## SENATE BILL NO. 938

"An act to add Section 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund";

## SENATE BILL NO. 939

"An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music";

## SENATE BILL NO. 940

"An act to add Sections 20551 and 40022 to the Education Code, relating to the Student Building Fund of State Colleges";

## SENATE BILL NO. 941

"An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf";

## SENATE BILL NO. 942

"An act to add Sections 20946, 20947 and 40024 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind";

## SENATE BILL NO. 943

"An act to add Sections 21158 and 40025 to the Education Code, relating to payments by students of the California Maritime Academy";

## SENATE BILL NO. 944

"An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund";

in my opinion constitute emergency bills within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bills 923 to 944, inclusive, as necessary for the immediate preservation of the public peace, health or safety and as emergency matters.

Respectfully submitted.

EARL WARREN, Governor

**Senate Bill No. 923**—An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Keating, Lueck, Mayo, McBride, McCormack, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swan, Swain, Tenney, and Ward—35.

NOES. None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 924**—An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 49906 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Keating, Lueck, Mayo, McBride, McCormack, Myster, Parkman, Rich, Salsman, Seawell, Shelby, Slater, Swan, Swain, Tenney, and Ward—32.

NOES. None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 925**—An act to add Article 1, comprising Sections 5301 to 5363, inclusive, to Chapter 3 of Division 3, and to add Section 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jepsen, Lueck, Mayo, McCormack, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swan, Swain, Tenney, and Ward—29.

NOES. None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 926**—An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 45008 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Keating, Lueck, Mayo, McBride, McCormack, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Shelby, Slater, Swan, Tenney, and Ward—31.

NOES. None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 927**—An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Callier, Cretchenberg, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 928**—An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash bearing lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Callier, Cretchenberg, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 929**—An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Callier, Cretchenberg, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 930**—An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 3, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Callier, Cretchenberg, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 931**—An act to add Article 3, comprising Sections 6951 to 6960, inclusive, to Chapter 13 of Division 3, and to add Section

40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 932**—An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 933**—An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 934**—An act to add Article 2, comprising Sections 7131 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to high schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 935**—An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 936**—An act to add Sections 14458 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Donel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 937**—An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 938**—An act to add Sections 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 939**—An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride,

McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 940**—An act to add Sections 20551 and 40022 to the Education Code, relating to the student building fund of State colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 941**—An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 942**—An act to add Sections 20946, 20947 and 40024 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 943**—An act to add Sections 21158 and 40025 to the Education Code, relating to payments by students of the California Maritime Academy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 944**—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to

provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Brown, Brown, Carter, Collins, Cunningham, Delap, Dond, Donnell, Doney, Eagle, Fletcher, Gorman, Hallford, Henderson, Keating, Lincey, Mayo, Mixer, Parkner, Quinn, Rich, Seaborn, Seawell, Skelton, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5:17 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Fletcher was granted permission to introduce a bill by the following vote:

AYES—Senators Bigger, Broad, Brown, Brown, Carter, Collins, Cunningham, Delap, Dond, Donnell, Doney, Eagle, Fletcher, Gorman, Hallford, Henderson, Keating, Lincey, Mayo, Mixer, Parkner, Quinn, Rich, Seaborn, Seawell, Skelton, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

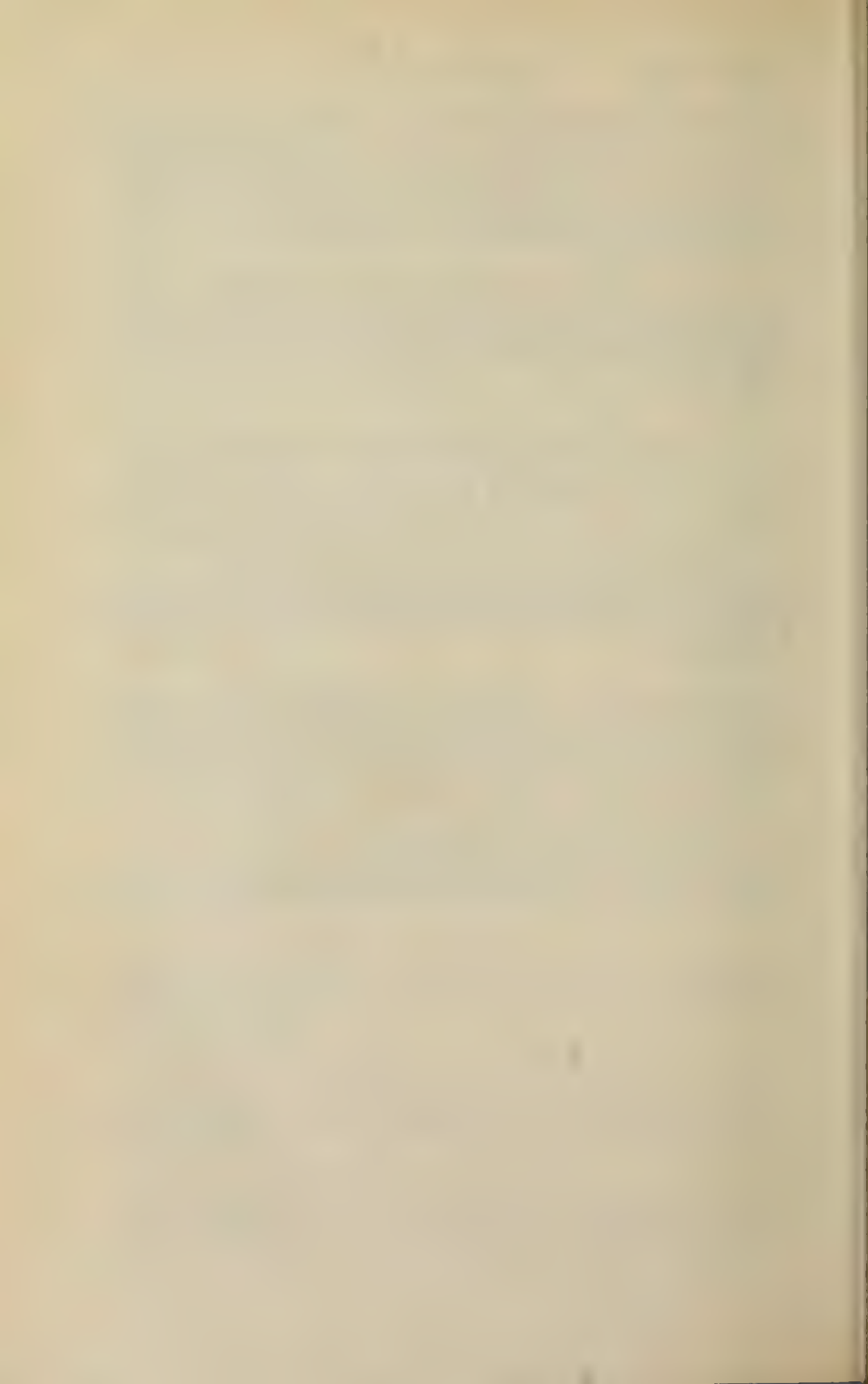
The following bill was introduced, and read the first time:

**Senate Bill No. 1078:** By Senator Fletcher—An act to amend Section 1005 of the Water Code, relating to water rights.

Referred to Committee on Water Resources.

#### ADJOURNMENT

At 5:23 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Friday, March 19, 1943.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY

SEVENTY-FIFTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 19, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beck at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Donsey, Eagle, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mader, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tieble, and Ward—36.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Fletcher, on motion of Senator Crittenden.

Senator Powers, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Valerie Goodman and Grace Irvin, both of Yreka.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Pealatere, Gunner's Mate Third Class, of Santa Barbara.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor Jack Baker of Watsonville.

On request of Father Dwyer and Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Father Kelly of Portland, Oregon.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George B. Kennedy, Sebastopol, Chairman of the Board of Supervisors, Sonoma County; Sheriff Harry Patterson, Undersheriff Tom Money, of Santa Rosa; and also D. Burns Wall and Nat Thompson, both of Petaluma.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward Moore of Oakland.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Luther Anderson of Los Angeles.

On request of Senators Gordon and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jessie Reese, Hotel Sacramento.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Oliver Germino, Justice of the Peace of Los Banos.

#### EXPLANATION OF ABSENCE

Senator Judah moved that the following explanation of his absence from the Senate Chamber on March 18, 1943, be printed in the Journal.

Motion carried.

*Mr. President*

I would like to have the Senate Journal show that my absence from the Senate yesterday was occasioned by the fact that I was attending the Governor's State Committee on Old Age Pensions.

SENATOR H. R. JUDAH

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined.

Senate Bill No. 275

Senate Bill No. 512

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined.

Senate Bill No. 109

Senate Bill No. 567

Senate Bill No. 154

Senate Bill No. 632

Senate Bill No. 192

Senate Bill No. 634

Senate Bill No. 378

Senate Bill No. 699

Senate Bill No. 458

Senate Bill No. 635

Senate Bill No. 526

Senate Bill No. 637

Senate Bill No. 556

Senate Bill No. 896

And reports the same correctly engrossed.

SEAWELL, Chairman

##### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 17, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 546

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

**Committee on Fish and Game**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 110

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2

GORDON, Chairman

Above reported bill ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 239

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and refer to the committee.

Committee membership 9; committee vote: Ayes 9

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 123

Senate Bill No. 294

Senate Bill No. 265

Senate Bill No. 296

Senate Bill No. 525

Assembly Bill No. 525

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 959

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred,

Senate Bill No. 726

Assembly Bill No. 346

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 350

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 367

Has had the same under consideration, and reports the same back without recommendation, except that it be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 368

Senate Bill No. 584

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 414

Senate Bill No. 714

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 934

Assembly Bill No. 935

Assembly Bill No. 980

Assembly Bill No. 1810

Assembly Bill No. 600

Assembly Bill No. 601

Assembly Bill No. 929

Assembly Bill No. 1064

Assembly Bill No. 1063

Assembly Bill No. 1588

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1120

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 934**—An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms.

Referred to Committee on Agriculture.



**Assembly Bill No. 935**—An act to add Section 644.6 to the Agricultural Code, relating to sanitation.

Referred to Committee on Agriculture

**Assembly Bill No. 980**—An act to amend Section 560 of the Agricultural Code, relating to modified milk.

Referred to Committee on Agriculture

**Assembly Bill No. 1810**—An act to amend Section 736.15 of the Agricultural Code, relating to local control boards for marketing areas for fluid milk and cream.

Referred to Committee on Agriculture

**Assembly Bill No. 600**—An act to add Section 471.5 to the Vehicle Code, relating to signs, declaring the urgency thereof, and providing this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 601**—An act to add Section 650.8 to the Vehicle Code, relating to lighting requirements in "dimout" areas, declaring the urgency thereof, and providing this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 929**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1063**—An act to amend Section 54 of the Vehicle Code and Section 1.91 of the School Code, relating to school buses.

Referred to Committee on Transportation.

**Assembly Bill No. 1064**—An act to amend Section 622 of the Vehicle Code, relating to lamps on bicycles.

Referred to Committee on Transportation.

**Assembly Bill No. 1588**—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Assembly Concurrent Resolution No. 33**—Relative to the establishment of a memorial to the veterans of the United States who participated in the campaigns of the Union Army in the Civil War.

Referred to Committee on Military and Veterans Affairs.

#### RESOLUTIONS

The following resolution was offered:

By Senators Slater, Judah, and Salsman:

#### Senate Resolution No. 81

WHEREAS, In normal times the poultry industry in this State is of paramount importance to the people of California; and

WHEREAS, This importance has been tremendously magnified by reason of the existing shortages of meat and other forms of protein; and

WHEREAS, There annually exists at this time of the year a normal surplus of cockerels which in the past have been destroyed because of a lack of available market; and

WHEREAS, This surplus of cockerels could be raised and marketed as broilers within a relatively short time if the ceiling price for broilers would permit the raising and marketing of broilers by poultrymen without incurring a substantial loss; and

WHEREAS, It would appear that the Office of Price Administration and other Federal agencies should do all in their power to encourage and stimulate the raising of broilers for use in California in order to relieve the present meat and protein shortage; and

WHEREAS, Despite the efforts of the poultrymen of the State of California to persuade the Office of Price Administration to realize the uniqueness of the California situation, the Office of Price Administration insists on fixing ceiling prices for California on production costs of other States where labor and feeding costs are much lower; and

WHEREAS, The persistence of the Office of Price Administration in its present conduct will result in the loss of many million pounds of poultry meat for use in California; and

WHEREAS, Local Office of Price Administration officials have refused to take appropriate steps to alleviate present conditions even when they have had power so to do; now, therefore, be it

*Resolved by the Senate of the State of California,* That the Honorable Prentiss Brown, Administrator of the Office of Price Administration, and the Honorable Claude Wickard, Secretary of Agriculture, be and they are hereby memorialized to direct their regional representatives for California to establish ceiling prices for poultry in California that will permit making available to the citizens of this State this essential supplement to the meat and protein supply; and be it further

*Resolved,* That the Secretary of the Senate shall transmit copies of this resolution by telegram to the President, the Vice President, to the Senators and Congressmen from California, and to the Honorable Prentiss Brown, Administrator of the Office of Price Administration, and the Honorable Claude Wickard, Secretary of Agriculture.

Resolution read and unanimously adopted.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: Your Committee on Rules has appointed the following named Senators members of the Committee for Interstate Cooperation, as created by Chapter 376, Statutes of 1939:

Mayo, Chairman; Fletcher, Keating, Collier, and Cunningham.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 191

Senate Bill No. 878

Senate Bill No. 750

Senate Bill No. 633

Senate Bill No. 770

Senate Bill No. 636

And reports the same correctly engrossed.

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE

### SECOND READING OF SENATE BILLS

**Senate Bill No. 722**—An act to amend Section 800 of the Military and Veterans Code, relating to veterans.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 742**—An act to provide for uniform blackout and dimout regulations throughout the State, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 227**—An act to amend Section 6711 of the Business and Professions Code, relating to provision of library quarters for law libraries, by counties, by defining such provision.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "librally and properly."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 221**—An act to add Article 1, comprising Sections 7125 and 7126 to Chapter 9 of Division 4 of, and to add Section 30016.5 to, the Business and Professions Code, thereby consolidating and revising the law relating to workmen's compensation, reports of licensed contractors, and repeating acts and parts of acts therein specified.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 237**—An act to add Section 7618 to the Business and Professions Code, relating to night watchmen in unincorporated areas.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 404**—An act to amend Section 6021 of the Business and Professions Code, relating to election of officers of the Board of Bar Governors.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 166**—An act to add Section 12007 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Correction Authority.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, lines 4 to 6, inclusive, of the printed bill, strike out "...and shall have general supervisory power over all adult and juvenile probation officers".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**Senate Bill No. 135**—An act to add Chapter 3, comprising Section 2650, to Division 4 of the Welfare and Institutions Code, to repeal certain laws and parts of laws therein specified, relating to relief and public assistance due to and caused by unemployment, abolishing the State Relief Administration, the State Relief Commission and the office

of State Relief Administrator and prohibiting the expenditure of money for certain purposes.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In the title of the printed bill, between lines 6 and 7, insert "providing for the disposition of the properties thereof."

##### Amendment No. 2

On page 1 of the printed bill, after line 12, insert

"SEC. 1.5. The Department of Finance shall succeed to and have possession of all records, books, papers, equipment, supplies, moneys, funds, and all other property both real and personal belonging to, or held by or for the benefit of, the State Relief Administration, the State Relief Commission, and the State Relief Administrator, for the purpose of winding up the affairs of the State Relief Administration, the State Relief Commission, and the office of State Relief Administrator.

The Director of Finance is hereby expressly authorized, upon request, to donate any such property to any State institution, department, or other State agency, upon such terms and conditions as the Director of Finance deems appropriate. All other such property shall be sold, and the proceeds deposited in the General Fund in State Treasury."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 744**—An act to amend Section 2350 of the Welfare and Institutions Code, relating to life care contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 506**—An act to add Section 156.1 to the Welfare and Institutions Code, relating to travel expenditures by the Department of Institutions.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 105**—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of feeble-minded persons and epileptics.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

On page 1, line 11, of the printed bill, after "any", insert "District Attorney or".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 369**—An act to amend Section 2351 of the Welfare and Institutions Code, relating to organizations maintaining homes for the aged.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 300**—An act to amend Section 2261 of the Civil Code and Section 105 of the Bank Act, relating to the investment of trust funds by trustees.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 299**—An act to amend Section 328b of the Civil Code, relating to the transfer by trustees.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 312**—An act to amend Section 581b of the Code of Civil Procedure, relating to dismissal of actions or proceedings for failure to pay transfer fee.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 1027**—An act to add Section 103½ to the Code of Civil Procedure, relating to clerks in justices' courts of Class A

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 140**—An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, and 11a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 116**—An act to add Section 4101b to the Political Code, relating to deposits by county clerk in county treasury

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "in his possession which is not specifically required to be deposited in the county treasury", and insert "deposited with the county clerk as and for jury fees, or as a portion of the naturalization fees required by law to be paid by him to the Government of the United States".

##### Amendment No. 2

On page 1, lines 5 and 6, of said bill, strike out "and the auditor".

##### Amendment No. 3

On page 1, line 8, of said bill, after the period, insert "For the safekeeping of such moneys the treasurer is liable on his official bond."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 231**—An act to add Section 4350-1 to the School Code and to add Section 6114 to the Education Code, relating to the payment of school district employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 725**—An act to repeal Section 5.63 of the School Code, and to repeal Section 20431 of the Education Code, relating to the admission of persons not residents of California to the State colleges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 724**—An act making an appropriation for the purchase of land for the Humboldt State College.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 16, of the printed bill, strike out "2.9", and insert "2, 9".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 504**—An act to amend Section 3.513 of the School Code and to amend Section 9144 of the Education Code, relating to vocational rehabilitation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 8, of the printed bill, strike out "tion", and insert "tial".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 117**—An act to amend Sections 203 and 231 of, and to add Section 204f to, the Code of Civil Procedure, relating to the preparation of jury lists by the jury commissioner.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 685**—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1131**—An act to repeal Section 905 of the Political Code, relating to oaths of office of the Governor and Lieutenant Governor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 345**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, strike out "500,000" and insert "600,000".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 60**—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after "estate", insert "heretofore qualified and now acting or hereafter to be qualified and act."

**Amendment No. 2**

On page 2, line 42, of the printed bill, after "estate", insert "heretofore qualified and now acting, or hereafter to be qualified and act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 291**—An act to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who have been forced to cease operations because of the war, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 275**—An act to amend Section 117b of the Code of Civil Procedure, relating to the small claims affidavit and order.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 226**—An act to amend Section 204a of the Code of Civil Procedure, relating to the appointment of a jury commissioner in certain counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 765**—An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof.

Bill read third time.

#### Motion to Amend

Senator Rich moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, strike out all of that portion of the bill which commences with "and" in line 12, and ends with "month" in line 14.

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Denel, Donnelly, Engle, Gordon, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tickle, and Ward—19.

NOES—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Hatfield, Jespersen, Judah, Mayo, McBride, Seawell, Shelley, and Tenney—13.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 962**—An act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to common drunkards, Indians, insane or incompetent persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 460**—An act to amend Section 658.5 of, and to add Section 658.8 to, the Political Code, relating to refund of fees without approval of the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 480**—An act to repeal an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation and the disposition of money in the Boat Fund.

**Motion to Transfer to Inactive File**

Senator Breed moved that Senate Bill No. 480 be transferred to the inactive file.

Motion carried.

**Senate Bill No. 512**—An act to provide for the disposal of certain real property of the State in Sonoma County and for the disposition of the proceeds of such sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 19**—Relative to feed shortage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 191**—An act to add Sections 103.9, 615.3 and 615.4 to the Fish and Game Code, relating to creation of new fish and game district and the taking of fish therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen,

Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 154**—An act to repeal Section 64.5 of, and to amend Section 1270 of, the Fish and Game Code, relating to District 14, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendments:

##### Amendment No. 1

In line 2 of the title of the printed bill, strike out "District 14", and insert "deer seasons".

##### Amendment No. 2

On page 1, line 4, of said bill, strike out "24".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 699**—An act to add Section 1407 to the Elections Code, relating to the initiative.

Bill read third time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendments:

##### Amendment No. 1

In line 15 of the printed bill, strike out "60", and insert "90".

##### Amendment No. 2

In line 18 of the printed bill, strike out "60", and insert "90".

##### Amendment No. 3

In line 21 of the printed bill, strike out "120", and insert "180".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 378**—An act to repeal Section 64.5 of the Fish and Game Code, relating to districts.

#### Motion to Transfer to Inactive File

Senator Quinn moved that Senate Bill No. 378 be transferred to the inactive file.

Motion carried.

**Senate Bill No. 192**—An act to repeal Sections 180 and 181 of the Fish and Game Code, relating to fish refuges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34

NOES—None.

Bill ordered transmitted to the Assembly.

## Senator Tickle Presiding

At 4.07 p.m., Senator Tickle of the Twenty-fifth District, presiding.

**Senate Bill No. 526** An act to add Section 1347 to the Fish and Game Code, relating to elk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hathfield, Jepserson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 878**—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 1½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepserson, Judah, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 770** An act to amend Section 1270 of the Fish and Game Code, relating to deer seasons.

## Motion to Transfer to Inactive File

Senator Engle moved that Senate Bill No. 770 be transferred to the inactive file.

Motion carried.

**Senate Bill No. 896** An act to add Section 161 to the Revenue and Taxation Code, relating to contracts for the publication of notices, delinquent lists and other documents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jepserson, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—25.

NOES—Senators Rich, Swan, and Tenney—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 335**—An act to amend Section 307 of the Agricultural Code, relating to meat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepserson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 750**—An act to amend Sections 2190 and 3001 of the Revenue and Taxation Code, relating to real property taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### EXPLANATION OF VOTE

Senator Swing moved that the following explanation of his vote on Senate Bill No. 371 be printed in the Journal:

Motion carried.

*Mr. President*

I am voting in favor of Senate Bill No. 371 because of the exemption it makes in favor of the lower bracket taxpayer and not because of the reduction of the percentage which affects only a few people in the higher brackets.

SENATOR SWING

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Senate Bill No. 371**—An act to amend Sections 3, 4, 5 and 10 of The Personal Income Tax Act, and Sections 17052, 17951, 17952, 17953, 18401, 18402, and 18405 of the Revenue and Taxation Code, relating to rates of and exemptions from the personal income tax, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—Senators Biggar, Dillinger, Donnelly, and Jespersen—4.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

Bill read third time.

#### Motion to Amend

Senator Collier moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, of the printed bill, between lines 11 and 13, insert "4851. "Lumber," as used in this chapter, means products of the forest that are processed into boards, planks or timbers by sawing three or more sides lengthwise of the piece."

##### Amendment No. 2

On page 1, line 13, of said bill, strike out "4851", and insert "4852".

##### Amendment No. 3

On page 1, line 24, of said bill, strike out "4852", and insert "4853".

##### Amendment No. 4

On page 1, line 28, of said bill, strike out "4853", and insert "4854".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.



## EXPLANATION OF ABSENCE

Senator Hatfield moved that the following explanation of his absence during roll call on Senate Bill No. 896 be printed in the Journal:

Motion carried.

*Mr. President*

I am in favor of Senate Bill No. 896, and intended to vote for its passage today. Just before it was considered, I was called out of the Senate Chamber by Officer Germino, Justice of the Peace at Los Banos, and hence was not present at the time the bill was considered. Had I been present, I would have voted "Aye" on its passage.

SENATOR GEORGE HATFIELD

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 697  
Assembly Bill No. 700  
Assembly Bill No. 702  
Assembly Bill No. 703  
Assembly Bill No. 705  
Assembly Bill No. 706  
Assembly Bill No. 709

Assembly Bill No. 1121  
Assembly Bill No. 711  
Assembly Bill No. 850  
Assembly Bill No. 1124  
Assembly Bill No. 948  
Assembly Bill No. 710

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 697**—An act to add a new section to the Agricultural Code to be numbered 30.5, relating to pest and disease surveys and investigations.

Referred to Committee on Agriculture.

**Assembly Bill No. 700**—An act to amend Section 111 of the Agricultural Code, relating to the inspection of plants and articles for pests.

Referred to Committee on Agriculture.

**Assembly Bill No. 702**—An act to amend Section 1022 of the Agricultural Code, pertaining to definitions of fertilizing materials.

Referred to Committee on Agriculture.

**Assembly Bill No. 703**—An act to amend Section 1021 of, and to add Section 1031.1 to, the Agricultural Code, relative to fertilizing materials and the labels thereon.

Referred to Committee on Agriculture.

**Assembly Bill No. 705**—An act to amend Section 1062 of the Agricultural Code, relating to materials exempt from the economic poisons provisions of said code.

Referred to Committee on Agriculture.

**Assembly Bill No. 706**--An act to amend Section 1066 of, and to add Section 1066.5 to, the Agricultural Code, relative to economic poisons and thallium salts.

Referred to Committee on Agriculture.

**Assembly Bill No. 709**--An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Referred to Committee on Agriculture.

**Assembly Bill No. 1121**--An act to amend Section 401 of the Vehicle Code, relating to the operation of authorized emergency vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 711**--An act to amend Section 215.17 of the Agricultural Code, relating to the payment of moneys into the State Treasury and to further provide for the disposition of such moneys in the State Treasury.

Referred to Committee on Agriculture.

**Assembly Bill No. 850**--An act to amend Section 822 of the Agricultural Code, relating to markings on containers of apples.

Referred to Committee on Agriculture.

**Assembly Bill No. 1124**--An act to amend Sections 812.4 and 829.35 of the Agricultural Code, relating to containers for bunched carrots, declaring the urgency hereof and that this act take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 948**--An act to amend Section 1203.5 of the Fish and Game Code, relating to pigeons.

Referred to Committee on Fish and Game.

**Assembly Bill No. 710**--An act to amend Section 323 of the Agricultural Code, relating to the payment of moneys into the State Treasury, and to further provide for the disposition of such moneys in the State Treasury.

Referred to Committee on Agriculture.

**Assembly Joint Resolution No. 2**--Relative to hearing instruments for persons who are hard of hearing.

Referred to Committee on Public Health and Safety.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 189

Senate Bill No. 385

Senate Bill No. 631

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 371

Senate Bill No. 673

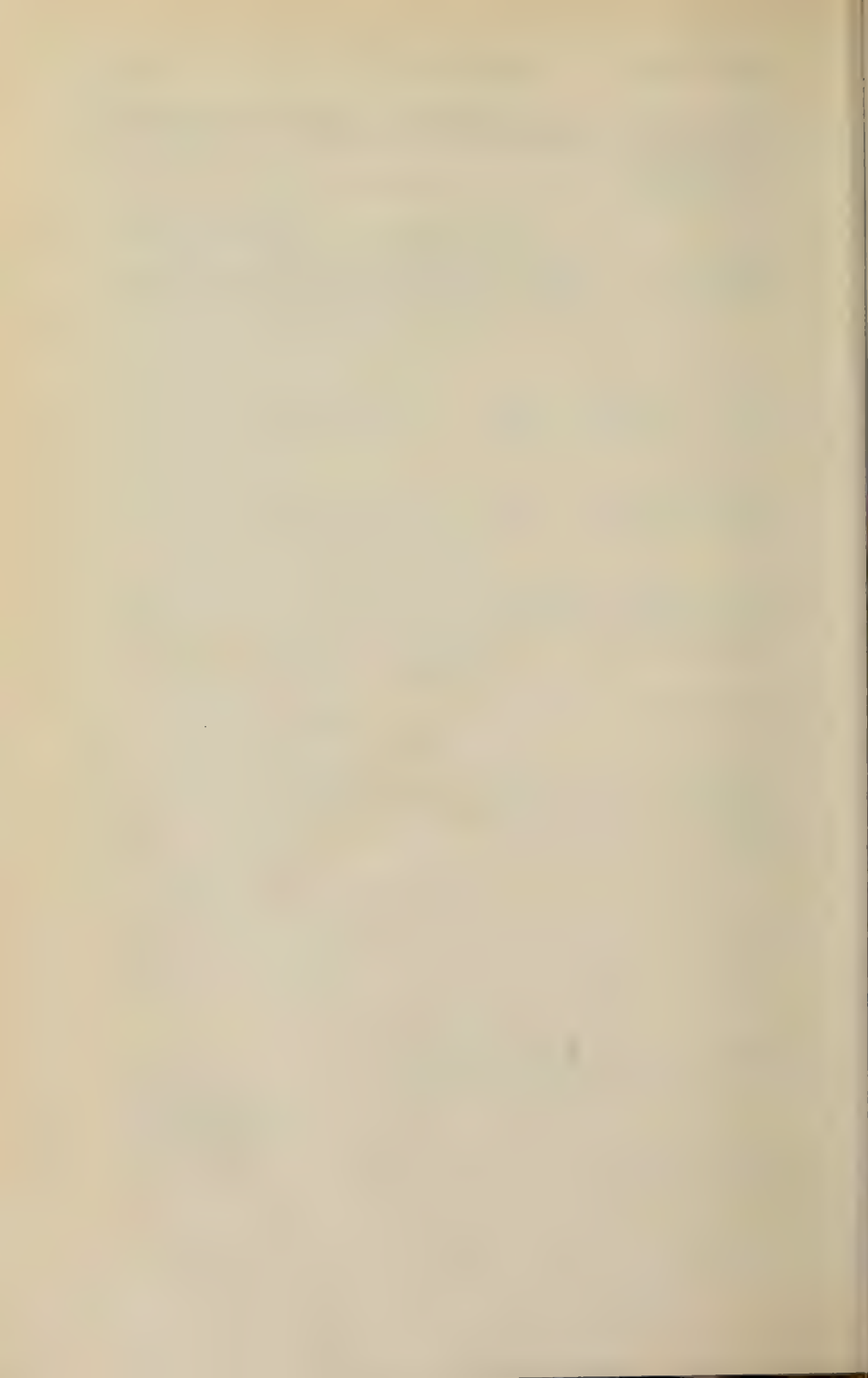
Senate Bill No. 33

And reports the same correctly engrossed.

SEAWELL, Chairman

#### ADJOURNMENT

At 5.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m. Saturday, March 20, 1943





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY

SEVENTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, March 20, 1943

The Senate met at 10.30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Fletcher, on motion of Senator Crittenden.

Senator Collier, on motion of Senator McBride.

Senator Tenney, on motion of Senator Burns.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas Cotter, District Attorney of Humboldt County, Eureka.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the representatives of Livingston High School; Dovie E. Winters, teacher; Lawrence Souza, John Freitas, Ray Sexton, Mabel Johnson, Elinora Cole, Thelma Oxford and Virginia Zismann.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rose Rostron, Woman Supervisor of Santa Cruz County.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William A. Lunni-son of Westwood, California.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff

Grat M. Hogin of Stanislaus County, Modesto, and A. S. Ball, Stanislaus County Fire Warden, Patterson.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff H. P. Gleason of Alameda County.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Overholt, Sheriff of Fresno.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Stewart Magee, Past President and organizer, State Association of Justices and Constables, Bakersfield.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. B. Harris of Fresno, Mrs. A. F. Muentner, Janice Muentner, Ronald Muentner and Elizabeth Skaggs of Berkeley.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George R. Cadan, President, Santa Rosa Chamber of Commerce.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Schottky of Mariposa.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff Lowell O. West of Placerville.

#### COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

WASHINGTON, D. C., March 19, 1943

*Hon. Jerrold Seawell, President pro tempore  
California State Senate, Sacramento, California*

Received your wire of March 18th advising me Secretary of Agriculture had not replied to communications sent to him by California Legislature. Secretary now out of town, but his office advises me that no replies have as yet been made to resolution of Legislature. I requested and demanded that immediate reply be sent, and am advised that full information, by telegram, with reference to labor situation will be sent tonight, the same being addressed to Joseph A. Beek, Secretary of Senate. Information with reference to machinery priorities will be given in as full form as can be provided with information on hand. I deeply resent action of Agriculture Department. Kindly advise me if date forwarded by wire meets your requirements. Assure you my full cooperation and am taking matter up with delegation.

HARRY L. ENGLEBRIGHT, M. C.

#### PERMISSION TO PRINT IN THE JOURNAL

Senator Seawell asked for, and was granted, permission to have his telegram of March 17, 1943, to Congressman Englebright, printed in the Journal, as the above telegram is a reply thereto.

SACRAMENTO, CALIFORNIA, March 17, 1943

*Congressman Harry L. Englebright  
House Office Building, Washington, D. C.*

Secretary Wickard persistently ignores request for information as to how and when California's requirements for farm labor and priorities will be met. Courtesy to a Sovereign State should prompt early compliance with our request. Neglect of Federal bureaus to solve problem has forced special session of Legislature for next Saturday in attempt to meet agricultural demands. Bureaucratic Federal regulations may handicap problem, but we should be furnished information requested of Secretary

Wickard so Legislature may act advisedly at special session. May we not have cooperation of California Delegation in this regard?

JERROLD L. SEAWELL, President pro tempore  
of the Senate of the State of California

WASHINGTON, D. C., March 19, 1943

J. A. Beck, Secretary of the Senate  
California Legislature, Sacramento, California

Due to inadvertent delay in replying to your letter of January 28th, enclosing Senate Joint Resolution No. 6, adopted by the California Legislature, I am quoting following paragraphs from my reply which has been mailed to you. "In present-gating conservation orders for the dual purpose of making sure that supplies will be available for war purposes and, at the same time, that food available for civilians will be stretched over a long enough period to permit new supplies to be produced, it has been necessary to place limits on sales by distributors. Where this has not been done, as far as the major food commodities are concerned, on a basis of quotas arrived at through population statistics, the limitations have undoubtedly been felt more sharply in areas of increased population. We have established machinery for dealing with the more acute shortages through the organization of State and area food industry committees. The functions of these committees are to receive and investigate complaints of such shortages, and, where the complaints are verified, to arrange for the movement of necessary food to alleviate the condition. The committees also determine the causes of the shortages and recommend steps to prevent their recurrence. The meat and other industries are cooperating with us in this work.

We believe that the recently announced rationing programs, when they are put into effect, will go far toward bringing about the necessary adjustments so that no one area will have to put up with more inconveniences than another. Rationing, of course, is actually an allocation to consumers, and probably the only practicable type of allocation under which equitable distribution can be assured."

Regarding labor situation, Secretary Wickard, on March 17th, sent following telegram to Governor Warren:

"Knowing your deep concern for California farmers in farm labor shortage, of which we in the Department of Agriculture are acutely aware, wish to inform you we have ready a unified, coordinated Farm Labor Program subject to Congressional action. Much of this program already under way, including importation Mexican and other foreign workers. Mexican Government yesterday authorized recruitment to be resumed immediately. Department representatives, aided by one or more California growers already in Mexico City, are proceeding immediately with recruitment to fill 6,000 California, Arizona, and other southwestern grower orders already certified for immediate need, and for several thousand more Mexican workers California and Arizona growers need and are ready to order. Possibility of using buses and boats in addition to rail transportation being investigated, in case it should be necessary. New agreement expected concluded soon with Bahaman Government for importation up to 6,000 workers when domestic workers unavailable. Other phases of Federal program include local recruitment and placement of agricultural workers for seasonal and steady work through county agents, United States Employment Service, Office of Civilian Defense, schools, organized women, civic, and voluntary groups. Also recruitment of experienced farmers in less productive areas, with one to three weeks training periods already in operation in approximately 30 States by arrangement with United States Office of Education. This program plans to place 25,000 experienced farmers on Nation's dairy, live stock, and poultry farms by July 1st and 50,000 by end of year. As previously announced, we have arranged with Selective Service for changes in classification of experienced farm workers to halt further drain from agriculture. Up to March 1st 500,000 farm workers had been deferred to Class 2 C and 3 C. It is estimated, under additional regulations announced March 7th, that deferments will reach total of 3,000,000 by the end of 1943 for those above and below age 38. Department plans to recruit, transport, and place large numbers of mobile domestic workers needed in intensive farming areas. These are highlights of the Federal program in close cooperation between the U.S.D.A., War Manpower Commission, and other concerned agencies. Much of it already is under way, and remainder ready to go as quickly as Congress approves. We are striving for unified, coordinated program making fullest use of State and local organizations. We pledge California every assistance and cooperation to the end that we may have the complete utilization of Federal, State, and local facilities to place workers on the farms where needed to secure the maximum production of most vital implement of war—food."

Since above telegram sent, word received that first trainload Mexicans leaving for California Monday morning. Others to follow.

This telegram acknowledges also telegram March 15th from Frederick F. Houser, Lieutenant Governor, and of March 17th from you. Additional information on farm implements will be sent as available.

R. L. WEBSTER  
Assistant to the Secretary of Agriculture



## REPORTS OF STANDING COMMITTEES

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 19, 1943

Mr. President: Your Committee on Elections, to which were referred:

Senate Bill No. 34

Senate Bill No. 375

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

BREED, Chairman

Above reported bills ordered to second reading.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 82

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 19, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Robert G. Alderman, Chief Engrossing and Enrolling Clerk-----	\$8.00
June Lois Kirby, Stenographer-----	6.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

By Senator Tickle:

## Senate Resolution No. 83

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work March 20, 1943:

	<i>Per day</i>
Carl Johnson, Assistant Sergeant-at-Arms-----	\$6.00

Resolution read, and unanimously adopted.

CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

**Senate Bill No. 546**—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8 to, and Chapter 10, comprising Sections 4301 to 4439, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 7, comprising Sections 1570 to 1573, inclusive, to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities and civilian defense organizations thereof for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the State Council of Defense to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Com-



pensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 2, line 16, of the printed bill, after the period following "services", insert "Volunteer civilian members of the Aircraft Warning Service of the United States Army Air Force shall be considered as civilian defense workers for the purposes of this act and shall be eligible for the compensation provided by this division."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 110**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, line 4, of the printed bill, strike out "Districts 14 and 14", and insert "District 14".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 239**—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the exclusion of territory.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, strike out all of lines 3 to 21, inclusive, and insert "Sec. 30. Any territory contained within any municipal utility district not operating any utility within said territory, and included within the boundaries of an incorporated city and not benefited in any manner by such district or its continued inclusion therein, shall be excluded therefrom by order of the board of directors of such municipal utility district upon the petition of the city council of the incorporated city within whose boundaries such territory is included. Said petition shall describe the territory sought to be excluded and shall set forth that such municipal utility district is not operating any utility within the territory described in said petition, and shall set forth that such territory is included within the boundaries of an incorporated city, and shall pray that such territory be excluded from such district. The petition shall be filed with the secretary of the municipal utility district and shall be accompanied by a deposit by such city with such secretary of the sum of one hundred dollars (\$100) to meet the expenses of advertising and other costs incident to the proceedings for the exclusion of such territory, including the cost of recording a certified copy of the order hereinafter provided for, any unconsumed balance to be returned to the petitioner. Upon the filing of such petition with the secretary of such municipal utility district he shall cause the same to be set for hearing at a regular or an adjourned regular meeting of the board of directors of such district and shall cause a notice of the filing thereof to be pub-

lished once a week for at least two weeks in some newspaper of general circulation printed and published within said district, and if there is no newspaper of general circulation printed and published in said district notice of the hearing of said petition shall be given by posting written notices thereof in three public places within the area of said municipal utility district as designated by said secretary, for a period of at least 14 days prior to the date set for the hearing of said petition. Such notice shall also state the date of the filing of such petition and that the same will come on for hearing before the board of directors of the district and shall state the time and place of the hearing thereof. The property to be excluded need not be specifically described in said notice, but the notice shall refer to the petition on file with the secretary for a particular description of the property sought to be excluded.

Any landowner or taxpayer within the district shall have the right to appear at said hearing either in behalf of or in opposition to the granting of said petition.

Such petition shall come on for hearing and be heard and acted upon within 30 days after the filing thereof, unless consent to postponement thereof is given by such city council, before the board of directors of the district at the time and place specified in said notice of hearing.

Upon proof of the facts alleged in said petition showing that the municipal utility district is not operating any utility within the territory described in said petition and sought to be excluded from said municipal utility district, and that said territory is included within the boundaries of an incorporated city, the said board of directors of such municipal utility district shall find according to the facts alleged in such petition, and shall conclude that such territory described in said petition is not benefited in any manner by remaining included in such district and shall order that such lands be excluded from the district, such order to describe specifically the land so excluded. A copy of such order of exclusion certified to by the secretary of the district shall be recorded in the office of the county recorder of the county in which the lands so excluded are situated, and the recording of such certified copy shall be prima facie evidence of the exclusion from the district of the lands purporting to be excluded thereby. From and after the making of such order and the recording thereof, the lands so excluded shall no longer be included in the district but such order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded nor relieve the property so excluded from any outstanding bonds which are a lien thereon at the time of exclusion nor from any taxes to pay the principal or interest thereon.

If at the time of such exclusion of territory from such district there be any outstanding indebtedness of such district chargeable to the territory so excluded, the legislative authorities of such district and such incorporated city shall by agreement and contract prorate and apportion such outstanding indebtedness reasonably upon the basis of respective benefits theretofore received therefrom. In the event that such legislative authorities are unable to agree and contract concerning such proration and apportionment of such outstanding indebtedness, and either of said legislative authorities so declares by resolution and order submitting such matter to the board of supervisors hereinafter designated, upon the filing of a copy of such resolution and order with the board of supervisors of the county in which the larger area of such excluded territory is situated, such board of supervisors shall have power, and it shall be its duty, by its resolution and order, to prorate and apportion such outstanding indebtedness as above provided; and said resolution and order of such board of supervisors shall be final and all liability for such outstanding indebtedness shall be valid charges against the respective territories, to be paid by taxation thereof levied and collected by such respective legislative authorities in the general manner provided by law for the levy and collection of special assessments.

**SEC. 2.** This act is hereby declared to be an urgency measure and necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall therefore go into immediate effect. The statement of the facts constituting such necessity is as follows:

Certain territory of an incorporated city is included in the territory of a municipal utility district; the municipal utility district renders no utility service to any portion of the area included within the municipality, all such area being so served by the municipality. Notwithstanding the facts that the municipal utility district renders no service and such service is being rendered by the municipality, the area referred to is subjected to taxation by the municipal utility district. It is necessary that this legislation go into effect prior to the commencement of the next fiscal year to save the burden of unjust taxation."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**Senate Bill No. 123**—An act to amend Section 4244 of the Political Code, relating to the compensation of public personnel in counties of the fifteenth class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 265**—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 525**—An act to amend Sections 3 and 7 of "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to noxious or dangerous weeds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 294**—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 296**—An act to amend Section 737y of the Political Code, relating to the salary of the judge of the superior court in and for the County of Modoc.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 959**—An act to amend Section 4280 of the Political Code, relating to the compensation of public personnel.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 726**—An act to amend Section 4041.11 of the Political Code, relating to control of dogs and predatory animals.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 350**—An act relating to jurisdiction over lands in the Kings Canyon National Park.

Bill read second time.

#### Motion to Amend

Senator Burns moved the adoption of the following amendments:

#### Amendment No. 1

In line 2 of the title of the printed bill, after "Park", insert "and to add Section 119 to the Government Code relating to the jurisdiction over said lands".

#### Amendment No. 2

On page 1 of said bill, after line 19, insert

"SEC. 2. Section 119 is added to the Government Code, to read:

119. Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all of the territory which is now or may hereafter be included in those several tracts of land in the State of California set aside and dedicated for park purposes by the United States as "Kings Canyon National Park"; saving however to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corpora-



tions, their franchises and property on the lands included in said park, and the right to fix and collect license fees for fishing in said park; and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said park is situate. The jurisdiction granted by this section shall not vest until the United States through the proper officer notifies the State of California that it assumes police jurisdiction over said park.

SEC. 3. Section 2 of this act shall take effect only if a Government Code is enacted by the Legislature at its Fifty-fifth Session, and in such case, at the same time as the Government Code takes effect; at which time Section 1 of this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 368**—An act to amend Section 473a of the Political Code, relating to the centralization in the Attorney General's Office of all attorneys and legal advisers for State departments, divisions, commissions, bureaus, boards, officers, and institutions, including those administering private trusts, and the reimbursement of the Attorney General's Office for such services.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 13, of the printed bill, as introduced January 22, 1943, after "matter", insert "including the administration of private trusts,".

##### Amendment No. 2

On page 1, lines 14 and 15, of the printed bill, as introduced January 22, 1943, strike out "including those administering private trusts,".

##### Amendment No. 3

On page 2, line 3, of the printed bill, as introduced January 22, 1943, strike out "including those administering private trusts,".

##### Amendment No. 4

On page 2, line 8, of the printed bill, as introduced January 22, 1943, strike out "including those administering private trusts,".

##### Amendment No. 5

On page 2, lines 12 and 13, of the printed bill, as introduced January 22, 1943, strike out "including those administering private trusts,".

##### Amendment No. 6

On page 2, line 14, of the printed bill, as introduced January 22, 1943, after the comma, insert "shall be fixed and determined by the Attorney General and".

##### Amendment No. 7

On page 2, lines 18 and 19, of the printed bill, as introduced January 22, 1943, strike out "including those administering private trusts, and shall be fixed and determined by the Attorney General", and insert "except that the cost of all such legal services rendered in connection with the administration of a private trust shall be a charge against and paid from the funds or assets of such trust".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 584**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 228, Statutes of 1935, approved May 27, 1935, entitled and known and cited as "California Toll Bridge Authority Act," by amending Sections 3, 9, and 9½ thereof, relating to the employment of legal counsel.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2 of the printed bill, after line 6, insert

"The Attorney General shall be the legal counsel of the California Toll Bridge Authority; provided, that subject to the approval and under the supervision of the Attorney General attorneys of the Division of Contracts and Rights of Way of the Department of Public Works may likewise act as such counsel and as counsel for the Department of Public Works in matters arising under this act."

**Amendment No. 2**

On page 2, line 44, of the printed bill, following the period after "injury", strike out all of lines 44 to 50, inclusive.

**Amendment No. 3**

On page 4, line 17, of the printed bill, following the period after "injury", strike out all of lines 17 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 414**—An act to amend Sections 504, 2002, and the title of Chapter 2 of Division 2 of the Public Resources Code, to repeal Sections 507 and 2003 thereof, to add Sections 2198 and 2199 to Chapter 2 of Division 2 thereof, and to provide for appropriate transfers, creating the Department of Mines in replacement of the Division of Mines.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, following the comma after "2002", insert "2200".

**Amendment No. 2**

In line 3 of the title of the printed bill, following "Sections", insert "2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197".

**Amendment No. 3**

In line 4 of the title of the printed bill, strike out "and to provide for"; and in line 5, thereof, strike out "appropriate transfers".

**Amendment No. 4**

In line 5 of the title of the printed bill, at the end of said line, insert a comma following "Mines".

**Amendment No. 5**

In the title of the printed bill, strike out all of line 6, and insert "*preserving and transferring to it certain powers and duties, and abolishing the Division of Mines in the Department of Natural Resources.*"

**Amendment No. 6**

On page 1, line 20, of the printed bill, strike out "2198", and insert "2188"

**Amendment No. 7**

On page 1, line 22, of the printed bill, strike out "2198", and insert "2188".

**Amendment No. 8**

On page 1, line 23, of the printed bill, strike out "through the", and insert "by".

**Amendment No. 9**

On page 1 of the printed bill, strike out all of lines 24 and 25, and all of line 26 to and including "of".

**Amendment No. 10**

On page 2 of the printed bill, strike out all of line 1 following the comma after "Board"; and all of lines 2 to 6, inclusive, and insert "*which board is hereby*

created, to consist of five members, appointed by and to hold office at the pleasure of the Governor. Each member shall receive his actual, necessary expenses incurred in the performance of his duties. Immediately upon their appointment, the members shall organize by electing one of their number chairman. The board shall maintain its principal office at Sacramento, shall meet in regular session at least once each month and may hold meetings at such points in the State as to the members shall seem best to expedite the business of the department."

#### Amendment No. 11

On page 2 of the printed bill, beginning in line 7, insert the following:

"Sec. 7. Section 2189 is added to Chapter 2 of Division 2 of said code, to read: 2189. The office of Director of Mines is hereby created. The director shall be appointed by the Governor upon the recommendation of the State Mining Board, and shall hold office at the pleasure of the Governor. The director shall receive a salary of six thousand dollars (\$6,000) a year and necessary expenses incurred in the performance of his duties. The director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties. He shall be vested with all the powers and duties imposed by law upon the State Mining Board and Department of Mines, subject to the approval of said board, and shall perform such other duties relating to the business of the department as may, from time to time, be imposed upon him by the board."

#### Amendment No. 12

On page 2, line 8, of the printed bill, strike out "7", and insert "8".

#### Amendment No. 13

On page 2, line 8, of the printed bill, strike out "2199", and insert "2190".

#### Amendment No. 14

On page 2, line 10, of the printed bill, strike out "2199", at the beginning of the line, and insert "2190".

#### Amendment No. 15

On page 2, lines 16 and 17, of the printed bill, strike out "State Mineralogist", and insert "Director of Mines".

#### Amendment No. 16

On page 2 of the printed bill, strike out all of lines 19 to 34, inclusive.

#### Amendment No. 17

Add the following to the printed bill:

"Sec. 9. Section 2191 is added to Chapter 2 of Division 2 of said code, to read: 2191. For the purpose of administration, the department shall be forthwith organized by the State Mining Board with the approval of the Governor in such manner as it shall deem necessary to properly segregate and conduct the work of the department. Subject to the approval of the Governor, the State Mining Board may create such divisions and subdivisions as may be necessary and may consolidate, divide or abolish the same from time to time. The State Mining Board may appoint, in accordance with civil service or other provisions of law, such assistants, deputies, agents and experts and other employees as may be necessary for the administration of the affairs of the Department of Mines, prescribe their duties and fix their salaries, and may require such appointees to execute to the State such official bonds as the board may determine and require."

#### Amendment No. 18

Add the following to the printed bill:

"Sec. 10. Section 2192 is added to Chapter 2 of Division 2 of said code, to read: 2192. The Department of Mines shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Department of Natural Resources and the Division of Mines, as successor to the State Mining Bureau and the State Mineralogist, except as to oil and gas as provided in Division 3 of this article. Whenever, by the provisions of any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the State Mining Bureau, or the State Mineralogist, or upon the Department of Natural Resources or Division of Mines or any officer or employee of either, in relation to, concerning or involving mines or minerals as the same are defined in this division of this code, such duty, jurisdiction, or authority is hereby transferred to, imposed and conferred on the Department of Mines with the same force and effect as though the title of the Department of Mines had been specifically set forth and named therein in lieu of the name of such body, office, officer or employee."

#### Amendment No. 19

Add the following to the printed bill:

"Sec. 11. Section 2193 is added to Chapter 2 of Division 2 of said code, to read: 2193. The statutes and laws pertaining to mines and minerals, except oil and gas, formerly under the jurisdiction of or conferring authority or duties upon the State Mining Bureau, or the State Mineralogist, or upon the Department of Natural Resources, or the Division of Mines therein, and all laws prescribing their duties,

*powers, purposes, responsibilities, and jurisdiction, are hereby expressly continued in force, subject to the provisions of Section 2192 hereof."*

#### Amendment No. 20

Add the following to the printed bill:

"Sec. 12. Section 2194 is added to Chapter 2 of Division 2 of said code, to read 2194. Nothing in this article shall be construed as affecting the powers and duties of the Division of Oil and Gas in the Department of Natural Resources, nor as affecting any of the provisions of this code."

#### Amendment No. 21

Add the following to the printed bill:

"Sec. 13. Section 2195 is added to Chapter 2 of Division 2 of said code, to read 2195. The Division of Mines in the Department of Natural Resources and the positions of all officers, deputies, and employees thereunder are and each of them is abolished and shall have no further legal existence."

#### Amendment No. 22

Add the following to the printed bill:

"Sec. 14. Section 2196 is added to Chapter 2 of Division 2 of said code, to read 2196. The Department of Mines shall be in possession and control of all records, books, papers, offices, equipment, supplies, money, funds, appropriations, lands, and all other property, real or personal, now or hereafter held in the interest of the Division of Mines in the Department of Natural Resources, the State Mining Bureau and the State Mineralogist."

#### Amendment No. 23

Add the following to the printed bill:

"Sec. 15. Section 2197 is added to Chapter 2 of Division 2 of said code, to read 2197. From and after the date on which this act takes effect, the Department of Mines shall be and is hereby authorized and empowered to expend moneys in any appropriation or in any special fund in the State Treasury now remaining or made available by law for the administration of the provisions of all or any of the statutes, the administration of which is committed to the Department of Mines, or for the use, support or maintenance of any board, bureau, commission, department, office, or officer whose duties, powers and functions are, by the provisions of this act transferred to and conferred upon the Department of Mines. Such expenditures by the department shall be made in accordance with law in carrying out the purposes for which such appropriations were made or special funds created."

#### Amendment No. 24

Add the following to the printed bill:

"Sec. 16. Section 2198 is added to Chapter 2 of Division 2 of said code, to read 2198. For the purpose of disseminating information relating to the activities, powers, duties, or functions possessed or exercised by the Department of Mines, the department, with the approval of the Governor, may issue publications, conduct and maintain exhibits, and perform such acts and carry on such functions as, in the opinion of the State Mining Board, will best tend to disseminate such information."

#### Amendment No. 25

Add the following to the printed bill:

"Sec. 17. Section 2199 is added to Chapter 2 of Division 2 of said code, to read 2199. The Department of Mines shall have power to make all rules and regulations necessary or convenient for the government of the department and to carry this act into effect."

#### Amendment No. 26

Add the following to the printed bill:

"Sec. 18. Section 2200 of said code is amended to read:  
2200. For the purposes of this chapter, "Mine" includes all mineral bearing properties of whatever kind or character, except oil, gas and other hydrocarbon substances, whether underground, quarry, pit, well, spring or other source from which any mineral substance, other than oil, gas or other hydrocarbon substances, is or may be obtained. "Mineral" for the purposes of this chapter includes all mineral products both metallic and nonmetallic, solid, liquid or gaseous, except oil, gas and other hydrocarbon substances, and including mineral waters of whatever kind or character."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 714**—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "5287", and insert "5227".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "5287", and insert "5227".

**Amendment No. 3**

On page 1 of said bill, strike out all of lines 3 to 25, inclusive, and insert "5227. It is the intention of the Legislature to occupy the whole field of regulation by the provisions of this chapter except that nothing in this chapter prohibits enforcement of any or all of its provisions by persons designated so to act by appropriate ordinances duly adopted by any county of this State nor does anything prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing of advertising displays in accordance with the provisions of Chapter 838 of the Statutes of 1929, relating to zoning.

*The placing of advertising displays shall be considered a permitted use in all areas or districts established by any county zoning ordinance in which any other commercial activities are permitted. Single purpose variances from a general comprehensive zoning plan for a specific and particular commercial enterprise in areas zoned otherwise than as commercial, may be established without advertising signs or displays being considered a permitted use under the variance.*

*Commercial uses incidental to, and conducted on, premises devoted to residential uses, in areas zoned for such residential uses, may be permitted without advertising signs or displays being considered a permitted use.*

*Except as otherwise specifically provided in this section, any attempt in a zoning ordinance to impose a restriction upon advertising displays not imposed on all other commercial activities constitutes a violation of this chapter."*

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 525**—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties and townships of the State.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 346**—An act to amend Sections 261a and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 111**—An act to amend Sections 423, 450 and 452 of the Probate Code, relating to the administration of estates of decedents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—24.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 513**—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor

Bill read third time.

**Motion to Re-refer Senate Bill No. 513**

Senator Slater moved that Senate Bill No. 513 be re-referred to Committee on Finance.

Motion carried.

**Senate Bill No. 33**—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swin, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 673**—An act to amend Section 1293 of the Fish and Game Code, relating to damage to crops by animals and the taking of such animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 556**—An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swin, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 189**—An act to amend Section 369 of the Agricultural Code, relating to estrays.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 631**—An act to amend Section 25.1 of the Agricultural Prorate Act, relating to changes in proration zone boundaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 636**—An act to add Section 21.1 to the Agricultural Prorate Act, relating to proceedings for the collection of fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 109**—An act to amend Section 453 of the Agricultural Code, relating to the inspection and condemnation of milk, cream, and products thereof.

Bill read third time.

#### Motion to Amend

Senator Quinn moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 16, of the printed bill, strike out "No"; and strike out all of lines 17 to 19, inclusive, and insert "Milk or cream or products thereof so condemned and marked may not be destroyed within 12 hours after notice of such condemnation has been given to the owner during which period he may reclaim them for the purpose of using them as permitted in this section."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 632**—An act to amend Section 5 of the Agricultural Prorate Act, relating to meetings of the Agricultural Prorate Advisory Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 633**—An act to amend Sections 15 and 18 of the Agricultural Prorate Act, relating to the selection and appointment of marketing program committee members, their terms and duties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Mayo,

McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 634**—An act to amend Sections 18.1 and 19.1 of the Agricultural Prorate Act, relating to hearings on marketing program modifications and to functions of program committees under marketing programs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 635**—An act to amend Section 21 of the Agricultural Prorate Act, relating to the disposition of funds collected under marketing programs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 637**—An act to add a new section, to be numbered 25.2, to the Agricultural Prorate Act, relating to a periodic referendum.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 222**—An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein.

Bill read third time.

#### Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bills Nos. 222 and 224:

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, March 10, 1943

To the Honorable Members of the Senate  
Sacramento, California

GREETINGS:

#### SENATE BILL No. 222

"An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions

Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein";

SENATE BILL NO. 224

"An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11018, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof, and repealing acts and parts of acts specified therein";

in my opinion constitute emergency bills within the meaning of that term as used in Sections 1 and 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 222 and Senate Bill No. 224 as necessary for the immediate preservation of the public peace, health or safety and as emergency matters.

Respectfully submitted.

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 224**—An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11020, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof and repealing acts and parts of acts specified therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 722**—An act to amend Section 800 of the Military and Veterans Code, relating to veterans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 742**—An act to provide for uniform blackout and dimout regulations throughout the State, declaring the urgency thereof, to take effect immediately.

Bill read third time.



## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 221**—An act to add Article 7.5, comprising Sections 7125 and 7126 to Chapter 9 of Division 3 of, and to add Section 30016.5 to, the Business and Professions Code, thereby consolidating and revising the law relating to workmen's compensation reports of licensed contractors, and repealing acts and parts of acts therein specified.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 237**—An act to add Section 7518 to the Business and Professions Code, relating to night watchmen in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilling, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 404**—An act to amend Section 6021 of the Business and Professions Code, relating to election of officers of the Board of Bar Governors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dilling, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

## MOTION TO PRINT IN JOURNAL

Senator Rich moved that the Second Partial Report of the Joint Legislative Budget Committee be printed in the Journal.

Motion carried.

**Mr. President:**

As Chairman of the Legislative Budget Committee, I am this day filing with the Secretary of the Senate the Second Partial Report of the Joint Legislative Budget Committee, and I am asking that the report be printed in the Journal.

It is thought that this report will greatly aid the Senators in considering the Governor's Budget and the Budget Bill.

Because of the length of the report and the lack of time, all of the members of the committee have not read the final draft of the report. While the names of the committeemen appear upon the report and are subscribed to it, nevertheless this report is filed with the understanding among all the members that any individual member of the committee may express in a written statement, printed in either the Senate Journal or the Assembly Journal, any statement he may desire to make concerning said report.

Dated this twentieth day of March, 1943.

W. P. RICH

Chairman Legislative Budget Committee

**Second Partial Report of the Joint Legislative Budget Committee  
to the**

HONORABLE FREDERICK F. HOUSER, *President*, and to the Members of the Senate  
and to the

HONORABLE CHARLES W. LYON, *Speaker*, and to the Members of the Assembly  
of the State of California

**First Preliminary Report**

The first preliminary report of the Legislative Budget Committee was published in the Senate Journal for January 30, 1943. It was pointed out in this report that a very large part of material and information compiled during the past year by the Legislative Auditor for the committee was used directly by the Legislative Auditor in connection with the hearings on the Governor's Biennial Budget, recently submitted to the Legislature. The Legislative Auditor worked continuously with those responsible for the preparation of the Budget and a considerable amount of the effectiveness of the Legislative Budget Committee is reflected in the Budget document itself. Governor Warren's appreciation for this assistance is contained in his Budget message in the following words: "In all of our Budget hearings we have exchanged views with your Legislative Auditor, and feel indebted to him for many valuable suggestions."

**Budget Held Down at Making**

By functioning in this fashion and bringing to bear the results of our studies in the preparation of the Budget document itself, a degree of assistance was rendered which could not have been done if analyses of the activities and expenditures of the several departments of the State had not been made beforehand. With a Biennial Budget \$88,610,366 less than the Budget submitted for the current biennium and showing a decrease of \$64,264,452 below the actual and estimated total expenditure for the current biennium, there is not the same opportunity of making recommendations for as substantial economies as if the trend of expansion in the cost of State Government and in the biennial budgets which has existed over the past 10 years had continued.

It should be noted that in the Budget for 1943-45 there has been included a continuation of State employees' salary bonuses of \$15 per month for the next biennium. This requires approximately \$11,000,000 in the way of a new appropriation item not found in the previous Budget and only reflected in the actual expenditures of the current biennium for the last year. Automatic salary increases of approximately another \$2,000,000 are likewise included.

Certain wartime expenditures appear in the new Budget for a full two years while they only cover one year in the current biennium. The appropriation for the State Guard is \$4,552,554 over the previous two years. War emergency expenditures of the Division of Forestry, however, are reduced \$545,657, making a net increase in these two items of approximately \$4,000,000.

It should also be noted that the State has had an unprecedented growth in population during the past year as is shown from the following estimate prepared by the California Taxpayers' Association:

**POPULATION GROWTH  
From January 1943 Tax Digest**

California—	
Census, April, 1930	5,677,251
Census, April, 1940	6,907,387
Estimate, 1941	7,070,000
Estimate, 1942	7,425,000
Estimate, 1943	7,660,000

This sudden upswing in population reflects an increase in certain automatic charges for State Government. For these reasons the decrease in the Biennial Budget for 1943-45 actually represents a greater decrease than is apparent. It is also worth noting that the Budget as presented is a reduction of approximately \$55,000,000 below the requested appropriations made by the several departments and agencies of the State.

As pointed out in our report of January 4th, the Governor's Budget for various reasons is not the final word on adequate planning for the expenditures of the State for the next biennium, and many possibilities for further economies, consolidation, reorganization, suspension and elimination of State activities exist.

### Scope of This Report

In our first report, we contemplated the submission of additional partial reports covering specifically various sections of the 1943-45 Biennial Budget. The purpose of this second partial report is to present the following matters:

1. An overall analysis of the 1943-45 Budget.
2. Matters requiring policy decisions in order to determine the amount of certain items in the Budget and the corresponding amounts to be placed in the Appropriation Bill therefor.
3. Analysis of the revenue estimates and the resultant surplus at the end of the biennium.

4. Analysis of the proposed expenditures for the Legislature, the judiciary, the executive and the administrative officers, boards and commissions of the State.

This partial report is factual, presenting information in so far as it is available concerning these various items and pointing out certain conditions and situations which have not generally been brought to the attention of the Legislature. Possible savings are indicated, which can be accomplished if certain changes, consolidations, and eliminations are made and the actual amounts of these savings are shown. On the other hand, additional costs which will occur if proposed legislation is enacted or if existing conditions are continued, are indicated. In all of these matters, actual figures are presented based upon the best available information and on the most conservative estimates. We wish to call attention to the fact, however, that we are living in a period of continuous and sudden change, both in our private and governmental economy, and that these changes beyond our control, when they occur, immediately reflect on the State's business and on estimates made both as respects revenue and the cost of government.

A third partial report will follow as soon as possible, covering an additional number of administrative departments and agencies of the State. This will fit into the overall picture presented herewith.

### I. GENERAL ANALYSIS OF THE 1943-45 BUDGET

The proposed Budget for the biennium July 1, 1943, to June 30, 1945, is the first State Budget of World War II. It is \$88,610,366 smaller than its predecessor and it reflects the mark of war on the State Government in two ways. First, economies have been made in light of the war effort and in line with Senate Concurrent Resolution No. 6, presented in our First Partial Report. Secondly, added expenditures for the war effort are included. These are reflected directly in appropriations for the Council of Defense, the Fire Emergency Plan in the Division of Forestry, the State Guard, the Department of Public Health, the salary bonus of \$15 a month for each State employee, the increased price of commodities which the State buys, particularly for institutions and prisons, and added activities for the war effort in practically every State department. Some of the economies have been forced by the war effort, such as the suspension of capital outlay and the inability to fill positions because of the demand for manpower arising from the war effort. Others occur from improved economic condition which has resulted in the elimination of expenditures for relief and a reduction in the cost for aid to the needy and the blind.

#### Impact on Manpower of State by War Effort

It should be pointed out at the very beginning that all of the savings forced through the inability to fill positions because of the demand for manpower arising from the war effort were consumed during the current biennium through paying the \$15 per month bonus to the remaining State employees. It should also be recorded here in the beginning of our report that the full impact of the demand for manpower has not been felt in the State employment and that little or nothing has been done to actually cut down the number of employees in order to effectively assist in releasing manpower. The actual and estimated number of State employees budgeted for all funds in the current biennium ending June 30, 1943, is given as 26,944,\* in the Budget, while the number provided for in the 1943-45 Budget is 26,102. The slight change in the number of employees during the first year of the war is as follows: On December 31, 1941, the employment records showed an increase of 2,322

\* Note—This includes all regular full-time positions appearing in the Budget and an estimate for highway maintenance employees. For detailed analysis of number of employees, salaries and wages and contributions to the Retirement Fund for 1941-43 and 1943-45 see table below.

Table A

## SUMMARY COMPARISONS OF ACTUAL AND ESTIMATED EXPENDITURES DURING 1941-43 WITH GOVERNOR'S PROPOSED BUDGET FOR 1943-45

	GENERAL FUND			SPECIAL FUND		
	Actual and Estimated Expenditures 1941-43	Proposed Budget 1943-45	Increase Decrease	Actual and Estimated Expenditures 1941-43	Proposed Budget 1943-45	Increase Decrease
Legislative -----						
Judicial -----	\$1,128,402	\$950,982	\$177,420			
Executive -----	1,320,826	1,405,062	\$84,236			
Administrative Officers, Boards and Commissions -----	226,620	219,930	6,690			
Attorney General -----	\$663,317	\$694,170	\$30,853			
Controller -----	1,012,595	1,004,905	\$7,690	\$389,036	\$462,439	\$73,403
Council of Defense -----	419,921	619,061	199,140			
Board of Administration						
State Employees' Retirement System -----	115,979	154,775	38,796			
Board of Equalization --	9,413,888	9,662,244	248,356	304,010	330,894	26,884
Franchise Tax						
Commissioner -----	2,031,662	2,192,758	161,096			
Horse Racing Board -----				74,374	58,890	\$15,484
Commission on Interstate						
Cooperation -----	9,059	10,000	941			
Personnel Board -----	640,119	751,333	111,214			
Railroad Commission --	1,283,701	1,399,062	115,361	817,177	854,366	37,189
Board of State Harbor						
Commissioners--San						
Diego -----						
Secretary of State -----	227,859	271,840	43,981	2,277	1,962	315
Treasurer -----	146,244	177,880	31,636	35,798	37,533	1,735
Youth Correction						
Authority -----	97,133	378,144	281,011			
Total--Administrative						
Officers, Boards and						
Commissions -----	\$16,061,477	\$17,316,112	\$1,254,635	\$1,622,672	\$1,746,084	\$123,412
Administrative Departments						
Agriculture -----	\$2,693,423	\$2,615,942	\$77,481	\$4,245,919	\$4,202,082	\$43,837
Education -----	29,593,277	24,494,784	5,098,493	908,345	348,782	559,563
Employment -----	78,995		78,995			
Finance -----	4,367,874	3,134,860	1,233,014			
Industrial Relations --	2,610,444	2,917,982	2,982,115	675,887		2,306,228
Institutions -----	23,649,048	26,037,628	229,106	107,344		31,762
Investments -----	135,389	27,910	107,479			
Military and Veterans						
Affairs -----	12,288,151	16,561,236	2,081,106	2,081,106	2,221,948	\$140,842
				315,725	233,794	81,931



Motor Vehicles -----	7,216,464	5,793,166	-----	15,972,936	15,082,260	-----	890,676
Natural Resources -----	7,606,744	6,865,206	-----	1,423,298	4,764,691	-----	502,764
Penology -----	-----	-----	-----	741,335	100,500	-----	14,422
Professional and Vocational Standards -----	1,069,371	1,281,681	212,310	-----	1,528,848	1,509,273	19,575
Public Health -----	2,908,905	1,677,926	-----	1,230,979	453,883	9,658	-----
Public Works -----	2,776,775	1,395,991	-----	1,380,784	73,818,330	49,379,862	24,438,468
Social Welfare -----	-----	-----	-----	-----	-----	-----	-----
Total—Administrative Departments -----	\$96,993,960	\$92,804,312	-----	\$4,189,648	\$107,908,732	\$79,170,306	\$28,738,426
Miscellaneous -----	\$3,494,155	\$2,816,045	-----	\$678,110	-----	-----	-----
Debt service -----	15,743,080	14,318,617	-----	1,394,463	-----	-----	-----
Reserves for emergencies -----	715,367	4,750,000	\$4,034,633	-----	-----	-----	-----
Gross total—State Government -----	\$135,683,887	\$134,611,060	-----	\$1,072,827	\$109,531,404	\$80,916,390	\$28,615,014
Less: Credits from special funds and pro rata cost of Personnel Board services -----	—1,395,360	—1,173,000	-----	—222,360	-----	-----	-----
Net total—State Government -----	\$134,288,527	\$133,438,060	-----	\$850,467	\$109,531,404	\$80,916,390	\$28,615,014
Payments and Grants to Local Governments -----	\$158,974,468	\$153,398,174	-----	\$5,606,294	\$2,761,369	\$2,800,000	\$38,631
Public Schools -----	-----	-----	-----	-----	-----	-----	-----
Social Welfare and Public Health -----	46,388,192	42,439,955	-----	3,948,237	53,184,701	35,650,875	\$17,533,826
Highways -----	-----	-----	-----	-----	21,791,433	14,037,551	7,753,882
Other purposes -----	1,291,363	1,296,000	\$4,637	-----	-----	-----	-----
Total—Payments and grants to local governments -----	\$208,654,023	\$197,104,129	-----	\$9,549,894	\$77,737,503	\$72,488,426	\$25,249,077
Grand total—Expenditures -----	\$340,942,550	\$330,542,180	-----	\$10,400,361	\$187,268,907	\$133,404,816	\$53,864,091

## RECAPITULATION—1943-45

	Actual and Estimated Expenditures, 1941-45	Proposed Budget, 1945-45
General Fund -----	\$340,942,550	\$330,542,180
Special Fund -----	187,268,907	133,404,816
Total—All Funds -----	\$528,211,457	\$463,947,005

regular, full-time State employees as compared with the same date in 1940. On December 31, 1942, there was a decrease of 3,367 employees as compared with the corresponding date in 1941. Of these, however, 3,025 were laid off in two departments; the Department of Employment laid off 1,800 and the Department of Public Works, 1,225. Neither of these reflect any reduction in General Fund expenditures, for the employees of the Department of Employment are paid from Federal funds, while the employees of the Department of Public Works are largely paid from gas tax and motor vehicle fees.

The net change in total salaries paid for 1942 below 1941 is even less significant. The tabulation on page 6 shows the approximate total expenditures for salaries and wages (exclusive of the University of California) for the calendar years 1938 through 1942. These figures represent the totals of pay rolls audited by the Personnel Board and certified to the State Controller for payment.

#### ANALYSIS OF BUDGET, STATE OF CALIFORNIA, 1943-45

Number of Employees, Salaries, Average Wages and Contributions to Retirement Fund				
Fiscal Years----	93d	94th	95th	96th
<i>Number of Employees</i>				
General Fund--	12,045	14,554	13,713	13,737
Special funds---	9,382	8,733	8,236	8,316
Total Employees--	21,427	23,287	21,949	22,053
<i>Average per Biennium</i>				
General Fund--	13,300		13,725	
Special funds---	9,058		8,276	
<i>Salaries and Wages</i>				
General Fund <sup>1</sup> —	\$25,042,538 00	\$28,998,981 00	\$29,249,848 00	\$29,680,049 00
Total for Biennium ---	\$54,041,519 00		\$58,929,897 00	
Average salary per employee	\$207 91	\$199 25	\$213 30	\$216 06
Special funds <sup>2</sup> —	\$18,826,204 00	\$19,698,539 00	\$19,307,255 00	\$19,589,351 00
Total for Biennium ---	\$38,524,743 00		\$38,896,606 00	
Average salary per employee	\$200 66	\$225 56	\$234 43	\$235 56
Average salary per employee both funds	\$204 74	\$209 12	\$221 23	\$223 41
<i>Salary Savings</i>				
General Fund--	not listed	\$1,104,032 00	\$1,283,761 00	\$1,297,153 00
Per cent of salaries and wages		3.81%	4.39%	4.37%
Special funds---	not listed	\$422,791 00	\$409,624 00	\$411,637 00
Per cent of salaries and wages		2.15%	2.12%	2.10%
<i>Retirement Contributions</i>				
General Fund—				
Biennium <sup>3</sup> ---	\$2,150,457 00		\$2,106,258 00	
Per cent of salaries and wages		3.98%		3.57%
Special fund—				
Biennium <sup>4</sup> ---	\$1,173,548 00		\$1,247,643 00	
Per cent of salaries and wages		3.60%		3.73%
Highway Patrol -----	\$584,815 00		\$618,502 00	
Per cent of salaries and wages		9.90%		11.41%

<sup>1</sup> Excluding University of California.

<sup>2</sup> Excluding Compensation Insurance Fund and highway labor.

<sup>3</sup> Excluding courts, and including Public Works, Board of Equalization and Franchise Tax.

<sup>4</sup> Excluding Highway Patrol.

*University of  
California*

Employees -----	4,130	3,358	not listed	not listed
Salaries and wages -----	\$9,653,972 00	\$10,161,390 00	\$10,348,772 00	\$10,386,658 00

*Compensation  
Insurance Fund*

Salaries and wages— Biennium --	\$2,125,000 00	\$2,250,000 00
---------------------------------------	----------------	----------------

1938-----	\$71,861,194
1939-----	58,474,957
1940-----	57,999,206
1941-----	58,896,078
1942-----	58,080,977

The total appropriation for salaries, actual and estimated, for the biennium 1941-43 was \$110,607,544.59, while the same figure for the Budget 1943-45 is placed at \$115,769,115.00, which shows an increase of \$5,161,570.41.

It is true that the Budget makes a considerable allowance for vacant positions which will result in salary savings arising from the inability to fill positions. In the Budget hearings your Legislative Auditor repeatedly urged that greater allowance be made for salary savings and a greater reduction be made in the State's use of manpower so that an increased manpower may be released for the war effort. Moreover, it is doubtful in light of the recent statement made by Manpower Administrator McNutt to the effect that five out of seven men at 40 years of age under 38 years of age will be in the Army before the year is out, if sufficient allowance has been made in this Budget for this impact of the demand for manpower. Therefore, the salary savings item is not as high as it should be placed. Neither is the contemplated savings in salaries and wages through the necessity of putting on beginners at the first step in the salary ranges sufficiently large. In addition, there are specific instances where no salary savings in the Budget have been estimated. For example, no salary savings have been estimated for the courts. It must be that these salaries are so high that no turnover is expected. A survey of the range of salaries of the courts and particularly of the Supreme Court indicates that the salaries of the employees not fixed by law are somewhat out of line with the State salary schedule, and on the upward side.

**Larger Salary Savings**

In light of recent developments and the probable impact of the war on manpower of the State, it is believed that an additional salary savings of 5 per cent can conservatively be expected. Each appropriation for salaries should accordingly be reduced this additional 5 per cent and this sum added to the item for salary savings already indicated. If the appropriation can be reduced accordingly throughout the Budget this would result in a reduction in General Fund expenditures of \$3,013,227.35 and a reduction in special fund of \$2,775,228.40.

**Reduction in Budget**

During the biennium 1941-43 which will end on June 30th of this year, the actual and estimated expenditures of the State were calculated at \$528,211,457. The 1943-45 Budget calls for a total expenditure of \$463,947,005. This is a gross reduction of \$64,264,452. This is a sizeable reduction in itself but it is even more significant when we consider that it contains the wartime expenditures mentioned above which are not reflected for more than one year at the most in the actual and estimated expenditures for the current biennium. The proposed appropriation for the State Guard alone amounts to \$15,103,172.00, as compared with \$10,559,618.54 for the current biennium, an increase of \$4,552,554.

These total figures above cited contain so many things and reflect so many conditions and are made up of so many funds and comply with so many statutes and provisions of the State Constitution that they need to be torn apart and their several component parts examined carefully to see just exactly what the proposed Budget looks like as compared with the actual and estimated expenditures for the previous biennium. Table A which precedes gives a summary comparing actual and estimated expenditures for the biennium 1941-43 with the Governor's Proposed Budget for 1943-45 divided into General and Special Funds.

There are several ways of looking at the Budget and it is desirable for the Legislature in considering appropriations to have all of the information that can be secured. In the most general terms the Budget provides money for *State expenditures* and money for *payments to local governments* to aid in financing their operations. In other words, the State not only spends directly but it also passes on in the way of subventions to local governments a large proportion of the Budget. Furthermore, there are two other large divisions of the State Budget as respects the funds from which expenditures are made. These are known as General Fund and special fund expenditures. These four types of appropriations set up in the 1943-45 Budget are reduced in various amounts and percentages below the Budget for the current biennium. In considering appropriations it appears desirable to determine where the reductions have been made. Have they been made largely in the General Fund or in the special funds? Have they been made in reductions of payments to local governments or reductions in expenditures which were made by the State itself? The following table presents these facts in the briefest form:

State Expenditures From General Fund	
Spent, 1941-43 -----	\$134,288,527
Budget, 1943-45 ----	133,438,060
Decrease -----	\$850,467

State Expenditures From Special Funds	
Spent, 1941-43 -----	\$109,531,404
Budget, 1943-45 ----	80,916,390
Decrease -----	\$28,615,014

Payments to Local Governments From General Fund	
Spent, 1941-43 -----	\$206,654,023
Budget, 1943-45 ----	197,104,129
Decrease -----	\$9,549,894

Payments to Local Governments From Special Funds	
Spent, 1941-43 -----	\$77,737,503
Budget, 1943-45 ----	52,488,426
Decrease -----	\$25,249,077

#### Reduction in General Fund Expenditures Insignificant

The above table indicates that the expenditures for State purposes in the Budget show a decrease of \$29,165,481. On its face this appears to be a sizeable reduction. Further analysis of this reduction as indicated in the second column of the table shows, however, that \$28,615,014 is a reduction from special funds. This results almost entirely from anticipated decline of the tax yield from gasoline and motor vehicles. This means, in short, a reduction in the building and maintenance of highways and bridges, a reduction which will mean that the State is not keeping up with its program and which in effect, is a suspension of capital outlay rather than an actual decrease in the cost of government. *The real reduction in the cost of Government of the State from the General Fund amounts to only \$850,467.* This is an insignificant sum when considered by itself. If it were not due to the fact that normally there would have been an increase in the expenditures for the General Fund consistent with the curve of increased expenditures of the past 10 years and an additional increase due to the war emergency for the State Guard, Council of Defense, Health Service and other activities mentioned before, this decrease of less than \$1,000,000 can not be said to be a mark of real economy. Clearly, if effective economies are made, a greater reduction should be shown in the State expenditures from the General Fund. This is particularly true when we find that certain fixed charges such as General Fund debt service show a reduction from \$15,743,080 to \$14,348,617, or \$1,394,463, or \$543,996 more than the total reduction in the General Fund expenditures.

#### Capital Outlay Larger Reduction

When we consider the provisions made for capital outlay from the General Fund in the 1943-45 biennium as compared with the actual and estimated expenditures for capital outlay in the 1941-43 biennium, we find that there has been no actual reduction in the operating expenses of the State Government as paid from the General Fund, but on the other hand there has been a significant increase. The actual and estimated capital outlay expenditures from the General Fund 1941-43 is \$8,479,945. The proposed capital outlay item for 1943-45 is only \$803,255. This shows a reduction in appropriations for capital outlay in the coming biennium below the current one of \$7,676,690. It should be noted that the capital outlay item from the General Fund for the current biennium is not out of line. The actual expenditures for this purpose for the biennium 1937-39 amounted to \$17,290,539, and for 1939-41 it amounted to \$7,125,955.

Anyone familiar with the State institutions, colleges, schools and prisons recognizes that a suspension of capital outlay for any biennium does not eliminate the need for the expenditure but merely postpones it. Therefore, while there is a reduction in expenditures for capital outlay resulting in an actual smaller Budget for a particular biennium, it is not a reduction in expenditures in the same way as is a



reduction in operating expenses. It is merely a postponement. The question certainly can be raised if a reduction in capital outlay in any sense represents a true economy in government if the objects of the capital outlay are in fact needed and desirable.

#### Reduction of Payments to Local Government From General Fund Significant

The payments by the State to local government from the General Fund will show a significant drop. In the current biennium approximately \$284,000,000 was paid to local government. For the coming biennium, 1943-45, this is budgeted at \$250,000,000. Of this reduction \$25,249,077 is a reduction from special fund allotments while the reduction from the General Fund is \$9,549,894. The drop in these payments from the General Fund arises largely from reduction of the number of needy aged, needy blind and dependent children and a substantial decrease in the number of pupils in the high schools and junior colleges. A drop in the special fund payments to local government follows primarily from the decline in gas tax revenues, as is also true with the State itself. This means that the counties and cities will have less money to spend on their highways and streets.

#### Governor Suggests Additional Economies Possible

The Governor in his Budget message recognized that there are possibilities of further economies. He indicated this in the following words: "It may be that further economies can be effected during the biennium after we have had opportunity for more detailed study. I say this because in my opinion it is impossible for an incoming Governor to make \* \* \* an accurate and detailed analysis of budgetary problems within the short interval of time allowed."

He furthermore reserved the right to make subsequent recommendations in connection with the budgets of four agencies: (1) Civilian Defense, (2) State Guard, (3) Division of Forestry, and (4) the Department of Public Health.

#### War Emergency Council

Already the State Council of Defense has been abolished and a new war emergency council has been set up and an appropriation bill, Senate Bill No. 733, with the amount therein in blank, has been introduced into the Legislature. In the meantime, an emergency appropriation of \$105,000 for the Council of Defense and its successor, the War Council, has been made.

The State Council of Defense has been included for the first time in the Governor's Budget (see page 37) and an item of \$619,061 for the next biennium has been included. This is an increase of \$119,139 above the actual and estimated expenditure for the current biennium. This budget item of \$619,061 must be considered in conjunction with whatever amount is appropriated for the State War Council.

#### State Guard

The Budget item for the State Guard has been set up in the budget for \$15,103,172 (see page 417). This is based on present costs and for an estimated active strength of 5,564 men, 454 officers and 64 civilians, or a total of 6,082. The Governor, in his message, stated: "The Adjutant General is now conducting a preliminary survey which is likely to lead to new recommendations in weeks to come."

Our survey carried on from the time the new Guard Bill was passed by the Extraordinary Session of the 1941 Legislature indicates that this appropriation request for \$15,103,172 can be materially reduced and at the same time provide for necessary guard service on a basis comparable or better than that which was provided during the current biennium. The average number of enlisted men on the rolls prior to June 30, 1942, was 4,580, with 344 officers and 59 civilians, and for the Fiscal Year 1943-45 the average number of enlisted men is placed at 5,569, with 458 officers and 66 civilians. This does not take into account the number absent without leave, which in the State Guard during its history has been very large as compared with regular forces.

With improved organization of the Guard, better active management and an upgrading of the enlisted personnel and the resultant improvement which would occur in morale, together with the better control of buying and the use of the Federal commissary and the establishment and maintenance of an adequate accounting system, a better defense job can be done by the State Guard with a smaller force and for less money.

A well-organized active field force of not to exceed 3,000 men and possibly as few as 2,500, with the corresponding reduction in officers and civilian employees, should be able to perform the services needed. Allowing for 3,000 men and an over-all cost of \$5 per day per man, the total cost will be \$15,000 per day or approximately \$450,000 per month, or \$5,400,000 a year or \$10,800,000 for the biennium. This would make possible a Budget reduction of \$4,303,172. This contemplates a full use of the equipment, including rolling stock, which the Guard now has on hand for a force of approximately 6,000.

It is doubtful if the Guard will be able to recruit any very large force in light of the increased demand of the draft to build up an army of 12,000,000 men and the demand on manpower for essential war industries. It is essential, therefore, that the most effective force possible to meet situations which may arise should be formed.

#### Division of Forestry

The appropriation for the Division of Forestry set up in the Budget is for \$5,453,649. This is a decrease of \$816,173 below the current biennium. This includes \$2,160,132 for war emergency functions. This is a decrease from the current biennium in this item of \$545,657. This decrease, however, is principally in the capital outlay for mobile pool fire equipment for the Emergency Fire Plan. Actually, the amount of fire protection being given is greater than at any previous time in the history of the State.

The determination of the appropriation for the Division of Forestry for its normal functions depends entirely on the establishment of a definite policy for the division as to just what classes of territory and forest land it will protect. This is a matter for legislative determination. The details of what is involved will be discussed subsequently in this report.

The adjustment of the allocation in the Budget for the war emergency functions performed by the Division of Forestry depends upon how many of these functions connected with the War Emergency Fire Plan will continue to be operated by the Division of Forestry, and how much of this activity will be taken over by the new State War Council. It has been proposed that the War Council will take over the dispatching service (see Article 5, Division 7, Section 1541, subsection (d), Military and Veterans Code, recently enacted by the Extraordinary Session of the Fifty-fifth Session of the Legislature). It has also been suggested that the mobile pool of fire equipment will be assigned to the communities, cities and counties for their use for continuous protection but to be at the service of the entire State for emergencies and under the control of the State War Council. Whatever is done with the management of these services an adjustment and transfer of appropriations should be made accordingly. This will call for a revision of the appropriation items and should be likewise considered in connection with Senate Bill No. 733 providing for an appropriation for the State War Council. It is impossible at this time to provide any further information on this subject. When available, a supplemental report will be made.

#### Public Health

Neither the Governor nor the Department of Public Health has as yet made additional recommendations concerning any revision of that department's budget. The total expenditures of State funds provided in the Budget (see page 571) is placed at \$1,281,681, or an increase of \$316,888. This, of course, is over and above Federal grants.

The Department of Public Health is one of the few departments of the State that has had a considerable increase in personnel in the past two years. They had 60 additional full-time employees on December 31, 1941, as compared with the previous December, and on December 31, 1942, they had an additional 90 full-time employees as compared with December 31, 1941. The only other departments that exceed the Department of Public Health, excluding the State Guard as their enlisted force are not considered as employees, are the Motor Vehicle Department and Social Welfare. Motor Vehicle had its increase in the addition of highway patrolmen by way of the deficiency allowed by Governor Olson, to be discussed subsequently. Social Welfare had an increase of 125 and 240 full-time employees for the years 1941 and 1942, respectively, but this was brought about through taking over the distribution of commodities and commodity stamps from the State Relief Administration and subsequently the replacing of WPA workers with regular hired employees.

A majority of the increase was in activities supported by funds from the Federal Government under "Social Security Activities." However, the increased health problems were caused by war conditions which is a Federal and not a State concern.

#### Additional Costs for Normal Governmental Services Resulting From War

The entire Budget is based on the premise that the war will continue through the biennium. The Budget is also based on the general principle that war essential services are adequately provided for and lesser essential services curtailed. The Budget does not indicate in itself where these lesser essential services have been curtailed, nor does it indicate where services have been directed toward the war effort. An analysis of specific departments indicates that in some instances major war services have not been particularly emphasized, but on the other hand the normal services of government are to be carried on.

## Agriculture

This is true in the Department of Agriculture (pages 112 to 157, inclusive of the Budget). Item 50, page 5 of Assembly Bill No. 1600 provides \$2,613,812 for support of the Department of Agriculture from the General Fund. This is a decrease of approximately \$64,000 below the current biennium. It is an insignificant amount when we consider that we have gone from a situation of overproduction of many agricultural products to a scarcity in practically all of them, with the exception of wheat. There is no indication that the normal activities of the department have been curtailed drastically and emphasis being placed on the production of food, which is a major wartime issue. This desirable emphasis can not be made by a Department of Agriculture merely carrying on the activities it has developed in peace time. For example, is it not possible in the Bureau of Rodent and Weed Control to reduce the activities of weed control and spend some of this energy in assisting in food production? Also, in the Bureau of Live Stock Disease Control with a budget of \$533,000 as compared with \$605,000 for the previous biennium, can not this be further reduced or more assistance be rendered to encourage the production of meat to supply the demand for this commodity, which already is in a category of a scarce item, and soon to be rationed?

The Bureau of Fruit and Vegetable Standardization is asking for an increase of \$6,000 with a Budget item of \$163,000. Standardization is essential when there is a surplus and a limited market. It is not nearly so important when there is no surplus and the market will take every pound that is available at maximum prices. There is no longer a problem of destroying misshapen pears or other fruits that do not come up to a size standard. Now, as long as they are food, they are useful. Standardization should be cut to the bone, and possibly eliminated entirely if it interferes with the production of food. Further detailed suggestions for possible eliminations will be presented in subsequent reports.

The same principle indicated here will be applied to the entire Budget.

## Bonus for State Employees Included in Budget

The 1943-45 Budget includes an allowance in each department and agency in both General and Special Funds of an amount sufficient to provide a \$15 per month bonus for each employee other than those being paid the prevailing wage as provided by law. In this class fall the employees of the State Printing Plant.

The Governor states in his Budget message on page vii that the \$15 allowance now in effect amounts to some \$10,000,000 for the next biennium and is a significant factor in the Budget total. Using the estimate provided by the university that it will cost \$1,200,000 to provide a salary bonus for university employees for the next biennium, which is set up in Item 83, page 7 of Assembly Bill No. 1600, and basing our calculation on 25,202, which is the number employed as of June 30, 1942, we find that it would cost \$10,272,720. This will be reduced accordingly if the number of employees is reduced below the 25,202.

## Additional Cost to Retirement System

In addition to the increase in the salary item, there is an additional cost to the State through the Retirement System. The contribution to be made by the State consists of 3.75 per cent of this additional compensation for all employees except members of the California Highway Patrol. For this latter group the contribution is 13.4 per cent of the additional compensation.

The Governor's Budget is not increased a full \$10,000,000 plus the cost for the Retirement System over and above the actual and estimated expenditures for the previous biennium for the reason that the \$15 bonus has been in effect for the last year of the current biennium. The increase, however, is approximately \$5,000,000, a little less than one-half of the biennial cost, for the reason that the number of employees will be less for the current biennium.

## Salary Appropriations Further Complicated

The situation as respects State salaries and the \$15 bonus has become further complicated by the enactment of Senate Bill No. 15 and its approval by the Governor, making an appropriation to pay State employees for the remaining months of the current biennium as sum over and above the \$15 bonus. The sum of \$731,755 was appropriated to provide an increase in salaries and wages for the third and fourth calendar quarters of the Ninety-fourth Fiscal Year, according to a schedule provided in the bill. This schedule provides that to each employee whose monthly salary does not exceed \$300, an increase of \$25 per month will be paid; and to each employee whose monthly salary exceeds \$300 will be paid an increase of \$20 per month. This appropriation has the effect of adding to those in the first bracket an additional salary increase of \$10, and to those in the second bracket, \$5 per month. In addition to that, there is automatically provided an additional allotment for retirement based on the percentages given above.

While there is no legislative approval continuing the provisions of Senate Bill No. 15 into the next biennium, that is, beyond June 30, 1943, it seems desirable to



calculate what this may cost so as to have the facts available. Excluding the University of California, we find that it would cost General and Special Funds to make Senate Bill No. 15 effective \$625,245 for one month. It would cost for the \$15 bonus \$378,030, or it would cost \$247,215 per month more to function Senate Bill No. 15 than it would for the \$15 bonus. For the entire biennium it would cost \$5,953,440 more for Senate Bill No. 15 than is now provided in the Governor's Budget, and in addition it would cost for the required contributions to the State Employees' Retirement Fund on the part of the State \$564,864, or a grand total of \$6,518,304 for the biennium. The following tabulation indicates the additional cost to the State because of the retirement contribution resulting from the passage of Senate Bill No. 15 for the remainder of the current biennium, and an estimate of what it would cost for the Ninety-fifth and Ninety-sixth Fiscal Years if it is carried forward to the next biennium:

Additional Cost to the State Because of the Retirement Contribution, Resulting from the Passage of Senate Bill No. 15, which increases the Salaries of State Employees by \$25 per Month for Those Receiving \$300 and Less, and by \$20 per Month for Those Receiving Above \$300

Total number of employees excluding university	25,202	
Cost of \$25 per month for all employees under \$300 salary		\$606,025 00
Cost of \$20 per month for all employees over \$300 salary		19,220 00
Total cost per month of increase		\$625,245 00
Cost to General Fund, \$25 increase	\$229,450 00	
Cost to General Fund, \$20 increase	9,880 00	
		\$239,330 00
Cost to Special Funds, \$25 increase	\$376,575 00	
Cost to Special Funds, \$20 increase	9,340 00	
		385,915 00
		\$625,245 00

The contribution to be made by the State consists of 3.75 per cent of the compensation of members of the Retirement System for all members except the members of the California Highway Patrol. For the latter group, the percentage of contribution of members is 13.40 per cent of the compensation of members.

The last month for which complete figures were available was the month of October, 1942. After eliminating compensation of University of California employees and members of the California Highway Patrol from the total of that month, we determined the percentage of employees who are members of the Retirement System as compared to all employees, and applied this percentage to the salaries as shown above, the result being the estimated compensation of members of the Retirement System for which the State would contribute. Applying the State's required contribution of 3.75 per cent and 13.4 per cent to this total, we found that the cost to the State would be as follows:

	Per Month
1. General Fund (3.75 per cent)	\$7,327 41
2. Special Funds (3.75 per cent), excluding payments to California Highway Patrol	11,591 51
3. Motor Vehicle Support Fund for California Highway Patrol (13.40 per cent)	4,617 09

Applying these costs to the balance of the Ninety-fourth Fiscal Year, to 12 months of the Ninety-fifth Fiscal Year, and to 24 months of the Ninety-fifth and Ninety-sixth Fiscal Years, results in the following costs:

Five months cost Ninety-fourth Fiscal Year contributions to Retirement System

General Fund	\$36,637 05
Special funds other than California Highway Patrol	57,957 55
Motor Vehicle Support Fund for California Highway Patrol	23,085 45

Twelve months cost Ninety-fifth Fiscal Year contributions to Retirement System

General Fund	\$87,928 92
Special funds other than California Highway Patrol	139,098 12
Motor Vehicle Support Fund for California Highway Patrol	55,405 08

Twenty-four months cost Ninety-fifth and Ninety-sixth Fiscal Years contributions to Retirement System

General Fund	\$175,857 84
Special funds other than California Highway Patrol	278,196 24
Motor Vehicle Support Fund for California Highway Patrol	110,810 16

Total	\$564,864 24
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### Personnel Problems Resulting From War

The personnel problems resulting from the war have two aspects affecting the State Budget.

First, the State Budget is materially reduced through the fact that positions vacated either by employees going into the war effort directly or into war industries have not been filled in many instances. In some instances this is because of a desire to economize and reduce other than war efforts, and in other cases it was forced because it was impossible to refill the positions. Hundreds of State employees have been granted military leave, and other hundreds have accepted employment in war industries. Personnel records show 8,200 resignations from the State service during the eight months' period ending October, 1942. Many of these positions were not refilled during the current biennium and the result has been a salary saving which, in the current biennium, has been consumed in its entirety by paying a salary bonus of \$15 per month.

### Salary Savings (See following tabulation for entire 1943-45 Budget)

In the Budget for the next biennium this failure to fill positions is indicated throughout the Budget for each department where it has been anticipated under the general category of salaries and wages, in the second item, "estimated salary savings," i.e., the Board of Equalization (page 41 in the Budget), shows an estimated salary savings for the Ninety-fourth Fiscal Year, 1942-43, of \$24,200, for the Ninety-fifth Fiscal Year, \$38,600, and for the Ninety-sixth Fiscal Year, \$39,300. This estimate is based on past experience plus an arbitrary estimate that there will be a certain percentage of unfilled positions and vacancies in each and every department that will result in the saving of sufficient time of employees to result in the saving of the several sums calculated for the various agencies. The estimate is based on all experience available but it is subject to variation. By appropriating specifically for salaries and wages, the Legislature can force the departments and agencies to live within this Budget allotment and if there are not enough vacancies, automatically they can lay off help so as to bring their pay roll within the Budget allotment. If there is a greater vacancy list than calculated, a larger saving should result. However, Appropriation bills Assembly Bill No. 1600 and Senate Bill No. 800 are drawn in lump sum, including salaries, wages, costs of operation, capital outlay and any other allotments in the one categorical appropriation for support. This means that there is no control of the appropriation for salaries and wages so far as the Legislature is concerned. This means that the department that keeps all of its employees or puts on new ones will not be forced to make a saving, while another department, perhaps providing more essential service by not directly competing with the war effort, will find itself forced to curtail activities.

### State of California—Salaries and Wages and Salary Savings

#### 1943-45 BUDGET

General Fund		Authorized salaries 1943-45	Salary savings 1943-45	Per cent savings on 1942-43
Legislature	-----	\$541,075	\$1,500	0.277
Judicial	-----	1,155,320		
Executive	-----	122,590		
Administrative officers and boards	-----	6,137,816	202,919	3.306
Administrative departments	-----	\$73,538,796	\$1,700,495	2.312
Agriculture	-----	\$2,445,266	\$311,880	12.754
Education	-----	26,932,350	43,453	0.161
Finance	-----	1,129,010	31,700	2.808
Industrial Relations	-----	2,389,897	140,280	5.870
Institutions	-----	17,534,176	805,060	4.591
Investments	-----	23,160		
Military and Veterans' Affairs	-----	12,270,789	78,696	0.641
Natural Resources	-----	4,768,160	54,950	1.152
Penology	-----	3,767,038	132,064	3.506
Public Health	-----	949,070	65,934	6.947
Public Works	-----	998,200	234	0.023
Social Welfare	-----	331,680	36,244	10.927
Total—General Fund	-----	\$81,495,597	\$1,904,914	2.337
Special Funds				
Administrative officers, boards	-----	\$10,185,832	\$715,988	7.029

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## State of California—Salaries and Wages and Salary Savings—Continued

		<i>General Fund</i>		
		Authorized salaries 1943-45	Salary savings 1943-45	Per cent salary savings
Special Funds—Continued				
Administrative departments -----		\$33,410,377	\$712,507	2.133
Agriculture -----		\$3,032,758	\$145,020	4.782
Education -----		830,692	-----	-----
Employment -----		4,488,740	-----	-----
Finance -----		1,855,538	20,400	1.099
Industrial Relations -----		127,703	400	0.313
Investment -----		1,713,640	90,688	5.292
Military and Veterans' Affairs -----		101,310	2,000	1.974
Motor Vehicle -----		11,175,704	228,127	2.041
Natural Resources -----		2,724,172	29,140	1.070
Penology -----		21,720	200	0.921
Professional and Vocational Standards -----		1,000,814	-----	-----
Public Health -----		1,773,480	31,406	1.771
Public Works -----		2,431,170	9,374	0.385
Social Welfare -----		2,132,936	155,752	7.302
Total—Special Funds -----		\$43,596,209	\$1,428,495	3.277
Grand Total—All Funds -----		\$125,091,806	\$3,333,409	2.665
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Budget page No.	<i>Legislative</i> -----	\$541,075	\$1,500	0.277
2	Legislature -----	-----	-----	-----
2	Assembly -----	\$192,000	-----	-----
2	Senate -----	96,000	-----	-----
2	Assembly—clerks -----	45,000	-----	-----
2	Senate—clerks -----	38,000	-----	-----
3	Legislative Counsel Bureau -----	170,075	\$1,500	0.882
<i>Judicial</i> -----		\$1,155,320	-----	-----
7	Supreme Court -----	\$401,840	-----	-----
9	Judicial Council -----	35,880	-----	-----
11	Court of Appeal—District No. 1 -----	207,440	-----	-----
12	Court of Appeal—District No. 2 -----	284,960	-----	-----
14	Court of Appeal—District No. 3 -----	118,380	-----	-----
16	Court of Appeal—District No. 4 -----	106,820	-----	-----
<i>Executive</i> -----		\$122,590	-----	-----
18	Governor -----	\$110,750	-----	-----
20	Lieutenant Governor -----	11,840	-----	-----
<i>Administrative Officers, Boards and Commissions</i> -----		\$6,137,816	\$202,919	3.306
21	Attorney General -----	\$751,900	\$12,500	1.662
26	Controller -----	823,452	26,359	3.201
37	Council of Defense -----	406,840	4,240	1.042
41	State Employees' Retirement System -----	137,580	-----	-----
47	Board of Equalization -----	1,096,280	77,900	7.106
68	Franchise Tax Commissioner -----	582,000	34,000	5.842
82	Personnel Board -----	657,762	12,000	1.824
89	Railroad Commission -----	1,183,042	30,600	2.587
100	Secretary of State -----	114,300	4,000	3.500
104	Treasurer -----	135,040	1,320	0.977
107	Youth Correction Authority -----	249,620	-----	-----
<i>Administrative Departments</i>				
Agriculture -----		\$2,445,266	\$311,880	12.754
114	Department of Agriculture -----	\$2,445,266	\$311,880	12.754
154	Farm Debt Adjustment Commission -----	-----	-----	-----

## State of California—Salaries and Wages and Salary Savings—Continued

Budget Page No.		General Fund		Percentage Saved
		Authorized 1943-45	Salary Savings 1943-45	
	<i>Administrative Departments—Continued</i>			
	Education .....	\$26,932,350	\$43,453	0.161
158	Board of Education.....	2,000		
159	Department of Education.....	398,350	8,400	2.109
168	State Library .....	273,295		
	State colleges .....	\$4,030,806	\$16,963	0.422
180	Chico .....	374,218		
186	Fresno .....	657,330	918	0.140
192	Humboldt .....	263,080	6,030	2.292
198	San Diego .....	687,216	2,320	0.338
205	San Francisco .....	613,216	7,725	1.260
212	San Jose .....	845,426		
219	Santa Barbara .....	590,320		
	Special schools .....	\$1,392,474	\$18,060	1.297
225	School for Blind .....	\$133,648	\$1,800	0.929
230	School for Deaf .....	429,548	4,000	0.931
236	Maritime Academy .....	144,156	2,260	1.568
241	Polytechnic School .....	625,122	10,000	1.600
250	University of California.....	\$20,835,425		
	Finance .....	\$1,129,010	\$31,700	2.808
260	Department of Finance—Administrative	\$1,129,010	\$31,700	2.808
	Industrial relations .....	\$2,389,897	\$140,280	5.870
289	Departmental Administration .....	\$70,977		
290	Apprentice Training .....	43,340	\$1,700	3.922
291	Division of Immigration and Housing...	120,320	6,000	4.987
292	Division of Industrial Accidents and Safety .....	1,512,680	113,980	7.535
296	Division of Industrial Welfare.....	138,640	4,000	2.885
298	Division of Labor Statistics and Law Enforcement .....	486,540	14,600	3.001
300	Division of Fire Safety.....	17,400		
	Institutions .....	\$17,534,176	\$805,060	4.591
304	Department of Institutions— Administrative .....	\$198,040	\$4,400	2.222
	Mental Hospitals .....	\$12,713,018	\$693,800	4.985
309	Langley Porter Clinic.....	\$252,780	\$12,260	4.850
314	Agnews .....	1,782,400	88,980	4.992
321	Camarillo .....	1,787,640	89,020	4.980
328	Mendocino .....	1,406,160	70,020	4.980
334	Napa .....	1,958,040	97,820	4.996
341	Norwalk .....	1,396,568	69,660	4.988
347	Patton .....	1,961,540	97,960	4.994
354	Stockton .....	2,167,890	108,080	4.985
	Homes for Feeble-Minded.....	\$2,666,680	\$133,040	4.989
361	Pacific Colony .....	\$930,840	\$46,380	4.983
367	Sonoma State Home.....	1,735,840	86,660	4.992

## State of California—Salaries and Wages and Salary Savings—Continued

Budget page No.		General Fund	Authorized salaries 1943-45	Salary savings 1943-45	Per cent salary savings
	Administrative Departments—Continued				
	Correctional Schools -----		\$1,695,524	\$33,820	1.995
373	Preston School of Industry -----		\$892,060	\$17,760	1.991
379	Fred C. Nelles School for Boys -----		513,992	10,280	2.000
385	Ventura School for Girls -----		289,472	5,780	1.997
	Assistance to Adult Blind -----		\$260,914	-----	-----
390	Industrial Home for Adult Blind -----		\$192,874	-----	-----
394	Industrial Workshop for Blind -----		46,800	-----	-----
395	State Blind Shop -----		21,240	-----	-----
	Investments -----		\$23,160	-----	-----
415	Districts Securities Commission -----		\$23,160	-----	-----
	Military and Veterans' Affairs -----		\$12,270,789	\$78,696	0.641
416	Departmental Administration -----		\$2,000	-----	-----
417	The Adjutant General, State Guard and State Militia -----		11,163,092	\$25,696	0.230
427	Veterans' Home -----		1,037,282	53,000	5.110
434	Woman's Relief Corps Home -----		68,415	-----	-----
	Natural Resources -----		\$4,768,160	\$54,950	1.152
456	Administration -----		\$193,700	\$2,480	1.280
460	Division of Forestry -----		4,431,380	52,070	1.175
471	Division of Mines -----		143,080	400	0.280
	Penology -----		\$3,767,038	\$132,064	3.506
493	Division of Criminal Identification and Investigation -----		\$415,170	\$32,600	7.852
497	Division of Narcotic Enforcement -----		127,560	2,000	1.568
499	Advisory Pardon Board -----		10,680	-----	-----
500	Board of Prison Directors -----		42,420	-----	-----
520	Bureau of Parole -----		254,280	7,200	2.832
529	Board of Prison Terms and Paroles -----		38,960	-----	-----
	Prisons -----		\$2,877,968	\$90,264	3.136
503	Folsom State Prison -----		\$964,300	\$28,930	3.000
509	San Quentin State Prison -----		1,283,420	38,470	2.997
515	Institution for Men -----		454,080	13,560	2.986
525	Institution for Women -----		176,168	9,304	5.281
573	Public Health -----		\$949,070	\$65,934	6.947
573	Departmental Administration -----		\$78,120	\$1,600	2.048
574	Orthopedics -----		4,920	-----	-----
574	Bureau of Epidemiology -----		57,890	3,472	5.998
575	Bureau of Tuberculosis -----		26,760	1,600	5.979
576	Bureau of Venereal Diseases -----		155,760	9,536	6.122
576	Division of Laboratories -----		170,700	10,460	6.133
577	Division of Vital Statistics -----		137,160	12,840	9.361
578	Bureau of Child Hygiene -----		17,640	600	3.401
578	Bureau of Food and Drug Inspection -----		84,060	7,679	9.135
579	Bureau of Sanitary Inspections -----		116,580	12,072	10.355
580	Bureau of Sanitary Engineering -----		99,480	6,066	6.098



## State of California—Salaries and Wages and Salary Savings—Continued

Budget page No.	<i>General Fund</i>	Authorized salaries 1943-45	Salary savings 1943-45	Per cent savings savings
	<i>Administrative Departments Continued</i>			
	Public Works -----	\$998,200	\$234	0.023
598	Departmental Administration and Division of Ports -----	\$160,920		
600	Division of Architecture -----	144,120		
605	Division of Water Resources -----	496,380	\$234	0.047
627	State Reclamation Board -----	111,420		
630	Colorado River Board -----	16,240		
631	Water Authority -----	69,120		
	Social Welfare—Special Activities -----	\$331,680	\$36,244	10.927
649	Distribution of Surplus Commodities -----			
	Stamps -----			
650	Direct Distribution of Surplus Commodities -----	\$310,800	\$34,904	11.230
651	Administrative Overhead -----	20,880	1,340	6.418
652	WPA Sponsorship -----			
653	WPA Referrals -----			
653	CCC Enrollment -----			
	<i>Special Funds</i>			
	<i>Administrative Officers, Boards and Commissions</i> -----	\$10,185,832	\$715,988	7.029
34	Controller—Motor Vehicle Fuel Fund -----	\$135,280	\$4,126	3.050
35	Controller—Tax-Deeded Land Rental Fund -----	203,520	6,474	3.181
54	Board of Equalization—Retail Sales Tax Fund -----	5,462,016	392,000	7.177
59	Board of Equalization—Alcoholic Beverage Contingent Fund -----	2,153,866	164,000	7.614
64	Board of Equalization—Motor Vehicle Fuel Fund -----	244,560	12,633	5.166
71	Franchise Tax Commission—Personal Income Tax Fund -----	1,295,840	120,000	9.260
76	Horse Racing Board—Fairs and Exposition Fund -----	26,400		
94	Railroad Commission—Transportation Rate Fund -----	638,530	16,755	2.624
98	Harbor Commission—San Diego Harbor Improvement Fund -----	1,800		
102	Secretary of State—Collection Agency Fund -----	24,020		
	<i>Administrative Departments</i>			
	Agriculture -----	\$3,032,758	\$145,020	4.782
132	Department of Agriculture Fund -----	\$3,017,208	\$143,810	4.766
155	Poultry Testing Project Fund -----	15,550	1,210	7.781
	Education -----	\$830,692		
172	Vocational Education Fund -----	\$378,248		
174	Vocational Rehabilitation Fund -----	318,880		
	State Colleges -----	\$133,564		
184	Summer Session Fund—Chico -----	\$8,100		
190	Summer Session Fund—Fresno -----	18,930		
196	Summer Session Fund—Humboldt -----	6,600		
202	Summer Session Fund—San Diego -----	17,760		
209	Summer Session Fund—San Francisco -----	29,600		
216	Summer Session Fund—San Jose -----	30,174		
223	Summer Session Fund—Santa Barbara -----	22,400		

## State of California—Salaries and Wages and Salary Savings—Continued

Budget page No.		<i>Special Funds</i>		
		Authorized salaries 1943-45	Salary savings 1943-45	Per cent salary savings
	<i>Administrative Departments—Continued</i>			
	Employment -----	\$4,488,740	-----	-----
255	Department of Employment—Unemploy- ment Administration Fund-----	\$4,488,740	-----	-----
	Finance -----	\$1,855,538	\$20,400	1.099
268	Bureau of Buildings and Grounds— Service Revolving Fund-----	\$1,617,358	\$16,000	0.989
274	Division of Fairs and Expositions—Fair and Exposition Fund-----	18,660	-----	-----
275	State Agricultural Society Contingent Fund-----	78,360	2,400	3.063
280	Sixth District Agricultural Association Fund-----	6,720	-----	-----
285	State Lands Commission—State Lands Act Fund-----	134,440	2,000	1.488
	Industrial Relations -----	\$127,703	\$400	0.313
302	Division of Fire Safety—Fire Marshal's Fund-----	\$127,703	\$400	0.313
	Investment -----	\$1,713,640	\$90,688	5.292
397	Department of Insurance—Insurance Fund-----	\$596,760	\$47,865	8.021
	Department of Investment-----	\$1,116,880	\$42,823	3.834
402	Division of Banking—Banking Fund---	\$214,160	\$5,860	2.736
405	Division of Building and Loan—Build- ing and Loan Inspection Fund-----	131,592	1,623	1.233
409	Division of Corporations—Corporation Commission Fund-----	554,848	22,265	4.013
412	Division of Real Estate—Real Estate Fund-----	216,280	13,075	6.045
	Military and Veterans' Affairs-----	\$101,310	\$2,000	1.974
437	Veterans' Welfare Board—Education of Veterans' Dependents—State Lands Act Fund-----	\$10,000	-----	-----
439	Division of Athletics—Athletic Commis- sion Fund-----	91,230	\$2,000	2.192
	Motor Vehicle Department -----	\$11,175,704	\$228,127	2.041
444	Motor Vehicle Support Fund-----	\$11,175,704	\$228,127	2.041
	Natural Resources -----	\$2,724,172	\$29,140	1.070
475	Division of Beaches and Parks—State Park Maintenance and Acquisition Fund-----	\$317,660	\$1,000	0.315
480	Division of Fish and Game—Fish and Game Preservation Fund-----	2,082,672	24,640	1.183
491	Division of Oil and Gas—Petroleum and Gas Fund-----	323,840	3,500	1.081
	Penology -----	\$21,720	\$200	0.921
522	Detective License Bureau—Private De- tective Agency Contingency Fund-----	\$21,720	\$200	0.921

## State of California—Salaries and Wages and Salary Savings—Continued

Budget page No.	Special Funds	Authorized Salaries 1943-45	Salaries 1943-45	Pay con- sumed 1943-45
Administrative Departments—Continued				
	Professional and Vocational Standards	\$1,000,814		
530	Departmental Administration—Profes- sional and Vocational Standards Fund	\$56,140		
532	Board of Accountancy—Accountancy Fund	13,600		
534	Board of Architect Examiners—Board of Architect Examiners' Fund	11,700		
536	Board of Barber Examiners—Barber Examiners' Fund	70,750		
538	Board of Registered Civil Engineers— Civil Engineers' Fund	36,720		
540	Contractors' License Board—Contra- ctors' License Fund	221,240		
543	Board of Cosmetology—Board of Cosme- tology Contingent Fund	105,260		
545	Board of Dental Examiners—Dental Fund	38,080		
547	Board of Funeral Directors and Em- balmers Fund	26,380		
549	Bureau of Furniture and Bedding In- spectors' Fund	105,260		
552	Board of Medical Examiners—Medical Examiners' Contingency Fund	73,800		
554	Board of Nurse Examiners—Board of Nurse Examiners' Fund	59,640		
556	Board of Optometry—Optometry Fund	9,680		
558	Board of Pharmacy—Pharmacy Board Contingency Fund	65,980		
560	Structural Pest Control Board—Struc- tural Pest Control Fund	11,600		
562	Board of Examiners of Veterinary Medi- cine—Veterinary Medicine Examiners' Contingency Fund	6,240		
564	Yacht and Ship Brokers Commission— Yacht and Ship Brokers' Fund	5,850		
566	Board of Chiropractic Examiners— Chiropractic Fund	18,390		
568	Board of Osteopathic Examiners— Board of Osteopathic Fund	19,700		
570	Board of Pilot Commissioners—Board of Pilot Commissioners Special Fund	44,614		
	Public Health	\$1,773,480	\$31,406	1,771
582	Public Health Fund (State Fund)	\$329,750	\$31,406	9,524
582	Bureau of Cannery Inspection	314,060	31,406	10,000
583	Aviary Inspection	1,290		
583	Regulation of Clinics and Dispensaries	1,960		
583	Regulation of Clinical Laboratories	9,060		
584	Inspection of Walnut Shelling Plants	3,380		
585	Social Security Activities (Public Health Fund—Federal Aid)	\$1,443,730		
585	Central Administration	\$47,760		
586	Bureau of Epidemiology	18,660		
586	Bureau of Local Health Service	38,760		
587	Bureau of Sanitary Inspections	50,640		
587	Bureau of Food and Drug Inspections	8,040		
588	Public Health Nursing Service	62,520		
588	Bureau of Industrial Health	56,760		
589	Local Health Units	312,120		
589	Bureau of Sanitary Engineering			
590	Bureau of Vital Statistics			
590	Bureau of Tuberculosis			

## State of California—Salaries and Wages and Salary Savings—Continued

Budget page No.	Special Fund	Authorized salaries 1943-45	Salary savings 1943-45	Per cent salary savings
Administrative Departments—Continued				
590	Respiratory Disease Survey-----	-----	-----	-----
590	Trichinosis Survey-----	-----	-----	-----
591	Division of Laboratories-----	-----	-----	-----
	Venereal Disease Control-----	\$581,750	-----	-----
591	Central Administration-----	\$48,160	-----	-----
591	Bureau of Epidemiology-----	6,960	-----	-----
592	Division of Laboratories-----	81,960	-----	-----
592	Central Tabulating Unit-----	37,800	-----	-----
593	Local Health Units-----	406,870	-----	-----
594	Maternal and Child Health Services-----	\$171,800	-----	-----
594	Crippled Children Services-----	94,920	-----	-----
	Public Works-----	\$2,431,170	\$9,374	0.385
602	Division of Architecture—Division of Architecture Public Building Fund-----	\$52,840	-----	-----
607	Water Master Service—Water Master Service Fund-----	33,830	\$234	0.692
615	Division of Highways—Administration State Highway Fund-----	2,306,040	8,640	0.375
624	Supervision of Outdoor Advertising-----	38,460	500	1.300
	Social Welfare----- (Regular Activities—Social Welfare Fund)	\$2,132,936	\$155,752	7.302
637	Executive-----	\$135,638	\$9,930	7.321
	General Administration-----	520,164	38,060	7.317
638	General Office-----	\$384,900	\$28,141	7.311
639	Personnel and Training-----	57,280	4,228	7.381
639	Research and Statistics-----	77,984	5,691	7.298
640	Division of Finance-----	\$614,468	\$44,525	7.246
641	Division of Field Service-----	493,680	35,571	7.205
	Division of Public Assistance-----	\$182,460	\$12,985	7.117
641	Divisional Administration-----	\$27,840	\$2,029	7.288
642	Bureau of Eligibility-----	60,480	4,260	7.044
642	Bureau of Aid to Needy Aged-----	28,320	2,054	7.253
642	Bureau of Aid to Needy Blind-----	34,620	2,430	7.019
643	Bureau of Aid to Needy Children-----	31,200	2,212	7.090
	Division of Child Welfare-----	\$156,406	\$12,565	8.034
643	Divisional Administration-----	\$7,560	-----	-----
644	Bureau of Child Welfare (Federal)-----	63,846	\$6,280	9.836
644	Bureau of Adoptions-----	45,640	3,199	7.009
645	Bureau of Boarding Homes and Institu- tions-----	39,360	3,086	7.840
	Division of Adult and Family Welfare---	\$30,120	\$2,116	7.025
645	Bureau of County Aid to Indigent Sick	\$12,000	\$823	6.858
646	Bureau of Probation-----	18,120	1,293	7.136

If it is desired to produce uniformity in the matter of salary savings, then the appropriations should be made specifically for salaries and wages, eliminating the estimated salary savings from such appropriation and forcing compliance from each and every department on an equitable basis.



## Salary Savings re Courts

We find no salary savings are set up in the Budget for the courts. (See Supreme Court, page 7, Budget.) It seems inconceivable that with an appropriation of approximately \$200,000 a year for salaries and wages, and with 43 on the pay roll, there will be no salary savings during the next two years in this instance.

The following schedule shows the number of permanent employees of the State courts separated from the service from 1939 through 1942:

Court	1939	1940	1941	1942
Supreme -----	6	4	2	10 (5 of these Judicial Council; 4 military leaves)
First Appellate -----	0	1	2	0
Second Appellate -----	1	1	2	2
Third Appellate -----	0	0	0	0
Fourth Appellate -----	0	0	0	0

## Overtime Pay (See Table B following Hours of Work of Monthly Employees)

The adverse factor as to costs affecting State personnel which may lead to an increase in appropriations, results from the impact of the war on manpower, which is making it more and more difficult to fill certain positions. This results in the necessity of overtime work. At the present time State employees are not paid for overtime work but are generally allowed compensating time off, which our investigations over the past year have shown to be greatly abused to the detriment of the State. It is suggested by the Governor in his Budget message on page viii that the Legislature give consideration to granting statutory authority to pay for overtime work when required by depletion of manpower, but in so doing it should conform with the National policy in regard to the 40 hour week.

Table B

HOURS OF WORK OF FULL-TIME MONTHLY EMPLOYEES, AUGUST, 1941, REPORTED BY AGENCIES TO STATE PERSONNEL BOARD

	Reported number of hours per week	Reported number of employees
<b>Under 38 Hours a Week</b>		
Dining room matron, F. C. Nelles, part-time -----	17	1
Cottage group supervisor, F. C. Nelles, part-time -----	18½	5
Barber, Veterans' Home -----	24	1
Instructors -----	25	5
Instructors at institutions (an additional 8 hours is considered as devoted to preparation) -----	30	22
Engineers at harbor -----	35½	42
Instructors, F. C. Nelles School -----	37½	15
<b>Total -----</b>		<b>91</b>
<b>38 to 40 Hours a Week</b>		
Various State agencies -----	38	12,763
Ten physicians and surgeons -----	38½	45
Miscellaneous clerical -----	39	88
Clerical at Highway Patrol -----	39½	3
Various State agencies -----	40	2,920
<b>Total -----</b>		<b>15,819</b>
<b>40 to 44 Hours a Week</b>		
State Treasurer's Office (subsequent information indicates actually work 38 hours) -----	40½	2
All at Preston, miscellaneous clerical -----	41	26
Petroleum engineers -----	41½	11
Petroleum engineers -----	41½	28
Oil gaugers, Racing Board classes -----	42	19
Institution classes -----	42½	1
Institution equipment operators, Agnews and other institution classes -----	43	10
Institution classes and highways -----	43½	26
<b>Total -----</b>	<b>44</b>	<b>3,822</b>
<b>Total -----</b>		<b>3,945</b>

## 44 to 48 Hours a Week

Clerical and fiscal, Patton.....	44½	13
Hospital attendants, Pacific Colony.....	45	163
Hospital attendants, Agnews.....	45½	11
Laundry classes.....	47½	7
Institutions and highways classes.....	48	2,953

Total..... 3,147

## Over 48 Hours a Week

	49½	1
	50½	1
	51	62
Boys', girls' group supervisors.....	51½	14
Boys' group supervisors, F. C. Nelles; dining room supervisor, F. C. Nelles.....	52	20
Assistant fish and game wardens (subsequent information, 40 hours average).....	54	3
Junior fruit and vegetable standardization inspector.....	55	53
Junior, intermediate and supervising shipping point inspectors.....	56	340
Hospital attendant, Napa.....	56½	1
	57	1
Cannery inspectors.....	60	13
	61½	1
	69	1
	70	1
	72	1
	80	1
Property custodians.....	90	21

Total..... 535

Firemen, etc., on 24-hour call at institutions.....	168	300
Did not fill out forms.....		68

Total employees..... 23,905

There are several bills in the Legislature covering this subject. Some provide for a regular 40-hour week for all employees and pay at time and a half rate for all overtime. One bill provides for a 48-hour week and pay for the eight hours' overtime at regular rates, the over-all expenditure for salaries and wages to be controlled by the Budget and appropriations. This would result in an economy through making it possible to secure necessary services by using experienced employees already trained rather than putting on new employees who are inexperienced. It would also eliminate the necessity for more office space, desks and equipment and make possible the greater use of existing facilities. In short, more work could be turned out with less capital outlay and less salary.

If the 40-hour week is to be established, then in those departments and agencies that now have regularly a work week in excess of this, additional funds will have to be provided to meet the change, or the pay schedules will have to be adjusted, paying for a 40-hour week proportionally less than now is being paid for a 44- or a 48-hour week. Additional funds will have to be provided in the Budget to meet any change in work hours that is not based on pay adjustments. This problem is not one that can be solved simply by legislative enactment regulating hours. It must be coordinated with the Budget and coordinated in administration through the finance officers, the Personnel Board and the agencies concerned. The problem is particularly important to the Department of Institutions, the State prisons and the Highway Patrol; in fact, to all agencies that have guardian, custodial or law enforcement duties. An estimate is now being made to determine what it would cost to make a 40-hour week effective throughout the State by following the same wage scales and the \$15 a month bonus as is now established.

It is recommended that a minimum work week of 40 hours be established under any circumstances, and that all State employees not now working 40 hours a week be required to do so without any increase in pay schedules. The \$15 bonus per month included in the Budget is part compensation for this and if the terms of Senate Bill No. 15 are to be extended for the next biennium there is provided an additional compensation. Since many of the State employees are already working 40 hours or more per week, this will establish a greater uniformity. This increase in work hours of two hours per week in most administrative offices will have the effect of increasing the manpower by approximately 20 per cent. It is recognized that there will be no increase in the manpower of administrators, including department heads, division and bureau chiefs, nor will there be any increase in general in the output of persons employed in the institutions, prisons, Highway Patrol, Division of Forestry or other law enforcement agencies for those that are actually engaged in custodial care or law enforcement.

In other instances it is recommended that a further reduction be made in salaries and wages of 5 per cent for all of those positions whose actual extension of hours of labor of two hours per week is practical and applicable.

No estimate of the savings is presented at this time for to make this workable it will require the cooperation of the Department of Finance, the Personnel Board and the administrative officers of each and every department and Agency. Every department employing personnel will have to be reviewed and their budget adjusted accordingly.

It is further recommended that a limitation be placed in the appropriation bill providing that no person can be paid who does not work the minimum of 40 hours per week, making proper administrative allowance for authorized time off which is in accord with the statutes and with the rules of the Personnel Board. The authorization of time off, however, should no longer be left in the hands and discretion and personal favoritism of the immediate administrative officers, but this should be subject to review whenever it is deemed necessary to eliminate abuse and inequitable application of the requirements of the forty-hour minimum work week.

#### **Increase in Budget Due to Increased Cost of Commodities**

The increase in the cost of commodities caused by the war has also had the effect of increasing the State Budget materially. There is included the sum of \$3,000,000 in the Budget for the next biennium, found in Item 29 of Assembly Bill No. 1600, for a special emergency fund to augment the support of the State prisons, hospitals and other institutions to meet the increase in commodity prices during the Ninety-fifth and Ninety-sixth Fiscal Years. This is purely a contingency and should not be used if the prices of commodities do not continue to increase. In addition, good administration will consist of using substitutes where prices of one commodity are out of line with prices of others. In this connection, our studies indicate that the matter of substitution of food products in the institutions and in the prisons during the current fiscal year has not been carried out to nearly the degree that it could have been.

An examination of the purchases for Folsom Prison indicates further that the prisoners have been provided with food commodities that were not available to the same degree to the taxpayers of the State of California supporting the State prisons. For example, butter, sugar and coffee were provided in greater quantities than were available by purchase to the person examining the Folsom purchase records. An examination of the purchases for San Quentin also indicated the purchase of what we may consider luxury commodities, although these were not purchased in large quantities.

The necessity of including an additional \$3,000,000 to meet the increased cost of commodities for the prisons, institutions, etc., indicates the desirability of having these institutions produce for their own use everything that is possible. The expansion of production, if carried on as a consistent program, will go a long way toward making unnecessary the expenditure of a considerable amount of this sum.

#### **Rationing Effect on Cost of State Institutions**

With the advent of rationing of canned goods, dried beans, cereals, and canned meats on March 1st, on a point system for all of the population, it would be consistent if a similar rationing were not carried into effect in the institutions, prisons and other organizations of the State where feeding is carried on. It is estimated that civilian consumption will be cut in half as respects rationed commodities. This should have the effect of materially cutting down consumption of such commodities in our institutions. This should result in a material saving. Furthermore, it places additional emphasis on the desire to produce every ounce possible of food products in the State institutions. It also emphasizes the desirability of carrying on extensive canning programs in these institutions. This also may be made an economy program. If this is done a considerable portion of the \$3,000,000 emergency reserve to meet the increasing prices of commodities should remain unspent. *It may be advisable to place a rider on this appropriation which will provide definitely that none of it can be spent until a full rationing program is made effective in the institutions, prisons and departments affected.*

### **II. POLICY DECISIONS REQUIRED FOR BUDGET DETERMINATION**

It has already been suggested previously that there are several items requiring policy determination before the amount of the Budget for these items can be determined. Four agencies are concerned. These are (1) Civilian Defense, (2) State Guard, (3) Division of Forestry, (4) Department of Public Health.

#### **War Emergency Council**

The situation of the War Emergency Council has been previously discussed and it has been pointed out that Item 29 of Assembly Bill No. 1600 appropriates \$619,061 for the support of the Council of Defense. This appropriation which is



carrying forward the Council of Defense item on page 37 of the Governor's Budget, will not be required with the War Emergency Council recently provided for. A Budget item should be substituted for this Council of Defense, determined solely on what the War Emergency Council is to do.

### State Guard

The determination of this Budget item is also clearly a matter of policy. Item 141 in the appropriation bill Assembly Bill No. 1600 carried forward the State Guard, page 417 in the Budget, for a total strength of 6,082 officers and men. The size of the State Guard and its nature must be determined before this figure can be adjusted. Experience shows that it will cost approximately \$5 per day per man with a force of 3,000 or more, but not exceeding 5,000, and making use of all existing equipment and facilities possessed by the State Guard. If 3,000 strength is provided for, a Budget reduction of \$4,303,172 appears to be possible. The exactness of the figure can only be determined when the nature of the State Guard is determined.

It is clear, however, that even if the present force is maintained, administrative reorganization can reduce the estimated cost of approximately \$15,000,000 now in the Budget. For example, there have been some 16 colonels on the pay roll of the guard for administrative purposes. Providing for all the functions of the guard in what appears to be logical subdivision of duties, and placing a colonel over each division, it would require not more than six or seven to carry on the administration. This is allowing one each for general administration, finance, purchasing, accounting, inspection and training and discipline.

### Division of Forestry

It has previously been indicated that the appropriation for the Division of Forestry depends on determining what the division is to do. In this determination the Legislature should act specifically on at least one matter; that is, what are the duties of the Division of Forestry as respects the protection of the different classes of forest land, watershed, brush land, pasture and other agricultural lands. No determination or demarcation of the functions of the division in this matter has ever been determined. Broad powers and duties are placed in the Division of Forestry and these have been expanded and the division has grown until in the last Budget request they wished some \$11,000,000, with the forest fire protection and suppression crews reaching 2,200 men during the peak of the fire season. The Governor's Budget allows for approximately 900 men.

In the past, the Division of Forestry has divided the State for the operation of the Division of Forestry in several ways. First of all, it has classified the lands of the State into the lands that lie within the National forests and the lands that do not lie within the National forests. But within the National forest boundaries are many acres of privately-owned land. The State has theoretically assumed the responsibility of protecting this privately-owned land but has contracted with the Federal Forest Service for the actual protection. The State has contributed through the Division of Forestry a nominal sum in the past for this purpose. This item is in the Budget.

The lands outside the National forests have been divided into Zones 1, 2 and 3. Zones 1 and 2 are the lands of forest value and watersheds of State wide interest, and are those lands which come under the Clark-McNary Act of the Federal Government, and through which assistance is rendered the State by the Federal Government for their protection. The next, Zone 3, is all the rest of the lands of the State, including the brush land adjacent to Zones 1 and 2. This brush land is a danger zone where fires start and spread into Zones 1 and 2. The rest of Zone 3 is land of purely agricultural value. The State Division of Forestry has assumed responsibility for protecting Zones 1 and 2, not on a statutory basis but simply on the Sanford plan developed by the State Board of Forestry during the Rolph administration. Another Board of Forestry could change it. This protection, however, is not on a State-wide basis for the reason that five counties, Los Angeles, Ventura, Santa Barbara, Marin and San Mateo, have their own forest fire protection organizations and the State does not enter into these counties. On the other hand, through the Division of Forestry they receive an allotment of money from the State and Clark-McNary money which they supplement with their own appropriations.

### Contract Counties

In addition, the State Division of Forestry has entered into a contract with some 33 counties in the State to assist them, or to take over entirely, supposedly, the matter of rural fire protection. The fact is that these contracts are not uniform. They are based on whatever the Division of Forestry can get from a county. The obligations assumed by the State are not uniform. These contracts are so varied that no policy can be determined from a study of them showing just what the Division of Forestry is trying to do. The State Division of Forestry in one county would be provided with fire-fighting equipment. In another county it would be a



cash payment and in other counties some other consideration. The State assumed varying liability for fire protection. It is clear that the Legislature should establish some definite policy for the Division of Forestry to follow.

Moreover, the organization of fire fighting by county units is inefficient, illogical, uneconomical and in short, particularly absurd.

Fire fighting management, both for prevention and suppression, should be organized on the basis of the problem involved and not on political lines as determined by county boundaries. The present management is excessive in cost and in addition it does not function as a state-wide organization.

### Twenty Counties Not Provided For

In addition, the situation is further confused by the fact that there are some 20 counties where the State Division of Forestry provides no fire protection. This is for the reason that these counties have not seen fit to enter into any sort of a contract with the State, and the State Division of Forestry has determined that there are no areas of forest value or watershed value of state-wide interest lying within said counties. On the other hand, the State Division of Forestry spends a considerable amount of State money in the counties it does contract with in protecting purely agricultural land, grain fields, rural buildings and property, which are identical with that lying in counties with which it has no contract. In fact, the loss from fire in the counties where the Division of Forestry operates is far larger from burned structures than it is from burned forests or watersheds of state-wide value.

Forest fire stations and headquarters in the different counties are sometimes located more for political reasons than they are for strategic fire fighting purposes. It is also true that some counties possibly should not have resident thereon any more all organization of the Division of Forestry when proper organization and management is established.

For these reasons there should be a complete reorganization of the Division of Forestry for the purposes of fire prevention and suppression, and this reorganization should be made without regard to county lines, but with full consideration of the problem to be met. It appears that dividing the State into 12 to 18 districts would be enough to manage the entire problem. In addition, the Legislature should specifically determine what the Division of Forestry is to do on a state-wide basis if satisfactory budgeting is to be made. It should determine the balance of the State and the counties, respectively, in the matter of fire prevention and suppression, and wherein there is to be cooperation between the State and the counties. When this is done, then an adequate Budget to provide the proper organization and overhead can be prepared. Until this is done, no one can say what the loss is, whether the money provided is adequate or excessive.

### Points to be Determined for Forestry Budget

The following points should be determined and the Budget built around whatever the determinations are:

1. State's obligation for fire prevention and suppression; does it extend only to the so-called Clark-McNary lands, Zones 1 and 2, or does it include other lands? Should structures in Zones 1 and 2 be protected?
2. Should the State contract with counties, fire districts, municipalities, and private organizations to furnish fire-fighting services? If the State should so contract, should it be reimbursed fully, or on what basis?
3. Should the State assume any obligation for the protection of private lands within United States forests? If so, should this protection be comparable with that given private lands outside?
4. What use should be made of forest fire fighting equipment during the Winter? Should this Winter standby be only a war emergency or a regular function?
5. Should the Division of Forestry continue to manage the mobile pool of emergency fire fighting equipment, or should it be turned over to local jurisdiction? If the latter is concluded, should the State pay any of the costs or exercise supervision?
6. Should the Division of Forestry maintain its dispatching system or should this be turned over for the emergency to the War Emergency Council?
7. Should the entire organization of the Division of Forestry be overhauled and be reconstituted on a state wide basis without consideration of county boundaries?
8. If subventions are granted to cooperating counties, should it be based on a payment per acre of protected area, or on some other factor?
9. Should the Division of Forestry expand at this time to include any or all of the following items?
  - a. Study of market of forest products.
  - b. Study preparatory to replanting burned areas.
  - c. The acquisition of large-size State forests.
  - d. An expansion of so-called agricultural clearings.

### Department of Public Health

The Department of Public Health has indicated that it is not satisfied with the funds allotted in the Governor's Budget, page 571, and wishes to make a supplemental request.

We have previously indicated that the budget allotment of State funds allows for an increase of \$317,000. In addition, Federal grants have been materially enlarged. Moreover, the Department of Public Health has substantially increased its personnel during the past two years. It seems doubtful if the health problem will become greater during the next two years with conditions more stabilized and an increasing number of the population being taken into the armed services, and a larger proportion of the remaining civilian population going into war industries.

The Governor's Budget has already treated the Department of Public Health generously as compared with the other State departments. Any further allowance of money would be to provide a further expansion of services. Such expansion is a matter of the determination of legislative policy. Such questions as these must be answered:

1. Shall the Department of Public Health set up a full laboratory service in Southern California, and will this laboratory service henceforth provide at State expense laboratory services which have heretofore been provided either by the counties, cities, or commercially?

2. Will the Department of Public Health supplant the local county and city health officers by taking over services which they have, at least theoretically, performed?

3. Will the Department of Public Health, through its Division of Sanitary Inspection and Sanitary Engineering, provide a health service for military camps and for congested areas occupied by war workers; or should these problems be considered Federal problems?

4. Will the Department of Public Health take over from the Federal Government the operation of the mobile laboratories used for conducting rodent plague surveys?

5. Shall the Department of Public Health undertake the job of training the personnel of cities and counties for the carrying on of health work? The question immediately divides itself into two parts:

a. Shall the Department of Public Health expand its duties on the theory of necessary increased services resulting from the war?

b. Shall the Department of Public Health take over many of those health functions that have normally been left to the local authorities?

It is worth noting that the Governor's Budget for the Ninety-third and Ninety-fourth Fiscal Years for the Department of Public Health was \$867,981. The Legislature appropriated \$815,948 at the regular session and in the special session added \$8,805 more, making a total of approximately \$824,000. Subsequently, emergency allotments were made for the war emergency of \$112,052 making a total of \$936,805, a very substantial increase. However, the department expanded even more rapidly so that they expect a deficiency of \$45,056, making a total of \$981,861 for 1941-43. They requested from the General Fund \$1,756,886, or an increase of \$775,000, or some \$10,000 short of a 100 per cent increase over what the Legislature appropriated for the Ninety-third and Ninety-fourth Fiscal Years, and an actual increase of 79 per cent over what they will spend for the previous biennium. An analysis of what is proposed in the Department of Public Health indicates clearly that not nearly all of the expansion is required because of the war effort, and much of the expansion is in the way of providing a service for the Federal Government, such as the sanitation of Army camps and the examination of specimens of from 60,000 to 65,000 per month for selective service. The question immediately arises as to how much the State should do for the Federal Government without charge.

### Bonus for State Employees

The whole matter of the bonus for State employees, including the amount in classifications eligible and how disbursed and how this should be tied into overtime pay must all be determined before the proper items or item can be included in the budget.

As indicated above, amounts necessary to pay a \$15 a month bonus to all State employees have been included in the Governor's Budget. This has increased it approximately \$10,000,000.

Senate Bill No. 15, enacted by the present session of the Legislature as an urgency measure, did increase the salary bonus to \$25 per month for all those employees receiving less than \$300 per month, and \$20 per month to all those receiving more. If the higher bonus is adopted it will have the effect of increasing this item in the Budget by approximately \$4,500,000 additional for General Fund and almost as much for special funds. Clearly the determination of this matter is one for the Legislature to make.

The details of this and the resultant effect upon the automatic appropriation to the retirement system have already been indicated.

**Hours of Employment (see Table B)**

Determining the hours of employment of State employees will materially affect the Budget for practically every department of the State. Some will have more work hours added than they need; others will have a loss.

The impact of the war on manpower has brought this question squarely before the Legislature. What shall be the length of the work week? Shall it be uniform for all departments? At the present time no definite and uniform work week has been established for the State. The State Personnel Board apparently has no authority to do so. The office hours of certain offices have been determined but not the hours that the employees of such offices shall be required to work. Some departments work as little as 35 hours per week. The average is nearer 38 hours, while some departments work as much as 48 hours per week, and even more. Those that work over 40 hours per week include the Department of Institutions, the prisons, the Highway Patrol and such agencies as exercise custodial and police duties. What is more troublesome is that the employees in the same departments or agencies do not all work the same number of hours.

If the Legislature determines on a uniform work week and it is less than the hours now being worked by the employees in some departments, how is it to be adjusted and carried into the appropriation bills? Will this merely mean increasing the appropriation, or will the salaries be adjusted on the basis of the shorter work week and the budget remain the same?

If overtime is to be allowed in place of compensating time off, now so greatly abused, will the overtime be at the straight rate or time and a half, or on what basis? If it is allowed, where will the necessary money come from and how much will be needed to pay it? How will the possible abuse of overtime be controlled? Will it be controlled by the Personnel Board or by financial control through appropriations, or financial control through the Department of Finance?

Is the Legislature going to pass a bill or bills which will cover every phase of the subject and provide specifically for administration, or is the Legislature merely going to direct the Personnel Board and the Department of Finance and the agencies concerned what to do?

At any rate, the budget for salaries and wages and corresponding amounts to the appropriations bills can not be fixed until policy of the Legislature is specifically determined on this matter. A minimum work week of 40 hours appears to be desirable under all circumstances.

**Salary Savings (see tabulation preceding pages)**

The impact of the war has made it impossible to fill vacancies. It has also demonstrated that it is possible to carry on the State Government without filling certain vacancies. The results of having vacancies during the current biennium have been translated into salary savings which, in turn, have been used to pay the \$15 per month salary bonus.

More vacancies have been anticipated for the next biennium and an item of salary savings has been set up in the Budget for most of the departments, and this has been deducted from the requested appropriation. A study of this item of salary savings indicates that no uniformity has been used, but merely the experience of the past year used as a guide. It has been considered that if a position were vacant and were not filled for three months that it would be permanently vacant. It may be that some of these positions are seriously needed, while others that have not become vacant either because the incumbent was not subject to military service or he was enjoying maximum pay or maximum retirement benefits and could not equal or exceed this in war industries; or possibly the incumbent was not blessed with any qualities which would get him a higher paying job outside the State service. In some cases nonessential jobs might be retained while essential ones remain vacant. It also might occur that because of exceptionally high salaries and other reasons not a single employee of some one department or division of the State would leave. Therefore, no salary savings would accrue. In this instance it might occur that the services were nonessential and might very well have been dispensed with.

It does happen that no salary savings are set up in the Budget for the courts. Details of this have been discussed briefly. This is a good example, indicating curtailment for salary savings is not uniform, and that in this instance at least it is not based upon severance from the service, for we have had a number of employees of the court separated from the service during the past few years.

It appears that before any uniformity can be established in the matter of salary savings that some legislative determination might very well be made and that before these various questions here raised can be settled and a Budget properly prepared covering salaries and wages for the several departments and divisions of the State, this policy determination must be made.

**Budget of the Highway Patrol**

As respects the Budget for the Department of Motor Vehicles, the Division of Highway Patrol, the Legislature should determine as a matter of policy whether the



Highway Patrol shall be expanded in the face of a declining traffic load so that the total program will require more funds than are now allocated by law, or whether the patrol should be reduced so that costs will fall within available funds.

At the last regular session of the Legislature an increase of 40 Highway Patrolmen was allowed. Due to the fact that they were not put on at once, the money appropriated was sufficient to put on 47. The appropriation did not specify a limit of 40 patrolmen, but merely gave an amount. The administration wanted approximately 400 more patrolmen.

The Governor did not ask the Special Session of the 1941 Legislature to deal with this matter, but subsequently he allowed a deficiency in the Motor Vehicle funds for the purpose of putting on approximately 300 additional patrolmen. Due to inability to secure men, and losses to the armed services and war industry, a net increase of approximately 192 men was made. This increase was all made without legislative sanction and, in fact, contrary to the Legislature's expressed view. This illustrates the dangers that exist in the power of allowing deficiencies in special funds, and shows how it may be abused.

As stated by the Governor on page v of his Budget message, the program of the Highway Patrol requires an expenditure greatly in excess of the funds provided by the declining revenue. For this reason he recommended an appropriation \$1,250,000 below the expenditures for the current biennium. However, despite this decrease, the Motor Vehicle Support Fund shows a deficit of \$850,000 at the end of the biennium. The Governor therefore requests the Legislature to appropriate an additional 4 per cent of the registration fees for the support of the department, or to provide a similar amount from some other source of revenue.

Although the Governor suggests this additional revenue be secured by increasing the percentage for the support of the Motor Vehicle Department by 4 per cent, reference to the Budget Act, Assembly Bill No. 1600, Items 149 and 150 on page 12, shows that this procedure has not been followed. These two items provide the money for the deficiency in the amount of \$851,174. It is divided into equal parts of \$425,587 each, and on July 1, 1943, and July 1, 1944, this sum is to be transferred to the Department of Motor Vehicle Support Fund out of any moneys in the Motor Vehicle Fund on these respective dates. This has the effect of taking at the beginning of each fiscal year of the biennium this sum out of the Motor Vehicle Fund before it is apportioned. In other words, in the Budget Act it is now proposed to take steps to avoid the percentage distribution of this fund, and it has the effect of reducing the amount that would go to the Division of Highways and to the counties and cities of the State for highway purposes. If the Legislature wishes to do this in this way, it is, of course, within their power. It does, in a sense, negate to this amount the procedure established by the Legislature for the appropriation of these funds. It has the advantage that it provides the exact amount of money to meet the specific deficit and for a limited period of one biennium, and it does not upset the percentage distribution already established. The 4 per cent additional suggested by the Governor might or might not produce sufficient money, or it might produce more than is needed.

This deficit of \$851,174 would not have occurred if the mandate of the Legislature had been followed as respects the size of the Highway Patrol. Clearly this is a matter of legislative policy, as indicated above. If the patrol is to be maintained at the strength as estimated in the Governor's Budget, additional revenue in the sum of \$851,174 will be necessary.

The Legislature has several means of solving the situation of the Motor Vehicle Department. First of all, it can eliminate the deficit by reducing the appropriation by \$851,174. It does not have to cut the patrol sufficiently to make this entire saving but can make general reductions. Secondly, the Legislature could raise the necessary money by the means suggested in the appropriation measure; or third, the Legislature could change the percentage to be allocated to the Motor Vehicle Support Fund. Fourth, the Legislature may provide the necessary funds from some other source of revenue. This is clearly a matter for legislative determination.

#### Other Miscellaneous Policy Determinations

There are a number of other places where the Legislature might well determine policy before the Budget is complete and the appropriation bill can be made final.

These include (1) the matter of application of rationing to institutions; (2) the question of greater production of food and usable products in the institutions; (3) the parole of inmates of our prisons for military service and for use in agriculture; (4) the establishment of camps by the Youth Authority and use of this labor for forest fire protection, agricultural purposes and other purposes; (5) the expansion or contraction of the prison highway camps and their control.

#### III. ESTIMATES AND RESULTING SURPLUS, JUNE 30, 1945

A careful review of the estimates of revenue which appear in the Budget indicates that the method of estimating them in general is sound, and that the results may be said to be based on conservative estimates with allowances made for contingencies which might occur on the unfavorable side. However, it should be



pointed out that this period of unprecedented high revenue income which now exists can only continue as long as the war effort continues and it will disappear as the war effort recedes.

The Budget is based on an anticipated decline in both General and Special Fund revenues. It is estimated that \$676,000,000 will have been collected for the current biennium by June 30, 1943, by both General and Special Funds. Of this, \$497,000,000 will have accrued to the General Fund. For the biennium of the Budget 1943-45, it is estimated that total revenue will not exceed \$697,000,000, of which \$468,000,000 will accrue to the General Fund. Of the drop of \$79,000,000 in total revenue, only \$29,000,000 will be in the General Fund.

Let us repeat that although estimates are based upon all the evidence available and calculations having been made for contingencies that may occur on the unfavorable side, it should be anticipated that these estimated sums in revenue may vary.

We do wish to point out, that we do not believe that those who estimate the revenue receipts for the State have taken into account certain other larger contingencies which can not, at the present time, be judged with any degree of accuracy, but which exist in a wartime economy, particularly in time of National rationing, control of prices and the National necessity of financing as much of the war with current taxes as is possible, and with an over all specter of inflation as a continual menace which must be met in some way if we are to win the war and the economic peace.

### Federal Action May Affect Revenues

It should be recognized that the sudden increase in revenues, far beyond the most optimistic estimate, can turn almost instantly into decline. Several possible actions on the part of the Federal Government would materially reduce income.

Any drastic change in the Federal ruling as respects purchases by contractors for use on Federal contracts, exempting such purchases from the sales tax, would at once cause a drop in the sales tax receipts.

Increased rationing of taxable articles will reduce sales tax receipts. Already we have the rationing of shoes and the prospects that clothing will be rationed in a short time. Other commodities will follow.

Restrictions on the production of consumable goods have already reduced sales tax receipts and such reductions are taken into account in the Budget estimated revenue. But further restrictions on the production of consumable goods can be expected and this will cut down the sales and reduce the taxes accordingly. This sort of restriction to a large degree is certain if we are to raise and supply an army of 12,000,000 men.

As respects the corporate and personal income tax, we must not lose sight of the fact that the sudden prosperity for certain income tax paying groups has already begun to wane. The heavy contractors are about through.

The manager of the Northern California Associated General Contractors on February 22d stated that hundreds of pieces of heavy construction equipment, used principally before the war on roadwork, and since then on war contracts, now are idle, and workers for contractors are drifting to other employment. Many pieces of road and other heavy machinery have been sent to South America; equipment operators and engineers have followed the machinery. The present situation of tremendous quantities of idle equipment is exactly opposite of that a year ago. This heavy equipment is used for preliminary work on projects. Most of this preliminary work is completed and there are few new projects to take up the slack. The larger contractors in Northern California universally report that with the exception of shipbuilding they have little or no work in the offing. The bidding on construction projects indicates clearly the situation. Where a few months ago two or three contractors bid on jobs, now as high as 18 bids are submitted. This is the situation the State is now experiencing on a moderate sized construction job it has out for bid.

### Unemployment in Construction Industries

In the January, 1943, report of the Department of Employment to the Governor's Council, on page 2, we find this statement: "In January, unemployment insurance disbursements rose sharply to the claimants released from the construction industries, food manufacturing and from lumber and timber basic products establishments." These workers, of course, will shift to other industries, but this is indicative that the trend is already here, and just as activity in this wartime industry falls off, so will it fall off in those contracts that carry on the follow-up work and the finishing in the construction of Army camps, shipyards, steel mills and other plants necessary for war production. The construction contractors in general will be cutting their activity, and taxes from this source will decline. Stabilization in operations of other war industries will result in stabilization of tax income and a decline from present levels.

Corporate and personal income taxes are likely to decline as costs of doing business go up and net profits decrease. This is the normal experience with approaching stabilization in business.

### Federal Taxes Will Reduce State Tax Receipts

With a Federal Budget approved for \$108,000,000,000, and with the consequent necessity of drastically increasing Federal taxes, it is self-evident that a larger and larger amount of the purchasing power of the people will be taken in Federal taxes. This drawing off of purchasing power just to pay that part of the Federal spending program which should be carried currently will reduce the taxpaying ability of California citizens. No one can estimate the amount of the eventual tax take-down, but every indication points to an ever increasing burden.

### Possible Effect of Inflation Control

The best estimates available indicate that there will be a surplus purchasing power in the hands of the people of the United States for the current year of from \$58,000,000,000 to \$60,000,000,000. This excess purchasing power, in face of the decline in available supply of consumable goods, makes it inevitable that those responsible in the Federal Government shall take adequate steps to control possible inflation. Action along this line has already been too long delayed. In some method or another this excess purchasing power must be drawn off before the vicious circle of inflation gets under way.

Some of it can be drawn off by increased Federal taxes. The Victory tax is a beginning. The increased personal income tax is another step, but none of these strike deep enough at the roots of the situation.

The Federal fiscal officials recognize the danger of the situation and at least one of their spokesmen, appearing before the Governor's Tax Committee in San Francisco, urged that State taxes be not reduced, which would leave increased purchasing power in the hands of the people.

Another way of reducing this excess purchasing power is through increasing both voluntary and compulsory savings. The war bond drives are a voluntary approach, but they have not been sufficient to provide any material remedy. It appears that some compulsory form of saving will eventually be required.

The control and practical elimination of installment buying, forcing cash or very short term purchases, and the contraction of credit, is one method of reducing excess purchasing power, which has been in effect to a considerable degree for some time. Further restrictions on the use of such credit would reduce the purchasing power and any and all methods which reduce the purchasing power of the people will reduce the income from the sales tax, and by reducing the volume of business transactions of the civilian population it will possibly reduce the return from corporate and personal income taxes. The fixing of ceiling prices and the freezing of wages also have the effect of controlling inflation, and at least prevent the further pyramiding of tax receipts in so far as these controls are effective.

### Tax Yields May Not be as Estimated

It is recognized that in the Budget estimate of revenue some of these revenues for the first year of the biennium are assured from the method of levy and assessment, but other of these tax sources are not so specifically determined in advance, while the receipts for the second year are not definitely assured. For the reasons we have mentioned, it is felt that many of these taxes may not yield all that is estimated.

Two years ago revenues for all the funds for the biennium of 1941-43 were estimated by the administration to yield \$653,069,594. Of this, \$408,224,817 was for the General Fund and \$204,844,777 for the special funds. It is now estimated that the General Fund will receive \$497,473,016 and the special funds \$178,635,963, or a grand total of \$676,108,979. Therefore, in place of the General Fund having an estimated surplus as of June 30, 1943, of \$11,058,167, this surplus as now estimated will be in excess of \$90,000,000. It appears to be relatively safe at this date to count on this surplus. Beyond this, any estimate is more speculative. It seems prudent for the Legislature to recognize this fact and to approach any matter that will dissipate this surplus either through excessive spending or drastic tax reduction with caution.

### Surplus as of June 30, 1945

The most startling thing in the Budget is the anticipated General Fund surplus as of June 30, 1945. If the estimated revenue receipts in the Budget are reasonably correct and are received, the surplus at the end of the biennium will

approximate \$228,000,000. The following table shows the trend of receipts and expenditures over the four year period covering the current and ensuing biennium:

General Fund deficit June 30, 1941		\$ 66,000,000
Revenue 1941-43	\$497,500,000	
Expenditures 1941-43	541,000,000	
Operating surplus 1941-43		156,000,000
General Fund surplus June 30, 1943 (estimated)		\$ 90,000,000
Revenue 1943-45 (estimated)	\$468,000,000	
Expenditures 1943-45 (estimated)	530,000,000	
Operating surplus 1943-45 -----		138,000,000
General Fund surplus June 30, 1945 (estimated) -----		\$228,000,000

The estimated surplus will be equivalent to approximately \$30 for each man, woman and child in this State, or approximately \$150 per family.

This surplus will be realized unless taxes are reduced or expenditures are increased beyond the Budget. Any one or more of these possible and probable contingencies can occur. First of all, receipts, as we have indicated, may not be realized. It is certain that expenditures will be somewhat increased beyond the Budget by the amount of defense appropriations normally passed by the 1943 Legislature and by Budget amendments contemplated and special appropriation bills which normally run from \$5,000,000 to \$10,000,000.

In such circumstances when a large Treasury surplus exists, raids on the Treasury become numerous. Many think of ways to spend surpluses in a public treasury, but few safeguard it for the time when transient prosperity as we are now experiencing gives way to normal conditions and possible economic disturbance and distress, with consequent unemployment which usually follows such sudden up-swings created by an artificial prosperity.

California once before had a State surplus of approximately \$11,000,000 as of June 30, 1931. Fixed charges of government, automatic increases in the debt service, demands of unemployment and relief and raids on the Treasury sponsored by special groups, despite an economy program on the part of the State fiscal officers, coupled with an unprecedented decline in revenue, resulted in a State deficit of approximately \$11,000,000 by the end of that biennium, on June 30, 1933.

This deficit occurred despite the fact that the per capita costs for State Government, including a material increase for debt service and an enlarged capital outlay program, were materially less than the previous biennium.

The State has had a General Fund deficit since that date until the present surplus became manifest a few months past.

The history of the previous surplus and the following 10 years of deficit should be a reminder that even in times of surplus, great care should be exercised concerning economy and tax adjustment so that the revenue structure of the State remains sufficient to carry the normal expenditure program of the State. An expansion of governmental services on the basis of a wartime prosperity or the drastic reduction of the tax base will have the result of creating a revenue situation which will mean an expenditure program that can not be carried by normal tax receipts with the return of normal times, while the dissipation of the surplus will mean the elimination of a reserve that might be desirable to meet an economic recession which is likely to occur at the end of wartime prosperity.

#### Anticipated Surplus Not a Clear Book Surplus

The statement in the Budget that there will be a General Fund surplus of \$228,000,000 as of June 30, 1945, should not be taken to mean that this is a clear book surplus of this sum. It merely means that it is a book surplus as far as the Budget is concerned. There are some other expenditures and obligations and accruing obligations of the State which are not given consideration. These amount to a very large sum in the aggregate and are far in excess of the anticipated General Fund surplus. They should be noted in any sober consideration of the financial condition of the State.

These actual obligations that exist and obligations that are accruing are found in: (1) The bonded indebtedness of the State; (2) The depreciation and obsolescence and accumulating housing need of the State created by the suspension of capital outlay during the last year of the current biennium and to be continued throughout the succeeding biennium; (3) The existing and accumulating possible deficit in the State unemployment insurance reserve; and (4) The unknown but increasing obligation for compensation insurance for former and present members of the State Guard, who may have claims in the future against the State.



### Bonded Indebtedness of the State

On page A 45 of the Budget for the biennium 1943-45 there is a statement of the bonded debt of California as of December 31, 1942. The total net bonded indebtedness of the State as of that date was \$133,761,327.68. Of this amount, general obligation bonds outstanding amounted to \$81,785,500, with a sinking fund of \$2,748,739, or approximately \$74,036,000 of net bonded indebtedness as an obligation against the General Fund.

It certainly does not seem logical for a man to take some unexpected receipts and go out and spend it or to engage in an orgy of riotous living when at the same time he owes various members of his family and his friends a considerable sum of money, and in amount a considerable percentage of his sudden windfall. It does not seem any more virtuous for the State to consider a surplus of the General Fund as free and available for spending when it has outstanding in excess of \$79,000,000 in bonded indebtedness; particularly when it is realized that if this is paid off now the principal alone will be due but if it is allowed to mature the interest charge on these bonds will be almost as much as the principal. Consideration should be given to some means of providing for the liquidation of at least enough of this bonded debt so that we will not have the situation which did occur in 1931-33 when we experienced an increasing debt service in a time of declining revenues. In that biennium, 1931-33, there was an increase of 108 per cent in bond interest and redemption payable from the General Fund. While the amount was relatively small, in comparison with the General Fund revenues of today, at that time it was a large item.

### Accumulated Capital Outlay Needs

Although the Budget for the next biennium contains, comparatively speaking, no allotments for capital outlay, and the building program of the State has practically been suspended during the last year of the present biennium, it does not mean that there has been an actual suspension of the using up of capital outlay through the depreciation and obsolescence of existing buildings. There has also already occurred an accumulation of housing needs at our institutions and prisons, State colleges and schools, and this accumulation will continue throughout the next biennium. This capital outlay need to replace depreciation and obsolescence and to provide adequate housing for the State goes on whether the expenditures are made or not.

A separate study is being conducted to arrive at the total sum which reasonably should be required to meet a satisfactory program at the end of the coming biennium. The total amount has not yet been determined but it is estimated that it will be between \$100,000,000 and \$122,000,000, based upon normal prices of construction. This is about in line with the average appropriations that have been made by the Legislature for capital outlay purposes financed from the General Fund over a period of years, when we consider the three years' suspension of capital outlay and the accumulated need adjusted to the growth of the State.

The wise and prudent businessman who found that his business was overcrowded and his plant depreciated and in part obsolete would lay away out of his income a fund for the replacement of buildings and for expansion to meet the normal requirements of the growth in his business. Is it not wise for the State to view the problem in the same way and to consider the State's need on the basis of fact?

### Highway Expenditures Deferred

In the first part of this report a tabulation was presented showing that State expenditures from special funds for the biennium 1943-45 will be decreased \$28,615,000 below those for the current biennium. It was stated that this decrease was primarily a reduction in expenditures on State highways. Reference to page 614 of the Governor's Budget will show that administrative costs for the Division of Highways will be reduced \$188,000. Maintenance will show a reduction of \$2,864,000, while capital outlay, which includes reconditioning, resurfacing, general improvement, engineering, rights of way and improvement of joint highway districts of State highways and cities for both roads and bridges shows a net reduction of \$21,328,000 with Federal funds eliminated, or a total capital outlay reduction for highways on the part of the State of \$24,399,000. This simply means that normal expenditures for maintenance and improvement of highways, streets and bridges in the State of California are suspended in this amount for the next two years. In the meantime, the increased truck traffic and movement of military equipment, much of it of a very heavy nature, is increasing the wear and tear on the highway system. Highways are actually being used up and at some time, either through State or Federal funds, they will have to be reconditioned, and this will require a very large sum of money. Who will pay for this general reconditioning and this suspension of capital outlay for the current biennium? This, in a sense, is another accumulating deficit which should be considered in viewing the State's general financial picture.

### Deficit in the Teachers' Retirement Fund

For many years it has been known that there has been an actuarial deficit in the Teachers' Retirement Fund. As early as 1931 this was variously estimated at from \$35,000,000 to \$60,000,000. Subsequent to that date, changes in teachers'



retirement benefits and changes in the contributions made to the fund and the right of withdrawal given to the teachers have had the effect of further impairing the fund and increasing the actuarial deficit. It is now estimated that the accumulated actuarial deficit in this fund amounts to in excess of \$135,000,000. This was the deficit shown in the actuarial survey as of July 1, 1940. We recognize this is not an accurate figure, but an understatement; however, the amount is so large that a variation of 10 per cent one way or another does not influence materially the principle that this very large deficit is still of startling proportions and should be given consideration in reviewing the financial condition of the State of California and in considering any surplus in the Treasury.

#### **The Question of the State's Obligation to the Teachers' Retirement Fund**

It can be pointed out that the State of California has not assumed the full obligation of supporting a teachers' retirement plan beyond a limited contribution and that the State is not specifically bound to make up an actuarial deficit in this fund. The State's financial obligation has been and is to make a contribution of 5 per cent of the State inheritance tax collections to this fund. The State has not assumed any other financial obligation, although there have been repeated efforts for many years, particularly active beginning with 1931, to increase the State's obligation.

#### **No Relationship Between State Contribution and Financial Requirements of Teachers' Retirement Fund**

Clearly there is no relationship whatsoever between the financial need of the Teachers' Retirement Fund and the contributions made on the part of the State of 5 per cent of the inheritance tax collections. In fact, there is no relationship whatever. This 5 per cent might at one time be in excess of what was needed from the State to supply the actuarial cost of the retirement fund for any one period, at another time it might fall far short. For many years the total concept of the contributions from all sources including that from the State has been far short of the need. The situation grows continuously worse. This is clearly unsound and unscientific financing in all of its aspects. Something should be done to correct the situation.

#### **The Obligation of the State**

Whether or not the State has any further financial obligation to support the Teachers' Retirement Fund, this fund is set up and managed under State law and there is a moral obligation on the part of the State to see that this system is sound, no matter what allocation is made of costs, and that teachers who have served the required time and retire receive those benefits which they have been promised under the law.

A complete review of the Teachers' Retirement System is desirable and an adjustment of contributions and benefits in light of complete equity to all parties concerned is desirable. The possibility of this affecting the State surplus should be considered, for the State should not have under its management a retirement fund which is actuarially in such a bad condition. It seems that the State should set its entire financial house in order when considering the matter of a State surplus, no matter in what fund it may exist.

#### **Unemployment Insurance Fund Potential Deficit**

There is listed on pages 255 to 258, inclusive, of the Governor's Budget the Department of Employment. There is a notation at the bottom of page 255 that the revenues from Federal grants and expenditures are not included in the Budget totals; however, since the department is one of the regular departments of the State it is included in the Budget document itself. It is a kind of a hybrid set up where the Federal Government collects a specific tax for administration and gives the State back what they think is necessary to operate the department. The State formerly made an appropriation to pay part of the cost of administration but this was discontinued during the current biennium. Also, since the outbreak of war the employment offices themselves that used to be under the Department of Employment have been federalized.

The unemployment insurance benefits are supported by a tax on employers and employees and the reserve is in the custody of the Federal Government.

The commission that administers the unemployment insurance has the authority of reducing the benefits. This is complicated, however, by Federal statutes and rulings. The whole matter is so much of a hybrid and so interlocking in its financial aspects and administration with the Federal Social Security setup that it was a subject of a special investigation by a Senate committee headed by Senator Ward. The report of this committee is published in the Senate Journal for January 25, 1943, page 227. We will leave the details of this matter to this committee.

It should be noted, however, that since before the Pearl Harbor incident the increase in war industries in California, including the manufacture of airplanes and the building of ships and other war activities, there has been a considerable influx

of workers into California. It has been variously estimated that as many as 750,000 workers have come into this State. This estimate we believe is high for the actual net increase of the number on the rolls of those covered by the unemployment insurance contributions was only approximately 500,000 in the last 18 months.

These workers from out of the State have worked here at high wages and many on contracts that were based on a profit of 10 per cent above costs. In this calculation of costs, of course, was the desire to make them as high as possible rather than as low, so that the 10 per cent might be that much greater. There was, therefore, no particular incentive to hold down wages either in the scale or in the total number of employees or the total amount paid in wages. The employers' and employees' contributions to the Unemployment Insurance Fund were included in these contract costs and this reserve was built up and with particular rapidity as benefit payments decreased with an improved labor demand. The contributions made by the employer and employee were according to law and were those estimated as necessary to carry the fund, but do not contemplate meeting any general cessation of war activities which would result in an exodus from California of a considerable number of employees who came in here as a result of the war industries. It seems that this potential excess demand and consequent possible deficit should be charged to the war activities and should be included in the cost of contracts possibly in the way of a special reserve to meet unforeseen demands arising out of these circumstances.

The reserve on January 31, 1943, of the Unemployment Insurance Fund which included both the surplus contributions and interest, brought the balance to \$310,428,035. Collections for January exceeded \$23,000,000. This appears to be a very healthy situation, but a comparison with just one year previous will show that it may be highly transitory. For January, 1943, there were 57,353 weeks of unemployment compensated for, with a disbursement of \$827,626. In the previous year, January, 1942, the disbursements, on the other hand, amounted to \$5,400,000. This shows the demand that actually did exist a year ago and that can again develop in a short space of time. For example, the claims for January, 1943, although small, were 86 per cent above the December, 1942, claims.

What will be the claims for unemployment insurance when the war industries fall off and a considerable proportion of our imported out-of-State workers return to their home States and make a demand on California for unemployment insurance benefits? How long will the reserve of \$310,000,000 last? The maximum claim which any one worker could have against the fund would be \$468. If we presume that only one-half of the 750,000 out-of-State workers, or 375,000 of them, make a demand for the full sum of the benefits, this would require a disbursement of \$175,500,000, which is over 50 per cent of the reserve. This fund would then have a threatened actuarial deficit.

In addition to this possible demand on the Unemployment Insurance Fund, there is another liability of an undetermined amount which will probably exceed \$12,000,000, which arises from the frozen unemployment insurance benefit credits given to workers taken into the military service by law. This provides that they shall retain all of these accumulated benefits and have them available for the workers when they return from the armed services. This benefit continues by law until October, 1943.

What is the solution in this situation? What are the safeguards? What should the State do about it now, before the situation arises? How should this fit into the financial plans of the State? It is true that the commission could reduce the benefits as they saw the demand increase, but the fact that they could reduce them does not mean they would reduce them, at least in time, nor does it mean that in time of unemployment and want these benefits should be reduced, or possibly entirely disappear, and the purpose for which they were created be entirely defeated.

It appears that here is another financial consideration of the possible deficit of the financial structure of the State of California which should be noted in connection with the Budget surplus.

IV. ANALYSIS OF PROPOSED EXPENDITURES IN THE BUDGET FOR  
THE (1) LEGISLATURE, (2) JUDICIARY, (3) EXECUTIVE AND  
(4) ADMINISTRATIVE OFFICERS, BOARDS AND  
COMMISSIONS (Pages 1 to 111 of the Budget)

These agencies of the State include:

1. Legislature
2. Legislative Counsel Bureau
3. California Code Commission
4. California Commission on Uniform State Laws
5. Supreme Court
6. Judicial Council
7. Appellate Court, First District
8. Appellate Court, Second District
9. Appellate Court, Third District
10. Appellate Court, Fourth District
11. Judges' Retirement Fund
12. Governor
13. Lieutenant Governor
14. Attorney General
15. Controller
16. Controller—Unemployment Relief
17. Controller—Motor Vehicle Fuel Tax Refund
18. Controller—Tax-Deeded Land
19. Council of Defense
20. State Employees' Retirement System
21. Board of Equalization
  - a. Retail Sales Tax
  - b. Alcoholic Beverage Control
  - c. Motor Vehicle Fuel Tax
22. Franchise Tax
23. Horse Racing Board
24. California Commission on Interstate Cooperation
25. Personnel Board
26. Railroad Commission
27. Harbor Commissioners for San Diego
28. Secretary of State
29. Treasurer
30. Youth Correction Authority

#### Legislative

(Items 1 to 10, inclusive, of the appropriations bills, Assembly Bill No. 1600 and Senate Bill No. 800, pages 1 and 2 of the Budget.)

1. No Budget hearings were held as respects appropriations for the Legislature. The constitutional requirement of the salaries of the Senators and Assemblymen are provided. Allowance for mileage appears only for the Ninety-sixth Fiscal Year and contingent expenses were included in an arbitrary sum of \$10,000 each for the Ninety-fifth Fiscal Year for the Senate and Assembly; while the joint expense of legislative printing and legislative binding was placed at an arbitrary figure of \$300,000.

It seems evident that the contingent expense of the Senate, Item 3, in the sum of \$40,000, and the contingent expense of the Assembly, Item 7, for \$45,000 for the next biennium, will be insufficient based upon past experience and particularly if any considerable number of interim committees are appointed.

The total legislative expense set up in the Budget for 1943-45 is placed at .....	\$776,500 00
Where the actual and estimated expense for the current biennium 1941-43 is .....	960,113 06
Which is a decrease of .....	\$193,613 06
For 1939-41 it was actually .....	\$941,415 48

It appears that approximately \$200,000 more should be added to this appropriation to cover what will undoubtedly be required, making a total of \$996,500. This is still below the actual expenditures for 1939-41 of \$1,019,008.93. Reasons for this estimate:

- a. The cost of printing has gone up for the reason that the prevailing wage rate in the printing plant has been increased and is threatened with another increase.
- b. Certain costs of paper have been increased.



c. The allowance for attaches' individual pay has already been increased in the Assembly and undoubtedly will be increased in the Senate, and unless this is held within the total allowance set by law more money will be required than is customary.

d. The Governor has repeatedly stated and restated that he expects to call the Legislature into special session to secure their views, advice and direction if any extraordinary situations arise, and furthermore, he has stated as a candidate and in his messages and in conferences with committees of the Legislature that the Legislature can meet whenever it wishes and whenever the majority thereof express a desire to meet; and he has further stated that conditions are such that it may be desirable for the Legislature to meet frequently. This alone would be sufficient to suggest the inclusion of a larger sum in the Budget for contingent expense.

Two hundred thousand dollars additional would bring this item for the biennium to \$966,500, which is \$52,508.93 less than the actual expenditures for 1939-41.

*There is no particular merit in setting up a Budget which includes items that will be less than probably will be reasonably required, and it certainly should be consistent with comparable estimates made in other parts of the Budget.* This is not true as respects legislative printing. The amount in the appropriation bill for this is placed at \$300,000, which is exactly the same amount found in Item 10 of Assembly Bill No. 1800, Chapter 600, of the 1941 Session; however, all through the remaining parts of the Budget and translated into the appropriation act increases have been allowed for printing on the theory that the price has gone up. This is particularly significant in Item 44, allowing the Secretary of State \$125,000 for printing the constitutional amendments, which is identical with the comparable Item 42 in Assembly Bill No. 1800 for the current year; while reference to page 101 of the Budget will show that the actual estimated expenditures in the current biennium is placed at \$85,000, or \$40,000 less than the proposed appropriation. This item, however, we believe can be reduced.

2. Legislative Counsel Bureau, Item 11 of the Appropriation Bill, pages 3 and 4 of the Budget, is set up in the sum of \$153,032, an increase of \$22,737.08. No new employees are added, and the increases are caused largely by normal salary adjustments and the \$15 bonus per month to employees.

This bureau, due to the loss of experienced men, is already forced to put in an excess amount of overtime. The increased services required of interim committees has likewise added to their burden. If there are special sessions, they probably will require additional money. It is not believed that they can function with a smaller staff or less funds.

#### Working Conditions of the Legislative Counsel

Greater efficiency and a larger return for the money expended can be secured if the Legislative Counsel is given adequate quarters. The work performed requires close attention and concentration. In many instances it is highly technical and frequently it not only requires concentrated thought but also consultation with others. During the session almost continuous conferences between the members of the Legislature and the members of the Legislative Counsel Bureau staff occur in relation to legislation being prepared or amended. The desks of the staff members are so crowded that it is practically impossible to hold such conferences without interfering with the work of other staff members. The chief of the bureau frequently must hold conferences with committees and groups and the representatives of the various departments of the State. He does not have adequate space to hold such conferences.

It is evident that greater economy and efficiency will result if quarters are provided to meet this particular problem.

Observation also demonstrates that a considerable amount of time of the Legislative Counsel Bureau is wasted through improper consideration and indiscriminate requests. For example, the carte blanche authorization given by members of the Legislature to citizens interested in legislation to have any bills drawn which they wish is frequently an extravagant waste of time of the Legislative Counsel Bureau. Frequently inexperienced persons make requests that are poorly considered, indefinite and subsequently prove to be unacceptable to the legislator authorizing the request. Frequently the requests of the legislators themselves are so indefinite as to place an undue burden on the imagination as well as the technical skill of the Legislative Counsel Bureau. The numerous duplicate requests of the various members of the Legislature cause a large amount of duplicate and overlapping work and increase the burden and the costs of the bureau. The Legislature itself has the sole power of correcting this situation through its rules and procedure. There are some difficulties involved in providing procedure which will allow all of the latitude that is necessary for individual and untrammelled action on the part of the members and at the same time eliminate waste and unproductive work on the part of the staff that, no matter what the burden, endeavors to provide every service.

3. California Code Commission, Item 12, page 2, Appropriation Bill; page 5 of the Budget; appropriation \$29,450. This is a decrease of \$7,349.74. The decrease is in service and materials furnished by the Legislative Counsel. The amount spent depends upon the volume of the codes prepared. It would probably yield values to



the State if the program of codification were expedited. There is a difficulty, however, in retaining experienced help. No reduction is recommended.

4. California Commission on Uniform State Laws, Item 13, page 2, Appropriation Act; page 6 of the Budget; \$2,000. This is an increase of \$805.08, an increase primarily in contribution to the National Conference on Uniform State Laws of \$700. No reduction is advisable unless the entire function is eliminated. State business, including the imposition of taxes, resulting from the war activity, probably emphasizes the need for this service.

### Judicial

5. Supreme Court, Item 14, page 2, Appropriation Act; pages 7 and 8 of the Budget, \$438,140. This is an increase of \$15,897.34. This increase is primarily in salaries, and no credit is set up for salary savings due to vacant positions because of the war effort. It is believed that these will accrue and that salary savings should be set up for this court and all of the other courts, comparable with other departments. This was discussed on page 22 of this report in relation to all of the courts.

We recommend a sum of \$2,500 be deducted for this. We further recommend that the salaries of the employees of the Supreme Court be studied by the Personnel Board in relation to the salaries paid by other State departments for like services and that the salary scale be established for these employees on a comparable and equitable basis, giving full recognition to the dignity of the court. No such study has ever been made by the Personnel Board.

6. Judicial Council, Item 15, page 3 of Assembly Bill No. 1600, and pages 9 and 10 of the Budget; in the amount of \$64,780. This is an increase of \$14,998 made up of \$6,785 in support and \$7,213 in the extra compensation and expenses of assigned judges. This total increase does not seem justified for the following reasons:

a. No salary savings are set up out of the salaries of a purely technical staff, in excess of \$35,000. Also, the rates have not been subject to review by the Personnel Board to be established on a comparable basis. We recommend that the saving of \$1,000 be set up here.

b. We also find that an item appeared for the first time for the Judicial Council without approval of the Legislature, providing for an automobile for the Judicial Council. This was done by transferring a car from the Department of Finance. There is no necessity of the Judicial Councils having an automobile for any particular purpose. It is recommended that this item be eliminated entirely from operating expense and that the car be returned to the Department of Finance from whence it came and that the sum of \$600 for maintenance be cut.

c. It is also believed that the extra compensation of judges should be met as it occurs and that this item was put into the Budget before final consideration was given to the adjustment of judges' salaries that is now pending before the Legislature. We recommend that the item of \$20,000 for the biennium be reduced to \$15,000, which still is an increase of \$2,213, and that the saving of \$5,000 be accepted.

d. The fourth item of saving is in printing. The actual expenditures for 1941-42 amount to \$138.77. The estimate for the current fiscal year is \$1,400, which it is doubtful will be expended. The request for \$1,000 for each year of the biennium is based on the desire to publish certain items and is a pure estimate without having copy in hand. We recommend that this be reduced to \$500 or the reduction of \$1,000 for the biennium and that any additional requirement be secured from the Emergency Fund.

The total reduction of the Judicial Council, therefore, would amount to \$7,600.

7. Support of the First District Court of Appeals, Item 16 in the Budget Bill, page 11 of the Budget; support, \$217,140. This is an increase of \$6,805 which occurs in an increase from the Ninety-fourth Fiscal Year in salaries and wages in excess of \$5,000, which is carried forward to both years of the coming biennium. The only saving that is apparent will be an estimated salary saving of approximately \$1,000.

8. Second District Court of Appeals, Item 17, page 3 of Assembly Bill No. 1600 and pages 12 and 13 of the Budget; appropriation \$307,210. This is an increase of \$27,181, due primarily to an increase of six positions in 1942-43 carried over for the full biennium. It has a larger budget than the First District because of the addition of five to the staff in the categories of secretary and legal secretary. The question is raised as to whether or not the volume of secretarial work justifies this much additional secretarial staff. No definite recommendation can be made until further analysis can be completed. No salary savings has been estimated. We believe that \$2,000 can be set up for this item. Telephone and telegraph can be cut \$500, leaving an increase over what has actually been spent. The library has been increased from \$8,000 to \$10,000. We believe that the former appropriation plus \$500 is sufficient, making a saving of \$1,500. The total savings will be \$4,000.

9. Third District Court of Appeals, Item 18, page 3, Assembly Bill No. 1600, pages 14 and 15 of the Budget, appropriation \$125,410. This is an increase of \$15,387, due primarily to an increase of two positions in 1942-43 carried forward to both years of the biennium. The total employees are 13, which is next to the lowest of the appellate courts. The only suggested saving is \$500 to be set up as a salary saving.

10. Fourth District Court of Appeals, Item 19, page 3, Assembly Bill No. 1600, page 16 of the Budget, appropriation \$150,330. The court has the lowest number of employees of the appellate courts, with 11. The increase is only \$1,495. This is primarily in salary.

This is a traveling court and for this reason the travel item of \$17,000 for the biennium, although large, appears to be necessary. The rent item of \$21,000 for the biennium is large because of the fact that it rents quarters in the several towns where it sits. Unless this court can be adjusted, together with other appellate courts so that it does not have to travel it does not appear possible to make any reductions at this time. No salary savings are suggested because of the small number of employees.

11. Judges' Retirement Fund, page 17 of the Budget, is not found in the appropriation act for the reason that it is a fixed charge and the amount is increased for the reason that the total salaries of justices has increased and this is based on 2½ per cent of said salaries.

11a. State's share of salaries of judges of superior courts, Item 20, page 3 of Assembly Bill No. 1600, page 682 of the Budget. This is a fixed charge prescribed by Section 736b of the Political Code, appropriation in the sum of \$1,296,000. The State's share is set at \$4,000 per judge per year.

### Executive

12. Governor. For the support of the Governor's Office, Item 21 of Assembly Bill No. 1600, page 18 of the Budget, \$180,000. This is a decrease of \$16,682. The same number of positions are provided for as in the current biennium. The decrease is primarily in salary savings, travel, telephone and telegraph. *It is doubtful if the Governor can operate his office on this appropriation without continuing the practice of borrowing help from other State departments unless he secures some voluntary assistance and his administrative staff continues the large amount of overtime which they have had to put in since the inauguration.*

This situation is somewhat relieved by an increase in the Special Secret Service Fund for the biennium of \$10,000, bringing it back up to what has been customary to allow in this fund. This is Item 22, page 3, Assembly Bill No. 1600. This is exempt from accounting and audit and can be spent by the Governor in any way he sees fit.

Item 23, support of the Governor's residence, \$12,000. This is the customary appropriation, but it will buy less in proportion this biennium than last due to the increased cost of commodities and other maintenance expense.

The budget for the Governor since that for Governor Rolph has not been a true picture of the costs of operating the Governor's Office. The increase in business has not been met by a corresponding increase in the staff but this has been met by borrowing employees and equipment and charging certain operational costs to other departments.

Automobiles for the Governor have not been purchased out of the Governor's appropriation for a number of years but they have been assigned generally from the Highway Patrol of the Motor Vehicle Department. Also, a driver and bodyguard for the Governor has been assigned from that body. The operation cost of the car and the expense accounts of the driver have been charged to the Highway Patrol. In other instances legal services, both for analyzing legislative bills and for other legal and administrative purposes, have been borrowed from other departments, and for the past four years one full-time attorney of the Department of Finance was almost continuously employed on work for the Governor's Office.

The budget for the Governor's Office never will reflect true costs until all of these charges are specifically included. At the same time, the cost of the departments and agencies from which equipment, services and operational cost are obtained, likewise have a distorted budget for these items that are so provided.

13. Lieutenant Governor, Item 24, page 3, Assembly Bill No. 1600, page 20 of the Budget, \$12,930. This shows a decrease of \$8. No adjustments suggested.

The secretary provided for the Lieutenant Governor and the other operating expenses should be sufficient for all the activities now required of the Lieutenant Governor as presiding officer of the Senate and service on the boards and commissions now provided by law. If the Lieutenant Governor is required to render additional services to the State and serve on additional boards or commissions, the additional expense of secretarial service, office and travel should be considered at that time. It does not appear to be necessary from the requirements of the office for the Lieutenant Governor to maintain several offices throughout the State in order to render to the public all the services required in connection with this office.

### Administrative

14. Attorney General, Item 25, page 21 of the Budget, appropriation \$694,170. This is a net increase of \$44,175. The increase is primarily in salaries and a decrease in reimbursement for legal services from special funds caused by changing some special funds over to the General Fund; also, increase of four employees in the fiscal year 1943-44.

This appropriation includes \$30,630 for normal salary adjustments with the provision that a survey of the salary of exempt positions be made and an appropriate classification and salary rates be established before this is paid. This figure, therefore, represents an arbitrary estimate. It should be understood that any of this amount not required, together with any savings that should accrue through a reduction in the salary range for the respective positions held and work performed should likewise revert. It is believed that a salary survey of the actual work performed by the employees of the Attorney General, both in administration and investigation, will indicate that a considerable savings in salaries is justified. The actual work performed must be used and not the educational qualifications or the fact that a lawyer is performing such services shall be taken into account. If an attorney merely acts as a receptionist for visitors he should be paid the salary of a receptionist comparable with the State scale and not for performing the services of an attorney, which he is not performing. If an investigator, special agent or other employee or Deputy Attorney General merely acts as a chauffeur he should receive the pay for the job being performed and not on the basis of a false classification. If an attorney, no matter what his classification, spends his time on a large proportion thereof on some minor legal work and is not expected to perform more difficult duties, his salary scale should be based upon the actual work performed.

Also, if any employees of the Attorney General's office, either of the legal staff or the Division of Investigation, are rendering service to other departments not specifically provided for in the budget of the Attorney General they should either be compensated for or fully justified and clearly indicated so that the appropriation therefor would be definite.

No specific reductions in the Budget are suggested for these items for the reason that the information necessary will not be available until an official survey is made.

The Budget document has one item requiring an explanation. This is the reversion of \$13,322.29 taken in the elimination of the item for the presentation of the claims of the California Indians, showing a net increase of this amount less than the actual increase. This merely is removing from the Budget this item and placing it in a special item in the Appropriation Bill.

There is also another possible adjustment in the Budget for the Attorney General through adding the \$20,000 set up in the Budget for the Colorado River Commission for an attorney, on page 630 of the Governor's Budget, and transferring this to the Attorney General's Budget. The requirement for this service is in doubt, and it is quite possible that a considerable amount of this \$20,000 can be saved. It should be so appropriated that if it is not expended for the Colorado River Commission that it should revert. It is well to place it under the control of the Attorney General so that only so much thereof will be expended as is necessary.

There are several reductions in the operating expense items. Only two items, cost of suits which include a large amount of printing and telephone and telegraph, show an increase. Telephone and telegraph is placed at \$8,000 for the Division of Administration, with a total of 71 employees. It is believed that this figure can be cut by at least \$1,000. We are applying here the general tendency of the State to indulge in an excessive use of telephones. There has been a material reduction of this item in the Division of Investigation. No other suggestions for reductions are made at this time. It is felt that the Attorney General will give full consideration to reasonable suggestions made during the coming biennium.

Two specific recommendations are made to be effective on certain contingencies. On page 24 of the Budget a detail of the charges made by the Attorney General to special fund agencies for legal services is set up. The total shows a reduction. This is made from the fact that certain agencies have been transferred to the General Fund in this Budget. No actual reduction has occurred, but on the other hand an increase in individual items will be noted, such as a \$7,500 increase in a charge to the Department of Employment. A full survey has not been made of these charges to special funds but it is possible that a charge of \$8,000 will be made to the Department of Social Welfare, for a request of the adjustment of the Budget has already been made by this department. Should this occur, the Attorney General's Budget should be reduced by that sum and the credit for charges increased by that amount.

#### Charges to Special Funds for Legal Services

It is also suggested that a complete review be made of all of the special funds requiring legal services and that an adjustment be made in the schedule, including them at proper rates, and the Budget be adjusted accordingly. Likewise, the Colorado River Commission appropriation for attorneys should be included in this list, since this service will be provided. In addition, the corresponding budget adjustment upward will be required.

It is further recommended that a method be provided for effective reviewing of the charges made by the Attorney General to the special funds for legal services, giving full consideration to the fact that the Attorney General provides a standby for advisory legal service as well as actively rendering legal advice and conducting defense suits and other legal services; however, at the present time the Attorney General, under Section 473a of the Political Code, sets his own charges without this being reviewed.



### Improved Accounting Recommended

At the present time it does not appear to be possible to determine whether or not equitable charges have been made by the Attorney General for services rendered. It is suggested that accounts be maintained so as to indicate whether proper charges have been made for services rendered. This applies in particular where expenses for a suit which may amount to a considerable sum are advanced for a special fund agency and then when the suit is won are returned or paid, but are taken in as a receipt or a revenue by the Attorney General. It is true that sometimes these payments for costs are received several years after they are incurred and there may be some difficulty in reimbursing the particular fund concerned; however, it is clear that some policy should be adopted so that charges made to special funds will not be excessive and for the benefit of the General Fund.

15. State Controller, Item 26, page 3, Assembly Bill No. 1600, pages 25 to 30, inclusive, of the Budget, support, \$1,004,905. This includes administration, accounting, inheritance and gift tax, claims auditing and tax collection. It shows a total increase of \$127,000. There is a needed increase of one position in the regular activities of the Controller. Most of the increase is found in the salary bonus and normal salary adjustments. Operating costs have, in general, been held down. No particular reductions are recommended, with the exception of an item for printing of State warrants for the coming biennium. It is recommended that a reduction of \$8,500 be made in this item for the reason that the transfer of the pay roll to the revolving funds in approximately one-half of the State departments has reduced the number required, so that the supply on hand will probably last for the entire biennium.

The statement that the work in the Controller's Office will be materially reduced by handling pay rolls direct in the several agencies has not materialized, with the possible exception of the small reduction in the item of writing the checks. The comparison, auditing and filing of pay roll vouchers and duplicate pay checks remain about the same, with the added problem that the commercial checks used by the departments on banks are not of uniform size with the Controller's warrants, thereby producing a filing problem. In addition, it will be noted on page 27 of the Budget under the Accounting Division an item for special auditing of \$5,000 per year or \$10,000 for the biennium has been inserted for the purpose of allowing the Controller to audit revolving funds if he feels it is desirable and necessary to protect the State's interest in relation to pay rolls handled by revolving funds. It may be that none of this will be necessary and will revert.

In general, the handling of pay rolls by the State is far from satisfactory. The delays complained of which resulted in returning pay rolls to departmental revolving funds has not been corrected by this procedure. This is particularly true in the case of temporary employees. The intolerable situation in the Motor Vehicle Department where temporary employees were not paid when regular employees were but had a delay for as long as 12 or 14 weeks has not been remedied at this time, which demonstrates that the revolving fund procedure in this case had nothing to do with curing it. The delay was due to failure to clear pay rolls and the bottle-neck in the accounting office. The decentralization has not relieved the Controller's Office, has added to the possibility of defalcation, has increased the problems of auditing and has the only advantage of placing the responsibility in the department concerned and of allowing the department to pay out State funds and make corrections after the employees are paid rather than before. Only about one-half of the State departments have taken advantage of it.

For matters of economy and better control of State expenditures it is recommended that a centralized pay roll system in the Controller's Office, taking full advantage of the most modern bookkeeping machinery and accounting methods, be established, as soon as such machines can be secured. In this way the departmental accounting offices can be reduced in staff and by centralizing the work a much smaller force can handle the pay rolls and these can be preaudited rather than post-audited. This will also make possible the keeping in the treasury of a very much larger cash sum which can be used to augment the cash balance on hand and increase the money available for investment, a policy which apparently is recommended by the Department of Finance in the principle found in some of the bills the department has introduced into the present Legislature.

On page 30 of the Budget, under Claims Auditing and Disbursement Division, it shows that \$6,472 was expended for the audit for the State Guard in the year 1943-45, and that an item of \$16,656 will be requested to cover the auditing of the State Guard claims for 1943-45. If the volume of State Guard claims increases materially over the estimate, adjustment should be made in the appropriation for the State Guard to provide the added cost to the Controller's Office.

### Victory Tax

The matter of handling the Victory tax has already brought added work to the Controller's Office, as has the increase in the number of various deductions from the State pay roll. The handling of the Victory tax is not entirely satisfactory, particularly as respects small boards, commissions and agencies, including the State



Legislature and its committees who normally have their pay roll handled through the Controller's Office. It is clear that the consolidation of accounting, reporting and remitting of the Victory tax deduction in one office where the pay roll is already handled would be most economical and businesslike. The problem is particularly difficult for legislative committees that have only a few employees. It is recommended that the Controller take care of this matter, that if he can not do so within the confines of his present staff that an additional sum be provided for additional personnel for this purpose in his appropriation.

#### **Inheritance and Gift Tax Division**

On page 28 of the Budget will be found the Inheritance and Gift Tax Division, requiring an expenditure of \$336,080 for the biennium, or an increase of \$42,664. This increase is primarily in salaries, wages and in witness fees.

There is one item of \$3,000 for a conference of inheritance tax officials. This is primarily a conference wherein the local inheritance tax appraisers meet with the Inheritance Tax Division and the Controller in a general convention. Except for the general benefits that arise from such a convention and some consideration given to inheritance tax problems, the State receives no particular value.

The possibility of transferring this division, which is purely a taxation matter and extraneous to this constitutional officer, to a separate tax department of the State, which has long been recommended and recognized as desirable should be given serious consideration. At that time the entire matter of tax administration and its consolidation, both for purposes of economy and efficiency, can be considered.

#### **Tax Collection Division**

The same consideration should be given to the Tax Collection Division which appears on page 30 of the Budget.

16. Unemployment Relief Division, pages 31 and 32 of the Budget, contains no item of appropriation for the reason that unemployment relief was abolished as of January 31, 1943. It shows a net saving of \$130,690 for the biennium.

#### **Legal Opinion for Registered Warrants**

For the same reason, that it is no longer required, a saving of \$4,726 is indicated.

17. Motor Vehicle Fuel Tax Refund Division, Item 27, page 3, Assembly Bill No. 1600, page 34 of the Budget. The appropriation from the Motor Vehicle Fuel Fund of \$169,177 is an increase of approximately \$20,000 and occurs primarily in salaries. The transfer of this function likewise to a division of taxation should be considered for reasons of efficiency and economy.

Small increases have been allowed in printing, in traveling and in postage, all in operating expense, with a total increase of approximately \$6,000 in the entire item. It is believed that a reduction of \$2,500 can be made.

18. Tax-Deeded Land Rental, Item 28, Assembly Bill No. 1600, page 35 in the Budget, appropriation provided from the Tax Deeded Land Rental Fund of \$280,812. This is an increase of \$51,743, while revenues decline \$10,000. The handling of tax-deeded lands until recently has not been satisfactory and at the present time is not yet entirely satisfactory, although much improvement has been made. It appears clear there should be a general attempt to get as much tax-deeded land as possible back on the local assessment rolls for the benefit of the support of local government. It is also clear that the largest possible income should accrue to the State while this land is in the possession of the State. It therefore requires careful management as well as attention to disposal of property. For these reasons it is recommended that the closest attention be paid to this matter rather than that consideration be given to a reduction in this appropriation. It is suggested that the charge for the Attorney General's services of \$7,500 be carefully scrutinized and discussed with the Attorney General. It is also suggested that a careful control be exercised over travel, for the sum of \$24,000 a biennium appears to be large in view of the fact that 12 district managers are employed.

It is held that the operation of the commission for the classification of this land be held in abeyance for the duration, for economic conditions are so disturbed that normal conditions do not apply. A bill has been prepared for introduction into the Legislature for this purpose.

#### **Sound State Tax Title Desirable**

It is believed that the possibilities of giving a good and sound tax title by the State, which will be accepted and guaranteed by the title companies and which need not be defended in the courts, in itself will do much towards getting a large volume of this tax-deeded property back into the hands of private owners. It is therefore recommended that consideration be directed towards the proposed constitutional amendment on this matter, which it is promised will be before the Legislature. If such a procedure can be established, which will result in an issuing of good and sufficient title by the State, the volume and size of the problem of tax-deeded lands will be diminished and this land will be returned to the local tax roll.

19. State Council of Defense, Item 29, page 3, Assembly Bill No. 1600, pages 37 to 40, inclusive, of the Budget, appropriation, \$619,061. This is an increase of \$199,139, with a total pay roll of 78 persons.

This has been placed in the Budget on exactly the same basis as it existed during the current fiscal year. This is to be replaced by the War Council. It is already provided for by appropriate legislation, but without an appropriation being provided. It is recommended that this item of \$619,061 be entirely stricken from the appropriation bill and the Budget and that there be substituted therefor a new budget for the War Council, with a corresponding appropriation item. It is further recommended that since actual studies and observation show that the State Council of Defense has not served the purpose intended and has been to a large degree politically manipulated that the expenditure therefor be immediately reduced to the bare minimum necessary to carry on absolutely essential activities until it is superseded in its entirety by the War Council.

As previously stated in this report, the budget for the War Council should be subjected to review and scrutiny as to its content and adequacy.

20. State Employees' Retirement System, Item 30, page 3 of Assembly Bill No. 1600, pages 41 and 42 of the Budget; appropriation \$154,775, an increase of \$38,796, \$15,089 of which is in administration and \$6,700 for the actuarial valuation special item, and \$17,006 for War Savings Bond deductions. The personnel has to be increased from 37 to 43, primarily to take care of the War Savings Bond activity.

It appears that the only possible reduction in this Budget, if the board is to operate satisfactorily and maintain its high standard, would be in the reduction of the fee paid for consulting actuarial services part-time at the rate of \$3,000 per year. The actuary employed, Ralph Nelson, is the one that was originally employed by the board. His services are pre-eminently satisfactory. However, he serves as an actuary in a part-time capacity for the Teachers' Retirement System (see page 684 of the Budget) on the same basis, part time for \$3,000 a year, and is also employed as the actuary for the San Francisco City Employees' Association, and possibly also has other employment on a part-time basis at a compensation not specifically determined. It is not felt that the \$3,000 a year for the State Employees' Retirement System is excessive for this service.

21. Board of Equalization, Items 31 to 34 inclusive, pages 3 and 4 of Assembly Bill No. 1600, and pages Nos. 43 to 66 inclusive of the Budget. This is divided into four appropriation items as follows:

Item 31—Support of the State Board of Equalization-----	\$1,372,741
Item 32—Support of Retail Sales Tax Division, State Board of Equalization -----	5,740,697
Item 33—Support of Alcoholic Beverage Control Division, State Board of Equalization-----	2,548,806
Item 34—Support of Motor Vehicle Fuel Tax Division, State Board of Equalization -----	321,880

The first item, amounting to \$1,372,741 is made up of the following amounts:

	<i>Estimated and Proposed 1943-1945</i>	<i>Increase or Decrease from 1941-1943</i>
General administration -----	\$295,836 00	\$12,286 30
Division of Research and Statistics ----	39,197 00	4,271 53
Division of Assessment Standards-----	133,298 00	8,897 22
Valuation Division -----	293,293 00	19,690 78
Motor Transportation License Tax		
Division Headquarters -----	161,432 00	18,885 12
District offices -----	351,788 00	16,504 88
Totals, Motor Transportation		
License Tax Division -----	\$513,220 00	\$35,390 00
Pro rata charges for services rendered by Sales Tax Division -----	108,730 00	446 41
Totals, general activities-----	\$1,383,574 00	\$80,982 24
Less credits for pro rata of general administration, research and statis- tics chargeable to special fund divi- sions -----	10,833 00	—282,426 00
Net totals -----	\$1,372,741 00	\$363,408 24

The only decrease in any of these items is found in the credits for personnel of general administration, research and statistics, chargeable to special funds, to the sum of \$282,426. This, it should be noted is a deduction in a credit for items now charged to the General Fund, which results from transferring certain receipts set up as special funds to the General Fund and is a bookkeeping item. The net increase in this total appropriation item is approximately \$262,000 over the previous biennium, and \$100,000 over 39-41. There is probably more waste in this setup than in any other constitutional agency. It is spread generally throughout the program in overhead, office space, use of automobiles, printing, travel, telephone, lack of control of personnel, poor administrative organization, division of authority, and irregular flow of business.

It is not intended, by this statement to infer that the average employee of this board does not attempt to render full service to the State, nor is it intended to infer that all of the divisions and units of the board are open to all of the criticism. Some activities are well administered by a conscientious staff. Others have a similar intent but are interfered with from time to time by conflicting duties or lack of coordination. The abuses are found in particular through the attempt of the board to be an administrative body and yet to divide certain responsibilities into district activities. In particular, abuses are found in connection with the liquor activities and at certain stated times through political activities secretly appearing openly in the office of the board from the headquarters or through its branches and into the field. In this way the business of the State is interfered with and the cost charged to the taxpayer for the time of the employees, office space, utilities, telephones, automobiles, and other miscellaneous costs.

It does not appear that a workable and effective remedy can be found in this situation without completely overhauling the situation; in particular the administration of liquor should be separate and apart from tax equalization and tax administration, tax collection and tax refund. It seems to be that the liquor administration contaminates whatever it touches in the rest of this department. In particular its control should be placed in some body free from the necessity of engaging in political activities in order to maintain their position and free from interest in the general matter of taxation which affects all the people. In particular, a strong penalty should be established even to the extent of making it a felony for any employee of the Liquor Division, from the top to the bottom, to solicit, take, accept, contribute or in any other way have any connection with the soliciting, taking, accepting, or managing of funds for any political purpose or any purpose other than the strict administration of the law—this to include the solicitation for any nonprofit organization or any charitable, fraternal, or any other organization for the reason that under such a guise funds actually used in political purposes have been solicited and collected from the very people the Liquor Control Division regulates and controls. It appears to be too great a temptation to allow such administrators to have in their hands the determining of the business district and success, failure or very existence of a profitable business and not expect them from time to time to succumb to the temptation therefrom. It is not fair to the conscientious and upright employees in this division to place them in a situation which will cast reflection on them through the shortcomings of others.

One has but to refer to the reports of legislative committees to find evidence that the situation is further complicated by activities whose tentacles reach even further into the administration of State Government.

Attention is called to this situation because of the fact that it influences the cost of administration borne by the State itself and special reference will be made to these costs in Item 33, the support of the Alcoholic Control Division which involves an appropriation in excess of \$2,500,000 for the coming biennium.

In order to produce the most effective administration of the functions of the Board of Equalization for the best interests of the people of the State and in the most economical and efficient manner, it appears that in connection with the entire problem of tax administration it would be well, as has been mentioned before, in connection with the State Controller, to set up a department of taxation and revenue and concentrate therein the administration of all taxes of the State. These then could be coordinated both in their administration and in their application so as to reduce the costs to the minimum and at the same time produce a more coordinated scheme of taxation.

Whether or not the Board of Equalization shall constitute this department is not now so important as the establishment of such a department. It is important, however, that some body with the constitutional authority which is possessed by the Board of Equalization of administering and equalizing taxes, as well as acting as a Board of Tax Appeals, should be established independent of the tax department. The decisions of this body should be the reflection of the entire body and in no instance should it allow the individual view of one of the members to prevail in the particular district from which he is elected, for unless this is done, uniformity of tax system throughout the State, on a general basis, will not be accomplished and particular influences will be brought to bear.



As in all other departments, the salary savings in this department should be increased by at least 5 per cent. Savings on the basis of a 40 hour work week should also be made. It is not believed that this board, employing a large number of persons, will be able to secure more than 90 per cent of its staff for the next biennium. Currently there are considerably less employees on the pay roll than are set up in the Budget due to the inability of the department to employ as fast as the staff is reduced by enlistments into the service or transfers to war activities.

The board contends that there is no lack of work to be done. In this we concur, but at the same time point out that the present staff in many instances during the current biennium and at the present time are not fully engaged with the State's business. It is recognized that particularly in the Tax Collecting Division and with particular reference to the Sales Tax Division that a reduction in the activity of auditors will result in a failure to collect additional taxes due the State. It is recommended in this case that the administrative heads of the activity not only continue their selection of business to be audited which will yield the largest return, but that they further extend this as the impact on manpower becomes more pronounced. It is felt that the increase of the work week from 38 to 40 hours will materially assist in the matter of loss of individual employees. In this way, the additional salary savings suggested of approximately \$275,000 will not have the same effect as a reduction in personnel.

It is shown in the last biennial report of the Board of Equalization, page 19, that for every dollar spent in making a sales tax field audit they return to the Treasury \$6.70 in additional revenue. The accumulated work in this division of approximately 157 cases with a three-year statutory limit running against reassessment, it is highly desirable to concentrate on those cases about to outlaw which will possibly yield the most revenue. It is suggested that the regular staff, in so far as possible, devote their attention to this part of the problem and that a survey be made of the entire department so as to transfer whenever possible auditors and accountants from activities when they have a slack period to assist in this sales tax field audit.

The increase in salary savings of 5 per cent and the 40-hour work week are the two largest savings suggested, although certain specific savings are as follows:

In administration, the elimination of the three public relations officers, for the biennium	\$23,040
One assistant tax counsel	5,520
One associate tax counsel	8,160
Three senior stenographer clerks, for services rendered to the publicity officers and the tax counsel	6,300

These positions of tax counsel are now vacant and the elimination of two of them will still leave a consulting tax counsel and a junior assistant tax counsel which we believe are sufficient in general administration to advise the board, when we consider that the executive secretary is an attorney and that the board has on it a member of the bar. In addition, in the Retail Sales Tax Division there are three associate tax counsels and in the Alcoholic Beverage Control Division there are two associate tax counsels.

Operating expense, automobile no longer required by the publicity men and tax counsel	\$3,000
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A further reduction in automobile usage throughout the department is recommended of at least 20 per cent to eliminate the abuse in the use of automobiles for private purposes, particularly to eliminate the continual use of automobiles by certain employees for transportation from their homes to work and back, and frequently also home to lunch and return, and in some instances for other private purposes, such as shopping, vacation trips and other unauthorized travel. This includes automobiles assigned to the board that bear under-cover license plates.

These eliminations, together with corresponding reductions which will occur in expense accounts and other matters, should make a total saving of approximately \$50,000 a year.

#### Division of Assessment Standards

In the Division of Assessment Standards, page 49 of the Budget, the board asked for five additional employees, totalling \$30,720 for the biennium for salaries and incidental expenses. This was in accord with the resolution of the County Assessors' Association of December 4, 1942, and was for the purpose of preparing additional valuation maps. It is believed that the present 15 employees of this division can carry on a regular flow of work essential for this activity for the duration of the war when there is such a demand on manpower, and it is recommended that if there is a pressing necessity to get out these particular maps that the seven employees in the Division of Research and Statistics be used on a part-time basis to assist until this is done.

In addition, it is recommended that some of the reports of the board be streamlined for the duration. The board might even consider reduction in the number of



the very scholarly treatises on taxation issued by board employees and this energy for the duration be directed strictly to administrative matters. Our allies in this war have already found it necessary to make such sacrifices.

### Valuation Division

The Valuation Division has 39 employees largely made up of technical experts who are very much in demand for the war activity. It is believed that this activity can be reduced somewhat, streamlined, and some of it even suspended for the duration. On this basis it is estimated that approximately a reduction of \$12,000 for the biennium is possible without particularly interfering with essential activities. Many of the changes in utility values and earnings are entirely wartime and transitory and under the normal principles of assessment should not be considered as materially affecting valuation for tax purposes. If they are to be considered, then the board must likewise consider the increased value of commodities and personal property, such as refrigerators, automobiles, radios and other such taxable property that have had an increased value due to scarcity.

### Saving by Transfer of Employees From Divisions Having a Slack Period to Departments Having Peak Loads

While the board does make transfers in general from one activity during slack times to other activities having a peak, this is not managed as effectively as it can be. This was demonstrated during the past year when employees in the hotel quarters office were engaged during office hours for considerable periods of time on non-State activities in certain divisions, when other divisions were complaining of inability to get out their work. This is further demonstrated by the high percentage of absenteeism on the part of employees in certain activities during slack periods.

### Retail Sales Tax Division

In the Retail Sales Tax Division no recommendations for specific deductions are made other than the general increase in salary savings and savings through increasing the hours of the work week from 38 to 40. It is recommended that a further classification of the auditing of tax rates be made so as to cover those rates first which may possibly yield the largest amounts.

The printing item of \$64,600 for the biennium shown on page 55 of the budget for the Retail Sales Tax Division can be reduced by at least 20 per cent and possibly 30 per cent if the board will carefully review its printing and reduce it to the minimum, and in addition if they get the State Printer to give them a firm price in advance on the basis of a reduction below commercial prices equivalent to the cost saving advantages enjoyed by the State Printing Plant over private commercial printing houses. In addition, the board can save at least \$1,500 during the biennium on the printing of licenses by streamlining and by reducing the size.

### Alcoholic Beverage Control Division

The Alcoholic Beverage Control Division, with a biennial budget of \$2,548,806, page 59 of the Budget, with 421 employees, should be entirely overhauled from top to bottom in order to weed out many of the administrative malpractices that are prevalent.

As previously pointed out, this activity does not belong in a taxing body. It seems to contaminate the other activities of the Board of Equalization. However, no matter where it is left for administrative purposes the present budget should be revised.

Besides the reduction for increased salary savings of at least 5 per cent and the savings possible through increasing the work week from 38 to 40 hours, there are other specific savings which should be accomplished. An additional request for 10 positions, consisting of nine liquor control officers and one supervising control officer for the field should be denied for the reason that these are not needed for additional enforcement if all of the staff is used for that purpose and none of it for activities that are foreign to what is required by this division.

It was stated by the board representative that they are to replace the 19 undercover agents employed by the board during the current biennium and who were particularly active during the last half of 1942. Investigation demonstrates that these officers were not continuously under the actual control of the State Liquor Administrator and that they did not yield a commensurate return in the enforcement division of the Alcoholic Beverage Control Division equivalent to their costs.

It is suggested that the board should consider a reorganization of enforcement of the liquor laws and try to use, in place of district enforcement, a State-wide enforcement through concentrating in those sections where violations are most prevalent. It is believed that if the general procedure of law enforcement would be used by this division as is found successful in law enforcement in other respects, by concentrating enforcement where violations are most prevalent, that the 228 liquor control

officers can not only adequately enforce the law with the assistance of the military police and naval police, but that this force can be considerably reduced.

This will require that the employees of this Division of Enforcement be freed from political influences and other interferences and that they be required to concentrate on the job and that they have all the support that they have a right to expect in the performance of their duties.

It is also felt that the provision for temporary help in the sum of \$7,000 for the biennium can be eliminated.

#### **Alcoholic Beverage Tax Assessment Division**

This is found on page 61 of the Budget. It is recommended that a review be made of the licensing and tax assessment of the Alcoholic Beverage Division and that all tax assessments be placed as nearly as possible on a self-assessing basis. It is recommended that the Legislature consider the necessary changes in the law to make this effective and that when this is done the budget for this purpose be adjusted downward accordingly.

The duplicating services by the State Controller and the Board of Equalization in assessing and collecting the alcoholic beverage excise tax can be adjusted so as to both expedite the collection of the tax and also to reduce the cost. The situation concerning the beer and wine tax as compared with the distilled spirits tax is illustrated by the following analysis of the situation:

#### **Disparity in Methods Used to Collect Alcoholic Beverage Excise Taxes**

Section 23 of the Alcoholic Beverage Control Act levies a tax on beer and wine sold in this State, and Section 24 levies a tax on distilled spirits sales. In general, the levies are quite similar.

The means prescribed by law for the payment and collection of these taxes are widely different.

Section 26 of the act provides that manufacturers and importers of beer and wine shall report on or before the twentieth day of each month all beer and wine sold during the preceding month.

Section 26(b) directs the Board of Equalization to deliver to the State Controller an assessment roll prepared from such reports on or before the last day of the month.

Section 26(c) provides that beer and wine manufacturers and importers shall pay beer and wine taxes assessed as per Section 26(b) to the State Controller on or before the twentieth day of the second calendar month following the month in which the tax accrued, or, in other words, the month in which the taxable sales were made.

Thus for sales made in December, 1942, a report is filed with the Board of Equalization on or before January 20, 1943. An assessment roll is delivered to the State Controller by the Board of Equalization on January 31st and the tax to be paid to the State Controller does not become delinquent until after February 20, 1943.

Section 27(a) of the act provides that the distilled spirits tax which may be due for any calendar month under the provisions of Section 24 shall be reported and paid to the Board of Equalization on or before the fifteenth day of the following month. When a report and a tax payment are received by the board the taxpayer's account is credited and the transaction is closed. Tax reports filed with the Board of Equalization under Section 26 and Section 27(a) are all subjected to subsequent field audit review by board auditors.

From the above it can be seen that beer and wine taxpayers have 50 days following the close of a month to make tax payments to the State for that month, and distilled spirits taxpayers, who are California jobbers, have but 15 days to pay a like tax. Under present OPA and industry credit terms there is no justification for a 50-day extension of time for the payment of a State tax which vendees return to vendor taxpayers in a much shorter time.

The equipment and staff which the Board of Equalization employs for the collection of the distilled spirits tax, amounting from \$9,000,000 to \$11,000,000 per year, could be used with almost no additional expense to collect beer and wine taxes paid by taxpayer self-assessing returns directly to the Board of Equalization. Collections of any delinquent accounts could readily be handled by the board's present organization.

The advantages of a change in this tax collection procedure would be:

1. Elimination of the preparation of the old fashioned assessment roll with subsequent necessary billing of taxpayers.
2. Prompt collection of taxes due the State.
3. Elimination of duplicating services by the State Controller and the Board of Equalization.

#### **Motor Vehicle Fuel Tax Division**

This is found on page 64 of the Budget. The requirements of this division have been affected considerably by the war activities and may be further affected. No recommendation, therefore, is made for Budget adjustments except those savings that

are possible by increasing the salary savings by 5 per cent and the savings possible by increasing the work week from 38 to 40 hours.

22. Franchise Tax Commissioner. Items 35 and 36, page 4, of Assembly Bill No. 1600, pages 67 to 74, inclusive, of the Budget. Item 35 appropriates for the support of the Franchise Tax Commissioner \$630,121. This is for general administration. It provides for the employment of 143 persons. Item 36 is for support of the Franchise Tax Commissioner from the personal income tax, \$1,562,637.

This is a semi-independent agency with a civil service. Franchise Tax Commissioner originally appointed by the Director of Finance and the Board of Equalization, but now apparently responsible to no one, which illustrates further the lack of coordination of taxes by the State. It is believed that the activity of the Franchise Tax Commissioner could better be carried on by a Department of Revenue where these taxes and their administration could be coordinated with all other taxes. This would make possible some general economies in administration and in dealing with taxpayers which are not now possible.

We repeat the general recommendations that salary savings be increased by 5 per cent and that savings possible through increasing the work week from 38 to 40 hours be made. In addition, we recommend that the administrative work in branch offices be coordinated so that it is unnecessary to have a representative of the Franchise Tax and a representative of the Income Tax Division, each occupying an administrative position, in the same office. It is also suggested that further consideration be given to streamlining work procedure and also the reduction of tax returns to the shortest possible form.

It is recognized that the rapid increase in receipts from the taxes administered by the Franchise Tax Commissioner have produced many problems and difficulties in the office, and it appears from the estimates made by the Department of Finance that the income taxes will continue to show a greater percentage upward in return than any other of the sources of revenue of the State.

23. California Horse Racing Fund. Item 37, page 4, Assembly Bill No. 1600, pages 75 to 77, inclusive, of the Budget, support, \$50,800.

This is a reduction of approximately \$6,000 below the current biennium with a reduction of two in the number of employees, leaving four for the Secretary. It appears that horse racing will be reduced to a minimum in California for the duration; therefore, the board will have very little actual services to perform. For these reasons it is believed there will be no necessity for temporary help, making a possible reduction of \$2,400. The requirement for travel, telephone and telegraph and the pro rata Attorney General services amounting to \$6,000 for the biennium can be materially reduced. The total expenditures for support amount to approximately \$24,000 for the biennium. It is believed this can be reduced to not more than \$20,000 without seriously interfering with the work of the board. This is in line with the drop of revenue from \$2,398,000 for the current biennium to an estimate of \$1,248,000 for the biennium 1943-45.

The distribution of the Fair and Exposition Fund as scheduled on page 78 of the Budget is costly and in many instances unsatisfactory. The setting up of such distribution increases the accounting and frequently the money available has no relation to the needs of the organization for which it is provided. This was demonstrated in the Special Session of the 1942 Legislature when the California Polytechnic School had to ask for support from the General Fund for the reason that the money available from this fund on the basis of 25 per cent of a certain percentage of horse receipts was so small due to the practical abandonment of racing as to be inadequate to support the school. The 33 1/3 per cent of this same balance for the University of California would have materially affected their program except that it was allocated for capital outlay.

The method of allowing the Department of Finance to distribute a certain percentage of these receipts for local agricultural district fairs on the basis of premiums paid has allowed the department in the past to use this for trading purposes. Moreover, the amount of money distributed to local fairs is not in accord with their need. It sometimes is insufficient and at other times it is excessive. It would be far more businesslike to have this distributed on the basis of need or on the basis of budgetary items wherein the actual requirements and the revenues available from the State could be considered.

The surplus in the Fair and Exposition Fund as shown on page 29 of the Budget, together with all excess receipts secured during the next biennium, should carefully be conserved for use after the war for the purposes intended.

24. California Commission on Interstate Cooperation. Item 38, page 4, Assembly Bill No. 1600, page 81 of the Budget.

The proposed appropriation is \$10,000. All of this is spent for operating expense. It provides primarily for the traveling expense of the delegates to the meeting of the Commission on Interstate Cooperation and for an annual contribution of \$3,000 to the Council of State Governments.

It is believed that this commission assists in forwarding uniform legislation and interstate cooperation. Participation is limited to the very few members of the



California Commission. The continuance of this activity is purely a matter of policy. It requires this appropriation if it is to perform the services expected.

25. Personnel Board, Item 39, page 4, Assembly Bill No. 1600, pages 82 to 87, inclusive, of the Budget. The amount requested for support is \$751,333. This is a net increase of \$111,213.78. The work of the Personnel Board has materially changed from one of selection during a period when it was an employers' labor market to the problem of recruiting at the present time when we have an employees' market.

The staff has increased from 145 in 1941-42 to 160 at the present time and with a request for 165 for the next biennium.

It is recommended that the salary saving item be increased by 5 per cent and the savings possible by increasing the work week from 38 to 40 hours be made.

The board has entered a supplementary request for a training supervisor for a biennial salary of \$7,440, two intermediate clerks at \$5,160, and one intermediate clerk at \$2,760. They are willing to make one adjustment in the case of an investigator referee so that the net increase requested amounts to \$12,480. If the Personnel Board will streamline its activities and through this training officer and the additional clerical help will speed up the employment procedure in the Personnel Board and will otherwise expedite pay rolls in the clearing of eligible lists, the resultant saving for other State departments will exceed the increase in their Budget. It is believed, however, that they can further streamline their activities, making them comparable with the procedure of the Federal Government. It is recognized, however, that the Personnel Board operates in accordance with a constitutional amendment which imposes certain limitations.

The board, during the past biennium, has taken unto itself a great many administrative functions which has required it to sit frequently and to consider many matters that could very well be left to the executive staff. It is believed that the employment of a qualified executive officer whose salary is set up in the Budget at \$15,220 representing part of the biennial increase will result in improved functioning of this activity and will result in both internal economy in the board and in the process of hiring and personnel management. It will be more profitable to the State in general if the Personnel Board will expedite its procedure and speed up its activity rather than have merely a reduction in appropriation.

26. Railroad Commission, Items 40 and 41, page 4, Assembly Bill No. 1600, pages 88 to 97, inclusive, in the Budget. The appropriation is divided into two parts; for support of the General Fund, \$1,399,002, and for support of the Transportation Rate Division, \$829,816.

The commission has, in effect, presented three budgets, the original budget and two supplements. The last supplement presented on March 9, 1943, requested a restoration to the Governor's Budget of \$101,983. The items were divided into \$73,403 from the General Fund and \$25,580 from the Transportation Rate Fund. Most of the amounts were for salaries and wages. A careful review of the Budget of both the General Fund and the Transportation Rate Fund and a survey of their normal activities and wartime demand indicates that they can suspend enough of their normal activity to take care of the wartime demands for their services for the future. The larger war problems have been considered in the year and three months that have passed since Pearl Harbor and it appears that during the next biennium it will not be a continuous activity during the entire period. It is also evident that the demand on manpower will be particularly felt by the Railroad Commission with its highly trained staff of engineers.

The estimate for their salary savings should be increased by 5 per cent. This would increase it by \$59,372 for the General Fund and approximately \$32,000 for the Transportation Rate Fund, or a total possible savings of \$91,372 for both funds.

In addition to this, savings should be made through increasing the work week from 38 to 40 hours. The estimate for this is not included at this time for the reason that a more careful analysis must be made of the work positions to determine this item.

It was apparent from the Budget presented and the conflicting information given at the hearings that the accounting procedure of the Railroad Commission should undergo some rather drastic revision. It is also believed that an administrative survey of the operations of the commission will demonstrate the value of reorganization. It appears that the Railroad Commission has become divided into rather small compartments with a high priced specialist or supervisor over each one of these small units. It also appears that the work of the commission has grown in scope and intensity beyond what was intended in the statutes.

27. Board of State Harbor Commissioners of San Diego, Item 42, page 5, Assembly Bill No. 1600, page 90 of the Budget; appropriation, \$1,894, with employment of a secretary and office expense.

If this service is to be rendered, this expenditure is required.

28. Secretary of State, Item 43, page 5, Assembly Bill No. 1600, page 99 of the Budget, support appropriation \$145,340; Item 44, printing constitutional amendments, \$125,000; Item 45, printing roster of public officials, \$1,500; and Item 46, support of the Collection Agency Division from special fund, \$36,620.



The support item shows an increase of approximately \$4,000. This is primarily for normal salary adjustments. The staff of the Secretary of State's Office, General Fund, is placed at 21 persons. It is not believed that they can function efficiently with any material reduction. Also, due to the variety of the work it is doubtful if they will be able to make any more salary savings than is provided in the Budget.

The item for printing the constitutional amendment pamphlets shows an increase of \$40,000. This is purely an arbitrary estimate based upon experience and no one can estimate what it will be with any degree of certainty. It is felt, however, that \$100,000 should be sufficient for this, making possible a reduction of \$25,000 on this item on the estimate. A study of the printing of this pamphlet indicates that it can be reduced by approximately 25 per cent through proper arrangement and consolidation if the reorganization of the material can be accomplished and still conform with the requirements of law. Another \$25,000 can be saved, leaving the appropriation at \$75,000 or \$10,000 less than for the current biennium.

If the roster of public officials is to be printed it will cost approximately \$1,500 to do this at the prices now being charged by the State Printer. These, however, should be reduced 15 or 20 per cent.

All the Collection Agency Division staff is probably necessary with this separate licensing in the Secretary of State's Office. It logically belongs in the Department of Professional and Vocational Standards where it can be handled in connection with other such licensing at a reduced amount.

29. State Treasurer, Item 47, page 5, Assembly Bill 1600, pages 104 and 105 of the Budget; for support, \$177,880, an increase of \$31,635, \$20,000 of which is an operating expense to take care of collection expense and fiscal agency fees which are now required because of the large volume of bonds being handled for the surplus funds. No new employees are requested, the complement remaining at 26.

The Treasurer requested an additional \$4,000 for collection expense. If this additional amount is required for the biennium, which is problematic for the volume of bonds handled will be reduced materially below estimates if the report of the Citizens' Tax Committee of 1943 is to any degree adopted by the Legislature, due to the small size of the staff it is not believed that salary savings will accrue very much in excess of that estimated in the Budget.

30. Youth Correction Authority, Item 48, page 5, Assembly Bill No. 1600, pages 106 to 111, inclusive, in the Budget; \$318,144 for support, and \$60,000 for the transportation of juvenile delinquents by the Youth Authority.

The Youth Authority was established by the last session of the Legislature on a preliminary basis. They have not been operating long enough to have demonstrated what they may be able to do.

A review of their program indicates that it will cost approximately \$700,000 a biennium to carry on the administrative and diagnostic work under their plan. Also, it appears that they will eventually have continuously under their jurisdiction in excess of 6,000 charges. A considerable number of these will be on parole. If there is any considerable increase in population or an upswing in juvenile crime at the close of the war as occurred at the end of the last war, this number will be increased. It will cost approximately \$1,200 a year for each person under their incarceration or in round numbers \$7,200,000 a year or \$14,400,000 for the biennium when they are in full operation. This would mean taking over the three correctional schools and operating other facilities necessary to care for this number.

In addition to this, they would require a capital outlay program in excess of \$10,000,000.

It is clear that in the Youth Correction Authority the State is embarking on a program of large proportions and it appears that the State should look at the problem now as one part of the whole subject of correction and penology. A review of this matter indicates that it is probably a more disjointed condition than any other activity of the State. It needs coordination for purposes of internal administration, proper treatment of delinquents and criminals and for proper control of the expenditure of the people's money. It is doubtful if a good job can be done with the present overlapping and duplicating functions as they now exist without any directive head.

The Youth Correction Authority has had no less than three separate budgets. Its most recent plans to operate guayule camps and to take over the Napa State Farm as an agricultural camp have fallen through. Its proposal to take over the three correctional schools from the Department of Institutions requires an enlarged program for each of these institutions, without, however, doing more than a very fractional part of the control and treatment of minor offenders.

The Youth Correction Authority as it is presently constituted will duplicate to a degree services now being rendered in San Quentin, the Southern California Institution for Men at Chino, the Preston School of Industry, the Ventura School for Girls and the Tehachapi Prison for Women, the Whittier School for Boys, also the parole departments of the State prisons, the correctional schools and the probation division in the Department of Social Welfare. It also takes over certain functions now provided by the county and city jails, by the county probation officers, by the juvenile court and by the superior courts.

Until a more definite program coordinating all of these services of penology and corrections is determined it is believed that this matter should be considered as a special subject and should be taken from the Budget and given special consideration as an independent item.

This concludes the Second Partial Report of the Legislative Budget Committee. The Third Partial Report, covering the administrative departments of Agriculture, Education, Finance, Industrial Relations, Institutions, Investment, Military and Veterans' Affairs, Motor Vehicle, Natural Resources, Penology, Professional and Vocational Standards, Public Health and Social Welfare is in the course of preparation and will be issued shortly. The fourth and final report on the Budget will cover the miscellaneous items, with particular reference to the several emergency funds that appear in this Budget in larger amounts than in any other, and the general provisions affecting the appropriation act as a whole.

Respectfully submitted.

#### LEGISLATIVE BUDGET COMMITTEE

SENATOR W. P. RICH, *Chairman*

SENATOR ARTHUR H. BREED, JR.

SENATOR T. H. DELAP

SENATOR JERROLD L. SEAWELL

SENATOR E. H. TICKLE

ASSEMBLYMAN EARL D. DESMOND, *Vice Chairman*

ASSEMBLYMAN MICHAEL J. BURNS

ASSEMBLYMAN GEORGE A. CLARKE

ASSEMBLYMAN CHARLES W. LYON

ASSEMBLYMAN ALBERT C. WOLLENBERG

SACRAMENTO, CALIFORNIA

March 20th, 1943

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 617

Senator Burns moved that Senate Bill No. 617 be withdrawn from Committee on Agriculture, and referred to Committee on Public Health and Safety.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 135**—An act to add Chapter 3, comprising Section 2650, to Division 4 of the Welfare and Institutions Code, to repeal certain laws and parts of laws therein specified, relating to relief and public assistance due to and caused by unemployment, abolishing the State Relief Administration, the State Relief Commission and the office of State Relief Administrator and prohibiting the expenditure of money for certain purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—32.

**NOES**—Carter, Shelley, and Swan—3.

Bill ordered transmitted to the Assembly.

#### RECESS

At 12:35 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Swing moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the following answered to their names:

Senators Burns, Carter, Crittenden, Cunningham, Delap, Dillingen, Dorsey, Engle, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—23.

Quorum present.

**MOTION TO TRANSMIT TELEGRAMS TO ASSEMBLY**

Senator Swing moved that the Secretary of the Senate transmit copies of the telegrams that were sent by the Senate to Washington, D. C., and the replies thereto, to the Assembly.

Motion carried.

**COMMUNICATIONS**

The following communications were received, read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1943

*Honorable Frederick F. Houser, President of the Senate*

*Senate Chamber, State Capitol, Sacramento, California*

DEAR MR. PRESIDENT: Speaker of the Assembly, Charles W. Lyon, has instructed me to extend an invitation to the Senators to be present in the Assembly Chamber on Monday, March 22d, at 11:30 a.m., to hear Colonel M. Thomas Tabor, formerly Secretary to Generalissimo Chiang Kai shek, who will address the Assembly at that time.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

WASHINGTON, D. C., March 20, 1943

*Frederick F. Houser, Lieutenant Governor, Senate, Sacramento, California*

Re your telegram of the 15th, Secretary Wickard. Substantial increase in production of farm machinery authorized by War Production Board Limitation Order L-170, effective March 6th. Special priority assistance now being extended to manufacturers to secure material for production of farm machinery for spring crops. Department of Agriculture negotiating with War Production Board for high priorities for materials for production of all other farm machinery. Information re farm labor wired J. A. Beek yesterday.

R. L. WEBSTER

Assistant to the Secretary of Agriculture

**ADJOURNMENT**

At 2.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Monday, March 22, 1943.





**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

THIRTY-FOURTH LEGISLATIVE DAY

SEVENTY-EIGHTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Monday, March 22, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.**ROLL CALL**

The roll was called, and the following answered to their names.

Senators Biggar, Breed, Brown, Burns, Carter, Cretenden, Cunningham, Daniel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jetté, Keating, Luckey, Mayo, McBride, McCormack, Mister, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Seawell.

Senator DeLap, on motion of Senator Seawell.

Senator Salsman, on motion of Senator Seawell.

Senator Collier, on motion of Senator Judah.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. James A. Gorman of San Bernardino.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vallejo Citizens' Class: Leatha Stockman, teacher; Victor Anderson, Genevieve Ponteralla, Imelda Ponteralla, Lena Gunther, Adeline Garibaldi, Sylvia Denilli, Alverda George, Angela George, Joseph George, Gabriella Agusta, Jim Noetti, Lena Capello, Alexander Paziете, Rose Giachello, Holmes, and Paquete.

On request of Senators DeLap and Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Crockett Americanization Class: Miss Dorothy Lewis, teacher; Mrs. Anita Franchetti, Mrs. Anna Carone, Mrs. Caterina Lucido, Mrs. Josephine Ruggeri, Mrs. Giovanna Quilici, Mrs. Cantina Marella, Mrs. Josephine Serosate, Mrs. Ida Pedrotti, Mrs. Veronica Moura, Mrs. Rosalia Bottarini, Mrs. Teresa Parini, Mrs. Maria Grassi, Mrs. Theresa Lewis, Mrs. Louise Lopes, Mrs. Caterina Bonavide, Mrs. Maria Garcez, Mrs. Demetra Gravanis, Mrs. Maria Bertani, Mrs. Consuelo Sanchez, Mrs. Speranza Aiello, Mrs. Arminda Sacca, Miss Mary Silva, Mr. Joao de Freitas, Mr. Placido Elorduy, Mr. Philip Astiz, Mr. Joe Elorteigui, Mr. John Perdigao.

On request of Senators Ward and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Patrick J. Maher, Mayor of Santa Barbara.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold Johnson, Tom Maher, Ted R. McVey, and Elmer Doty, all of Merced County.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William N. Williams of Stanislaus County.

#### COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

WASHINGTON, D. C., March 22, 1943

*Hon. J. A. Beck, Secretary of the Senate  
State of California*

Re your telegram. Happy to have your views and recommendations re OPA.

SHERIDAN DOWNEY

WASHINGTON, D. C., March 22, 1943

*Hon. J. A. Beck, Secretary of the Senate  
State of California*

Acknowledging your wire reference Senate Resolution No. 81. Am calling this to attention of House of Representatives today, and will continue efforts clear up poultry ceiling price in our State at earliest possible date.

Regards,

J. Z. ANDERSON, Member of Congress

THE WHITE HOUSE

WASHINGTON, March 17, 1943

*Hon. Joseph A. Beck, Secretary of the Senate  
State of California, Sacramento, California*

MY DEAR MR. BECK: The President has received your letter of March 10th embodying copy of Senate Resolution No. 65, adopted by the Senate of the State of California. Your courtesy in its transmittal is appreciated.

Very sincerely yours,

M. H. McINTYRE  
Secretary to the President

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., March 17, 1943

*Hon. J. A. Beck, Secretary of the Senate  
The Capitol, Sacramento, California*

DEAR SIR: This is to acknowledge receipt of Senate Resolution No. 65 by Senator Ward and for the information of the honorable gentleman of the Senate, this subject has had considerable discussion before my Agricultural Appropriations Committee recently, and at that time the Forestry Service was admonished to refrain from taking lands that could be used for immediate food production purposes.

Yours truly,

HARRY R. SHEPPARD, M. C.

WASHINGTON, D. C., March 22, 1943

*J. A. Beck, Secretary of the Senate  
State of California*

Senate Resolution No. 81, together with supplemental information in support of an adequate price for broilers and fryers, has been presented by me today to Austin C. Hoffman, Director, Food Division, O. P. A.; and Roy F. Hendrickson, Food Distribution Administration, Department of Agriculture.

CLARENCE F. LEA, M. C.

ANNAPOLIS, MD., March 20, 1943

*Hon. Fred Houser  
Lieutenant Governor, State Capital*

Am very happy to tell you arrangements made for Mr. Anthony Eden, British Secretary State for Foreign Affairs, to speak to all State Legislatures in session throughout Country. This is only major speech Foreign Secretary plans to make in this Country. On March 26th, 9 p.m., Eastern War Time, he will personally address Joint Session House and Senate here in Annapolis, Maryland, and arrangements call for broadcast to all State Legislatures now meeting and to entire Country. If this meets with your approval, I hope you will make necessary arrangements in your Legislature to receive broadcast speech.

HERBERT R. O'CONNOR, President  
Council of State Governments

THE SPEAKER'S ROOMS, HOUSE OF REPRESENTATIVES, UNITED STATES  
WASHINGTON, D. C., March 16, 1943

*Honorable Joseph A. Beck  
Secretary of the Senate of California, Sacramento, California*

DEAR SIR: This will acknowledge receipt of Senate Resolution No. 65, Relating to the growing of guayule for rubber production."

This resolution will be laid before the House of Representatives for its consideration.

Sincerely yours,

SAM RAYBURN, Speaker  
House of Representatives

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., March 16, 1943

*Honorable Joseph A. Beck  
Secretary of the Senate, Sacramento, California*

MY DEAR MR. BECK: This will acknowledge receipt of your letter of March 10th, quoting Senate Resolution No. 65, relating to the growing of guayule for rubber production on certain lands that might best be used in the production of foodstuffs.

I am taking the liberty of advising Secretary Wickard and Administrator Jeffers of my very keen interest in the matter, and requesting an expression of their views thereon.

You may depend upon me letting you know immediately if I have any information to convey, and with kindest personal regards, believe me.

Most cordially yours,

BERTRAND W. GEARHART, Member of Congress

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 923  
Senate Bill No. 924  
Senate Bill No. 925  
Senate Bill No. 926  
Senate Bill No. 927  
Senate Bill No. 928  
Senate Bill No. 929  
Senate Bill No. 930  
Senate Bill No. 931  
Senate Bill No. 932  
Senate Bill No. 933

Senate Bill No. 934  
Senate Bill No. 935  
Senate Bill No. 936  
Senate Bill No. 937  
Senate Bill No. 938  
Senate Bill No. 939  
Senate Bill No. 940  
Senate Bill No. 941  
Senate Bill No. 942  
Senate Bill No. 943  
Senate Bill No. 944

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY BILL NO. 450, INTRODUCED March 22, 1944

MR. FISHBURN: I am pleased to indicate that Assembly Bill No. 450, introduced at this time, passed.

Assembly Bill No. 450  
Assembly Bill No. 451  
Assembly Bill No. 452  
Assembly Bill No. 453  
Assembly Bill No. 454  
Assembly Bill No. 455

Assembly Bill No. 456  
Assembly Bill No. 457  
Assembly Bill No. 458  
Assembly Bill No. 459  
Assembly Bill No. 460

ARTHUR A. HENNING, Clerk of the Assembly  
for Henry J. Brown, Assembly Chief

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 455**—An act to amend Section 1004 of the Penal Code, relating to minimum sentences of imprisonment.

Referred to Committee on Judiciary.

**Assembly Bill No. 451**—An act to amend Section 407 of the Penal Code, relating to the definition of peace officers.

Referred to Committee on Judiciary.

**Assembly Bill No. 470**—An act to amend Sections 117, 118, 119, and 120 of the Penal Code, relating to the death penalty.

Referred to Committee on Judiciary.

**Assembly Bill No. 456**—An act to amend Sections 1009, 1010, and 1011 of the Penal Code, relating to the transfer of prisoners between prisons.

Referred to Committee on Judiciary.

**Assembly Bill No. 460**—An act to amend Section 1001 of the Penal Code, relating to prisons.

Referred to Committee on Judiciary.

**Assembly Bill No. 464**—An act to amend Section 1005 of the Penal Code, relating to credits and terms of imprisonment.

Referred to Committee on Judiciary.

**Assembly Bill No. 456**—An act to amend Sections 1001, 1002, 1003, and 1004 of the Penal Code, relating to the disposition of inmate prisoners.

Referred to Committee on Judiciary.

**Assembly Bill No. 468**—An act to amend Section 1007 of the Penal Code, relating to the return of fugitives from justice.

Referred to Committee on Judiciary.

**Assembly Bill No. 471**—An act to amend Section 1001.2a of the Penal Code, relating to probation and terms of imprisonment.

Referred to Committee on Judiciary.

**Assembly Bill No. 473**—An act to amend Sections 117a, 117b, and 117c of the Penal Code, relating to the sale of prison police goods.

Referred to Committee on Judiciary.



**Assembly Bill No. 478**—An act to amend Sections 4570, 4571, 4572, 4573 and 4574 of the Penal Code, relating to unauthorized communications with the prisons and prisoners.

Referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 32  
Assembly Bill No. 621  
Assembly Bill No. 626  
Assembly Bill No. 768  
Assembly Bill No. 924

Assembly Bill No. 1027  
Assembly Bill No. 1489  
Assembly Bill No. 1490  
Assembly Bill No. 1530  
Assembly Bill No. 1806

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD E. LEWIS, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 32**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances.

Referred to Committee on Judiciary.

**Assembly Bill No. 621**—An act to amend Sections 199, 241 and 242 of the Code of Civil Procedure, relating to the composition and constitution of grand juries.

Referred to Committee on Judiciary.

**Assembly Bill No. 626**—An act to amend Section 4132.5 of the Political Code, relating to duties of county recorders.

Referred to Committee on Local Government.

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 924**—An act to add Section 663.8 to the Political Code, transferring certain powers, duties, jurisdiction, property and personnel from the Department of Finance to the State Board of Control.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1027**—An act to amend Section 801 of the Probate Code, relating to bond on sale of contract to purchase.

Referred to Committee on Judiciary.

**Assembly Bill No. 1489**—An act to amend Section 489 of the Agricultural Code, relating to the sale of graded milk.

Referred to Committee on Agriculture.

**Assembly Bill No. 1490**—An act to amend Section 498 of, and to add Section 498.5 to, the Agricultural Code, relating to dairy farm building requirements and qualifications for milk and dairy inspectors.

Referred to Committee on Agriculture.

**Assembly Bill No. 1530**—An act to add Section 487 to the Political Code, and to add Section 120 to the Government Code, relating to the acquisition of exclusive jurisdiction over lands in the State of California by the United States, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1806**—An act to amend Section 4312 of the Political Code, relating to the location and office hours of county offices.

Referred to Committee on Local Government.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: I am honored to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 467

Assembly Bill No. 1220

Assembly Bill No. 1219

Assembly Bill No. 1218

Assembly Bill No. 1369

Assembly Bill No. 1217

Assembly Bill No. 704

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSL, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 467**—An act to add Article 3, comprising Sections 1400 to 2104, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

Referred to Committee on Judiciary.

**Assembly Bill No. 1220**—An act to add Section 50008 to Division 50 of the Streets and Highways Code, thereby repealing certain special statutes, relating to roads, bridges and highways.

Referred to Committee on Transportation.

**Assembly Bill No. 1219**—An act to add Part 3, comprising Sections 27000 to 27025, inclusive, to Division 10 of the Streets and Highways Code, and to add Section 50007 to Division 50 of said code, thereby consolidating and revising the law relating to the incorporation, organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereon, and for the acquisition of all property

necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto.

Referred to Committee on Transportation.

**Assembly Bill No. 1218** — An act to add Part 2, comprising Sections 26000 to 26263, inclusive, to Division 16 of the Streets and Highways Code, and to add Section 50006 to Division 50 of said code, thereby consolidating and revising the law relating to the formation, establishment and government of boulevard districts, and the construction, acquisition, maintenance, control and use of boulevards by such districts, and providing for the voting, issuing and selling of bonds and the levying of taxes to finance such boulevards.

Referred to Committee on Transportation.

**Assembly Bill No. 1309** — An act to amend Section 261 of the Code of Civil Procedure, relating to salaries of court commissioners.

Referred to Committee on Judiciary.

**Assembly Bill No. 1217** — An act to add Division 16, comprising Sections 25000 to 25551, inclusive, to the Streets and Highways Code, and to add Section 50005 to Division 50 of said code, thereby consolidating and revising the law relating to the creation, organization and government of joint highway districts composed of two or more counties of the State of California, and providing for the issuance of bonds and the levy and collection of all taxes, assessments and other moneys necessary for the retirement and payment thereof, and for the payment of the costs of all acquisitions and improvements and all other expenses hereunder.

Referred to Committee on Transportation.

**Assembly Bill No. 704** — An act to amend Section 1038 of the Agricultural Code, relating to fertilizer tonnage license tax.

Referred to Committee on Agriculture.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 224

Senate Bill No. 299

Senate Bill No. 237

Senate Bill No. 231

Senate Bill No. 221

Senate Bill No. 117

Senate Bill No. 300

Senate Bill No. 312

Senate Bill No. 369

Senate Bill No. 404

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 506

Senate Bill No. 722

Senate Bill No. 725

Senate Bill No. 742

Senate Bill No. 744

Senate Bill No. 1027

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 135

Senate Bill No. 227

Senate Bill No. 116

Senate Bill No. 504

Senate Bill No. 105

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 123

Senate Bill No. 525

Senate Bill No. 265

Senate Bill No. 726

Senate Bill No. 294

Senate Bill No. 959

Senate Bill No. 296

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 173

Senate Bill No. 765

Senate Bill No. 699

Senate Bill No. 154

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 109

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 110

Senate Bill No. 368

Senate Bill No. 350

Senate Bill No. 584

And reports the same correctly engrossed.

SEAWELL, Chairman

## MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 15, 1943; Tuesday, March 16, 1943; Wednesday, March 17, 1943; Thursday, March 18, 1943; Friday, March 19, 1943; and Saturday, March 20, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

## RESOLUTIONS

The following resolutions were offered:

By Senator Slater:

## Senate Resolution No. 84

Relative to the commemoration of the birthday of Charles W. Paine

This day, March 22, 1943, marks the eightieth birthday of Charles W. Paine, who for 36 years and in nine administrations filled the important post of Director of the California State Agricultural Society and Executive Secretary-Manager of the State Fair of California.

The Senate of the State of California, in regular session, joins with a multitude of friends and well-wishers throughout California in extending its congratulations to a much loved citizen and cordially hopes that Mr. Paine will be spared to observe many more anniversaries of his birthday. In wishing him many happy returns of the day, the Senate adds a cordial note of appreciation of his indefatigable efforts throughout the years while he was at the helm in arranging the annual exposition to make the California State Fair outstanding among the nation-wide displays of agriculture, horticulture, education and accompanying enterprise. Though no longer officially connected with the expositions he did so much to plan and perfect, he still



retains interest in the success of every State Fair with a desire to promote even greater accomplishments for his much loved State; now, therefore, be it

*Resolved*, That the Secretary be instructed to forward to Mr. Paine a suitably embellished copy of this resolution.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

By Senator Tickle:

#### Senate Resolution No. 85

*Resolved*, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning March 22, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

*Seven days  
per week*

Wilton T. Cumiskey, Assistant Sergeant-at-Arms----- \$6 00

Resolution read.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.37 p.m.

The President directed the Sergeant-at Arms to close the doors and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 20:** By Senators Hatfield, Mayo, Seawell, Dillinger, Collier, Powers, Brown, Engle, and Carter—Relative to memorializing Congress to extend the effective date of the act providing for suspension of assessment work on mining claims held by location in the United States, including Alaska, to July 1, 1944.

Referred to Committee on Natural Resources.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 34**—An act to amend Sections 2453, 2454, 2600, 2621, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897, and the article heading of Article 4, of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631, and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 375**—An act to amend Sections 2893, 2896, 2897, and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Bill read second time, ordered engrossed, and to third reading.

**MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 7**

Senator Tickle moved that Senate Concurrent Resolution No. 7 be re-referred to Committee on Rules.

Motion carried.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 699**—An act to add Section 1407 to the Elections Code, relating to the initiative.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, Rich, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 458**—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for collection of taxes or other moneys, the amount of which does not justify the cost of their collection or where collection is improbable.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Keating, Mayo, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 506**—An act to add Section 156.1 to the Welfare and Institutions Code, relating to travel expenditures by the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Keating, Mayo, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 227**—An act to amend Section 6361 of the Business and Professions Code, relating to provision of library quarters for law libraries, by counties, by defining such provision.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 105**—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of feeble-minded persons and epileptics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, Parkman, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 300**—An act to amend Section 2261 of the Civil Code and Section 105 of the Bank Act, relating to the investment of trust funds by trustees.

Bill read third time.

#### Motion to Amend

Senator Ward moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 39, of the printed bill, after "banks", strike out the comma.

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 299**—An act to amend Section 328b of the Civil Code, relating to the transfer by trustees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 312**—An act to amend Section 581b of the Code of Civil Procedure, relating to dismissal of actions or proceedings for failure to pay transfer fee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1027**—An act to add Section 103 $\frac{3}{4}$  to the Code of Civil Procedure, relating to clerks in justices' courts of Class A.

Bill read third time.

**Motion to Amend**

Senator Keating moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after the period, insert "Such clerk shall be appointed by the justice of the peace of the court subject to the approval of the board of supervisors and shall hold office during the pleasure of said justice. Such clerk shall have the powers set forth in Section 103a."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 504**—An act to amend Section 3.513 of the School Code and to amend Section 9144 of the Education Code, relating to vocational rehabilitation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 525**—An act to amend Sections 3 and 7 of "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to noxious or dangerous weeds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 294**—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 296**—An act to amend Section 737y of the Political Code, relating to the salary of the Judge of the Superior Court in and for the County of Modoc.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 350**—An act relating to jurisdiction over lands in the Kings Canyon National Park.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 584**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 228, Statutes of 1935, approved May 27, 1935, entitled and known and cited as "California Toll Bridge Authority Act," by amending Sections 3, 9, and 9½ thereof, relating to the employment of legal counsel.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendment:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Chapter 763, Statutes of 1929, approved June"; and strike out lines 2 to 5, inclusive; and in line 6, strike out "Act, by amending Sections 3, 9, and 9½ thereof", and insert "Sections 3, 9, and 9½ of the California Toll Bridge Authority Act".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Joint Resolution No. 28**—Relating to destruction of crops by ducks.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 34**—Relative to memorializing the President and Congress to enact legislation to secure to all employees of the Post Office Department an increase in wages commensurate with the increased cost of living and other benefits.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1131**—An act to repeal Section 905 of the Political Code, relating to oaths of office of the Governor and Lieutenant Governor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 345**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties and compensation of the secretary and jury commissioner of the superior court, and assistants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 346**—An act to amend Sections 261a and 1744 of the Code of Civil Procedure, relating to the appointment, compensation, and expenses of superior court employees in counties, or cities and counties, having a population of 900,000 inhabitants and over.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 685**—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—25  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 60**—An act to amend Section 1161 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.  
NOES—None.

Bill order transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 338**—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption by a stepparent.  
Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 5, and insert " provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court".

##### Amendment No. 2

On page 1, line 13, of said bill, after "parents", insert " provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner".

##### Amendment No. 3

On page 1, line 14, of said bill, strike out "and order", and insert " order, and any power of attorney and deposition".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.15 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Resolution No. 85 adopted, by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan,

Swing, Tenney, Tickle, and Ward—31.

NOES—None.

### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

Respectfully submitted.

SENATOR ED FLETCHER

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dorsey:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 3324 of and to add Sections 3327 and 3330 to the Penal Code, relating to the California Institution for Women.

Respectfully submitted.

SENATOR DORSEY

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.



**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

**Senate Bill No. 1079:** By Senator Fletcher—An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

Referred to Committee on Water Resources.

**Senate Bill No. 1080:** By Senator Dorsey—An act to amend Section 3324 of and to add Sections 3327 and 3330 to the Penal Code, relating to the California Institution for Women.

Referred to Committee on Judiciary.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 34

Senate Bill No. 375

And reports the same correctly engrossed.

SEAWELL, Chairman

**MOTION TO EXCUSE AGRICULTURAL COMMITTEE**

Senator Crittenden moved that the members of the Agricultural Committee be excused from the Senate Chamber during the time they were in committee considering Assembly Bill No. 1 of the Fifty-fifth (Second Extraordinary) Session, so that their bills may not lose their place on the file of the Fifty-fifth Session.

Motion carried.

**MOTION TO BE EXCUSED**

Senator Carter moved that he be excused from the Senate Chamber during the time the Agricultural Committee was meeting, as it was necessary for him to attend the committee meeting.

Motion carried.

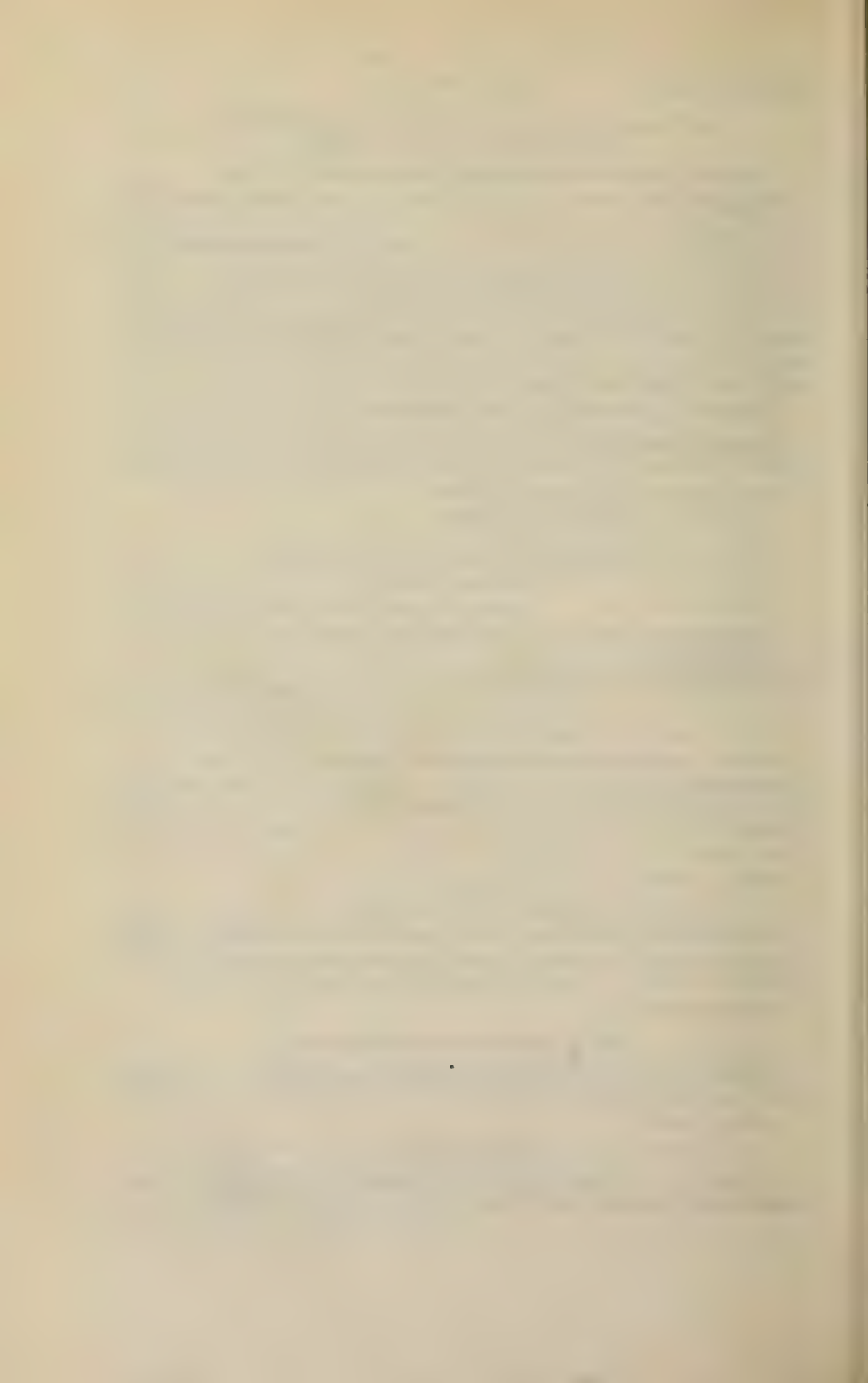
**MOTION TO RETAIN PLACE ON FILE**

Senator Seawell moved that the bills that were passed on file retain their respective places on the file.

Motion carried.

**ADJOURNMENT**

At 4.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, March 23, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY

SEVENTY-NINTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 23, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hartman, Jones, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—37.

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by the Rev. Clarence Albert Kircher, Chaplain of the Assembly Fifty-fifth Session.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Denel.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Johnson of the Attorney General's Office, formerly of Riverside, California.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Toland McGettigan and Assistant District Attorney Charles McGoldrick of Sonoma County and Irving Klein of Santa Rosa.

On request of Senators Shelley and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George C. Peterson and Jim Londos of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank C. Ruppel and Antonio M. Cogliandro of San Francisco.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator R. R. Ingels and Charles Kasch of Ukiah.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy M. Marks of Placerville and M. Rodriguez, Rep. Minister of Agriculture of the Republic of Chile.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Francis Staffels of Roseville.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Keeley of Bandon, Oregon.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Luis A. Ireland and Herbert Hanley, Chairman, San Francisco Republican Central Committee.

### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., March 18, 1943

*J. A. Beek, Secretary of the Senate  
California Legislature, Sacramento, California*

DEAR MR. BEEK: I ordinarily do not answer the general resolutions sent to me by various groups, but the one you inclosed on March 15th is so worthy in its cause, that I like to comment on it.

The entire California Delegation, both Democrats and Republicans, have been attempting to tell the President, Mr. Brown, and Mr. Wickard, this same story in more drastic fashion. Our words have been about as effective as water on a duck's back. We contact one of them, and he agrees with us, we then go to the other, and he does likewise, but each one reserves the right to contact the other member, and it is not only buck passing, but like pushing your finger into a sponge. I hate to write in such a pessimistic way, but Congress is attempting to enact laws to remedy these conditions, which should be corrected immediately by the executives. Many of us fear that it will be too late in many cases. The old story of "Wolf, Wolf" is certainly apropos today. They have heard these stories so many times here in Washington, that they are taking the same attitude that is taken in the fable.

With all good wishes, I am

Sincerely yours,

NORRIS POULSON, M. C.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1600

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1929  
Assembly Bill No. 540  
Assembly Bill No. 1352  
Assembly Bill No. 1065  
Assembly Bill No. 215  
Assembly Bill No. 1224  
Assembly Bill No. 47

Assembly Bill No. 355  
Assembly Bill No. 356  
Assembly Bill No. 594  
Assembly Bill No. 595  
Assembly Bill No. 983  
Assembly Bill No. 992  
Assembly Bill No. 1930

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk



ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1600**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1929**—An act to repeal Chapter 3 of Part 2 of Division 2 of the Military and Veterans Code and Sections 8, 9, 10, 11 and 12 of the California Guard Act of 1942 and to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code relating to the California State Guard, providing for the pay, privileges, allowances and rights of the California State Guard, for the organization and administration of the California State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school busses available for use by the California State Guard, making an appropriation for the operation, maintenance and organization of the California State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 540**—An act to amend Sections 615.1 and 615.2 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1352**—An act to amend Section 661 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1065**—An act to amend Sections 619, 625, 645, 646, 665, and 699 of, to add Section 620.5 to, and to repeal Section 707 of, the Vehicle Code, relating to lamps and devices on vehicles, elevated wheels and length of loads.

Referred to Committee on Transportation.

**Assembly Bill No. 215**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement.

Referred to Committee on Judiciary.

**Assembly Bill No. 1224**—An act to amend Section 791 of the Political Code and Section 8200 of the Government Code, relating to notaries public.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 47.**—An act amending Section 1 of "An act granting to the City of San Diego certain parcels of the State-owned lands in Mission Bay State Park upon certain trusts and conditions," approved July 24, 1939, relating to tidelands in Mission Bay State Park.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 355.**—An act to amend Section 354 of the Code of Civil Procedure, relating to the suspension of statutes of limitation during war.

Referred to Committee on Judiciary.

**Assembly Bill No. 356.**—An act to amend Sections 1242 and 1243 of the Civil Code, relating to homesteads.

Referred to Committee on Judiciary.

**Assembly Bill No. 594.**—An act to amend Section 5050 of the Welfare and Institutions Code, relating to the safekeeping and examination of persons alleged to be mentally ill.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 595.**—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the commitment of persons addicted to the intemperate use of stimulants, and the parole and discharge thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 983.**—An act to amend Section 4077 of the Political Code, relating to the allowance or rejection of claims against counties.

Referred to Committee on Local Government.

**Assembly Bill No. 992.**—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, by adding thereto Section 7.1, relating to the incurring of indebtedness for the repair or replacement of district works damaged or demolished by reason of fire, flood, earthquake, sabotage, or act of God or the public enemy, the refunding of such indebtedness, the levy and collection of taxes to pay such indebtedness, and providing the manner of adoption of ordinances relating thereto.

Referred to Committee on Local Government.

**Assembly Bill No. 1930.**—An act granting certain tidelands, submerged lands and filled tidelands of the State of California to the City of Avalon, upon certain trusts and conditions.

Referred to Committee on Governmental Efficiency.

**Assembly Constitutional Amendment No. 34** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 34 of Article IV thereof, relating to the Governor's Budget.

Referred to Committee on Finance.

## REPORTS OF STANDING COMMITTEES

### Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred Senate Bill No. 339

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1

FLETCHER, Chairman

Above reported bill ordered re-referred to Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred Senate Bill No. 466

Assembly Bill No. 402

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred Senate Constitutional Amendment No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported resolution ordered to second reading.

### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 904

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 7; absent 6

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 246

Assembly Bill No. 96

Senate Bill No. 759

Assembly Bill No. 163

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

DE LAP, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 300

Senate Bill No. 584

Senate Bill No. 338

Senate Bill No. 1027

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**Committee on Natural Resources**

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 509

Senate Bill No. 729

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass as amended, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 400

Senate Bill No. 803

Senate Bill No. 649

Senate Bill No. 808

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 348

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 251

Senate Bill No. 731

Senate Bill No. 535

Senate Bill No. 813

Senate Bill No. 613

Senate Bill No. 1045

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 612

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.



SENATE CHAMBER, SACRAMENTO, March 23, 1943.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 35

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered re-referred to Committee on Finance.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 571

Senator Biggar moved that Senate Bill No. 571 be withdrawn from Committee on Finance, and referred to Committee on Transportation.

Motion carried.

#### WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 335

Senator DeLap moved that Senate Bill No. 335 be withdrawn from Committee on Financial Institutions and referred to Committee on Judiciary.

Motion carried.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Concurrent Resolution No. 28:** By Senator Hatfield—Relative to continuing in existence the Fact-Finding Committee created by Senate Concurrent Resolution No. 13 of the Fifty-fifth Session, and authorizing the study of economic planning.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 29:** By Senator Salsman—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 18, 1942.

#### Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 29 remain on file until the next legislative day.

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—30.

**NOES**—Senators Rich, Swan, and Swing—3.

#### Motion to Reconsider

Senator Swing moved to reconsider the vote whereby Senate Bill No. 173 was passed.

## Postponement of Reconsideration

Senator Swing asked for, and was granted, unanimous consent to have the motion to reconsider the vote whereby Senate Bill No. 173 was passed, continued until the next legislative day.

**Senate Bill No. 338**—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption by a stepparent.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

## Senator Herbert W. Slater Presiding

At 3.40 p.m., Senator Herbert W. Slater, of the Twelfth District, presiding.

## Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 765**—An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 567**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read third time.

## Motion to Amend

Senator Powers moved the adoption of the following amendments:

## Amendment No. 1

In line 2 of the title of the printed bill, strike out the period, and insert “, and declaring the urgency thereof, to take effect immediately.”

## Amendment No. 2

On page 1, line 6, of the printed bill, after the period, strike out “Commission to”, and insert “The commission shall”.

## Amendment No. 3

On page 1 of the printed bill, following line 24, insert

“SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Inasmuch as application to hunt antelope must be filed prior to the first day of the month of May, it is necessary that this act go into immediate effect as otherwise prospective applicants would not have previous knowledge of the dates for open season for the hunting of antelope as provided by this act.”

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 109**—An act to amend Section 453 of the Agricultural Code, relating to the inspection and condemnation of milk, cream and products thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Donnelly, Engle, Gordon, Hatfield, Judah, Keating, Lacey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 744**—An act to amend Section 2450 of the Welfare and Institutions Code, relating to life care contracts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Donnelly, Engle, Gordon, Hatfield, Judah, Keating, Lacey, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### RECESS

At 3.46 p.m., on motion of Senator Seawell, the Senate recessed until call of the Chair.

#### REASSEMBLED

At 3.48 p.m., the Senate reconvened.

Senator Herbert W. Slater presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 369**—An act to amend Section 2451 of the Welfare and Institutions Code, relating to organizations maintaining homes for the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Duell, Donnelly, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 300**—An act to amend Section 2261 of the Civil Code and Section 105 of the Bank Act, relating to the investment of trust funds by trustees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1027**—An act to add Section 103 $\frac{3}{4}$  to the Code of Civil Procedure, relating to clerks in justices' courts of Class A.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 140**—An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, and 11a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 116**—An act to add Section 4101b to the Political Code, relating to deposits by county clerk in county treasury.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 231**—An act to add Section 4.350-1 to the School Code and to add Section 6114 to the Education Code, relating to the payment of school district employees, declaring the urgency thereof, to take effect immediately.

Bill read third time.



## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 117**—An act to amend Sections 203 and 231 of, and to add Section 204F to, the Code of Civil Procedure, relating to the preparation of jury lists by the jury commissioner.

Bill read third time.

## Motion to Amend

Senator Salsman moved the adoption of the following amendment:

## Amendment No. 1

On page 3, line 15, of the printed bill, after "city" insert "or, if these sources do not produce a sufficient number, county".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 110**—An act to amend Section 13406 of the Fish and Game Code, relating to bear.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 123**—An act to amend Section 424 of the Political Code, relating to the compensation of public personnel in counties of the fifteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 265**—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved

April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 726**—An act to amend Section 4041.11 of the Political Code, relating to control of dogs and predatory animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1095  
Assembly Bill No. 53  
Assembly Bill No. 1000  
Assembly Bill No. 630

Assembly Bill No. 88  
Assembly Bill No. 497  
Assembly Bill No. 886  
Assembly Bill No. 281

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 184  
Assembly Bill No. 332  
Assembly Bill No. 689

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 1095**—An act to amend Sections 864 and 885 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Referred to Committee on Local Government.

**Assembly Bill No. 53**—An act to amend Section 7373 and to amend and renumber Section 7444 of the Business and Professions Code, relating to hairdressers, cosmeticians, cosmetologists and junior electrologists.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1000**—An act to amend Section 4295 of the Political Code and to amend Section 6103 of the Government Code relating to payment of fees to State, county and township officers.

Referred to Committee on Local Government.

**Assembly Bill No. 630**—An act to add Sections 607h and 607i to the Civil Code, relating to corporations and societies for the prevention of cruelty to children and animals.

Referred to Committee on Judiciary.

**Assembly Bill No. 88**—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 497**—An act to amend Sections 5, 6 and 12 of the "Automobile Parking District Act of 1941," relating to public parking districts.

Referred to Committee on Local Government.

**Assembly Bill No. 886**—An act to add Section 1756.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and authorizing the authority to return persons committed thereto who are found to be mentally abnormal to the committing court for recommitment to the Department of Institutions for placement in State institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 281**—An act to amend Section 10 of the Municipal Court Act of 1925, relating to clerks and attaches.

Referred to Committee on Local Government.

**Assembly Bill No. 184**—An act to add Section 140 to the Welfare and Institutions Code, relating to public assistance, and providing a procedure for the issue and payment of duplicate warrants therefor, in case of the loss or destruction of the original warrants.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 332**—An act to amend Section 3424 of the Public Resources Code, relating to the recording of oil production charge payments.

Referred to Committee on Natural Resources.

**Assembly Bill No. 689**—An act to add Section 6 to an act entitled "An act authorizing the creation of a personnel system, merit system, or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation

of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions." approved April 11, 1935, relating to war emergency appointments, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 22, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 658

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered re-referred to Committee on Judiciary.

#### ADJOURNMENT

At 4 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Wednesday, March 24, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

EIGHTIETH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

WEDNESDAY, March 24, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding

Secretary J. A. Beck at the desk

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Crippen, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkinson, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward. 35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McCormack, on motion of Senator Slater.

Senator Powers, on motion of Senator Seawell.

Senator Jaspersen, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry A. Thayer of San Francisco, Grand Keeper of Records and Seal, Knights of Pythias of California.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mildred Prince and Mrs. Ruth Turner of San Francisco.

On request of Senators Quinn and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. John Quinn of Los Angeles.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to representatives of Galt Elementary School: C. H. Kast, principal; Paul Kennedy, Lester Fachner, Danny Mingo, Ramona Rieger, Wallace Meyers, Arthur Schulz, Herbert Fassler, Janet Thomas, Melba Crosson, Raymond Konrad, George Mingo, Shirley Biedeman, Dolores Brummair, Mrs. Thomas, Mrs. J. Epp, and Mrs. O. Crosson.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John Cuneo of Mokelumne Hill, and their son, John, Jr., 6-year-old orator, who delivered Lincoln's Second Inaugural Address to the Senate.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mame B. Beatty of Los Angeles.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. R. Klawans of San Francisco.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to ex-Senator Sharkey of Contra Costa County.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Reite, Secretary, Santa Cruz County Farm Bureau.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rex B. Goodcell of Los Angeles.

#### COMMUNICATIONS

The following communications were received, read, and, on motion of Senator Cunningham, ordered printed in the Journal:

##### CONGRESSIONAL RECORD—HOUSE

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ELLIOTT].

Mr. PHILLIPS. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. ELLIOTT] be given as much of my time as he may need.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ELLIOTT. Mr. Chairman, about 18 months ago my colleague the gentleman from California [Mr. ANDERSON] and I started working practically every day on the labor situation as it existed in our State at that time. Many times we consulted with the Department of Agriculture, even the Secretary of Agriculture himself. We pointed out to him time and again that if we expected to harvest crops or plant the crops to produce more food in our State, a program had to be worked out immediately under which additional labor could be brought to the farms. So to the gentleman from California [Mr. ANDERSON] and myself this is no new program. Both of us are agriculturists, and long ago we had Mexican labor. We secured them, hired them, paid them off at the end of the season, long before we ever heard of the Farm Security Administration, which was supposed to give our people assistance in the way of farming.

The three counties—Kern, Tulare, and Kings—that together comprise the Tenth Congressional District of California in 1942 produced agricultural products valued at more than \$175,000,000. These farm products came from a million acres of irrigated lands and 200,000 acres of nonirrigated lands—wheat and barley.

Forty varieties of fruits, 20 kinds of vegetables, 10 major field crops, and 7 kinds of grains are produced in commercial quantities. The value of livestock produced and sold and their products totaled more than \$45,000,000.

There is no season of the year when harvesting or planting or processing is not going on.

The planting and harvesting of these crops requires seasonal labor in great numbers for the most valuable of them are extremely perishable and when ready for harvest permit only a short period of time for gathering or they are lost.

In addition to irrigation water which these crops must have, the supply of labor with which to gather them in must be adequate, and now with the whole world on short rations it is inconceivable that either should be curtailed or left lacking. The bungling of the problem of getting farm labor last year was offset somewhat by a very long and favorable harvest season. However, the bungling and stupid handling of those in charge of the program for securing farm labor can not and should not be condoned, for we have too much at stake.

The present bill might not do everything that is necessary but it is a long step forward in the right direction. We should get rid of the cranks and the farmers and make it possible for experienced and practical men to do the job that must be done if the Nation is not to go hungry.

I hold in my hand, Mr. Chairman, a total of more than 75 signatures that I have received in my office in the last two days. They come from an agricultural district. They do not come from politicians. They represent the County, the Farm Bureau, individual farmers, chambers of commerce, all right in the heart of the Agricultural Belt, and all in favor of this legislation. How many of you Congressmen here represent an agricultural district that in 1942 produced more than \$177,000,000 worth of food and fiber, so essential to our war effort? Mr. Chairman, we need every dime that is in this present bill, to procure that adequate labor to attempt to continue to produce food for health, and for the winning of the war, and I say to you that the Secretary of Agriculture is responsible for the bungling of the Farm Security Administration. If I had been Secretary of Agriculture, I would have fired the Farm Security Administration a long time ago, and I would not have waited until Congress had to boot them out. I say to you gentlemen, this is serious. This is no longer a matter of the Agriculture Department. It is the duty of Congress to see to it that food is produced for our boys on the firing line and at home, and let them down. Let us see that these boys are fed and that the men in the war plants are fed, and that maximum production is had for all. By passing this bill, it will be one of the issues that will go down in history as most essential to our war effort.

I hold in my hand here a transcript of the testimony of a man named Casey Abbott, a farmer from the State of Arizona. He appeared before the Senate Agricultural Committee, and what did he testify to? He pointed out some of the very things that I have told you about and I want to read from his statement, to show what the Farm Security Administration did in the way of preventing labor in the State of Arizona. He said:

We found a large portion of these workers were unfit for any kind of labor, namely, persons in the last stages of tuberculosis, who were told that Arizona was a mecca for such diseases, and that if they could get out there, they might effect a cure, even if they could not work; that they would be given a free medical diet and attention and otherwise be taken care of.

There were active cases of syphilis, confirmed alcoholics, and people choked up with asthma, who by their own admission had not done a day's work in two years; women expecting to become mothers any minute, men over 70 years of age and all birds with long prison records, as well as old worn-out prostitutes.

That is what Mr. Abbott told the committee that the Farm Security Administration did for the State of Arizona.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ELLIOTT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

DEPARTMENT OF AGRICULTURE  
WASHINGTON, March 20, 1943

Mr. J. A. Beck, Secretary of the Senate  
California Legislature, Sacramento, California

DEAR MR. BECK: This will acknowledge receipt of Senate Joint Resolution No. 6 adopted by the California Legislature concerning food shortages in California. Reply has been inadvertently delayed.

We are aware of the difficulties being encountered along the West Coast with regard to food supplies. Undoubtedly, the increased requirements created by the influx of war workers have made the situation there even more difficult than in many other parts of the Country. However, it must be recognized that the requirements of our armed forces and our Allies, together with greatly increased consumer demand, generally, have created a condition in which supplies of many food commodities are short all over the Country.

In promulgating conservation orders for the dual purpose of making sure that supplies will be available for war purposes and, at the same time, that food available for civilians will be stretched over a long enough period to permit new supplies to be produced, it has been necessary to place limits on sales by distributors. While

this has not been done, as far as the major food commodities are concerned, on a basis of quotas arrived at through population statistics, the limitations have undoubtedly been felt more sharply in areas of increased population. We have established machinery for dealing with the more acute shortages through the organization of State and area Food Industry Committees. The functions of these committees are to receive and investigate complaints of such shortages, and, where the complaints are verified, to arrange for the movement of necessary food to alleviate the condition. The committees also determine the causes of the shortages and recommend steps to prevent their recurrence. The meat and other industries are cooperating with us in this work.

We believe that the recently announced rationing programs, when they are put into effect, will go far toward bringing about the necessary adjustments so that no one area will have to put up with more inconveniences than another. Rationing, of course, is actually an allocation to consumers, and probably the only practicable type of allocation under which equitable distribution can be assured.

The department has developed and presented to Congress a program looking to the provision of farm labor in essential crops for the year 1943. Some relief has already been given by the Selective Service System to dairying, and the classification of essential farm workers in 2-C and 3-C indicates that this will result in a very large number of workers being retained on the farms.

Sincerely yours,

R. L. WEBSTER, Assistant to the Secretary

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 117

Senate Bill No. 567

And reports the same correctly re-engrossed.

SEAWELL, Chairman

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 889

Senate Bill No. 629

Senate Bill No. 196

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 877

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; noes 2.

GORDON, Chairman

Above reported bill ordered re-referred to Committee on Finance.

### Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 393

Has had the same under consideration, and reports the same back with the recommendation: The bill be held on the Senate file for a decision from the Legislative Council as to constitutionality of the bill.

Committee membership 7; committee vote: Ayes 4; noes 2; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred

Senate Bill No. 179

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

RIGGAR, Chairman

Above reported bill ordered to second reading.

## Committee on Financial Institutions

## SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 149

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 412

Senate Bill No. 500

Senate Bill No. 606

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Agriculture

## SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 514

Assembly Bill No. 709

Assembly Bill No. 697

Assembly Bill No. 934

Assembly Bill No. 700

Assembly Bill No. 935

Assembly Bill No. 702

Assembly Bill No. 980

Assembly Bill No. 703

Assembly Bill No. 1124

Assembly Bill No. 704

Assembly Bill No. 1810

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 705

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 705

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 407

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 543

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

## WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 335

Senator DeLap moved that Senate Bill No. 335 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 335**—An act to amend Section 13 of the Corporate Securities Act, relating to hearings after notice to desist and refrain from selling securities.

Bill read second time.

## Motion to Amend

Senator DeLap moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "13", and insert "2".

## Amendment No. 2

In the title of said bill, strike out lines 2 and 3, and insert "relating to securities exempted from said act."

## Amendment No. 3

On page 1, line 1, of said bill, strike out "13", and insert "2".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## Amendment No. 4

On page 1 of said bill, strike out lines 3 to 14, inclusive, and insert:

"Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine, the singular number includes the plural, and the plural the singular; 'writing' includes 'printing' and 'type-writing'; 'oath' includes 'affirmation'; the word 'county' includes 'city and county'; and 'territory' includes 'district'. When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

1. Division. The word "division" means the "Division of Corporations" created by this act.

2. Commissioner. The word "commissioner" means the "Commissioner of Corporations."

3. Company. The word "company" includes all domestic and foreign private corporations, associations, syndicates, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined.

4. Trust. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment.

5. Trustee. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined.

6. Individual. The word "individual" in so far as it is included in the definition of a "company," includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue.

7. Security. The word "security" shall include any stock, bond, note, treasury stock, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining title or lease, collateral trust certificate, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings, guarantee of a security and any certificate of deposit for a security.

8. Sale. "Sale" or "sell" shall include every disposition or attempt to dispose of a security or interest in a security for value. And security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase, and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, subscription or an offer to sell, directly or by an agent or a circular letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; and provided further, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.

9. Agent. The word "agent" means and includes every person or company employed or appointed by a company or broker or any other person who shall, within this State, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security.

10. Broker. The word "broker" includes every person or company, other than an agent, who shall, in this State, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of or otherwise dealing in any security issued by others, (including all securities of the classes listed in paragraphs 1, 2, 3, 4, 5, 6, 7 and 9 *only* 8 of subdivision (b) of this section) or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public. Provided, however, the word broker shall not include the following, or any agent or agency of any of the following: The United States of America or any Territory or insular possession thereof, or the District of Columbia, or any State, Territory, county, or municipality, or taxing district therein.

11. Mortgage. The word "mortgage" shall be deemed to include a deed of trust to secure a debt, and the word "mortgagee" shall be deemed to include a trustee and/or beneficiary under a deed of trust.

12. Investment counsel. The words "investment counsel" as used in this act shall include every person or company other than a broker, who in this State, for compensation, engages in the business of advising others either directly or through publications or writings as to the value of securities or as to the advisability of

investing in or purchasing of securities, and every person other than a broker or certified public accountant who issues or publishes analyses or issues reports concerning securities. The word "broker" of that said term shall not be construed to include any licensed, practicing attorney who renders or performs any of said services in connection with the purchase of same.

(c) Securities exempted from Act. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

1. Any security issued or guaranteed by the United States of America, or any Territory, or insular possession thereof, or by the District of Columbia, or by any State, Territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or sold in this State as a valid obligation by such foreign government or by such state, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a National bank, as issued by any Federal land bank or joint land bank, or a National farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereof, or by any company created and acting as an agent, subsidiary of the government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company, enterprise and existing under and by virtue of any act of Congress.

4. Any security issued by and representing an interest in or a direct obligation of a State bank, trust company, or savings institution incorporated under the laws of this State.

5. Any security the issuance of which has been authorized by the Railroad Commission of this State or by the Interstate Commerce Commission.

6. Any security (including shares, stock and investment certificates as defined in the "Building and Loan Association Act") issued by a company organized for the purpose of conducting a building and loan association within this State subject to the supervision of the Building and Loan Commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business subject to the supervision of the Insurance Commissioner.

[8. Any security (except notes, bonds, debentures, or other securities of a limited class) issued by a company organized under the laws of this State exclusively for educational, scientific, fraternal, charitable or reformative purposes and not for pecuniary profit and to a part of the earnings of which inures to the benefit of any private individual or individuals.]

[9.] 8. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this State, and any certificate of deposit for any security which has been approved by the California District Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State.

[10.] 9. Bonds of exchange, trade acceptances, promissory notes and other commercial paper issued, given or accepted by a bona fide way in the ordinary course of legitimate business, trade or commerce.

[11.] 10. Promissory notes, whether secured or unsecured, where the notes are not offered in the public, or are not sold to an underwriter for the purpose of resale. Provided, however, that brokers may be subject to the provisions of this act with respect to all transactions involving the foregoing classes of security as enumerated in this subdivision (b), excepting those securities hereinafter specified in paragraphs (8, 9 and 10 [and 11]) of this subdivision (c).

(d) Sales of securities exempted. Except as herein expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following circumstances:

1. At any public, voluntary, noncommercial or charitable sale, or at any sale by a trustee or trustee in bankruptcy or assignee.

2. By or for the benefit of a pledgee or mortgagee selling or offering for sale or delivery in the ordinary course of business to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

3. The sale of securities taken back by or on behalf of a vendor not the issuer or underwriter thereof when, being a bona fide owner of such securities, disposal of his own property for his own account and such sale is not made, directly or indirectly, for the benefit of the issuer or an underwriter of such securities, or for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this act.

### Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.



## RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

## Senate Resolution No. 86

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

DEUEL  
TICKLE  
BROWN  
SEAWELL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Fletcher, Gordon, Judah, Mayo, Minter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swann, Swing, Tenney, and Tickle—23.  
NOES—None.

## CONSIDERATION OF DAILY FILE

## UNFINISHED BUSINESS

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

## Reconsideration Waived

Senator Swing waived his notice of a motion to reconsider the vote whereby Senate Bill No. 173 was passed.

Bill ordered transmitted to the Assembly.

## SECOND READING OF SENATE BILLS

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the reorganization, powers, and duties of the Board of Forestry.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

## Amendment No. 1

On page 2 of the printed bill, between lines 15 and 16, insert

"Each member of the board shall serve without compensation, but is entitled to reimbursement for the actual necessary expenses incurred by him while engaged in the performance of duty as a member".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 466**—An act to amend Sections 2271, 2274 and 2275 of the Public Resources Code, relating to the Ore Buyer's License Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 904**—An act to add Chapter 3.5, comprising Sections 4852.01 to 4852.15, inclusive, to Title 6 of Part 3 of the Penal Code, relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate

their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; and prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after "may", insert ", as provided in Section 4852.18,".

##### Amendment No. 2

On page 1, line 18, of said bill, after "shall", insert "within 10 days thereafter".

##### Amendment No. 3

On page 2, line 1, of said bill, after "officer", insert "his photograph and fingerprints,".

##### Amendment No. 4

On page 2 of said bill, between lines 7 and 8, insert  
"However, if after the filing and serving of the notice the person filing it changes his residence to another county he shall file with the county clerk of such other county a notice of intention similar in form and substance to that previously filed, which second notice shall state the date and place where the previous notice was filed and the name and title of the peace officer upon whom the same was served. A certified copy of such second notice shall be served upon the chief of police of the city into which he has moved, or upon the sheriff of the county if the changed residence is in unincorporated territory, and the person filing the notice shall give to such peace officer the information described in this section. Upon the filing of such second notice the county clerk shall transmit notice of that fact to the county clerk with whom the previous notice was filed and said last mentioned county clerk shall transmit the said previous notice to the county clerk with whom the second notice was filed."

##### Amendment No. 5

On page 2, lines 18 and 19, of said bill, strike out "has filed the notice of intention specified in Section 4852.01", and insert "may initiate the proceedings provided for in this chapter".

##### Amendment No. 6

On page 2, line 30, of said bill, strike out "After", and insert "Except as provided in Section 4852.18, after".

##### Amendment No. 7

On page 2, line 36, of said bill, strike out "the notice was filed", and insert "he then resides".

##### Amendment No. 8

On page 2, line 39, of said bill, after the period, insert "No such petition shall be filed until and unless the petitioner has continuously resided in the county in which it is filed for a period of not less than three years immediately preceding the date of filing the petition and until and unless the same period has elapsed since the service of the notice required by Section 4852.02 upon the appropriate peace officer in the county in which the petition is filed."

##### Amendment No. 9

On page 2 of said bill, strike out lines 44 and 45, and insert "whom a certified copy of the notice of intention was last served, and to the Office of the Governor, together with notice of the time of the hearing of the petition, at least 30 days prior to the date set for such hearing."

##### Amendment No. 10

On page 3, line 4, of said bill, at the end of the line, insert "such testimony as it deems necessary, and".

##### Amendment No. 11

On page 3, line 15, of said bill, strike out "and".

##### Amendment No. 12

On page 3 of said bill, strike out all of line 17; and in line 18, strike out "of rehabilitation", and insert "and written reports or records of any other law enforcement agency concerning the conduct of the petitioner since his release on parole or discharge from custody".

**Amendment No. 13**

On page 4, line 22, of said bill, strike out "prattice", and insert "practice".

**Amendment No. 14**

On page 4, line 30, of said bill, after the period, insert "Nothing in this chapter shall affect any provision of Chapter 4 of Division 3 of the Business and Professions Code or the power or authority in relation to attorneys at law and the practice of the law in the State of California conferred by law upon or otherwise possessed by the courts, or the power or authority conferred by law upon the State Bar of California or any board or committee thereof."

**Amendment No. 15**

On page 5, line 9, of said bill, strike out "for a period"; and strike out lines 10 to 26, inclusive, and insert "since his discharge, may immediately file the notice of intention provided for in Section 4852.01. Such person may file the petition provided for in Section 4852.06 at any time after the expiration of one year from the date of his discharge from custody."

Any person heretofore convicted of a felony who is on parole on the effective date of this chapter, may file such notice of intention at any time after the effective date of this chapter, and may file his petition at any time after one year from the date of his release on parole, but in no event prior to his discharge from custody upon the termination of his parole.

However, no petition shall be filed under the foregoing provisions of this section until and unless the petitioner has continuously resided in the county in which it is filed for a period of not less than three years immediately preceding the date of filing the petition.

Any person heretofore convicted of a felony who on the effective date of this chapter is confined in a State prison or other institution or agency to which he was committed, and any person hereafter convicted of a felony, may file the notice of intention at any time after his parole or his discharge from custody. And such person may file the petition after the expiration of the periods mentioned in Section 4852.06 of this code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 246**—An act to amend Section 3000 of, and to add Sections 3000.5, 3000.7, and 3005.5 to, the Penal Code, relating to membership on the Board of Prison Terms and Paroles.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 759**—An act to amend Section 125 of the Code of Civil Procedure, relating to secrecy of proceedings in certain actions

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 400**—An act to add Section 6897 to the Political Code, relating to Department of Finance membership in building management associations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 9, of the printed bill, after the period, insert "Such membership and participation shall not render the department nor the State liable to the payment of any dues, fees or other considerations after withdrawal of the department from membership and participation and such membership and participation shall be subject to the right of the department to withdraw at any time and terminate any obligations that such membership or participation may entail."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 649**—An act granting to the County of Sonoma certain lands of the State of California located in the County of Sonoma, upon certain trusts and conditions.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 6, of the printed bill, before "Commencing", insert "Parcel No. 1."

##### Amendment No. 2

On page 1 of said bill, after line 26, insert "Parcel No. 2. All of that real property adjacent to the Bodega Rancho and lying adjacent to the Pacific Ocean at Bodega Bay more fully described as follows:

Commencing at a 4' x 4' concrete monument marking the most westerly corner of that certain tract of land acquired by the County of Sonoma under an order of condemnation as recorded in Book 557, Official Records, page 353, which said tract is designated as Parcel 9 in said order and from which point of commencement Engineers Station 407 + 16.24 PC bears N. 56° 04' 30" E., a distance of 3940.90 feet; said Station 407 + 16.24 being shown on a Map of Road District Improvement Number 3 as recorded in Book 44, of Maps, pages 145 to 186, Sonoma County Records; and from said point of commencement another 4' x 4' concrete monument bears N. 67° 21' 30" E., a distance of 576.36 feet; thence from said point of commencement S. 20° 01' E., a distance of 124.85 feet; thence S. 19° 47' E., a distance of 50.00 feet to the ordinary high tide line of the waters of the Pacific Ocean; thence along the said ordinary high tide line S. 74° 59' W., a distance of 99.85 feet; thence still following said tide line S. 72° 55' W., a distance of 404.32 feet to the point of beginning of the parcel to be described; thence from said point of beginning and along the ordinary high tide line of the waters of the Pacific Ocean as said high tide line existed prior to dredging operations of the years 1942 and 1943 the following courses and distances: S. 59° 00' W. 194.25 feet; S. 64° 34' W. 570.00 feet; S. 60° 19' W. 447.70 feet; S. 61° 42' W. 322.00 feet; S. 54° 34' W. 330.67 feet; S. 48° 10' W. 99.17 feet; S. 56° 42' W. 100.00 feet; S. 53° 50' W. 100.13 feet; S. 56° 30' W. 38.00 feet to a point in the now existing ordinary high tide line of the waters of the Pacific Ocean; thence along said existing ordinary high tide line the following courses and distances: S. 54° 00' W. 187.00 feet; S. 52° 30' W. 220.00 feet; S. 64° 30' W. 145.00 feet; S. 30° 00' W. 125.00 feet; S. 34° 14' E. 178.00 feet; S. 25° 36' W. 125.56 feet; S. 19° 17' W. 105.33 feet; S. 5° 57' W. 100.82 feet; S. 3° 52' E. 139.38 feet; S. 18° 19' E. 161.29 feet; S. 30° 06' E. 107.40 feet; S. 41° 55' E. 190.77 feet; S. 43° 53' E. 160.82 feet; S. 64° 40' E. 105.68 feet; S. 75° 43' E. 85.11 feet; N. 21° 55' E. 455.00 feet; N. 1° 27' W. 544.00 feet; N. 16° 29' E. 355.47 feet; N. 39° 59' E. 470.00 feet; N. 49° 39' E. 395.00 feet; N. 52° 51' 30" E. 1280.65 feet to the point of beginning. Containing 28.52 acres."

##### Amendment No. 3

On page 2, line 16, of the printed bill, strike out the period, and insert ", including the right to extract and remove the deposits."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 803**—An act to add Section 473.5 to the Political Code, relating to the employment of attorneys by the State and to the powers and duties of the Attorney General and the State Personnel Board in connection with such employment.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "and the State Personnel Board".



**Amendment No. 2**

On page 1, line 3, of said bill, strike out "beginning of each fiscal year," and insert "preparation of each Biennial Executive Budget".

**Amendment No. 3**

On page 1 of said bill, strike out lines 17 to 26, inclusive, and insert "Governor, the Department of Finance, the Legislative Budget Committee, the Finance Committee of the Senate, the Ways and Means Committee of the Assembly, and the State Personnel Board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 808**—An act to abolish the Waste Utilization Commission and to provide for the transfer of its property, powers, and duties to the Department of Agriculture, and to repeal certain acts specified herein.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, lines 2, 3, and 4, of the printed bill, strike out "The Department of Agriculture shall succeed to and is invested with all the powers, duties, purposes, responsibilities, and jurisdiction of the Waste Utilization Commission"

**Amendment No. 2**

On page 1, lines 10, 11, and 12 of said bill, strike out "for the purpose of carrying out provisions of any and all acts or statutes governing the Waste Utilization Commission".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 509**—An act to add Article 6, comprising Sections 4421 to 4431, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition and reforestation of cutover lands.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "4431", and insert "4432".

**Amendment No. 2**

In line 4 of the title of said bill, after "lands", insert ", making an appropriation and providing for the distribution of the proceeds".

**Amendment No. 3**

On page 2, line 20, of said bill, strike out ", provided that purchases", and insert a period and "Purchases".

**Amendment No. 4**

On page 2, line 21, of said bill, strike out "that".

**Amendment No. 5**

On page 2, line 24, of said bill, after "Resources", insert "No lands shall be acquired in any county unless the approval of the acquisition is first obtained from the board of supervisors of that county."

**Amendment No. 6**

On page 3, line 11, of said bill, strike out ", to be used"; and strike out all of line 12, and insert a period and "All of the money in the State Forest Fund may be used for any State purpose subject to the following limitations:".

**Amendment No. 7**

On page 3, line 13, of said bill, strike out "One", and insert "Not less than one".

**Amendment No. 8**

On page 3, line 14, of said bill, strike out "no other purpose than", and insert "the".

**Amendment No. 9**

On page 3, line 16, of said bill, strike out "Fifty", and insert "Not more than 50".

**Amendment No. 10**

On page 3, line 24, of said bill, strike out "Ten", and insert "Not more than 10".

**Amendment No. 11**

On page 3 of said bill, strike out lines 28 to 33, inclusive, and insert

"(d) To each county in which lands acquired are situated not more than an amount equivalent to taxes levied by the county on similar land similarly situated in the county shall be paid to the county, payment to be made between July 1 and July 31 of each year so long as the State continues to own the land. Determination of what constitutes "similar land similarly situated" shall be made by a board consisting of the county assessor of the county in which the land is located, a representative of the State Board of Equalization and a representative of the State Forester. If, in any year, the money in the State Forest Fund is not sufficient to pay in full all claims of all counties under this subdivision, money available shall be allocated by the Controller to the several counties in proportion to the amounts properly claimed. Any deficiency in the amount properly claimed in any year shall be added to and become part of the claim of the county in the following year or years. All money received by any county under this subdivision shall not be expended other than for one or more of the following: (i) fire protection, (ii) forest conservation acquisition and maintenance and reforestation, (iii) roads, bridges, schools and beaches (iv) and aid to the aged, the blind and children."

**Amendment No. 12**

On page 3, line 36, of said bill, before "The", insert "4432."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 729**—An act making an appropriation for the acquisition, development and maintenance of parks in Humboldt County for public use.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 1, of the printed bill, strike out "forty thousand dollars (\$40,000)", and insert "twenty-five thousand dollars (\$25,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 348**—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26c, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g, and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23c, 23d, 26, 27 and 38a, relating to the taxation of beer and wine and to provide that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 3, line 29, of the printed bill, after "internal", insert "revenue".

**Amendment No. 2**

On page 3, line 35, of the printed bill, strike out "within 30 days from the"; and in line 36, strike out "date of removal from internal revenue bond or."

**Amendment No. 3**

On page 3 of the printed bill, between lines 37 and 38, insert

"In the event excise taxes under this act have been paid on wine subsequently exported from this State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed a credit with respect to such tax in any report filed or assessment made under this act."

Amendments read and adopted

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 251**—An act relating to claims against the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers and or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 535**—An act to amend Section 540 of the Political Code, relating to State printing.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 613**—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California, at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 731**—An act to amend Section 5014 of the Public Resources Code, relating to the State Park Maintenance and Acquisition Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 813**—An act to amend Section 1030 of the Political Code, relating to hours of employment of State employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1045**—An act to add Section 57.7 to the State Civil Service Act, relating to the Secretary of the Advisory Pardon Board.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as introduced January 31, 1943, before "secretary", insert "person holding the position of".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 402**—An act to amend Sections 9161, 9167 and 9220 and to amend and renumber Sections 9162 and 9163 of, and to repeal Article 2, comprising Sections 9370 to 9377, inclusive, of Chapter 4, Division 9, of the Public Resources Code, relating to soil conservation, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 96**—An act to amend Section 1263 of the Civil Code of the State of California, relating to homesteads.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 163**—An act to amend Section 928 of the Penal Code, relating to county grand juries.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 567**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

Bill read third time.

**Urgency Clause**

Urgency clause read.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 3:57 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 725**—An act to repeal Section 5.63 of the School Code, and to repeal Section 20431 of the Education Code, relating to the admission of persons not residents of California to the State colleges.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Mayo, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—25.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 117**—An act to amend Sections 203 and 231 of, and to add Section 204f to, the Code of Civil Procedure, relating to the preparation of jury lists by the jury commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.  
**NOES**—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 959**—An act to amend Section 4280 of the Political Code, relating to the compensation of public personnel.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 375**—An act to amend Sections 2893, 2896, 2897, and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Bill read third time.

#### Motion to Amend

Senator Salsman moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 11, of the printed bill, strike out "or his declaration of acceptance of nomination."

#### Amendment No. 2

On page 2, line 2, of said bill, strike out "or accepted."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Concurrent Resolution No. 29**—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 18, 1942.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McBride,

McCormack, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.  
 NOES—None.

Resolution ordered transmitted to the Assembly.

### REPORTS OF STANDING COMMITTEES

#### Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 56

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

McBRIDE, Chairman

Above reported bill ordered to second reading.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 584**—An act to amend Chapter 763, Statutes of 1929, approved June 10, 1929, as amended by Chapter 401, Statutes of 1931, approved May 25, 1931, and as amended by Chapter 228, Statutes of 1935, approved May 27, 1935, entitled and known and cited as "California Toll Bridge Authority Act," by amending Sections 3, 9, and 9½ thereof, relating to the employment of legal counsel.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.25 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, the urgency clause to Senate Bill No. 567 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

## COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1943

*Honorable Frederick F. Houder, President of the Senate  
Senate Chamber, State Capital, Sacramento, California*

DEAR MR. PRESIDENT: A motion was made and carried today among the Senate to be present in the Assembly Chamber on Friday, March 26th, at 6 p.m., to listen to a broadcast of an address to be delivered by the British Secretary of State for Foreign Affairs Anthony Eden before the Legislature in Annapolis, Maryland.

A radio has been installed in the Assembly Chamber so that the address may be heard.

Yours very truly,

ARTHUR A. OLINIMUS

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 248  
Assembly Bill No. 254  
Assembly Bill No. 336  
Assembly Bill No. 381  
Assembly Bill No. 521  
Assembly Bill No. 562  
Assembly Bill No. 593

Assembly Bill No. 599  
Assembly Bill No. 806  
Assembly Bill No. 810  
Assembly Bill No. 811  
Assembly Bill No. 1281  
Assembly Bill No. 1314

ARTHUR A. OLINIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 248**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts

Referred to Committee on Local Government.

**Assembly Bill No. 254**—An act to amend Section 7c of the Municipal Court Act of 1925, relating to municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

**Assembly Bill No. 336**—An act to add Section 439.5 to the Political Code, relating to the administration of oaths by employees of the State Controller.

Referred to Committee on Judiciary.

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers of general circulation.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 521**—An act to amend Sections 5.384 and 5.398 of the School Code and to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Referred to Committee on Education.

**Assembly Bill No. 562**—An act to amend Section 17818 of the Health and Safety Code, relating to apartment houses and hotels.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 593**—An act to amend Sections 701, 777 and 778 of the Welfare and Institutions Code, relating to minors who should be declared free from parental control, and relating to the procedure in such cases.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 599**—An act to add Sections 403.5 to, and to amend Section 765 of, the Vehicle Code, relating to the effect of the war emergency and Federal and local regulations arising therefrom applicable to vehicles on the provisions of said code, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 806**—An act to amend Section 300 of the Labor Code, relating to the assignment of wages.

Referred to Committee on Labor.

**Assembly Bill No. 810**—An act to amend Sections 25 and 78 of the Civil Code and Sections 1433 and 1590 of the Probate Code, relating to minors, and effect of marriage upon minority and guardianship of minors.

Referred to Committee on Judiciary.

**Assembly Bill No. 811**—An act to amend Sections 749, 750 and 751 of the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Referred to Committee on Judiciary.

**Assembly Bill No. 1281**—An act amending Section 2356 of the Civil Code, relating to the revocation of an agent's powers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 1314**—An act to amend Section 5.120 of the School Code and to amend Section 12001 of the Education Code, relating to authorization of service in the public schools.

Referred to Committee on Education.

#### ADJOURNMENT

At 4.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Thursday, March 25, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY

EIGHTY-FIRST CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 25, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward. 35.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Seawell.

Senator Collier, on motion of Senator Seawell.

### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Jack McNamara of Merced and their sons, Patrick, Thomas, and Stephen.

On request of Senators Swan and Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elma Pierini, President, San Jose State College Chapter of the California Student-Teacher Association.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Virgil A. Pierini of Sacramento.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. C. Paxton, Assistant Secretary-Manager, Sacramento Chamber of Commerce.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. William Dwyer of Sacramento.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. E. C. Farnham, Executive Secretary of the Church Federation of Los Angeles.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Jay C. Brown, Supervisor Tulare County, of Terra Bella.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff Lowell West and Hod Lindberg, both of Placerville.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tyrell Botts of Roseville.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 375

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 246

Senate Bill No. 251

Senate Bill No. 400

Senate Bill No. 466

Senate Bill No. 535

Senate Bill No. 613

Senate Bill No. 731

Senate Bill No. 759

Senate Bill No. 803

Senate Bill No. 808

Senate Bill No. 813

Senate Bill No. 1045

And reports the same correctly engrossed.

SEAWELL, Chairman

##### Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 359

Senate Bill No. 565

Senate Bill No. 566

Senate Bill No. 691

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 980

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 397

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance

Committee membership 9; committee vote: Ayes 8; absent 1

QUINN, Chairman

Above reported bill ordered re-referred to Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Constitutional Amendment No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1

QUINN, Chairman

Above reported resolution ordered to second reading

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 571

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance

Committee membership 13; committee vote: Ayes 11; absent 2.

DELAP, Chairman

Above reported bill ordered re-referred to Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 136

Senate Bill No. 853

Senate Bill No. 746

Assembly Bill No. 142

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 11; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 972

Assembly Bill No. 466

Senate Bill No. 991

Assembly Bill No. 467

Assembly Bill No. 451

Assembly Bill No. 468

Assembly Bill No. 455

Assembly Bill No. 470

Assembly Bill No. 459

Assembly Bill No. 473

Assembly Bill No. 460

Assembly Bill No. 478

Assembly Bill No. 464

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

## RECESS

At 2.09 p.m., on motion of Senator Seawell, the Senate recessed until call of the Chair.

## REASSEMBLED

At 2.16 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 459

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

SHELLEY, Chairman

Above reported bill ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 1058

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 453

Assembly Bill No. 524

Assembly Bill No. 592

Assembly Bill No. 644

Assembly Bill No. 782

Assembly Bill No. 789

Assembly Bill No. 1317

Assembly Bill No. 1318

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 453**—An act to add Section 2873.1 to the Penal Code, relating to the sale or exchange of animals and fowls raised at the prisons.

Referred to Committee on Judiciary.

**Assembly Bill No. 524**—An act to amend Section 1458 of the Penal Code, relating to the fixing, acceptance and forfeiture of bail in justices' courts.

Referred to Committee on Judiciary.

**Assembly Bill No. 592**—An act to amend Sections 224, 226 and 227a of the Civil Code, relating to the adoption of children.

Referred to Committee on Judiciary.



Marine, beyond the boundaries of the continental United States, the commissioner shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, and for taking any of the steps required by Sections 19 and 20 of this act, until 180 days after his discharge or release from active service therein or until 180 days after the termination of hostilities in which the United States is now engaged, whichever first occurs."

#### Amendment No. 6

On page 1, line 17, of the printed bill, strike out "17318", and insert "17356".

#### Amendment No. 7

On page 1 of the printed bill, strike out all of lines 19 to 25, inclusive, and insert

"17356. In computing net income there shall be allowed as a deduction all of the salary, wages, bonuses, allowances, and other compensation received by an individual for his services as a member of the armed forces of the United States, including any auxiliary branch thereof, or the State Guard."

#### Amendment No. 8

On page 2, line 1, of the printed bill, strike out "18404.5", and insert "18434".

#### Amendment No. 9

On page 2 of the printed bill, strike out all of lines 3 to 8, inclusive, and insert "18434. In the case of a taxpayer who is serving as a member of the armed forces of the United States or any auxiliary branch thereof, or the Merchant Marine, beyond the boundaries of the continental United States, the commissioner shall automatically grant, without application being made therefor, an extension of time, free from interest and penalties, for filing the return, for payment of the tax, for taking any of the steps required by Sections 18590, 18593, 19053, 19057, and 19058 of the Revenue and Taxation Code, until 180 days after his discharge or release from active service therein or until 180 days after the termination of hostilities in which the United States is now engaged, whichever first occurs."

#### Amendment No. 10

On page 2 of the printed bill, strike out all of lines 10 to 12, inclusive, and insert "The provisions of this act adding Section 8.2 to the Personal Income Tax Act and Section 17356 to the Revenue and Taxation Code shall apply to income received or accrued after the effective date of this act; the provisions of this act adding Section 13.1 to the Personal Income Tax Act and Section 18434 to the Revenue and Taxation Code shall apply to returns to be made for income received or accrued in any taxable years ending prior to the effective date of this act, and for all taxable years on or thereafter."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 56**—An act to amend Section 11870 of the Insurance Code, relating to the insurance of public employees with the State Compensation Insurance Fund.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

#### Amendment No. 1

On page 1 of the printed bill, strike out line 9.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 697**—An act to add a new section to the Agricultural Code, to be numbered 30.5, relating to pest and disease surveys and investigations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 700**—An act to amend Section 111 of the Agricultural Code, relating to the inspection of plants and articles for pests.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 702**—An act to amend Section 1022 of the Agricultural Code, pertaining to definitions of fertilizing materials.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 703**—An act to amend Section 1021 of, and to add Section 1031.1 to, the Agricultural Code, relative to fertilizing materials and the labels thereon.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 704**—An act to amend Section 1038 of the Agricultural Code, relating to fertilizer tonnage license tax.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 706**—An act to amend Section 1066 of, and to add Section 1066.5 to, the Agricultural Code, relative to economic poisons and thallium salts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 709**—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 934**—An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 935**—An act to add Section 644.6 to the Agricultural Code, relating to sanitation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 980**—An act to amend Section 560 of the Agricultural Code, relating to modified milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1124**—An act to amend Sections 812.4 and 829.35 of the Agricultural Code, relating to containers for bunched carrots, declaring the urgency hereof and that this act take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1810**—An act to amend Section 736.15 of the Agricultural Code, relating to materials exempt from the economic poisons provisions of said code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 705**—An act to amend Section 1062 of the Agricultural Code, relating to materials exempt from the economic poisons provisions of said code.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 5, of the printed bill, strike out the second "or", and insert "use by humans, or for".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**RESOLUTIONS**

The following resolution was offered:

By Senators Breed, Swan, Keating, Carter, Engle, Shelley, Tenney, and Judah:

**Senate Resolution No. 87**

Relating to the seventy-fifth birthday of the University of California

WHEREAS, Upon the chartering of the University of California 75 years ago, the hope was expressed that those who had fostered it might be "abundantly rewarded by seeing a noble institution arise, which they shall be proud of, and all the people of the State shall have pleasure in"; and

WHEREAS, The University of California this week celebrates its seventy-fifth birthday and Diamond Jubilee, a noble institution indeed, not confined to the magnificent campus at Berkeley but extended throughout the State, in its various institutions for training and research in all fields of science, and in the spacious campus at Los Angeles; and

WHEREAS, All the people of California take a very great pride and pleasure in this University which has in so short a time established itself in the front ranks of learning by the excellence of its faculty, its library, and its research; and

WHEREAS, Members of the faculty of the University have brought honor upon the University and upon this State by their discoveries and contributions in the realm of scientific research; and

WHEREAS, Athletes of the University have spread its fame and that of this State throughout the world by such achievements as those of its great rowing crews which took first place at the 1928 Olympic Games at Amsterdam and again in 1932 at Los Angeles; and

WHEREAS, Under the guidance of wise and able men the University has become a great cultural force in all the communities of this State, and has, through its faculty and graduates, contributed immeasurably to the welfare of the State in conducting research studies which have made possible improvements in government as well as in industry and agriculture, and has stimulated interest and activity in literature and the arts; and

WHEREAS, During the present war demand upon all our National resources, the University has responded threefold: in giving trained personnel to the service of the Federal Government and the war industries, in directing all its activities toward the greatest contribution to the war effort, and in the great numbers of its students who are actively serving; now, therefore, be it

*Resolved by the Senate of the State of California.* That this Senate congratulates the University of California upon its seventy-fifth birthday, upon the great achievements which have been attained, and upon the enviable position it enjoys as an educational institution of the first rank; and be it further

*Resolved,* That the Secretary of the Senate is requested to send a suitably engrossed copy of this resolution to Dr. Robert Gordon Sproul, President of the University of California, and to the Honorable James K. Moffitt, Chairman of the Board of Regents of the University of California.

Resolution read, and unanimously adopted.

Chief Assistant Secretary Harry A. Hammond at the Desk

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 154**—An act to repeal Section 64.5 of, and to amend Section 1270 of, the Fish and Game Code, relating to District 1½, declaring the urgency thereof, to take effect immediately.

**Motion to Refer Bill to Inactive File**

Senator Quinn moved that Senate Bill No. 154 be placed on the inactive file.

Motion carried.

**Senate Bill No. 368**—An act to amend Section 473a of the Political Code, relating to the centralization in the Attorney General's Office of all attorneys and legal advisers for State departments, divisions, commissions, bureaus, boards, officers, and institutions, including those administering private trusts, and the reimbursement of the Attorney General's Office for such services.

Bill read third time.

**Motion to Re-refer Senate Bill No. 368**

Senator Engle moved that Senate Bill No. 368 be re-referred to Committee on Governmental Efficiency.

Motion carried.

**Senate Bill No. 34**—An act to amend Sections 2453, 2454, 2600, 2621, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897, and the article heading of Article 4, of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631, and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Bill read third time.

**Motion to Amend**

Senator Dillinger moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, line 35, of the printed bill, strike out "25", and insert "30".

**Amendment No. 2**

On page 4, line 48, of said bill, strike out "25", and insert "30".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 375**—An act to amend Sections 2893, 2896, 2897, and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 466**—An act to amend Sections 2271, 2274 and 2275 of the Public Resources Code, relating to the Ore Buyer's License Fund.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Judah, Luckey, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 904**—An act to add Chapter 3.5, comprising Sections 4852.01 to 4852.15, inclusive, to Title 6 of Part 3 of the Penal Code, relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; and prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 3.40 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Senate Bill No. 759**—An act to amend Section 125 of the Code of Civil Procedure, relating to secrecy of proceedings in certain actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 400**—An act to add Section 689.7 to the Political Code, relating to Department of Finance membership in building management associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, McBride, McCor-

mack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—27.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 649**—An act granting to the County of Sonoma certain lands of the State of California located in the County of Sonoma, upon certain trusts and conditions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 803**—An act to add Section 473.5 to the Political Code, relating to the employment of attorneys by the State and to the powers and duties of the Attorney General and the State Personnel Board in connection with such employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—Senators Carter, and Donnelly—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 808**—An act to abolish the Waste Utilization Commission and to provide for the transfer of its property, powers, and duties to the Department of Agriculture, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—Senators Biggar, and Shelley—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 251**—An act relating to claims against, the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers and/or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such

cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931.

Bill read third time.

**Motion to Re-refer Senate Bill No. 251**

Senator Carter moved that Senate Bill No. 251 be re-referred to Committee on Judiciary.

Motion carried.

**Senator Mayo Presiding**

At 4.09 p.m., Senator Mayo of the Twenty-sixth District, presiding.

**Senate Bill No. 535**—An act to amend Section 540 of the Political Code, relating to State printing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 613**—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California, at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code.

Bill read third time.

**Motion to Amend**

Senator Slater moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 13, of the printed bill, strike out "commission", and insert "Director of Finance".

**Amendment No. 2**

On page 1, line 16, of the printed bill, strike out "commission", and insert "Department of Finance".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 731**—An act to amend Section 5014 of the Public Resources Code, relating to the State Park Maintenance and Acquisition Fund.

**Motion to Refer Bill to Inactive File**

Senator Quinn moved that Senate Bill No. 731 be placed on the inactive file.

Motion carried.

**Senate Bill No. 813**—An act to amend Section 1030 of the Political Code, relating to hours of employment of State employees.

Bill read third time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, after line 7, insert

"Nothing contained in this section shall prevent the head of any department, bureau, board, commission or office from operating with a skeleton crew from 9 o'clock a. m. to 12 o'clock noon of each Saturday, if by so doing service to the public is not materially interfered with; provided, that the total number of hours per week of employees of any such department, bureau, board, commission or office shall not be less than the total number of office hours herein established."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Assembly Bill No. 402**—An act to amend Sections 9161, 9167 and 9220 and to amend and renumber Sections 9162 and 9163 of, and to repeal Article 2, comprising Sections 9370 to 9377, inclusive, of Chapter 4, Division 9, of the Public Resources Code, relating to soil conservation, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 96**—An act to amend Section 1263 of the Civil Code of the State of California, relating to homesteads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 163**—An act to amend Section 928 of the Penal Code, relating to county grand juries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Mayo



McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Motion to Take Bill From the Inactive File**

Senator Rich moved that Senate Bill No. 133 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**Request for Unanimous Consent**

Senator Rich asked for, and was granted, unanimous consent to take up Senate Bill No. 133, at this time, for purpose of amendment.

**CONSIDERATION OF SENATE BILL NO. 133**

**Senate Bill No. 133**—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

Bill read second time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, strike out all of lines 10 and 11, and insert: "3. Supervisors, each supervisor shall receive one hundred fifty dollars (\$150) per month, and his actual".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 248**

Senator Mixter moved that Senate Bill No. 248 be withdrawn from Committee on Transportation, and referred to Committee on Local Government.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 454**

Senator DeLap moved that Senate Bill No. 454 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 454**—An act relating to the determination of the wartime population of cities for purposes of allocation of moneys from the State Highway Fund for expenditures therein and adding a new article to be numbered 6 to Chapter 1 of Division 1 of the Streets and Highways Code, to consist of Sections 207, 208, 209, 210, and 211, in respect thereto, and declaring the urgency thereof.

Bill read second time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "cities", insert "and counties".

**Amendment No. 2**

In line 3 of the title of said bill, strike out "for expenditures therein and adding"; strike out lines 4 and 5; and in line 6, strike out "207, 208, 209, 210 and 211, in respect thereto", and insert "and from the Motor Vehicle License Fee Fund for expenditures therein".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 10, inclusive, and insert "SECTION 1. During the effective period of this act its provisions shall control over any inconsistent provisions of law."

**Amendment No. 4**

On page 1 of said bill, strike out lines 12 to 24, inclusive; and on page 2, strike out lines 1 to 19, inclusive, and insert

"SEC. 2. Any city or county whose population has been substantially increased since the last Federal Census may apply to the United States Bureau of Census to determine the increase in population. Upon receipt from the bureau of its determination of population, the city or county shall file with the Department of Public Works and with the Motor Vehicle Department certified copies of such determination.

SEC. 3. All allocations made under Sections 194 and 203 of the Streets and Highways Code and all payments made under Section 11005 of the Revenue and Taxation Code, or under Section 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, for any fiscal year subsequent to such determination shall be based upon the population so determined. The respective departments in making the computations required by said sections shall add to the total population of all cities and counties in the State all increases of population over the population of the last Federal Census which are shown by such determination.

SEC. 4. The cost of any investigation by the United States Bureau of Census shall be a proper charge against the city or county applying therefor and shall be paid by it to the bureau."

**Amendment No. 5**

On page 2 of said bill, strike out line 20, and insert

"SEC. 5. This act shall be in effect only as to all such allocations and payments for".

**Amendment No. 6**

On page 2, line 25, of said bill, strike out "all allocations under"; and strike out lines 26 to 29, inclusive, and insert "Thereafter this act shall cease to be effective."

**Amendment No. 7**

On page 2, line 31, of said bill, strike out "Sec. 2", and insert "Sec. 6."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 415**

Senator Crittenden moved that Senate Bill No. 415 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

Senate Bill No. 415 ordered to second reading.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 649

Senate Bill No. 904

Senate Constitutional Amendment No. 1

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Education

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Concurrent Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 718

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 827

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 382

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 715

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and be re-referred to the Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 29

Senate Joint Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 193

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 6

Assembly Bill No. 399

Assembly Bill No. 461

Assembly Bill No. 647

Assembly Bill No. 1128

Assembly Bill No. 1527

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 6**—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Referred to Committee on Business and Professions.

**Assembly Bill No. 399**—An act to amend Section 43 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for the carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to powers of the board.

Referred to Committee on Public Utilities.

**Assembly Bill No. 461**—An act to amend Section 4808 of the Penal Code, relating to the membership of the Advisory Pardon Board.

Referred to Committee on Judiciary.

**Assembly Bill No. 647**—An act to add Section 4.5 to an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1128**—An act to amend Section 96 of the State Civil Service Act, relating to reemployment lists.

Referred to Committee on Governmental Efficiency.



**Assembly Bill No. 1527**—An act to add Section 152.6 to the State Civil Service Act, relating to the effect of time spent in the military service by civil service employees.

Referred to Committee on Governmental Efficiency.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

**Senate Joint Resolution No. 21**—Relative to memorializing Congress to make available to the civilian population property of Japanese evacuees.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 30**—Relative to use of true names by State employees.

Referred to Committee on Rules.

**ADJOURNMENT**

At 4.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Friday, March 26, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY

EIGHTY-SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 26, 1943

The Senate met at 10.30 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hathred, Joseph, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tinkle, and Ward—32.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Biggar, on motion of Senator Gordon.

Senator Swing, on motion of Senator Rich.

Senator Powers, on motion of Senator McBride.

Senator Jespersen, on motion of Senator McBride.

Senator Engle, on motion of Senator Swan.

Senator Shelley, on motion of Senator Breed.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. W. Greer of Brawley.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 149	Senate Bill No. 514
Senate Bill No. 196	Senate Bill No. 629
Senate Bill No. 393	Senate Bill No. 705
Senate Bill No. 407	Senate Bill No. 889

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Constitutional Amendment No. 6  
Assembly Joint Resolution No. 36

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Acting Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 178

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Acting Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 448                      Senate Bill No. 855  
Senate Bill No. 599                      Assembly Bill No. 647

Has the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Acting Chairman

Above reported bills ordered to second reading.

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 420

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.



**Committee on Public Utilities**

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

**Senate Bill No. 562**

Has the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2

PARKMAN, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS****Senate Bill No. 32**—An act to amend Sections 92, 13, 55, 58 and 67 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions.

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out the comma, and insert a period.

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 and 9, and strike out "amount" in line 10, and insert "Notwithstanding anything to the contrary herein, all net earnings of a self employed individual, otherwise entitled to benefits shall be deemed wages for purpose of fixing his benefits amount in any week, and he shall be eligible to benefits in any week in which his net earnings are less than his weekly benefit amount, if such self employment is such that he is available for work if such work is offered and available."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**Senate Bill No. 359**—An act to add Section 128 to the Welfare and Institutions Code, relating to moneys appropriated for public assistance, and providing for audits by the Director of Finance of records pertaining to the receipt and expenditure thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 565**—An act to amend Section 2160 and to add Section 1529 to the Welfare and Institutions Code, relating to public assistance, providing for payment of aid while in a public hospital.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 566**—An act to amend Sections 1500 and 1522 of, and to add Section 1525 to, the Welfare and Institutions Code, relating to aid to needy children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 691**—An act to amend Sections 1525, 2220 and 3078.5 of the Welfare and Institutions Code, relating to reports to the State Department of Social Welfare with respect to the suspension of grants of aid.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 980**—An act to add Section 7.1 to the Unemployment Insurance Act, relating to employments excluded from the act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code, to be known as Chapter 3b, relating to the assignment of accounts receivable and providing for the giving of notice thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 13, of the printed bill, following "account" as it secondly appears, insert ", mutual account, or account stated,".

##### Amendment No. 2

On page 1 of the printed bill, between lines 24 and 25, insert  
"(5) 'Debtor' means any person by whom an account is owing to the assignor."

##### Amendment No. 3

On page 1, line 25, of the printed bill, strike out "(5)", and insert "(6)".

##### Amendment No. 4

On page 2, line 25, of the printed bill, strike out "a valid and subsisting", and insert "an effective".

##### Amendment No. 5

On page 2, line 33, of the printed bill, following "accounts", insert ", then existing or thereafter arising,".

##### Amendment No. 6

On page 2, line 34, of the printed bill, strike out "also", and insert "contain a statement that the assignor expects to assign certain accounts and may".

##### Amendment No. 7

On page 3, line 4, of the printed bill, strike out "valid", and insert "effective".

##### Amendment No. 8

On page 3, line 7, of the printed bill, strike out "valid", and insert "effective".

##### Amendment No. 9

On page 3 of the printed bill, commencing on line 8, strike out "shall be one dollar (\$1) and the fee for", and insert "and".

##### Amendment No. 10

On page 3, line 16, of the printed bill, strike out "valid for a period of", and insert "ineffective except as to accounts thereby assigned while such notice was in effect, after".

##### Amendment No. 11

On page 3, line 17, of the printed bill, strike out "Within 60 days before", and insert "At any time before".

##### Amendment No. 12

On page 3, line 18, of the printed bill, strike out "validity", and insert "effectiveness".

##### Amendment No. 13

On page 3, line 23, of the printed bill, strike out "valid", and insert "effective".

##### Amendment No. 14

On page 4, line 14, of the printed bill, strike out "valid", and insert "effective".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 746** An act to amend Sections 2761 to 2766, inclusive, 2769 and 2770, and to repeal Sections 2773 and 2774 of the Penal Code, relating to prison road camps.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, lines 13 and 14, of the printed bill, strike out "two dollars and fifty cents (\$2.50)", and insert "three dollars and fifty cents (\$3.50)".

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 9 to 13, inclusive, and insert "medical attendance and clerical help. The net credits to each convict's".

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 17 to 27, inclusive.

**Amendment No. 4**

On page 3 of the printed bill, strike out lines 6 and 7, and insert "prisoners".

**Amendment No. 5**

On page 3, line 22, of the printed bill, strike out "road".

**Amendment No. 6**

On page 3, line 23, of the printed bill, strike out "road".

**Amendment No. 7**

On page 4 of the printed bill, after line 8, insert

"SEC. 10. Section 2775 is hereby added to the Penal Code, to read:

2775. All camp buildings, plumbing and plumbing installations and articles of equipment, including but not limited to kitchen and dining room equipment and utensils, beds, springs, mattresses, electrical wiring and electrical fixtures, furniture and furnishings, heretofore used in camps established under this article are hereby transferred from the Department of Public Works to the State Board of Prison Directors."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 853**—An act to amend Section 1233 of the Probate Code, relating to rules of practice in probate matters, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "Code", insert "and Section 2009 of the Code of Civil Procedure".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "practice in probate matters", and insert "pleading and practice in judicial proceedings".

**PRINTER'S NOTE.**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of the said bill, strike out line 10, and insert "including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons after a guardian has been appointed therein.

SEC. 2. Section 2009 of the Code of Civil Procedure is amended to read:

2009. An affidavit may be used to verify a pleading or a paper in a special proceeding, to prove the service of a summons, notice, or other paper in an action or special proceeding, to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, [as evidence in an uncontested probate proceeding, including a proceeding relating to the administration of the estate of a decedent, also a proceeding relating to the administration of the estate of a minor or incompetent person

after a guardian has been appointed therein,] or upon a motion, and in any other case expressly permitted by some other provision of this code."

#### Amendment No. 4

On page 1, line 11, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 972**—An act to amend Section 96 of the Labor Code, relating to claims for exemption from attachment or execution.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 991**—An act to amend Section 1203 of the Penal Code, relating to granting probation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 459**—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "11525 and 11526 of", and insert "11502, 11503, 11504, 11507, 11510, 11511, 11525, 11528, 11529, 11535, 11536, 11537, 11538, 11550, 11553, 11554, 11555, 11565, 11566, 11567, 11576, 11585, 11589, 11590, 11592, 11593, 11600, 11601, 11610, 11611, 11612, 11614, 11615, 11616, 11617, 11625, 11628, 11651, 11652 and 11653 and the titles of Articles 4, 5 and 7 of Chapter 2 of Part 2 of Division 4 of, to add Sections 11501.1, 11501.2, 11501.3, 11556, 11616 5 and 11629 to, and to repeal Sections 11506, 11509, 11526, 11530, 11539, 11540, 11541, 11542, 11551, 11552, 11575, 11613, 11626 and 11658 of."

#### Amendment No. 2

In line 8 of the title of said bill, after the semicolon, insert "and".

#### Amendment No. 3

In lines 9 and 10 of the title of said bill, strike out "; and repealing acts and parts of acts in conflict herewith".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 4

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 11501.1 is added to the Business and Professions Code, to read:

11501.1. "Civil engineer" refers to a registered civil engineer authorized to practice under the provisions of Chapter 7 of Division 3 of this code who shall be licensed as a land surveyor as defined in Chapter 15 of Division 3 of this code.

SEC. 2. Section 11501.2 is added to said code, to read:

11501.2. "Land surveyor" refers to a licensed land surveyor authorized to practice under the provisions of Chapter 15, Division 3 of this code.

SEC. 3. Section 11501.3 is added to said code, to read:

11501.3. "Governing body" refers to the board of supervisors of a county or city and county, or governing body of a city, within which the subdivision lies.



**SEC. 4.** Section 11502 of said code is amended to read:

11502. "County surveyor" includes county engineer, if there is no county surveyor, or a registered civil engineer, licensed as land surveyor, appointed by the governing body to act for or in lieu of the county surveyor or county engineer and whose services shall be contracted for, examined, passed upon, audited and paid as are other debts contracted by such governing boards and authorities.

**SEC. 5.** Section 11503 of said code is amended to read:

11503. "Tentative [map] plan" refers to a map [made for the purpose of] designed and prepared by a civil engineer or land surveyor showing the [designs of a] proposed subdivision [and existing conditions in and around it] according to the provisions of this chapter and need not be based upon an accurate or detailed [final] survey of the property.

**SEC. 6.** Section 11504 of said code is amended to read:

11504. "[Final] Subdivision map" refers to a map designed and prepared in accordance with the provisions of this chapter and [those of any applicable local ordinance] Chapter 15 of Division 3 of this code, which map is [designed] to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located.

**SEC. 7.** Section 11507 of said code is amended to read:

11507. "Subdivision" refers to any land [or portion thereof subject to] divided into parcels of land in accordance with the provisions of [this chapter. See] Section 11535.

**SEC. 8.** Section 11510 of said code is amended to read:

11510. "Design" refers to the street alignment, grades [and], widths, alignment and widths of easements and rights of ways for drainage and sanitary sewers and minimum lot area and width as shown on a map or tentative plan prepared by a civil engineer or land surveyor.

**SEC. 9.** Section 11511 of said code is amended to read:

11511. "Improvement" refers to only such street work and utilities agreed to be installed [, or agreed to be installed,] by the subdivider on the land described or to be dedicated for streets, highways, public ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs of the subdivision, as a condition precedent to the approval and acceptance of the [final] subdivision map [thereof] by the governing body.

**SEC. 10.** Section 11525 of said code is amended to read:

11525. [Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties but, in all matters concerning such design and improvement, any decision by a governing body is subject to review as to its reasonableness by the superior court in and for the county in which the land is situated.]

The design, form and content of the tentative plan and the subdivision or record of survey map, together with the survey of the subdivision plans and specifications and the surveys for improvement thereon, are the functions and duties of the civil engineer or land surveyor who is employed by the subdivider to that purpose. The preparation of the improvement plans in a subdivision is the function and duty of the civil engineer employed by the subdivider. The governing body of a city or a county shall approve a tentative plan or subdivision map design, improvement plans and improvements; provided, it does not impair nor conflict with the public life, health and safety, and are in accordance with the provisions of this chapter. The governing body shall not impose requirements for improvements, the reasonable cost of which would exceed twice the assessed valuation of the land to be subdivided.

Any subdivider or person claiming to be aggrieved by any decision of a governing body may within [90] 15 days after the rendering of the decision [bring] demand that a special proceeding be instituted by the governing body in the superior court to determine the reasonableness of the decision. The subdivider shall post a reasonable bond good and sufficient to cover all costs of suit and witness fees to indemnify the governing body if and when the superior court sustains their decision. When the superior court does not sustain the decision of the governing body all costs of suit, witnesses and expert fees, attorney fees and damages, shall be borne by the governing body. [The] Any proceeding determining the reasonableness of the decision by the governing body shall take precedence over all matters upon the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

**SEC. 11.** Section 11528 of said code is amended to read:

11528. The legislative body of any city or county which desires to inspect and make recommendations concerning the map or maps of proposed subdivisions adjacent to but outside of its jurisdictional boundary line, may file with the clerk of the governing body [or the advisory agency of any adjoining city or county] having jurisdiction, a map or an amended map of territory within such second mentioned city or county in which territory it is interested in proposed subdivisions. The territory may not extend a distance of more than three miles from the common boundary line of the cities or counties.

The clerk of the governing body [or the advisory agency of the city or county] having jurisdiction shall issue a receipt for the territorial map and thereafter shall

transmit to the official designated by the requesting city or county, within three days after the receipt thereof, one copy of each tentative [map] *plan* of any subdivision located wholly or partly within the territory outlined on the territorial map.

Any requesting city or county, which receives a copy of a tentative [map] *plan*, shall make its recommendations, if any, to the clerk of the governing body [or advisory agency] from [which] *whom* the tentative [map] *plan* was received within [15] 5 days after receipt thereof. The recommendations shall be taken into consideration by the governing body [or advisory agency of the city or county] having jurisdiction before action is taken upon the tentative [map] *plan*.

SEC. 12. Section 11529 of said code is amended to read:

11529. The county surveyor [or], city engineer, or registered civil engineer or licensed land surveyor authorized and employed by the governing body, shall make such a detailed examination of [final] subdivision maps and record of survey maps and field check, if any, as may be necessary to enable him to [make the certificate required by subsection (c) of Section 11576 and by Section 11593] *certify that the map or maps conform with the practice of land surveying.* [Local ordinances may provide] A proper and reasonable fee [to] *may* be collected from the subdivider for such examination.

SEC. 13. Section 11535 of said code is amended to read:

11535. (a) "Subdivision" refers to any land or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, whether immediate or future, by any subdivider into five or more parcels, *each of which is less than 2½ acres in area*, within any one-year period.

(b) "Subdivision" does not include [either of the following: (1)] Any parcel or parcels of land in which all of the following conditions are present: (i) which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street opening or widening is not required [by the governing body] in dividing the land into lots or parcels [, and (iv) the lot design meets the approval of the governing body].

[(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of two and one-half acres or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design.]

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code.

SEC. 14. Section 11536 of said code is amended to read:

11536. Nothing contained in this chapter prevents the recording under the provisions of this chapter [and any applicable local ordinances] of a [final] *subdivision* map [or] of any land not defined as a subdivision.

SEC. 15. Section 11537 of said code is amended to read:

11537. (a) This chapter does not prohibit the filing of [a] *any* map in accordance with (i) the provisions of Chapter [3]15 of Division 3 of this [Part] *code* and the use thereof for purposes therein provided or (ii) the provisions of any act requiring the filing of licensed surveyor's [or registered civil engineer's] record[s] of survey[s].

(b) A [final] map may be recorded under the provisions of this chapter for the purpose of showing as acreage land previously subdivided into parcels [or], lots or blocks, and a map may likewise be recorded if it does not divide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll. In either of the cases mentioned in this subsection, if sufficient recorded data exist from which an accurate map may be compiled, there need not be a *survey*, but a certificate to that effect by a *land surveyor or civil engineer shall appear on the map*.

(c) A tax bond shall not be required in any of the cases covered by this section.

SEC. 16. Section 11538 of said code is amended to read:

11538. (a) It is unlawful for any person to offer to sell, to contract to sell or to sell any subdivision or any part thereof until a [final] *subdivision* map or record of survey map [thereof in full compliance with the provisions of this chapter and any local ordinance] *prepared in accordance with Chapter 15 of Division 3 of this code* has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located.

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale, contracted for sale or sold in compliance with or exempt from any law [(including a local ordinance), regulating the design and improvement of subdivisions] in effect at the time the subdivision was established.

SEC. 17. The title of Article 4 of Chapter 2 of Part 2 of Division 4 of said code is amended to read:

#### Article 4. Tentative [Maps] *Plan*

SEC. 18. Section 11550 of said code is amended to read:

11550. The initial action in connection with the making of any subdivision shall be the preparation of a tentative [map or maps] *plan* which shall show, or be

accompanied by, such data as are [specified in the local ordinance in addition to the data specified] required by the provisions of this chapter.

The [subdivider] civil engineer or land surveyor shall file [copies] a suitable copy from which duplicate prints can be made of the tentative [map or maps] plan with the [advisory agency or with the] clerk of the governing body [if there is no advisory agency] who shall issue a receipt for the plans which receipt shall show the date and time of filing.

The [official with whom the tentative map or maps are filed] clerk of the governing body shall comply with the provisions of Section 11528 with respect to the request of any adjoining city or county.

Sec. 19. Section 11553 of said code is amended to read:

11553. The time limits for acting and reporting on tentative [maps] plans as specified in this article [may be extended by mutual consent of the subdivider and the governing body or advisory agency as the case may be] by the governing body shall be 15 days from the date the clerk of governing body acknowledges receipt. No written mutual consent, authorized by the subdivider between the civil engineer or land surveyor and the governing body the time limit may be extended. In no event shall each separate period of extension be for longer than 15 days.

If no action is taken within these time limits, the tentative [map] plan as filed shall be deemed to be approved and it shall be the duty of the clerk of the governing body to certify the approval of the tentative plan to the civil engineer or land surveyor.

Sec. 20. Section 11554 of said code is amended to read:

11554. Within [one] a two year period after approval [or conditional approval] by the governing body of [the] a tentative [map or maps, the subdivider] plan, the civil engineer or land surveyor may, under satisfaction of the subdivider, cause the subdivision, or any part thereof, to be surveyed and a [final] subdivision map or record of survey map to be prepared in accordance with the tentative [map] plan as approved, or [he] the subdivider may proceed with the sale by section and bounds or other similar definite description of the parcels or parts thereof as shown on [an approved] a record of survey map.

Sec. 21. Section 11555 of said code is amended to read:

11555. Any failure to record a [final] subdivision map or to file a record of survey map within [one year] two years from the date of approval [or conditional approval] of the tentative [map] plan shall terminate all proceedings. [Before a final map may thereafter be recorded, approved record of survey map filed or any sales made, a new tentative map shall be submitted.]

Sec. 22. Section 11556 is added to said code, to read:

11556. A fee paid to the governing body in connection with the approval of a tentative map, or plans, subdivision map or record of survey map shall cover any revisions, changes or additions for a period of two years from the date the clerk of the governing body acknowledges receipt.

Sec. 23. The title of Article 5 of Chapter 2 of Part 2 of Division 4 of said code is amended to read:

#### Article 5. [Final] Subdivision Maps.

Sec. 24. Section 11565 of said code is amended to read:

11565. [In case] When the subdivider [desires] submits the [map or maps] to land surveyor to prepare and record a [final] subdivision map under the provisions of this chapter, [he] the subdivider shall comply with all the provisions of the chapter [and, if there is a local ordinance, with all of its provisions].

Sec. 25. Section 11566 of said code is amended to read:

11566. The survey and [final] subdivision map shall be made by a registered civil engineer or licensed surveyor who shall set sufficient [durable] permanent monuments on the boundary line of the subdivision so that another engineer or surveyor may readily retrace the survey. [Monuments need not be set at the time the survey is made if a satisfactory assurance is given of their being set later.] Within the 60 day period following the completion of the survey, the subdivision the intersection point of the center lines of all streets, alleys, rights of way or easements or angle points in the center lines including points of curvature shall be permanently monumented. Durable lot stakes shall be set at each corner of the lots or parcels shown upon the subdivision map. The staking of the lots and parcels and monumenting of the center lines of the streets, alleys, rights of way or easements shall be the responsibility and duty of the civil engineer or land surveyor who submitted the subdivision map for recordation.

Sec. 26. Section 11567 of said code is amended to read:

11567. The [final] subdivision map shall conform to all of the following provisions:

(a) It shall be clearly and legibly drawn in black waterproof India ink upon good tracing cloth, but affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.



The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered [and each block may be numbered or lettered] consecutively. Each street shall be named, and each alley or reservation for street or alley shall be named or designated.

(e) [The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.] *A Prussian blue colored border applied on the reverse side of the tracing of the subdivision map shall be sufficient to indicate and describe or define the exterior and title boundary of the subdivision and shall be sufficient to indicate the boundaries and extent of any areas therein offered for dedication.*

(f) It shall also satisfy any additional survey and map requirement of [the local ordinance] Chapter 15 of Division 3 of this code.

(g) *The time limits for acting and reporting, by the governing body, on subdivision maps as specified in this article shall be subject to the conditions imposed by Sections 11553 and 11555 with reference to tentative plans.*

SEC. 27. Section 11576 of said code is amended to read:

11576. [The following certificates] There shall appear on a record of survey map [:

(a) A certificate for execution by the clerk of each approving governing body stating that the body approved the map for subdivision purposes in accordance with the conditional approval of the tentative map.

(b)] A certificate by the *civil engineer or land surveyor* responsible for the survey giving the date of the survey and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey and that the survey is true and complete as shown *on the map*. This certificate shall also state that the monuments *actually exist and* are of the character and occupy the positions indicated or that they will be set in such positions and at such time as is agreed upon under Section 11566. This certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced.

[*(c) A certificate or certificates of the county surveyor or city engineer relating to the examination of the map such as is required in the case of a final map.*]

SEC. 28. The title of Article 7 of Chapter 2 of Part 2 of Division 4 of said code is amended to read:

#### Article 7. Certificates and Acknowledgments on [Final]

##### *Subdivision Maps*

SEC. 28.5. Section 11585 of said code is amended to read:

11585. The certificates and acknowledgments for which provision is made in this article shall appear on the [final] *subdivision* map and may be combined where appropriate.

SEC. 29. Section 11589 of said code is amended to read:

11589. A certificate, signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the [final] *subdivision* map is required.

SEC. 30. Section 11590 of said code is amended to read:

11590. In event of dedication, there is required a certificate, signed and acknowledged by those parties having any record title interest in the land subdivided, offering certain parcels of land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

[The certificate may state that any certain parcel or parcels are not offered for dedications. However, a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels, other than streets intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.]

SEC. 31. Section 11592 of said code is amended to read:

11592. A certificate by the engineer or surveyor responsible for the survey and [final] *subdivision* map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction and that the survey is true and complete as shown.

[The certificate shall also state that the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and at such



time as is agreed upon under Section 11593. The certificate shall also state that the monuments are or will be sufficient to enable the survey to be retraced.]

Sec. 32. Section 11593 of said code is amended to read:

11593. (a) If a subdivision lies within an unincorporated area, a certificate by the county surveyor and, if a subdivision lies within a city, a certificate by the city engineer, or, as the case may be, a certificate by a civil engineer or land surveyor authorized by the governing body to act as county surveyor or city engineer, is required. The appropriate official shall state that:

(1) He has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the approved tentative [map,] plan [and any approved alterations thereof].

[(3) All provisions of this chapter and of any local ordinance applicable at the time of approval of the tentative map have been complied with.

(4) [(3)] He is satisfied that the map is technically correct.

(b) Upon mutual agreement between the county surveyor and any city engineer, with the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him.

Sec. 33. Section 11600 of said code is amended to read:

11600. Prior to the filing of the [final] subdivision map with the governing body, the subdivider shall file with the clerk of the board of supervisors of the county, in which any part of the subdivision is located, a certificate from the official computing redemptions in any county or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of his office, there are no liens against the subdivision or the part thereof for unpaid State, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the clerk of the board of supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

Sec. 34. Section 11601 of said code is amended to read:

11601. Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the [final] subdivision map shall not be recorded until the owner of the subdivision executes and files with the board of supervisors of the county wherein any part of the subdivision is located, a good and sufficient bond to be approved by the board and in the terms made to inure to the benefit of the county and conditioned upon the payment of all State, county, municipal and local taxes and special assessments collected as taxes, which at the time the [final] subdivision map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the bond approved for securing deposits of public money.

Sec. 35. Section 11610 of said code is amended to read:

11610. When [all] the owners, civil engineers and land surveyors or assistants [which appear] appearing on the final map [(except the approved certificate of the governing body)] have been signed and, where necessary, acknowledged, the [final] subdivision map may be filed for approval.

If the subdivision lies entirely within the territory of a city, then the filing shall be with the governing body of that city; if entirely within the unincorporated area of a county, then with the governing body of the county; and if partially within two or more of such territories then with the governing body of each, and in the latter case each body shall act thereon as provided in this article.

Sec. 36. Section 11611 of said code is amended to read:

11611. The governing body shall at its next meeting or within a period of not more than 10 days after the filing approve the map if it conforms to all the requirements of this chapter [and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder].

The governing body shall at that time also accept or reject any or all offers of dedication and may, as a condition precedent to the acceptance of any streets or easements, require that the subdivider, at his option, either improve or agree to improve the streets or easements.

Sec. 37. Section 11612 of said code is amended to read:

11612. In the event an agreement for the improvement of the streets or [easements] installation of utilities is entered into, the governing body may require that the agreement shall be secured [by a good and sufficient bond] and may accept a cash deposit or impounding of trust funds, or posting of surety bond or deposit of negotiable bonds of the kind approved for securing deposits of public money, in an amount not in excess of the estimated cost of the improvement. However, the subdivider at his option may demand a partial release based upon work completed, of these funds or bonds upon completion of any portion of the work and

written notice of completion by the civil engineer. [However, the] The subdivider, at his option, in lieu of the agreement to construct improvements, and the bond to secure it, may enter into a contract with the governing body, secured by a faithful performance bond, if required by the governing body, in an amount not to exceed the estimated cost of the improvement, by which he agrees, within such time as may be provided in the contract, to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering the subdivision or part thereof, for the financing and construction of designated improvements upon the streets or easements dedicated by the map.

SEC. 38. Section 11614 of said code is amended to read:

11614. Upon the execution, by the subdivider, of either one of the agreements or contracts and the posting of the required bond, or the deposit of the required money, *trust funds* or negotiable bonds, the map of such subdivision shall forthwith be approved and accepted for recordation.

SEC. 39. Section 11615 of said code is amended to read:

11615. Title to property the dedication of which is accepted shall not pass until the [final] subdivision map is duly recorded under the provisions of this chapter.

SEC. 40. Section 11616 of said code is amended to read:

11616. If at the time the [final] subdivision map is approved any streets are rejected, the offer of dedication shall remain open and the governing body may by resolution at any later date, and without further action by the subdivider *if he is notified*, rescind its action and accept and open the streets for public use, which acceptance shall be recorded in the office of the county recorder.

If a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the governing body.

SEC. 41. Section 11616.5 is added to said code, to read:

11616.5. In the event a reversion to acreage map is filed for approval of the subdivision, the governing body shall vacate all dedicated areas and all sums and moneys not expended to the time of the filing of the reversion to acreage map shall be returned upon demand to the subdivider.

SEC. 42. Section 11617 of said code is amended to read:

11617. If the subdivision lies within a city, subsequent to the approval of the [final] subdivision map by the governing body of the city, the clerk of the governing body of the city shall thereupon transmit the map to the clerk of the county board of supervisors. When all bonds, money or negotiable bonds required under the provisions of this chapter to secure the payment of taxes and assessments which are a lien on some part of the subdivision but which are not yet payable, have been deposited with and approved by the board of supervisors, the clerk of the board shall transmit the [final] subdivision map to the county recorder.

If the subdivision lies within unincorporated territory, then when the map has been approved and the bonds, money or negotiable bonds have been deposited and approved, the clerk of the board of supervisors shall transmit the map to the recorder.

In either case the clerk of the board of supervisors shall certify to the recorder that the provisions of this chapter have been complied with regarding deposits.

SEC. 43. Section 11625 of said code is amended to read:

11625. The subdivider shall present to the recorder evidence that, upon the date of [recording] approval of the subdivision map by the governing body, as shown by public records, the parties consenting to the recordation of the map are all the parties having a record title interest in the land subdivided whose signatures are required by the provisions of Article 7, otherwise the map shall not be recorded.

SEC. 44. Section 11628 of said code is amended to read:

11628. When any [final] subdivision map is presented to the county recorder for recordation and is accepted by him, he shall so certify on the face thereof *without making any further changes* and shall fasten the same securely in a book of maps of subdivisions or of [cities and towns] *records of survey* which he shall keep in his office. Upon [acceptance] recordation by the recorder, the [final map] *maps* shall be a public record.

[The county recorder shall also keep a separate indexed book of local ordinances relating to subdivisions.]

SEC. 45. Section 11629 is added to said code, to read:

11629. The recorder shall record any map presented in accord with this article within three days after presentation.

SEC. 46. Section 11651 of said code is amended to read:

11651. As used in this chapter

(a) "City council or board of supervisors" includes the proper corresponding governing board and authority in each place where the chapter applies.

(b) "City engineer" and "county surveyor" includes the like or corresponding officer, subject to the direction of the corresponding governing board and authority in each place where the chapter applies.

(c) If there is no city engineer or county surveyor subject to such direction, the corresponding board and authority may employ competent civil engineers [and surveyors] to the extent necessary for the carrying out of the purposes of this chapter

in the places subject to its jurisdiction, and the persons so appointed shall have the same authority and shall perform the same duties as are given to and enjoined upon city engineers and county surveyors, respectively, in like cases. The services of civil engineers [and surveyors] so employed shall be contracted for, examined, passed upon, audited and paid as are other debts contracted by such governing boards and authorities.

SEC. 47. Section 11652 of said code is amended, to read:

11652. Whenever any city, town or subdivision of land is platted or divided into lots or blocks, and whenever any addition to any city, town or subdivision is laid out into lots or blocks for the purpose of sale or transfer, the city engineer or the [county surveyor] civil engineer, under the direction and with the approval of the city council or board of supervisors, may make an official map of the city, town or subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons or parks, as may be delineated on the official map.

SEC. 48. Section 11653 of said code is amended to read:

11653. [The] A civil engineer or land surveyor, under the direction and with the approval of the city council or board of supervisors, may compile the map from maps on file, or may resurvey or renumber the blocks; or renumber or reletter the lots in the blocks, or change the names of streets.

SEC. 49. Sections 11506, 11509, 11526, 11530, 11539, 11540, 11541, 11542, 11551, 11552, 11575, 11613, 11626, and 11658 of said code are repealed."

#### Amendment No. 5

On page 1 of said bill, strike out line 2, and strike out all subsequent lines of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

**Senate Bill No. 1058**—An act to amend Sections 7501, 7502 and 7592 of the Business and Professions Code, relating to detectives, and providing for appropriate transfers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 415**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

#### Amendment No. 1

In lines 16 and 17 of the title of the printed bill, strike out "and exempting such securities from the necessity of a permit under the Corporate Securities Act".



**Amendment No. 1a**

In line 2 of the title of the printed bill, strike out "section to be numbered 13.11a", and insert "article to be numbered 16".

**Amendment No. 2**

In line 9 of the title of the printed bill, after "association" insert "and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof".

**Amendment No. 3**

In line 14 of the title of the printed bill, after "to", insert "consent to or".

**Amendment No. 4**

In line 15 of the title of the printed bill, strike out "Section 13.11a", and insert "Article 16".

**Amendment No. 5**

In line 17 of the title of the printed bill, strike out "plan" and insert "Article 16 or for property".

**Amendment No. 6**

In the last line of the title of the printed bill, before the period, insert ", and exempting the proposer or proposers of a plan and the investors and creditors petitioning for withdrawal of assets from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937."

**Amendment No. 7**

On page 1 of the printed bill, strike out all of lines 2 and 3, and insert "amended by adding thereto a new article to be numbered 16, to read as follows:

**Article 16. Reorganization**

Sec. 16.01. Definitions. The terms "plan" and "plan of reorganization," as used in this article, are hereby defined to mean a plan for the rehabilitation, readjustment, reorganization or liquidation of an association, or of all or of any part of the business, properties and assets of an association, or for the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of an association, or for any or more of the foregoing purposes. Without limiting the generality of the foregoing, a plan may provide with respect to all or any part of the business, properties and assets of an association for any one or more of the following: (1) For the retention thereof by or (if then in the possession of the commissioner) the return thereof to, such association; (2) the retention thereof by, or (if not then in the possession of the commissioner) the delivery thereof to, the commissioner; (3) the transfer thereof to another corporation or to two or more other corporations (which corporation or corporations or any of them may but need not be an association or associations or a Federal savings and loan association or associations); (4) the transfer thereof to a trustee or trustees named in or appointed pursuant to the provisions of such plan; (5) the issuance of new securities in lieu of outstanding investment certificates, shares, stock or other obligations of such association. In addition or as an alternative to the foregoing, the plan may provide that such association shall cease to be an association but shall continue to exist as the same corporate entity, and in the event such plan becomes operative, such association shall become a corporation subject to the General Corporation Law of this State, and thereafter its rights, duties and privileges and all questions relating to such corporation shall be governed and determined by such General Corporation Law and not by this act, except that this article shall continue to apply to such corporation in all matters relating to such plan or the consummation of such plan, and except that such corporation's name shall be changed so that it shall no longer include any of the following: "Building and loan," "building-loan," "association," "saving" or "savings." Any new association formed, pursuant to a plan, to continue the building and loan business of an existing association, may adopt and continue to use the name of such existing association or any part of such name.

The terms "creditor" or "creditors," as used in this article, shall include the holder or holders of claims of whatever character against an association or its property, whether secured or unsecured, liquidated or unliquidated, fixed or contingent, except shares, stock or investment certificates.

As used in this article, (a) the terms "investment certificates," "shares" and "stock" shall include claims filed under Section 13.16 of this act in respect of investment certificates, shares and stock, respectively; (b) the term "investors" shall include holders of such claims; and (c) the terms "certificate holder," "shareholder" and "stockholder" shall include holders of such claims in respect of investment certificates, shares and stock, respectively.



The term "securities," as used in this article, shall include not only shares, stock and investment certificates issuable by associations under other provisions of this act but also shares of Federal savings and loan associations and stock of one or more classes, issuable by corporations generally, and also bonds, notes, debentures, warrants or evidences of indebtedness or of beneficial interest or of any other claims or rights. An association may issue, pursuant to a plan approved under this article, and for any consideration specified in such plan, any one or more of the above mentioned kinds of securities, regardless of any provisions of this act to the contrary."

#### Amendment No. 8

On page 1 of the printed bill, strike out line 4, and insert  
"Sec. 16.02. Reorganization by Commissioner. As a".

#### Amendment No. 9

On page 1 of the printed bill, strike out lines 10 and 11, and strike all of pages 2, 3, and 4, and lines 1 to 10, both inclusive, on page 5, and insert

"A. Proposal of Plan. The commissioner, upon proposing a plan of reorganization pursuant to this Section 16.02, shall file such plan in each of his offices and shall fix a time and place for a hearing before him on such plan, and shall give 30 days' notice to investors and creditors of such hearing, which notice shall include a copy or summary of such plan. Such hearing shall be held in the county in which such association maintained its principal office.

B. Hearing. At the time and place fixed for such hearing, or at the time and place to which such hearing may be continued by the commissioner, the commissioner shall hear the parties interested therein and, if he deems it necessary, may take testimony and/or may receive depositions relative thereto. If at the time fixed for such hearing written dissents from such plan (other than dissents, if any, withdrawn after the filing thereof) shall have been filed by holders of more than one-third in value of the investment certificates of such association then outstanding, or by holders of more than one-third in value of the shares of such association then outstanding, or by holders of more than one-third of the stock of such association then outstanding, then such hearing shall not be held, such plan shall not be approved by the commissioner, and no further proceedings shall be taken in respect of such plan.

After the completion of such hearing the commissioner shall approve or disapprove such plan, and if he disapproves such plan he may modify such plan and propose it as modified or propose a different plan. If he proposes such plan as modified or a different plan, the provisions of this Section 16.02 (including among other provisions, the provisions of Subsections A and B thereof) shall apply to such modified or different plan in the same manner and with the same effect as if it had been the original plan proposed by the commissioner.

Notwithstanding anything to the contrary contained in this Subsection B dissents of stockholders shall have no effect if the application provided for by Section 13.12 of this act shall not have been made within 30 days after the commissioner shall have taken possession of the property, business and assets of such association or if judgment dismissing such application shall have been rendered and such judgment shall have become final.

C. Conditions of Approval. No plan shall be approved by the commissioner unless he is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors or creditors, and is feasible."

#### Amendment No. 10

On page 5 of the printed bill, strike out lines 38 to 50, both inclusive, and insert  
"D. Effect of Approval. When any plan under this Section 16.02 shall have been approved by the commissioner, such plan".

#### Amendment No. 11

On page 6, line 3, of the printed bill, strike out "Subsection (C)", and insert "Subsection B of this Section 16.02".

#### Amendment No. 12

On page 6 of the printed bill, strike out lines 11 to 40, both inclusive, and insert  
"E. Rights of Dissenters. No investor or creditor who shall have filed with the commissioner his written dissent from such plan within the time specified in Subsection B of this Section 16.02 shall be entitled".

#### Amendment No. 13

On page 7 of the printed bill, strike out lines 24 to 26, both inclusive, and insert  
"Accordingly, any plan approved under this Section 16.02 shall provide that if the liquidation of assets set apart pursuant to this Subsection E shall result in the distribution to".

#### Amendment No. 14

On page 7, line 48, of the printed bill, strike out "H", and insert "E".

**Amendment No. 15**

On page 8, line 5, of the printed bill, strike out "H", and insert "E".

**Amendment No. 16**

On page 8 of the printed bill, strike out lines 17 to 27, both inclusive, and insert "F. Action in Superior Court. Within 30 days after such notice shall have been posted, published and mailed as aforesaid any investor or creditor may apply to the superior court of the county in which such association maintained its office for a determination as to whether the assets set apart pursuant to Subsection E of this Section 16.02 are sufficient in amount and value to conform to the requirements of such subsection. Thereafter such application or applications shall be set for hearing. At least 30 days' notice of such hearing shall be given by posting in three public places in said county, and, if the court shall so require, notice shall also be given by publication and/or mailing at such time or times and in such manner as the court shall prescribe."

**Amendment No. 17**

On page 8 of the printed bill, strike out line 39, and insert "pursuant to Subdivision E of this Section 16.02."

**Amendment No. 18**

On page 8 of the printed bill, strike out lines 40 to 52, both inclusive; and strike out lines 1 to 22, both inclusive, on page 9, and insert

"G. Appeals. No appeal from such order of court shall stay or postpone the consummation of the plan, unless such court shall deem it necessary to delay such consummation for the proper protection of the appellant or appellants, but in lieu of requiring the consummation of the plan to be delayed such court may restrain the sale, transfer or other disposition by the commissioner, the association or a corporation or trustee to whom assets are to be transferred, of any assets specified by the court, if the retention of such assets is found by the court necessary or advisable to protect the rights of the appellant or appellants.

Sec. 16.02. Reorganization by Court. A plan of reorganization may be proposed in court pursuant to this Section 16.03 for (1) an association of which the property, business and assets are in the possession of the commissioner; (2) an association which is in such condition that, unless such association is liquidated or a plan is consummated, a preference is likely to be obtained by some certificate holders over other certificate holders or by some shareholders over other shareholders or by some creditors over other creditors of the same class; (3) an association which is in such condition that it will probably be necessary unless a different plan is consummated, to liquidate such association. The determination by the commissioner that an association is included in one or more of the foregoing classes shall be prima facie evidence of such fact. A plan of reorganization of such association may be proposed pursuant to this Section 16.03 (1) by such association through action of the board of directors of such association or (2) by the holders of 20 per cent in value of the aggregate outstanding free shares and investment certificates of such association or (3) by the commissioner.

A. Procedure. Such plan shall be presented by the proposer or proposers to the superior court of the county in which such association maintained or maintains its principal office, with a petition that the court determine the fairness of such plan and what consents are requisite to such plan becoming operative, which petition shall set forth such plan and the fact that it is proposed by a person or person authorized under this Section 16.03 to propose it and any other facts which such proposer or proposers shall deem material to a consideration of the fairness of such plan. If the commissioner is not the proposer of the plan, the court shall refer the plan to the commissioner and direct him to analyze the plan and the condition of the association. Within 30 days or such additional time as the court may grant, the commissioner shall return the plan to the court with his findings and recommendations, and may propose to the court his own plan. Thereupon the court shall fix the time and place for a hearing on the plan presented by petition and on the plan presented by the commissioner, if any, and shall direct that notice of such hearing be given as hereafter provided and shall direct the commissioner to deliver to such proposer or proposers, and to the clerk of the court, a list of the names and addresses of the investors and creditors of such association as shown by the records of such association, and such other information as the court may deem necessary or proper, whereupon the commissioner shall comply with such direction. Thereafter the clerk of the court shall give at least 30 days' notice of such hearing to the investors and creditors of such association (and to such association, if not the proposer or proposers of such plan), which notice shall include either a copy of such plan or plans or a summary thereof, and a statement that any interested stockholder, shareholder, certificate holder or creditor shall have the right, without the necessity of formal intervention, to appear either in support of a plan or in opposition thereto or may propose a modification or modifications. Such notice shall be approved by the court.

B. Hearing. At the time and place fixed for such hearing, or at the time and place to which such hearing may be continued by the court, the court shall hear the parties interested therein and, if it deems it necessary, may take testimony relative thereto and/or may receive depositions relative thereto. At such hearing any interested stockholder, shareholder, certificate holder or creditor may propose a modification or modifications of any plan then before the court or a different plan.

No plan shall be approved by the court unless the court is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors or creditors, and is feasible. After the completion of such hearing the court shall approve, modify and approve, or disapprove such plan or plans. No such plan shall become operative unless and until it shall have been approved, in its original form or if modified, in its modified form, by such court, nor unless and until such plan shall have been consented to, either in person or by a duly appointed agent, attorney or committee, and either before or after the approval of such plan by the court, by the following persons: (a) If such association shall have stock outstanding, then by the holders of a majority in amount of the stock of such association; (b) if such association shall have shares outstanding, then by the holders of a majority in value of the shares of such association; (c) if such association shall have investment certificates outstanding, then by the holders of two-thirds in value of the investment certificates of such association; and (d) if such association shall have creditors, then by two-thirds in amount of each class of creditors of such association; provided, however, that such consents shall not be required in the case of any certificate holder, shareholder or creditor, or of any class of certificate holders, shareholders or creditors, if (1) the rights of such person or persons shall not be materially and adversely affected by such plan or (2) if such plan shall provide for the payment in cash of the value of the investment certificates, shares or claims held by such person or persons; provided further, that such consents shall not be required from the stockholders of any association if the commissioner shall have taken possession of the property, business and assets of such association pursuant to Section 13.11 of this act and the application provided for by Section 13.12 of this act shall not have been made within 30 days after such taking possession or judgment dismissing such application shall have been rendered and such judgment shall have become final, and provided further, that if any plan is modified with the approval of the court and (1) if the court shall find that such modification does not materially and adversely affect the interests of any particular class or classes of persons whose consent to the plan is required, then the consent of such particular class or classes of persons shall not be required to such modification and all persons of such class or classes who shall have consented to the plan prior to the court's approval of its modification shall be deemed to have consented to the modification and to the plan as modified (2) if the court shall find that such modification materially and adversely affects the interests of any particular class or classes of persons whose consent to the plan is required, notice of such modification may be given to such class or classes of persons in such manner as the court shall prescribe and any person who shall have consented to the plan prior to the court's approval of its modification and who shall not file a written dissent to such modification within the time fixed by the court shall be deemed to have consented to the modification and to the plan as modified unless such persons' previous consent to the plan shall have provided otherwise. For the purpose of this Section 16.03, real property, contracts for the sale of real property, loans, and all other assets (whether like or unlike the foregoing) shall be valued at fair market value. The approval by the court of the plan shall be in writing. If the court shall determine that at the time of such approval the requisite number of consents shall have been given the court shall enter an order providing that such plan shall become operative, which order shall be binding upon the commissioner, such association and all its investors and creditors. If the court shall determine that at the time of such approval the requisite number of consents shall not have been given the court shall make an order fixing a time and place for a further hearing to determine what consents have been given, and directing the clerk of the court to mail, or cause to be mailed, to each of the stockholders, shareholders, investment certificate holders and creditors of such association, other than those (if any) who have consented to the plan approved by the court, a notice of the time and place fixed for said hearing, a copy or summary of such plan, a statement setting forth the consents necessary to such plan becoming operative and a notice that all parties desiring to consent or dissent may file written consents or dissents with the clerk of the court before the time fixed for said hearing or to which said hearing may be continued. At the time and place so fixed, or any continuance thereof ordered by the court, the court shall take evidence on that subject and upon satisfactory proof at such time of the fact that the requisite number of consents have been given, a further order may be entered providing that such plan shall become operative, which further order shall be binding upon the commissioner, such association, and all its investors and creditors.

During the pendency of a proceeding under this Section 16.03 hearing upon any application under Section 13.12 may be stayed, in the discretion of the court; and the court in which the petition under this Section 16.03 is pending is hereby given



jurisdiction to enjoin during the pendency of the proceeding and, if a plan is approved and by the court declared operative, to enjoin thereafter, the commencement or continuance of any action or proceeding against such association or any act, action or proceeding to enforce a lien or charge upon, or to obtain possession of, or to sell or otherwise dispose of (except in conformity with such plan), any property of such association, and to determine all questions required to be determined pursuant to this Section 16.03 including, without limiting the generality of the foregoing, the following: Whether the association subject to such plan is included in one or more of the classes specified in this section as subject to reorganization; whether any plan, either in its original or modified form is fair and equitable; whether it discriminates in favor of any class of investors or creditors; whether it is feasible; whether the plan is more advantageous than liquidation from the standpoint of each class of investors and creditors affected thereby; the liabilities of such association and the value of the assets thereof; the consents requisite under this Section 16.03 to such plan becoming operative, including jurisdiction to determine, for the purposes of the plan and the consents or dissents thereto, the division of the investors and creditors into classes according to the nature of their respective rights and interests. If, pursuant to Section 16.05, provision has been made in any plan for the payment in cash in full of all certificate holders, shareholders and creditors each of whose investment certificates, shares or claims is of such value, not to exceed twenty-five dollars (\$25), as shall be specified in such plan, all investment certificates, shares and claims to be paid in cash pursuant to such provision shall be excluded in computing the consents required or given under this Subsection B.

If the court shall approve a plan of reorganization, either in its original form or in modified form, the court may allow reasonable compensation for services rendered, and reimbursements for proper costs and expenses incurred by the persons who were the proposer or proposers of such plan and their attorneys. In fixing such allowance the court shall give consideration only to the services which contributed to the plan approved by the court, or to the refusal of the court's approval of a different plan or plans, or which were beneficial in the proceedings under this Section 16.03, and to the proper costs and expenses incidental thereto.

All expenses of and charges against the clerk of the court in connection with the mailing, posting and publication referred to in this Section 16.03 shall be paid from the assets of the association in question by the commissioner if he is in possession of such assets and, if not, by the association.

C. Building and Loan Commissioner. The proposer or proposers of a plan shall deliver a copy thereof to the commissioner or to one of his deputies either before the petition referred to in Subsection A of this Section 16.03 shall have been filed in court or within two days thereafter. A copy of said plan shall be kept by the commissioner available for public inspection at each of his offices in this State. In the case of any plan pursuant to this Section 16.03 under which all or any part of the business, properties or assets of such association is to be retained by, returned to or transferred to any association (other than a Federal savings and loan association or an association which, pursuant to the plan, is to cease being an association), such plan shall not be approved by the court unless it shall have been first consented to by the commissioner.

In any proceeding under this Section 16.03 the commissioner shall if requested by the court, and may upon his own motion, file a notice of his appearance in such proceeding. Upon the filing of such a notice the commissioner shall be deemed to be a party in interest, with the right to be heard on all matters arising in such proceeding, and shall be deemed to have intervened in respect of all matters in such proceeding with the same force and effect as if a petition for that purpose had been allowed by the court; but the commissioner may not appeal or file any petition for appeal or review.

During the pendency of a proceeding under this Section 16.03, the commissioner shall not employ or engage, with respect to any association directly affected by such proceeding, or with respect to the business, property or assets of any association so affected, counsel other than the Attorney General or one or more of his deputies or assistants, or any appraisers or accountants other than appraisers or accountants who are subject to the civil service laws of this State, nor employ, with respect to any such association, its business, property or assets, as additional employees in this State or to replace previous employees in this State, any person who is not subject to the civil service laws of this State for any position or work for which a person subject to the civil service laws of this State is available, except that if the association (or the commissioner, while in possession) has entered into an agreement with a labor organization for the employing of any class of employees through the labor organization, then the commissioner shall employ additional employees, or employees replacing previous employees, who fall within a classification covered by such an agreement through the labor organization.

D. Effect of Approval and Consents. When any plan under this Section 16.03 shall have been so approved by the court and shall have been consented to by or on behalf of the respective required proportions of the investors and creditors, such plan shall be binding upon the commissioner, such association, and all of the



investors and creditors of such association. Thereupon such steps shall be taken by the commissioner, such association and all other persons affected by such plan, and all acts shall be done, all instruments executed and all securities issued, as may be required by such plan so approved and as may be necessary or desirable for the consummation of such plan. The association, the commissioner, or such person as the court shall appoint, shall supervise and direct the consummation of the plan subject to the orders of the court.

Sec. 16.04. **Withdrawal of Assets.** When the property, business and assets of an association are in the possession of the commissioner, whether or not such association is in liquidation under the provisions of this act, investment certificate holders and unsecured creditors of such association may withdraw to themselves or to a corporation nominated by them assets of such association upon the approval of the superior court after notice given and hearing held in the manner hereafter provided in this section.

A. **Procedure.** The holders of at least 15 per cent in value of the aggregate outstanding investment certificates of an association, the business, property and assets of which are in the possession of the commissioner, together with any unsecured creditors of such association then desiring to join with them, may themselves, or through a corporation nominated by and representing them, petition the superior court of the county in which the principal office of such association is situated to exchange their investment certificates and unsecured creditors' claims for their proportionate share of the assets of such association. If such association shall have commenced the proceeding provided for by Section 13.12 of this act and no judgment which shall have become final shall have been rendered therein against such association, or if the time within which such association may commence said proceeding has not expired, the consent of such association by its board of directors to the filing of such petition shall be required. Such petition, among other things, shall set forth, in general terms, the method by which the withdrawal of assets is to be accomplished, the interests to be acquired by investors and unsecured creditors should said petition be granted, and whether a corporation is to acquire such assets, and if so, such petition shall also set forth the kind or kinds of securities to be issued by such corporation and the classes of persons to whom such securities are proposed to be issued. A copy of said petition shall be served upon the commissioner or one of his deputies prior to the filing thereof or within three days after the filing thereof. Upon the filing of said petition the court shall fix the time and place for the hearing of such petition and shall direct that the commissioner shall give at least 30 days' notice to investors and creditors of such hearing. The form of such notice shall be approved by order of the court, which order may be made without notice; and the commissioner shall cause such notice to be given. The petitioner or petitioners shall be furnished by the commissioner, as promptly as reasonably possible after the service of a copy of the petition upon the commissioner or one of his deputies, with a list setting forth the name and last known address of each investor and unsecured creditor of such association as shown upon the books of such association in the possession of the commissioner, and the petitioner or petitioners or their nominee may request other investors and unsecured creditors of such association to join in said petition.

B. **Investors and Creditors Joining in Petition.** Investors and unsecured creditors of such association not represented by the petitioner or petitioners at the time of the filing of such petition may join with and be represented by the petitioner or petitioners by filing with the court, either directly or through the petitioner or petitioners, a written consent to join in said petition, and thereupon such investors and unsecured creditors shall be deemed to have joined in said petition.

C. **Hearing.** At such hearing the commissioner may appear and be represented by the Attorney General of the State of California, or by one or more of his deputies, or assistants and not otherwise. Upon such hearing the court shall determine the proportion of the total value of all assets of such association which is borne by each asset of such association, or by each group of assets of such association, which shall have been designated to the court by the petitioner or petitioners at or before the time of such hearing or at such time or times thereafter as the court shall permit. For the purposes of this Section 16.04 any property of such association which is subject to encumbrance shall be valued at its net equity value and all of the assets of such association shall be valued at fair market value. Thereupon the petitioner or petitioners shall file with the court a designation of the particular assets or groups of assets of such association which the petitioner or petitioners desire to withdraw in exchange for the investment certificates and unsecured creditors' claims represented by the petitioner or petitioners or their nominee; and thereupon the court shall determine whether such proposed withdrawal is fair both to the withdrawing and to the nonwithdrawing certificate holders and creditors, and if the court shall determine that such withdrawal is fair as aforesaid, shall grant such petition. No petition for withdrawal of assets shall be granted by the court unless the court is satisfied that the proposed withdrawal of assets in exchange for investment certificates and unsecured creditors' claims is fair both to the withdrawing and to the

nonwithdrawing certificate holders and creditors. In such determination the court shall give due consideration to liabilities and encumbrances affecting particular assets or groups of assets. If such association shall have commenced the proceeding provided for by Section 13.12 of this act and no judgment which shall have become final shall have been rendered therein against such association, or if the time within which such association may commence said proceeding has not expired, no petition for withdrawal of assets shall be granted by the court unless such withdrawal is consented to by the holders of a majority in amount of the stock of such association if it has stock outstanding.

D. Stockholders. Any corporation which is to acquire any assets of such association may, subject to the provisions of this Subsection D, issue securities to the shareholders and/or stockholders of such association in exchange for their outstanding shares, stock, claims or property interests, or partly in such exchange and partly for cash; provided, the issuance of such securities is approved by the court and by the petitioner or petitioners; and provided, further, that such securities shall contain express provision that no interest, dividends or other distribution shall be paid or made thereon unless and until such corporation shall have retired all securities issued in exchange for claims of investment certificate holders and claims of unsecured creditors. If an assessment shall have been levied against the stockholders of such association pursuant to Article 7 of this act, such assessment shall be set aside or discharged (1) if the court shall determine that such association is solvent; or (2) if the stockholders of such association shall pay the amount of such assessment (in which case a part of such assessment which shall bear the same proportion to the whole of such assessment as the net value of the assets withdrawn bears to the total net value of all the assets of the association shall be paid to the withdrawing certificate holders and creditors or their nominee and the remainder of such assessment shall be paid to the commissioner); or (3) the stockholder or stockholders shall transfer and assign to the withdrawing certificate holders and unsecured creditors or their nominee and to the commissioner, respectively, in the respective proportions aforesaid, all of the assets of such stockholder or stockholders in excess of amounts required to discharge the liabilities, and encumbrances against the assets, of such stockholder or stockholders, other than securities or the right to receive securities of a corporation which is to acquire the assets of such association. In no case shall securities be issued to any stockholder against whom an assessment has been levied pursuant to Article 7 of this act unless and until such assessment has been set aside or discharged as above provided.

E. Effect of Order. After the completion of such hearing the court shall have jurisdiction to approve such petition or to disapprove such petition, or may approve such petition as amended, and shall have authority to approve or disapprove the terms and conditions of the issuance of securities in exchange for outstanding securities, claims, or property interests, or partly in such exchange and partly for cash. If such petition or amended petition is approved, the court shall order the commissioner to transfer and deliver to the petitioner or petitioners or to a corporation nominated by them the assets selected by the petitioner or petitioners and approved by the court; and upon the transfer and delivery of said assets to the petitioner or petitioners or to such corporation in exchange for investment certificates and/or unsecured creditors' claims in compliance with the order of court, the powers of the commissioner with respect to said assets shall terminate and such association and the State of California shall be forthwith released from all further liability with respect to the assets thus withdrawn. The order of court approving such petition, amended petition or supplemental petition, shall be binding upon the commissioner, such association and all investors and creditors of such association. The powers and duties of the commissioner and the rights of all investors and unsecured creditors as to the assets of such association not withdrawn hereunder shall not be affected by this section.

F. Supplemental Petitions. After the approval of such petition and the withdrawal of assets thereunder, the petitioner or petitioners or the corporation to which the assets are withdrawn from time to time may file a supplemental petition in said court for the withdrawal of additional assets in exchange for additional investment certificates and/or unsecured creditors' claims. Thereupon such supplemental petition shall be set for hearing and notice of such hearing shall be given as provided in Subsection A of this Section 16.04 and in Section 16.07. At the hearing on such supplemental petition the court shall order additional assets withdrawn if it determines that such withdrawal is fair both to the petitioner or petitioners or said corporation on the one hand and to the nonwithdrawing certificate holders and creditors on the other hand.

Sec. 16.05. Priorities. In any plan proposed pursuant to Section 16.02 or Section 16.03 due consideration shall be given to the rights and interests of all persons affected thereby (with due regard to the feasibility of such plan and the condition of such association), in the following order of priorities: First, secured creditors and other persons, if any, entitled to preference over investment certificate holders and

unsecured creditors in the event of liquidation; second, investment certificate holders and unsecured creditors, without preference to one over the other; third, shareholders; and fourth, stockholders; provided, however, that provision may be made in any such plan for the payment in full of all taxes, assessments, insurance, alterations, repairs and other operating expenses, for the payment of expenses of the commissioner in connection with such association or its property, business or assets or in connection with any application of such association under Section 13.12 of this act, and for the payment of expenses in connection with such plan as authorized by this article; and provided further that provision may be made in any such plan for the payment in cash in full of all certificate holders, shareholders and creditors each of whose investment certificates, shares or claims is of such value, not to exceed twenty-five dollars (\$25), as shall be specified in such plan.

No plan which provides for the issuance of securities to holders of stock shall be approved unless such securities contain express provision that no interest, dividends or other distribution shall be paid or made thereon unless and until all securities issued in exchange for claims of investment certificate holders, claims of unsecured creditors, and claims of shareholders, if any, have been retired; it being the intent that under such plan each investment certificate holder and unsecured creditor (except those who shall sell or otherwise dispose of their new securities) shall receive the full amount of their original investment, with interest, dividends, or other return thereon before any interest, dividends or other distribution is paid or made on securities issued to shareholders or stockholders, or both, as aforesaid. A plan may provide, however, for the issuance of such securities to the stockholders that after all creditors, certificate holders, and shareholders (except those who shall sell or otherwise dispose of their new securities) shall receive the full amount of their original investments or claims, with interest, dividends or other return thereon, the stockholders or their assigns shall own in effect, through their ownership of such securities issued to the stockholders, the remaining assets.

Sec. 16.06. Hearing. At any hearing before the commissioner pursuant to Section 16.02 or before the court pursuant to Section 16.03 or Section 16.04 any interested certificate holder, shareholder, stockholder or creditor shall have the right to appear either in support of the plan or plans or petition or in opposition thereto, and any such hearing shall be, among other things, upon the fairness of the terms and conditions of the issuance of all securities to be issued pursuant to such plan or plans or petition and of the exchange thereof for outstanding securities, claims or property interests, or partly in such exchange and partly for cash, and all persons to whom it is proposed to issue securities in such exchange shall have the right to appear at such hearing; and the commissioner or court (as the case may be) is hereby authorized to determine whether the terms and conditions of such proposed issuance and exchange of securities are fair and, if so, to grant approval of such terms and conditions.

Sec. 16.07. Notices. Wherever provision is made in this article for at least a specified number of days' notice to investors and creditors of a hearing, such notice shall state the time and place of such hearing and shall be (a) mailed by first class mail in sealed envelopes, postage prepaid, to each investor and creditor at his address as shown by the books of such association, or, if no address be there shown, at the city or town in which such association has at last had its principal place of business; (b) posted in three public places in the county in which such city or town is located; and (c) published once in a newspaper of general circulation published in said county. Such mailing, posting and publication shall be made at least the specified number of days before the date fixed for such hearing. Section 8.08 of this act shall not apply to such notices.

Sec. 16.08. Building and Loan Commissioner. The commissioner shall have and may exercise the same jurisdiction, authority and powers with respect to any business, properties or assets retained by or delivered to the commissioner pursuant to any plan as the commissioner shall have with respect to the business, properties and assets of any association of which the commissioner has taken possession; and the commissioner shall have and may exercise the same jurisdiction, authority and powers with respect to any association (excepting a Federal savings and loan association) formed pursuant to any plan or by or to which any business, properties or assets may be retained or returned or transferred pursuant to any plan (excepting a Federal savings and loan association or an association which, pursuant to the plan, is to cease being an association) as the commissioner would have of such association if it had been formed or had acquired its business, properties and assets by means other than a plan.

If any part of the business, properties and assets are to be retained by or transferred to a corporation which is not to be an association or a Federal savings and loan association, the plan shall provide for the continuing examinations or supervision of such corporation by the commissioner and may provide for the right of the commissioner to appoint some or all of the directors of such corporation (including appointments to fill vacancies), and the commissioner shall have and may exercise any and all powers of such continuing examination, supervision or appointment conferred upon him by a plan which has been approved and become operative.



There shall be paid from the assets of the association directly affected by a proposed plan or by a petition under this article, all expenses incurred by the commissioner in connection therewith; provided, such expenses shall be reasonable and proper and in the case of proceedings under Section 16.03 or Section 16.04 shall be approved by the court.

In any proceeding under this article the commissioner shall be represented by the Attorney General of the State of California or by one or more assistants or deputies of such Attorney General, and not otherwise. The cost of such legal services shall be fixed by the Attorney General and shall be a charge against and paid from the assets of the association affected.

**Sec. 16.09. Commissioner of Corporations.** None of the provisions of an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, shall apply to the proposer or proposers of a plan which has been duly presented to the court pursuant to Section 16.03 or to the petitioner or petitioners of a petition which has been duly filed with the court pursuant to Section 16.04, but before such presentation or filing said act shall be applicable to such proposer, or proposers, petitioner or petitioners, and after such presentation or filing no funds shall be solicited or collected by such proposer, proposers, petitioner or petitioners from investors except with the approval of the court.

**Sec. 16.10. Authority of Fiduciaries.** Any executor, administrator, guardian or receiver, and any trustee of any kind or nature, and any insurance company, cemetery association or other corporation, public or private, may, without the necessity of obtaining any specific court approval: (a) Dissent from any plan proposed pursuant to Section 16.02; (b) consent to any plan which has been approved by the court pursuant to Section 16.03 or consent to any such plan subject to such plan being approved by the court; (c) file or join in a petition or supplemental petition under Section 16.04; (d) exchange any shares, stock, investment certificates or other rights or claims for securities issued pursuant to any plan or petition which has been approved pursuant to this article; and (e) continue to hold as a legal investment any securities received in any such exchange.

**Sec. 16.11. Appeals.** No appeal from an order of court referred to in this article shall be effectual for any purpose unless the appellant or appellants, within 30 days after the entry of the order appealed from, shall file with the clerk of such court a bond executed on the part of the appellant or appellants by at least two sureties to the effect that the appellant or appellants, in the event such order is affirmed on appeal, will pay all of respondents' costs, expenses and reasonable attorneys' fees arising from such appeal. The form and amount of such bond and the sureties thereon shall be approved by the superior court. Appeals from such orders shall be given preference in hearing on appeal over all other appeals, except contested election cases and cases in which the people of the State are parties. Except as otherwise provided by this Section 16.11, the provisions of Part 2 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this article with regard to appeals."

#### Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**Senate Bill No. 718**—An act to release The Regents of the University of California from all obligations assumed by said The Regents of the University of California pursuant to the provisions of Sections 1, 2 and 3 of an act entitled, "An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the Chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that



said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said The Regents, the Chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, assenting to the conveyance to the State of California by The Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 382**—An act to amend Sections 5822, 5850, 5851, 5852, and 5852.1 of the School Code and to amend Sections 14440, 14432, 14439 and 14450 of, and to add Section 14456.1 to, the Education Code, relating to the State Teachers Retirement System, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### **Amendment No. 1**

On page 2, line 7, of the printed bill, after the first "the", insert "active".

##### **Amendment No. 2**

On page 2, line 8, of the printed bill, after "including", insert "active".

##### **Amendment No. 3**

On page 7, line 21, of the printed bill, after "for", insert "beginning with the report for the 12 months ending June 30, 1943."

##### **Amendment No. 4**

On page 8, line 47, of the printed bill, after the first "the", insert "active".

##### **Amendment No. 5**

On page 8, line 48, of the printed bill, after "including", insert "active".

##### **Amendment No. 6**

On page 9, line 31, of the printed bill, after the first "the", insert "active".

##### **Amendment No. 7**

On page 9, line 32, of the printed bill, after "including", insert "active".

##### **Amendment No. 8**

On page 9, line 40, of the printed bill, strike out "article", and insert "chapter".

##### **Amendment No. 9**

On page 10, line 12, of the printed bill, after "contributions", insert "to the Annuity Deposit Fund".

**Amendment No. 10**

On page 10, line 16, of the printed bill, after "contributing", insert "to that fund".

**Amendment No. 11**

On page 10, line 30, of the printed bill, after "or", insert "beginning with the report for the 12 months ending June 30, 1943,".

**Amendment No. 12**

On page 10, line 45, of the printed bill, after the first "the", insert "active".

**Amendment No. 13**

On page 10, line 46, of the printed bill, after "ing", insert "active".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 715**—An act making an appropriation to the University of California to be expended for an investigation of the control of Pierce's disease of grapevines in California, declaring the urgency of this act, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "The", insert "Regents of the".

**Amendment No. 2**

On page 1 of the printed bill, strike out all of line 1 after "1", which follows "Section"; and strike out all of lines 2 to 5, inclusive, and insert

"Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated to The Regents of the University of California the sum of thirty-five thousand dollars (\$35,000) to be expended by The Regents of the University of California in carrying out an investigation of the control of Pierce's disease of grapevines in California."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Constitutional Amendment No. 1**—Proposed amendment to Section 1 $\frac{1}{4}$  of Article XIII of the Constitution, relative to exemptions of property on account of military service.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 1 of the printed measure, strike out lines 10, 11, and 12, and insert "has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States in time of war or, in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and received an honorable discharge therefrom,".

**Amendment No. 2**

On page 1, line 13, of said measure, strike out "in time of war", and insert "under such conditions".

**Amendment No. 3**

On page 1, line 14, of said measure, after the comma, insert "or who in time of war is in such service,".

**Amendment No. 4**

On page 2, line 8, of said measure, after "Navy", insert a comma.

**Amendment No. 5**

On page 2 of said measure, strike out line 9, and insert "Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United".

**Amendment No. 6**

On page 2, line 15, of said measure, strike out "act", and insert "section".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 142**—An act to amend Section 69 of the Civil Code, relating to marriage.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out the period, and insert "; declaring the urgency hereof, to take effect immediately."

**Amendment No. 2**

On page 2 of the printed bill, after line 22, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Many persons enlisted in the armed forces of the United States are temporarily in the State of California on furlough for a short period of time, sometimes for only one day or two, and unless this section is amended as proposed, many such persons will be unable to marry. It is necessary for the public peace, health and safety that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary

**Assembly Bill No. 451**—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 455**—An act to amend Section 3024 of the Penal Code, relating to minimum sentences of imprisonment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 459**—An act to amend Sections 2009, 2023 and 2033 of the Penal Code, relating to the transfer of prisoners between prisons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 460**—An act to amend Section 2092 of the Penal Code, relating to prisons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 464**—An act to amend Section 2920 of the Penal Code, relating to credits and terms of imprisonment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 466**—An act to amend Sections 2681, 2682 and 2685 and to repeal Section 2684 of the Penal Code, relating to the disposition of insane prisoners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 467**—An act to add Article 3 comprising Sections 2400 to 2404, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 468**—An act to amend Section 1557 of the Penal Code, relating to the return of fugitives from justice.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 470**—An act to amend Sections 1217, 3600, 3602, 3603 and 3605 of the Penal Code, relating to the death penalty.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 473**—An act to amend Sections 2708, 2709 and 2717 of the Penal Code, relating to the sale of prison-made goods.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 478**—An act to amend Sections 4570, 4571, 4572, 4573 and 4574 of the Penal Code, relating to unauthorized communications with the prisons and prisoners.

Bill read second time, and ordered to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 1045**—An act to add Section 57.7 to the State Civil Service Act, relating to the Secretary of the Advisory Pardon Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Carter, Collier, Crittenden, DeLap, Deneil, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Keating, Mayo, McBrade, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, and Ward—22.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 629**—An act to amend Sections 619.5 and 620 of the Fish and Game Code, relating to bag limits and to lake fishing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Broad, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deneil, Dorsey, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBrade, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenner, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 196**—An act to amend Section 450.5 of the Fish and Game Code, relating to salmon.

Bill read third time.



**Motion to Refer Bill to Inactive File**

Senator Keating moved that Senate Bill No. 196 be placed on the inactive file.

Motion carried.

**Senate Bill No. 149**—An act to repeal Sections 7032, 7033, 9032, and 9033 of the Insurance Code, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 514**—An act to amend Sections 271, 273, 274, 275, 276, 277, 281, and 283, and to repeal Section 279, of the Agricultural Code, relating to bee diseases and inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 705**—An act to add Section 9603.6 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 525**—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties and townships of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—23.

NOES—None.

#### Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Senate Bill No. 525 was passed.

#### Postponement of Reconsideration

On motion of Senator Hatfield, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 525 was passed, was continued until the next legislative day.

**Assembly Bill No. 697**—An act to add a new section to the Agricultural Code, to be numbered 30.5, relating to pest and disease surveys and investigations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 700**—An act to amend Section 111 of the Agricultural Code, relating to the inspection of plants and articles for pests.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 702**—An act to amend Section 1022 of the Agricultural Code, pertaining to definitions of fertilizing materials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 703**—An act to amend Section 1021 of, and to add Section 1031.1 to, the Agricultural Code, relative to fertilizing materials and the labels thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey,

Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 704**—An act to amend Section 1038 of the Agricultural Code, relating to fertilizer tonnage license tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 706**—An act to amend Section 1066 of, and to add Section 1066.5 to, the Agricultural Code, relative to economic poisons and thallium salts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 709**—An act to amend Section 28.5 of the Agricultural Code, relating to refunds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 705**—An act to amend Section 1062 of the Agricultural Code, relating to materials exempt from the economic poisons provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 16**—Relative to designating the magazine "Pictorial California" be the official pictorial magazine of the State of California.

Resolution read.

**Motion to Re-refer Assembly Concurrent Resolution No. 16**

Senator Keating moved that Assembly Concurrent Resolution No. 16 be re-referred to Committee on Education.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 613**—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California, at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—24.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 666**—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, and Tenney—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 56**—An act to amend Section 11870 of the Insurance Code, relating to the insurance of public employees with the State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Motion to Take Bill From the Inactive File**

Senator Fletcher moved that Senate Bill No. 143 be taken from the inactive file, and placed on the second reading file.

Motion carried.



REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 133

Senate Bill No. 613

Senate Bill No. 813

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 56

Senate Bill No. 500

Senate Bill No. 179

Senate Bill No. 666

Senate Bill No. 412

And reports the same correctly engrossed.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 427

Senator Hatfield moved that Senate Bill No. 427 be withdrawn from Committee on Agriculture for purpose of amendment, and be re-referred to committee.

Motion carried.

Senate Bill No. 427 ordered to second reading.

ADJOURNMENT

At 12.03 p.m., on motion of Senator Mixer, the President pro tempore declared the Senate adjourned until 2 p.m., Monday, March 29, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

EIGHTY-FIFTH CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 29, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

### ROLL CALL

The roll was called.

### Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried. Time, 2.03 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.22 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Tickle, on motion of Senator Brown.  
Senator Powers, on motion of Senator Seawell.  
Senator Shelley, on motion of Senator Seawell.  
Senator DeLap, on motion of Senator Ward.  
Senator Collier, on motion of Senator Seawell.  
Senator McBride, on motion of Senator Seawell.  
Senator Parkman, on motion of Senator Brown.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vorman Dorman and Sam Claggert from San Diego County.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator J. B. Holohan of Watsonville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert A. Heffner of Los Angeles.

On request of Senators Fletcher and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Petty of San Diego.

On request of Senators Deuel and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Rozelle of Compton.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur Meldrim of Hanford.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Milo Popovich of Fresno.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Neil G. Locke of Los Angeles.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolution was read:

**Assembly Concurrent Resolution No. 47**—Relative to the death of Judge Ben B. Lindsey.

**Request for Unanimous Consent**

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 47, without reference to committee.



**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 47**

**Assembly Concurrent Resolution No. 47**—Relative to the death of Judge Ben B. Lindsey.

Resolution read.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed measure, strike out lines 4 and 5, and insert:  
*"Resolved by the Assembly of the State of California, the Senate thereunto concurring, That when the Legislature this day adjourns it do so out of respect."*

Amendment read and adopted.

**Request for Unanimous Consent**

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 47, as amended, at this time, for consideration.

**Consideration of Assembly Concurrent Resolution No. 47, as Amended**

**Assembly Concurrent Resolution No. 47**—Relative to the death of Judge Ben B. Lindsey.

Resolution read, as amended, and accepted by a rising vote of the following Senators:

Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deed, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jepsen, Junch, Keating, Luckey, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Sawell, Slater, Swan, Swing, and Ward—31.

Resolution ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY****ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1943**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 64	Assembly Bill No. 788
Assembly Bill No. 148	Assembly Bill No. 871
Assembly Bill No. 179	Assembly Bill No. 872
Assembly Bill No. 214	Assembly Bill No. 873
Assembly Bill No. 232	Assembly Bill No. 906
Assembly Bill No. 256	Assembly Bill No. 1125
Assembly Bill No. 264	Assembly Bill No. 1243
Assembly Bill No. 284	Assembly Bill No. 1252
Assembly Bill No. 312	Assembly Bill No. 1421
Assembly Bill No. 314	Assembly Bill No. 1422
Assembly Bill No. 364	Assembly Bill No. 1487
Assembly Bill No. 484	Assembly Bill No. 1526
Assembly Bill No. 493	Assembly Bill No. 1559
Assembly Bill No. 553	Assembly Bill No. 1799
Assembly Bill No. 568	Assembly Bill No. 1761
Assembly Bill No. 570	Assembly Bill No. 1771
Assembly Bill No. 690	Assembly Bill No. 1952

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

**ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1943**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 911

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 42

Assembly Concurrent Resolution No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 64**—An act to repeal Section 4535 of the Elections Code, relating to the filing of vouchers.

Referred to Committee on Elections.

**Assembly Bill No. 148**—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Referred to Committee on Transportation.

**Assembly Bill No. 179**—An act to amend Section 51 of the Bank Act, relating to deposit of moneys in banks by executors and other fiduciaries.

Referred to Committee on Judiciary.

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686 and 687 of, and to repeal Section 662 of, the Elections Code, relating to precinct boards.

Referred to Committee on Elections.

**Assembly Bill No. 232**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to dairy sanitation.

Referred to Committee on Agriculture.

**Assembly Bill No. 256**—An act to amend Sections 2798.5, 2807, 2808, 2820, 2821, 2822, and 2827 of the Elections Code, relating to the State central committee.

Referred to Committee on Elections.

**Assembly Bill No. 264**—An act to amend Sections 2.02, 2.04 and 12.06 of the Building and Loan Association Act, relating to building and loan associations, names and articles, and restrictions on advertising.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 284**—An act to amend Section 80.1 of the Bank Act, relating to loans by banks which are covered by guarantees or agreements to purchase made by any Federal reserve bank or by the United States or any department or agency thereof, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 312**—An act to amend Section 606 of the Welfare and Institutions Code relating to the juvenile court, the probation committee or department and the prevention of delinquency.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 314**—An act to amend Section 20 of the "California Water District Act," relating to the redemption of bonds of water districts.

Referred to Committee on Water Resources.

**Assembly Bill No. 364**—An act to add Section 557.1 to the Military and Veterans Code, relating to the organization of licensed military companies.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 484**—An act to amend Sections 909 and 918 of the Building and Loan Act, relating to building and loan associations and the making of loans by such associations.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 493**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by adding Section 7.5, relating to sales of real property by the State.

Referred to Committee on Judiciary.

**Assembly Bill No. 553**—An act to amend Sections 12625 and 12682 of the Revenue and Taxation Code, relating to insurance taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 568**—An act to add Section 2710.3 to the Penal Code, relating to the Prison Camp Revolving Fund, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 570**—An act to add Section 2710.1 to the Penal Code, relating to the Folsom Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 690**—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of Memorial Districts from the provisions of the District Investigation Act of 1933.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 788**—An act to amend Section 88 of the Agricultural Code, relating to property transfers by district agricultural associations.

Referred to Committee on Agriculture.

**Assembly Bill No. 871**—An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 724.3, of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

**Assembly Bill No. 872**—An act amending Sections 1230, 1310, 1311, 1315, 1316, 1318 and 1321 of, and adding Sections 1311.1 and 1312.1 to the Fish and Game Code, relating to mammals.

Referred to Committee on Fish and Game.

**Assembly Bill No. 873**—An act to add Sections 1324, 1325, 1326, 1327, 1328, 1329 to the Fish and Game Code, relating to fur dealers.

Referred to Committee on Fish and Game.

**Assembly Bill No. 906**—An act to add Sections 19129 and 19130 to the Education Code, relating to school district libraries.

Referred to Committee on Education.

**Assembly Bill No. 1125**—An act to amend Section 276 of the Vehicle Code, relating to operators' licenses.

Referred to Committee on Transportation.

**Assembly Bill No. 1243**—An act to amend Section 6 of an act entitled "An act to provide for the replacement and or the reconstruction in whole or in part of all city, county, school district, or other special district buildings wholly or partially destroyed by earthquakes since January, 1933, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 26, 1933, relating to the payment, disposition and expenditure of rentals payable under said act.

Referred to Committee on Education.

**Assembly Bill No. 1252**—An act to amend Section 2102 of the Education Code, relating to city boards of education.

Referred to Committee on Education.

**Assembly Bill No. 1421**—An act to amend Section 4076a of the Political Code, relating to procedure for audit allowance and payment or rejection of claims in counties.

Referred to Committee on Local Government.

**Assembly Bill No. 1422**—An act to amend Section 345 of the Code of Civil Procedure, relating to limitation of actions.

Referred to Committee on Judiciary.

**Assembly Bill No. 1487**—An act to amend Sections 736.3, 737.5, 737.6, 737.8, and 737.11 of the Agricultural Code, relating to licensing and bonding of distributors of fluid milk and fluid cream, and the fees therefor; providing for records of purchases, and for proceedings to refuse, revoke or suspend such licenses.

Referred to Committee on Agriculture.

**Assembly Bill No. 1526**—An act to add Section 359e to the Political Code, relating to sick leave for employees exempt from civil service.

Referred to Committee on Governmental Efficiency.



**Assembly Bill No. 1559**—An act to amend Sections 501, 502, 503, 504, and 505 of the Elections Code, relating to election precincts.

Referred to Committee on Elections.

**Assembly Bill No. 1799**—An act to add Section 1290.5 to the Fish and Game Code, relating to deer skins, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1761**—An act to add Section 36e to the Alcoholic Beverage Control Act, relating to the destruction and use of emptied distilled spirits bottles.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1771**—An act to amend Section 87 of the Agricultural Code, relating to agricultural societies.

Referred to Committee on Agriculture.

**Assembly Bill No. 1952**—An act to amend Section 1160.5 to and to amend Section 1162 of the Harbors and Navigation Code relating to pilots, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 911**—An act making an appropriation for administrative expenses of the Department of Social Welfare, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**Assembly Concurrent Resolution No. 42**—Relative to classification by the Personnel Board of civil service positions established for the duration of the emergency and six months.

Referred to Committee on Governmental Efficiency.

**Assembly Concurrent Resolution No. 43**—Relative to amending Joint Rule 35 of the Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

### Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred

Senate Bill No. 23

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 4; noes 3.

BREED, Chairman

Above reported bill ordered to second reading.

### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 981

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 146

Senate Bill No. 268

Senate Bill No. 1078

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 359

Senate Bill No. 1058

Senate Bill No. 566

Senate Bill No. 691

Senate Bill No. 980

Senate Constitutional Amendment No. 6

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 34

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 382

Senate Bill No. 565

Senate Bill No. 454

Senate Bill No. 718

Senate Bill No. 543

Senate Bill No. 991

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 193**—An act to amend Section 2.173 of the School Code and to amend Section 2593 of the Education Code, relating to the lapsing of school districts, declaring the urgency thereof, to take effect immediately;

**Senate Concurrent Resolution No. 29**—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 18, 1942;

**Senate Joint Resolution No. 19**—Relative to food shortage;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 2 p.m.

SEAWELL, Chairman

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 232

Senate Bill No. 344

Senate Bill No. 239

Senate Bill No. 320

Senate Bill No. 153

Assembly Bill No. 266

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 392

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred

Senate Bill No. 401

Senate Bill No. 438

Assembly Bill No. 385

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote, Ayes 7; absent 2

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## MOTION TO APPROVE SENATE JOURNALS

The Senate Journals of Monday, March 22, 1943; Tuesday, March 23, 1943; Wednesday, March 24, 1943; Thursday, March 25, 1943; and Friday, March 26, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

## CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 525**—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties and townships of the State

## Postponement of Reconsideration

On motion of Senator Hatfield, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 525 was passed, was continued until the next legislative day.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 178**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

## Amendment No. 1

On page 1, line 8, of the printed bill, strike out "for the term of", and strike out lines 9 and 10, and insert a period.

## Amendment No. 2

On page 1 of said bill, after line 27, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

Amendments read and adopted.

Bill ordered printed, engrossed and to third reading.

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State."

approved May 18, 1921, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 599**—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 855**—An act to amend Section 96.5 of the State Civil Service Act, relating to status of members of armed forces on civil service lists.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 2**—An act to amend Section 691 of the Fish and Game Code, relating to striped bass.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, line 4, of the printed bill, after "with", strike out the balance of the line and all of lines 5, 6, 7, 8, 9, and 10, and insert "one rod per angler, with not more than three single hooks or two artificial lures with not more than three triple hooks on each lure and at any time subject to the restrictions contained in this code."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 420**—An act to add Section 651.3 to the Fish and Game Code, relating to salmon.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, line 4, of the printed bill, after "the", strike out "easterly boundary of San Joaquin".

##### Amendment No. 2

On page 1, line 5, of the printed bill, strike out "County", and insert "Woodbridge Dam".

##### Amendment No. 3

On page 1, line 5, of the printed bill, strike out "with hook and line", and insert "by angling".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 562**—An act to amend Section 504 of the Public Utilities Act, relating to fees for applications for certificates of public convenience and necessity.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 427**—An act to provide for the relief of the farm labor shortage, relating to the powers and duties of the Director of Agriculture and other public officers in respect thereto and adding



Sections 35, 36, 37, 38 and 38.5 to the Agricultural Code for that purpose.

Bill read second time.

#### Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, after "act", strike out the balance of the line; and strike out lines 2 to 5, inclusive, of said title, and insert "relating to the production and availability of food and fiber; the use and augmentation of labor and facilities; and cooperation by officers and agencies of States and local governments in connection therewith; making an appropriation; and declaring the urgency hereof, to take effect immediately."

#### Amendment No. 2

On page 1, line 1, of said bill, strike out "Section 35 is added to the Agricultural Code," and insert "The purpose of this act is to achieve the maximum production and availability of food and fiber possible from the farms of this State, to provide for the most effective use of existing farm labor and facilities, and to augment such labor and facilities.

SEC. 2. This act shall be known as the Emergency Farm Production Act.

SEC. 3. As used in this act, the phrases "farm labor" and "farm products" have the meanings ascribed in subdivisions (e) and (f) of Section 3 of the California Food and Fiber Production Act.

As used in this act, "public agencies" includes those of the Federal Government, this State, another State, and districts, local governmental units and political subdivisions of this or another State.

SEC. 4. In the performance of the duties imposed upon him, including that of promoting and protecting the agricultural industry of this State and that of protecting and serving the interests of producers, distributors and consumers, the State Director of Agriculture shall foster, provide for, and engage and assist in the recruitment, placement, distribution, transportation, and housing of farm labor in this State; whenever necessary, make and assist in making available facilities required by or in connection with such farm labor; and cooperate or contract with public and private agencies for the performance of any acts or the rendition of any services which are necessary or proper therefor, which contracts such public agencies are hereby authorized to execute and perform, all for the purpose of attaining the greatest possible production of farm products in this State for the preservation of the public health, safety and welfare and in furtherance of this State's participation in the war effort.

SEC. 5. After the California Food and Fiber Production Act, as enacted at the Fifty-fifth (Second Extraordinary) Session becomes effective:

(a) The Director of Agriculture may transfer to the State Farm Production Director and the latter may accept all contracts executed by the Director of Agriculture in furtherance of the purposes of this act; the acceptance of such contracts shall subrogate the State Farm Production Director to all the rights, and subject him to all the obligations thereunder, of the Director of Agriculture.

(b) The Director of Agriculture may transfer to the State Farm Production Director all or any part of the properties, books, records, documents and correspondence in his possession or under his control, relating to the purposes of this act or the California Food and Fiber Production Act.

(c) In order to avoid duplication of effort and confusion in administration the Director of Agriculture may refrain from activities he is authorized or required to undertake under this or other laws and which are included within the scope of the California Food and Fiber Production Act.

(d) If transfers are made under subdivisions (a) and (b) of this section and if the Director of Agriculture makes the election provided for in subdivision (c), the Director of Agriculture and the State Farm Production Director shall by agreement ascertain what portion of the appropriation made by this act is not needed for expenditure under this act and shall notify the Controller accordingly. Upon receipt of such notification, the Controller shall transfer such amount to and in augmentation of the appropriation made by the California Food and Fiber Production Act.

(e) In the event of a conflict between the provisions of this act and the provisions of the California Food and Fiber Production Act, the provisions of the latter shall control.

SEC. 6. Upon the request of the Director of Agriculture every officer and employee of this State shall consult and advise with the director, and each department, division, bureau, board, commission, and officer of this State and each agency or political subdivision of this State shall render all possible assistance to the

director for the purpose of carrying out the provisions of this act. With the approval of the Governor, the Director of Agriculture may request a State officer, department, division, bureau, board, or commission, having appropriate authority therefor, to assume the discharge of any function necessary to further the purposes of this act and such a State officer, department, division, bureau, board, or commission shall assume the discharge of such appropriate function.

SEC. 7. Out of any money in the State Treasury not otherwise appropriated, the sum of three hundred thousand dollars (\$300,000) is hereby appropriated, to be expended in accordance with law in carrying out the provisions of this act.

SEC. 8. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

SEC. 9. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the expiration of one year after the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The war-time emergency has depleted the farm labor supply and increased the need for food and fiber to such an extent that unless immediate and effective use of every available source of farm labor is made the life and health of the State and Nation will be endangered and this State's participation in the war effort obstructed, delayed and impaired."

#### Amendment No. 3

On page 1 of said bill, strike out lines 2 to 26, inclusive; and on page 2, strike out lines 1 to 24, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Senate Bill No. 143**—An act to amend Sections 582, 583, 584, 585, 587, 588, 589, 590, 591, 592, 593, 594, 596 of the Fish and Game Code, relating to kelp and other aquatic plants.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 647**—An act to amend Section 4 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

Bill read second time, and ordered to third reading.

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 34**—An act to amend Sections 2453, 2454, 2600, 2621, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897, and the article heading of Article 4, of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631, and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, McCormack, Mixer, Quinn, Rich,

Salsman, Seawell, Slater, Swan, Swing, and Tenney—22.

NOES—Senators Brown and Engle—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 889**—An act to amend Section 610 of the Fish and Game Code, relating to bag limits.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "and", insert "Rocky Mountain".

**Amendment No. 2**

On page 1, line 7, of said bill, after the first "25", insert "Rocky Mountain".

**Amendment No. 3**

On page 1, line 7, of said bill, after "and", insert "Rocky Mountain".

**Amendment No. 4**

On page 1, line 9, of said bill, after the first "of", insert "Rocky Mountain".

**Amendment No. 5**

On page 1, line 10, of said bill, before the first "whitefish", insert "Rocky Mountain".

**Amendment No. 6**

On page 1, line 10, of said bill, before the second "whitefish", insert "Rocky Mountain".

**Amendment No. 7**

On page 1, line 12, of said bill, after the first "or", insert "Rocky Mountain".

**Amendment No. 8**

On page 1, line 12, of said bill, after "and", insert "Rocky Mountain".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 407**—An act to require notice to mortgagees or lien holders that taxes levied on real property subject to such encumbrances have not been paid, and to add Section 3350 to the Revenue and Taxation Code, relating to notice of delinquency in taxes to mortgagees or lien holders of the assessed property.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 3, of the printed bill, as amended, after "mortgage", insert "beneficiary under a deed of trust".

**Amendment No. 2**

On page 2, line 8, of said bill, strike out "or lien", and insert "beneficiary under a deed of trust, or lien".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 133**—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 565**—An act to amend Section 2160 and to add Section 1529 to the Welfare and Institutions Code, relating to public assistance, providing for payment of aid while in a public hospital.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mixer, Quinn, Salsman, Slater, Swan, Swing, Tenney, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 566**—An act to amend Sections 1500 and 1522 of, and to add Section 1552.5 to, the Welfare and Institutions Code, relating to aid to needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 691**—An act to amend Sections 1552.5, 2220 and 3078.5 of the Welfare and Institutions Code, relating to reports to the State Department of Social Welfare with respect to the suspension of grants of aid.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 991**—An act to amend Section 1203 of the Penal Code, relating to granting probation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—Senator Hatfield—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 382**—An act to amend Sections 5.822, 5.850, 5.851, 5.852, and 5.852-1 of the School Code and to amend Sections 14340, 14432, 14439 and 14450 of, and to add Section 14456.1 to, the Education Code, relating to the State Teachers Retirement System, declaring the urgency thereof, to take effect immediately.

Bill read third time.



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsensen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsensen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 934** An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms.

**Motion to Refer Bill to Inactive File**

Senator Crittenden moved that Assembly Bill No. 934 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 935**—An act to add Section 644.6 to the Agricultural Code, relating to sanitation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsensen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senators Seawell and Luckey:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, March 26, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, we request permission to introduce a bill, the title of which is as follows:

An act providing for preparation for post-war State highway construction projects, and making an appropriation therefor.

Respectfully submitted.

SENATOR SEAWELL  
SENATOR LUCKEY

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hatfield:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act providing for preparation for post-war county highway construction projects, and making an appropriation therefor.

Respectfully submitted.

SENATOR HATFIELD

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Salsman:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 804, 814, and 815 of, and to add Article 1.5, comprising Sections 805 to 809, inclusive to Chapter 3 of Division 4 of the Military and Veterans Code, relating to farm purchases.

Respectfully submitted.

SENATOR SALSMAN

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.  
NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 40 of, and to add Section 19c to, the California Water Storage District Act, relating to water storage districts.

Respectfully submitted.

SENATOR CUNNINGHAM

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 2021 and 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Respectfully submitted.

SENATOR BROWN

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 1082:** By Senators Seawell and Luckey—An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor.

Referred to Committee on Transportation.

**Senate Bill No. 1083:** By Senators Hatfield, Keating, and Shelley—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor.

Referred to Committee on Transportation.

**Senate Bill No. 1084:** By Senator Salsman—An act to amend Sections 804, 814, and 815 of, and to add Article 1.5, comprising Sections 805 to 809, inclusive to Chapter 3 of Division 4 of the Military and Veterans Code, relating to farm purchases.

Referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 1085:** By Senator Cunningham—An act to amend Section 40 of, and to add Section 19c to, the California Water Storage District Act, relating to water storage districts.

Referred to Committee on Water Resources.

**Senate Bill No. 1086:** By Senator Brown—An act to amend Sections 2021 and 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Referred to Committee on Welfare and Institutions.

## CONSIDERATION OF DAILY FILE

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 980**—An act to amend Section 560 of the Agricultural Code, relating to modified milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Quinn, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1810**—An act to amend Section 736.15 of the Agricultural Code, relating to materials exempt from the economic poisons provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 451**—An act to amend Section 817 of the Penal Code, relating to the definition of peace officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 455**—An act to amend Section 3024 of the Penal Code, relating to minimum sentences of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 459**—An act to amend Sections 2009, 2023 and 2033 of the Penal Code, relating to the transfer of prisoners between prisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 460**—An act to amend Section 2092 of the Penal Code, relating to prisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Slater, Swan, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 464**—An act to amend Section 2920 of the Penal Code, relating to credits and terms of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 466**—An act to amend Sections 2681, 2682 and 2685 and to repeal Section 2683 of the Penal Code, relating to the disposition of insane prisoners.

Bill read third time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 10 to 38, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 468**—An act to amend Section 1557 of the Penal Code, relating to the return of fugitives from justice.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 470**—An act to amend Sections 1217, 3600, 3602, 3603 and 3605 of the Penal Code, relating to the death penalty.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 478**—An act to amend Sections 4570, 4571, 4572, 4573 and 4574 of the Penal Code, relating to unauthorized communications with the prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 36**—Relative to memorializing Congress to designate the limits beyond which the Congress and administrative agencies of the United States shall not go in exercise of the power given to Congress to regulate interstate commerce.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—Senator Keating—1.

Resolution ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 993**

Senator Ward moved that Senate Bill No. 993 be withdrawn from Committee on Welfare and Institutions for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 993**—An act to amend Section 6 and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, and 78 to the Unemployment Insurance Act, relating to the administration thereof, creating the office of Executive Director and abolishing the California Employment Commission.

Bill read second time.

**Motion to Amend**

Senator Ward moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, strike out "and 78", and insert "78, 79, 80, 81, 82 and 83".

**Amendment No. 2**

Strike out line 5 of the title of said bill, and insert "California Employment Stabilization Commission and the California Unemployment Insurance Appeals Board and abolishing the California".

**Amendment No. 3**

On page 1 of said bill, strike out lines 4 and 5, and insert "California Employment Stabilization Commission."

**Amendment No. 4**

On page 2 of said bill, strike out lines 12 and 13.

**Amendment No. 5**

On page 2, line 14, of said bill, strike out "80", and insert "79".

**Amendment No. 6**

On page 2 of said bill, strike out lines 17 to 33, inclusive, and insert

"Sec. 75. The Department of Employment is hereby created in the State Government, and the provisions of this act shall be administered by the California Employment Stabilization Commission, which is hereby created in said department.

SEC. 4. Section 76 is added to said act, to read:

Sec. 76. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One of such divisions shall be designated Division of Public Employment Offices and Benefit Payments, and one shall be designated the Division of Accounts and Tax Collections. Each of these two divisions shall be under a chief who shall be appointed by the Governor, subject to the approval of the Senate, and who shall serve at the pleasure of the Governor. The chief of each of these two divisions shall devote his full time to the performance of his duties as such chief of a division and shall receive a salary of seven thousand five hundred dollars (\$7,500) per year. There shall be such other divisions as the commission may determine that the exigencies and nature of the work of the department require.

SEC. 5. Section 77 is added to said act, to read:

Sec. 77. The California Unemployment Insurance Appeals Board, to consist of three members to be appointed by the Governor, subject to the approval of the Senate, is hereby created in the Department of Employment. Each member of such board shall devote his full time to the performance of his duties in this act defined and shall receive a salary of seven thousand five hundred dollars (\$7,500) per year.

SEC. 6. Section 78 is added to said act, to read:

Sec. 78. One of the members of the board created by Section 77, hereinafter referred to as the "Appeals Board," shall serve as designated by the Governor until May 1, 1944; one shall serve until September 1, 1945; and one until January 1, 1947. Thereafter each member shall be appointed to serve four years and until his successor is appointed and qualifies, except that a vacancy shall be filled by the Governor, subject to the approval of the Senate, by appointment for the unexpired term.

SEC. 7. Section 79 is added to said act, to read:

Sec. 79. In any case before it, the Appeals Board may delegate to any one of its members or to a special examiner or referee the taking and hearing of evidence.



Whatever decision is rendered by the said board must be the act of a majority of its members.

SEC. 8. Section 80 is added to said act, to read:

Sec. 80. The decision of the Appeals Board on an appeal from the findings of a referee must be rendered within sixty (60) days after the filing of the appeal unless such board requires the taking of further evidence, in which case the hearing on the appeal shall be commenced within sixty (60) days after the filing of an appeal, and in the latter case the decision of the board must be filed within sixty (60) days after completion of such hearing.

SEC. 9. Section 81 is added to said act, to read:

Sec. 81. All meetings, hearings, and proceedings of the Appeals Board shall be public, and all decisions concerning appeals shall be in writing. Such decisions shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. Such decisions shall be available for public inspection, and shall be published from time to time in such manner as to make the same available for public use.

SEC. 10. Section 82 is added to said act, to read:

Sec. 82. If and wherever elsewhere in this act reference is made to appeals to the commission, such reference shall be construed to mean an appeal to the Appeals Board. The decision of the Appeals Board is final, except for such action as may be taken by judicial tribunal as permitted or required by law.

SEC. 11. Section 83 is added to said act, to read:

Sec. 83. The California Employment Stabilization Commission hereby created shall consist of five members, who shall be the three members of the Appeals Board and the Chief of the Division of Public Employment Offices and Benefit Payments and the Chief of the Division of Accounts and Tax Collections."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 718**—An act to release The Regents of the University of California from all obligations assumed by said The Regents of the University of California pursuant to the provisions of Sections 1, 2 and 3 of an act entitled, "An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the Chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said The Regents, the Chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31,



1929, assenting to the conveyance to the State of California by The Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dend, Dillinger, Donnelly, Dorsey, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salmon, Seawell, Slater, Swan, Tenney, and Ward—22.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Quinn moved that Senate Bill No. 154 be taken from the inactive file, and placed on the second reading file.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 154**—An act to repeal Section 645 of, and to amend Section 1270 of, the Fish and Game Code, relating to District 12, declaring the urgency thereof to take effect immediately.

Bill read second time.

##### Motion to Amend

Senator Biggar moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "Districts 2" and insert "District 2, excepting that part of District 2 within Mendocino County, and in Districts":

##### Amendment No. 2

On page 1, line 5, of said bill, after "15th", insert "in that part of District 2 lying within Mendocino County, and in Districts 24, 24, and 24 deer may be taken between August 15th and October 1st":

##### Amendment No. 3

On page 1, line 16, of said bill, after "on", insert "and near".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 58

Senator Fletcher moved that Senate Bill No. 58 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 58**—An act to add Section 5.3 to the Metropolitan Water District Act, relating to contracts for transportation of water.

Bill read second time.

##### Motion to Amend

Senator Fletcher moved the adoption of the following amendment:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 17, inclusive, and insert "SEC. 5.3. Any district incorporated as provided in this act shall have power to contract with other public districts, cities, or public agencies, which themselves own

water or water rights, to provide for the transportation of such water by such metropolitan water district to the extent and for the period of time that the board of directors of such metropolitan water district shall find that such metropolitan water district will have excess carrying capacity in its system not needed or required for its own uses and any such contract shall provide for such transportation of water of such other contracting party upon such terms and conditions and at such rates as may be mutually agreed upon; provided, that such rates shall be such as are found and determined by the board of directors of such metropolitan water district to be just and reasonable, having regard to the capital costs of the works to be used in whole or in part in the carrying out of such contract, of depreciation thereof, and of costs of operation and maintenance. Contracts for such transportation shall be limited to delivering the water at a point on the aqueduct system of the metropolitan water district and shall not require construction of additional distribution facilities by such metropolitan water district. No use of any works or facilities of such metropolitan water district pursuant to a contract authorized by this section, and no such contract, shall confer any rights upon the other contracting party or impose any obligations against such metropolitan water district except as provided in such contract."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Joint Resolution No. 18

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 525

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 214  
Senate Bill No. 215  
Senate Bill No. 216  
Senate Bill No. 218  
Senate Bill No. 219  
Senate Bill No. 220  
Senate Bill No. 221  
Senate Bill No. 223  
Senate Bill No. 275

Senate Bill No. 912  
Senate Bill No. 913  
Senate Bill No. 914  
Senate Bill No. 915  
Senate Bill No. 916  
Senate Bill No. 917  
Senate Bill No. 918  
Senate Bill No. 920  
Senate Bill No. 958

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 843  
Assembly Bill No. 855  
Assembly Bill No. 865

Assembly Bill No. 1060  
Assembly Bill No. 1129

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were introduced, and read the first time :

**Assembly Bill No. 843**—An act to amend Section 18461 of the Education Code, relating to schools.

Referred to Committee on Education.

**Assembly Bill No. 855**—An act to amend Sections 452, 525, 528 and 596 of, and to add Sections 459.1 and 459.2 to, the Vehicle Code, relating to traffic regulations.

Referred to Committee on Transportation.

**Assembly Bill No. 865**—An act to add Section 459.3 to the Vehicle Code, relating to traffic on road approaches to private airports, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1066**—An act to amend Sections 251, 252, 267, 302, 305, 307, 310, 353, 414, 415, 416, 417 and 418 of the Vehicle Code, relating to driver's licenses and proof of ability to respond in damages.

Referred to Committee on Transportation.

**Assembly Bill No. 1129**—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's Office.

Referred to Committee on Governmental Efficiency.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 923**—An act to establish an Education Code, thereby consolidating and revising the law relating to the establishment, maintenance, government and operation of schools, libraries and institutions of learning, arts, and sciences, and to repeal certain acts and parts of acts specified herein;

**Senate Bill No. 924**—An act to add Article 2, comprising Section 5171, to Chapter 2 of Division 3, and to add Section 40006 to Division 20, of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the elementary schools;

**Senate Bill No. 925**—An act to add Article 1, comprising Sections 5301 to 5303, inclusive, to Chapter 3 of Division 3, and to add Section 40007 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State High School Fund;

**Senate Bill No. 926**—An act to add Article 2, comprising Section 5321, to Chapter 3 of Division 3, and to add Section 40008 to Division 20 of the Education Code, thereby consolidating and revising the law relating to payments from State general funds for support of the high schools;

**Senate Bill No. 927**—An act to add Article 1, comprising Sections 5451 to 5457, inclusive, to Chapter 4 of Division 3, and to add Section 40010 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the State Junior College Fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 4 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 928**—An act to add Chapter 5, comprising Sections 5601 to 5605, inclusive, to Division 3, and to add Section 40009 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the support of schools from funds received from potash bearing lands.

**Senate Bill No. 929**—An act to add Chapter 6, comprising Sections 5701 to 5727, inclusive, to Division 3, and to add Section 40011 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Education Fund.

**Senate Bill No. 930**—An act to add Chapter 7, comprising Sections 5801 to 5843, inclusive, to Division 3, and to add Section 40012 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Vocational Rehabilitation Fund.

**Senate Bill No. 931**—An act to add Article 3, comprising Sections 6951 to 6990, inclusive, to Chapter 13 of Division 3, and to add Section 40013 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the apportionment of the State School Fund to elementary schools.

**Senate Bill No. 932**—An act to add Article 4, comprising Sections 6971 to 6979, inclusive, and Article 5, comprising Section 6991, to Chapter 13 of Division 3, and to add Section 40014 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to elementary schools.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 4 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 933**—An act to add Article 1, comprising Sections 7101 to 7110, inclusive, to Chapter 14 of Division 3, and to add Section 40015 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionment of the State High School Fund.

**Senate Bill No. 934**—An act to add Article 2, comprising Sections 7131 to 7141, inclusive, to Chapter 14 of Division 3, and to add Section 40016 to Division 20 of the Education Code, thereby consolidating and revising the law relating to apportionments from the State General Fund to high schools.

**Senate Bill No. 935**—An act to add Article 12, comprising Sections 9176 to 9178, inclusive, to Chapter 7 of Division 4, and to add Section 40017 to Division 20 of the Education Code, thereby consolidating and revising the law relating to education in connection with National defense.

**Senate Bill No. 936**—An act to add Sections 14458 and 40018 to the Education Code, relating to the transfer of funds from the State General Fund to the Teachers' Permanent Fund.

**Senate Bill No. 937**—An act to add Sections 20344 and 40019 to the Education Code, relating to the support of State colleges.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 4 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 938**—An act to add Sections 20461 and 40020 to the Education Code, relating to the State College Summer Session Fund.

**Senate Bill No. 939**—An act to add Article 9, comprising Sections 20521 to 20523, inclusive, to Chapter 2 of Division 10, and to add Section 40021 to Division 20 of the Education Code, thereby consolidating and revising the law relating to the Fresno Summer School of Music.

**Senate Bill No. 940**—An act to add Sections 20551 and 40022 to the Education Code, relating to the Student Building Fund of State colleges.

**Senate Bill No. 941**—An act to add Sections 20796, 20797 and 40023 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Deaf.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 4 p.m.

SEAWELL, Chairman



SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 942**—An act to add Sections 20946, 20947 and 40924 to the Education Code, relating to the payment of certain expenses of pupils of the California School for the Blind.

**Senate Bill No. 943**—An act to add Sections 21158 and 40925 to the Education Code, relating to payments by students of the California Maritime Academy.

**Senate Bill No. 944**—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of March, 1943, at 4 p. m.

SEAWELL, Chairman

## ADJOURNMENT

At 4.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, March 30, 1943, out of respect to the memory of the late Judge Ben Lindsey.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY  
EIGHTY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 30, 1943

The Senate met at 2 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jorgensen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rob. Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Seawell.

Senator Judah, on motion of Senator Cunningham.

Senator Breed, on motion of Senator Parkman.

Senator Keating, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lottie Van Wagoner and Mrs. Ralph B. Sutton of San Diego.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. R. Kindig of Fort Jones, and R. G. Isaacs of Yreka.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to First Lieutenant Kenneth I. Dutour of Fort Lewis, Washington.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. C. Hilgers of Los Angeles.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carl Swanson and S. W. Conover, Directors, Milk Producers in Central California, of Turlock; Ed Whitmore, Treasurer and Tax Collector, Stanislaus County, Modesto; and William Ellis Ripley of Turlock.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Kennedy, Chairman of the Board of Supervisors in Sonoma County.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Commander Tarpey, United States Coast Guard, San Francisco Bay Pilots; and Captain Brokaw, San Francisco Bay Pilots.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bernardo Blanco, Consul of Mexico, and I. E. Hackett of the Danish Creamery, Chowchilla.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Geneve Shaffer, realtor, and Dr. Chambers, both of San Francisco.

#### President of the Senate Presiding

At 2.05 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C.

In reply refer to  
637-B:AFP

*Hon. J. A. Beek, Secretary of the Senate  
State of California, Sacramento, California*

DEAR MR. BEEK: We wish to thank you for your telegram of March 19th, which contained Resolution No. 81 adopted by the Senate of the State of California.

The Poultry and Egg Section has been making a very exhaustive study of the fundamental factors of prices and costs appropriate to the various producing areas of the United States. Every effort should be made to maintain maximum prices for poultry which follow a consistent pattern for the whole United States. Regional differences can be recognized, but they should be such as not to cause disturbance in other areas.

In the East Shore Area, for example, a generously calculated cost per pound of a 3-pound fryer is given as .24½. The item of coal alone is entered at .05 per bird. A little pruning of the figures would probably show a cost of .22 or even less. We have representations from the West Coast of .282 as the per-pound cost of a fryer, and a ceiling price of .35 is asked. It would be very difficult to justify a wide disparity in ceiling prices between the two regions. In fact, we have had unfavorable reactions from the price concessions already granted to the West Coast.

The studies have not been completed, but they are well advanced. Actions to be taken in the near future will take into account all the factors consistent with the over-all problem of price stabilization. You may be very sure that this resolution of the California Senate is being taken very seriously by this office and will receive our diligent attention.

Very truly yours,

A. F. PEINE, Acting Head  
Poultry and Egg Section Food Price Division



## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 2

Senate Bill No. 178

Senate Bill No. 420

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 154

Senate Bill No. 407

Senate Bill No. 889

And reports the same correctly re engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 143

Senate Bill No. 599

Senate Bill No. 448

Senate Bill No. 855

Senate Bill No. 562

Senate Bill No. 972

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred

Senate Joint Resolution No. 20

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3

FLETCHER, Chairman

Above reported resolution ordered to third reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 598

Senate Bill No. 822

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 805

Senate Bill No. 824

Senate Bill No. 806

Assembly Bill No. 47

Senate Bill No. 818

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 810

Senate Bill No. 811

Senate Bill No. 820

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 678

Assembly Bill No. 811

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CARTER, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 676

Assembly Bill No. 336

Assembly Bill No. 215

Assembly Bill No. 355

Assembly Bill No. 217

Assembly Bill No. 810

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

CARTER, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 608

Senate Bill No. 677

Assembly Bill No. 471

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 12; absent 1.

CARTER, Vice Chairman

Above reported bills ordered to second reading.

## Committee on Public Health and Safety

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 423

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 617

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 482

Senate Bill No. 547

Senate Bill No. 451

Senate Bill No. 623

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 562

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 2.

KEATING, Chairman

Above reported bill ordered to second reading.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 88

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work March 30, 1943:

Peggy Matthews, Stenographer ----- \$6 00

Resolution read and unanimously adopted.

## MOTION TO READ SENATE BILLS NOS. 608 AND 677 AND ASSEMBLY BILL NO. 471 SECOND TIME

Senator Carter moved that Senate Bills Nos. 608 and 677 and Assembly Bill No. 471 be given a second reading, at this time, for the purpose of adoption of the committee amendments.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 608**—An act to amend Section 3048 of the Penal Code, relating to parole.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "3048", and insert "644".

**Amendment No. 2**

In line 2 of the title of said bill, before "parole", insert "habitual criminals and".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 644 of the Penal Code is amended to read:

644. (a) Every person convicted in this State of any felony who shall have been previously twice convicted upon charges separately brought and tried, and who shall have served separate terms therefor in any State prison and or Federal penitentiary, either in this State or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury,

train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a State prison, conspiracy to commit any one or more of the aforementioned felonies, shall be adjudged an habitual criminal and shall be punished by imprisonment in the State prison for life;

(b) Every person convicted in this State of any felony who shall have been previously three times convicted, upon charges separately brought and tried, and who shall have served separate terms therefor in any State prison and/or Federal penitentiary, either in this State or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, extortion, kidnaping, mayhem, escape from a State prison, conspiracy to commit any one or more of the aforementioned felonies, or any of the aforementioned felonies, shall be adjudged an habitual criminal and shall be punished by imprisonment in the State prison for life;

(c) Provided, however, that in exceptional cases, at any time not later than 60 days after the actual commencement of imprisonment, the court may, in its discretion, provide that the defendant is not an habitual criminal, and in such case the defendant shall not be subject to the provisions of this section or of Sections 3047 and 3048 of this code;

(d) *Provided, however, that in exceptional cases where prior convictions and the current or last conviction under which a prisoner was sentenced were not crimes of violence or committed by the use of force, violence, threats of force, or threats of violence, the Board of Prison Terms and Paroles may, after the prisoner has served a term of a minimum of seven years, review the file and fix a term and may provide for release on parole, and in such case the defendant shall not be subject to the provisions of subsections (a), (b) and (c) of this section or of Sections 3047 and 3048 of this code.*

(e) *Provided, however, that in exceptional cases where the prisoner's record of prior convictions and the current or last conviction under which the prisoner has been sentenced contain only one crime of violence or a crime committed by the use of force, violence, threats of force, or threats of violence, the Board of Prison Terms and Paroles may, after the prisoner has served a term of a minimum of 12 years, review the file and fix a term and also may provide for release on parole, and in such case the defendant shall not be subject to the provisions of subsections (a), (b) and (c) of this section or of Sections 3047 and 3048 of this code.*

(f) The provisions of this section are to apply to all prisoners now serving sentence in the State prisons, to the end that at all times the same provisions relating to sentence, imprisonments and paroles of prisoners shall apply to all the inmates thereof.

(g) Nothing in this section shall abrogate or affect the punishment by death in any and all crimes now or hereafter punishable by death."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 677**—An act to add Section 2061 to the Penal Code and to amend Sections 2762 of the Penal Code and to repeal Section 2783 of the Penal Code, relating to the escape of prisoners.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "to add Section 2061 to the Penal Code and".

##### Amendment No. 2

In line 2 of the title of the printed bill, strike out "Section 2762", and insert "Sections 1547 and 2762".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Section 1547 of the Penal Code is amended to read:

1547. The Governor may offer a reward not exceeding one thousand dollars (\$1,000) payable out of the General Fund, for the apprehension—



1. Of any convict who has escaped from [the] a State's prison [ . . . ] prison camp, prison farm, or the custody of any prison officer or employee in any further provided in Sections 3059, 4530, or 5531 of the Penal Code;

2. Of any person who has committed or is charged with the commission of an offense punishable with death;

3. For the arrest of each person engaged in the robbery of or any attempt to rob any person or persons upon or having in charge in whole or in part any stage, coach, wagon, railroad train or other conveyance engaged at the time in carrying passengers or any private conveyance within this State.

The reward to be paid to the person or persons making the arrest, immediately upon the conviction of the person or persons so arrested."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 471**—An act to amend Section 12032a of the Penal Code relating to probation and terms of imprisonment.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 16, inclusive, and insert "If any defendant who has been released on probation is committed to a prison in this State for another offense, the court which released him on probation shall have jurisdiction to impose sentence, if no sentence has previously been imposed for the offense for which he was granted probation, in the absence of the defendant."

The probation officer may, upon learning of such defendant's imprisonment, and must within 30 days after being notified in writing by the defendant or his counsel, or the warden or superintendent or clerk of the prison in which the defendant is confined, report such commitment to the court which released the defendant on probation.

Upon being informed by the probation officer of the defendant's commitment, or upon receipt from the warden, superintendent or clerk of any prison in this State of a certificate showing that the defendant is confined in prison, the court shall issue its commitment if sentence has previously been imposed, or shall impose sentence and issue its commitment if sentence has not previously been imposed, or shall make other final order terminating its jurisdiction over the defendant in the case in which the order of probation was made, and if no such action is made within 30 days after the court has been notified as herein provided of the defendant's commitment, then the court shall be deprived thereafter of any jurisdiction over the defendant in the case on which he was granted probation."

#### Amendment No. 2

On page 1, line 24, of the printed bill, strike out "for his subsequent offense," and insert "for his subsequent offense, unless the court shall order that the sentence for the prior offense shall commence upon termination of the sentence for said subsequent offense."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

## CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 525**—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties and townships of the State.

### Withdrawal of Motion to Reconsider

Senator Hatfield moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 525 was passed.

Motion carried.

Assembly Bill No. 525 ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 23**—An act to add Sections 48, 49, 50 and 51 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3941, 3946, 7966, 8720, 8721 and 8722 of, and to repeal Section 2838 of, the Elections Code, relating to nominations and party conventions.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "2576," insert "2670,".

**Amendment No. 2**

On page 5 of said bill, between lines 26 and 27, insert

"Sec. 7.5. Section 2670 of the Elections Code is amended to read:

2670. All declarations of candidacy and sponsor certificates shall be filed as follows:

(a) For State offices, United States Senators, Representatives in Congress, Members of the State Senate and Assembly and delegates to the State conventions, and all offices to be voted for in more than one county, in the office of the Secretary of State.

(b) For all officers to be voted for wholly within one county, except as provided in subdivision (a) of this section, in the office of the county clerk of that county."

**Amendment No. 3**

On page 6, line 17, of said bill, strike out "and postoffice address".

**Amendment No. 4**

On page 10, line 26, of said bill, strike out "120", and insert "80".

**Amendment No. 5**

On page 10, line 28, of said bill, strike out "120", and insert "80".

**Amendment No. 6**

On page 11, line 8, of said bill, strike out "appointed from each Senatorial district and", and insert "elected".

**Amendment No. 7**

On page 11, line 9, of said bill, strike out "In Senatorial districts and Assembly districts"; and strike out all of lines 10 to 17, inclusive; and in line 18, strike out "Senatorial or Assembly district", and insert "In the event no delegate is elected from any district, then the delegate".

**Amendment No. 8**

On page 11, line 20, of said bill, after the period, insert "Nothing in this code prohibits a Member of the Legislature or a candidate for nomination or election to the Legislature from being a candidate for delegate."

**Amendment No. 9**

On page 12, line 13, of said bill, strike out "an appointment is not made", and insert "no one is elected".

**Amendment No. 10**

On page 12 of said bill, strike out lines 45 to 50, inclusive; and on page 13, strike out lines 1 to 3, inclusive, and insert

"2894. If a vacancy occurs for a partisan office, the State Central Committee of such party may fill the vacancy."

Amendments read and adopted.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments to Senate Bill No. 23:

**Amendment No. 1**

On page 2 of the printed bill, after line 39, insert

"DELEGATE TO STATE CONVENTION"

-----"

**Amendment No. 2**

On page 4 of said bill, after line 13, insert  
 "DELEGATE TO STATE CONVENTION"

**Amendment No. 3**

On page 6 of said bill, after line 5, insert  
 "DELEGATE TO STATE CONVENTION"

**Amendment No. 4**

On page 8 of said bill, after line 17, insert  
 "DELEGATE TO STATE CONVENTION"

**Amendment No. 5**

On page 12, line 22, of said bill, strike out "a senatorial or", and insert "an".

**Amendment No. 6**

On page 12, line 23, of said bill, after "county," insert "and in which no delegate was elected,".

**Amendment No. 7**

On page 12, line 26, of said bill, strike out "a senatorial or", and insert "an".

**Amendment No. 8**

On page 12, line 27, of said bill, after "counties," insert "and in which no delegate was elected,".

**Amendment No. 9**

On the Republican ballot form between pages 14 and 15, after the young square "Representative in Congress 8th District", insert

“

Delegate to State Convention	Vote for One

Amendments read and adopted.

**Motion to Amend**

Senator Donnelly moved the adoption of the following amendments to Senate Bill No. 23:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "48, 49,".

**Amendment No. 1.5**

On page 1 of said bill, strike out lines 1 to 11, inclusive; in line 13, strike out "Sec. 3."

**Amendment No. 1.6**

On page 2, line 5, of said bill, strike out "Gubernatorial and congressional", and insert "Congressional".

**Amendment No. 2**

On page 2 of said bill, strike out all of lines 31 to 34, inclusive.

**Amendment No. 3**

On page 4 of said bill, strike out all of lines 5 to 8, inclusive.

**Amendment No. 4**

On page 5 of said bill, strike out lines 47 to 52, inclusive.

**Amendment No. 5**

On page 6, line 15, of said bill, strike out "Gubernatorial offices".

**Amendment No. 6**

On page 7, line 11, of said bill, strike out "Gubernatorial and".

**Amendment No. 7**

On page 8 of said bill, strike out all of lines 6 to 12, inclusive.

**Amendment No. 8**

On page 8 of said bill, strike out all of line 38.

**Amendment No. 9**

On page 10 of said bill, strike out lines 29 and 30; and in line 36, strike out "c", and insert "a".

**Amendment No. 10**

On page 11, line 32, of said bill, strike out "gubernatorial or".

**Amendment No. 11**

On page 11, line 46, of said bill, strike out "gubernatorial or".

**Amendment No. 12**

On page 12, line 34, of said bill, strike out "or as to a delegate for any"; and in line 35, strike out "gubernatorial office".

**Amendment No. 13**

On page 13 of said bill, strike out all of line 1; and strike out the comma in line 2, and insert "a United States Senator".

**Amendment No. 14**

On page 14 of said bill, strike out all of lines 21 to 24, inclusive; and in line 25, strike out "column", and insert "to the left".

**Amendment No. 15**

On page 14 of said bill, strike out line 29, and insert "In the second column".

**Amendment No. 16**

On page 15, line 29, of said bill, strike out "gubernatorial"; and in line 30, strike out "and".

**Amendment No. 16.5**

On page 15, line 40, of said bill, strike out "gubernatorial".

**Amendment No. 17**

On page 16, line 20, of said bill, strike out "gubernatorial or".

**Amendment No. 18**

On the "Republican Ballot", between pages 14 and 15 of said bill, strike out on the top of the left hand column

"

**GUBERNATORIAL**

Governor	Vote for One
RICHARD ROE Incumbent	
HENRY BROWN Mayor of Napa	
JOHN DOE State Senator	

Lieutenant Governor	Vote for One
WILLIAM SMITH Attorney	
THOMAS GREEN Merchant	
HORACE JONES Farmer	

"



## Amendment No. 19

On the "Nonpartisan Ballot", between pages 14 and 15 of said bill, at the top of the left hand column before "State", insert

" GUBERNATORIAL	
Governor	Vote for One
RICHARD ROE Incumbent	
HENRY BROWN Mayor of Napa	
JOHN DOE State Senator	
Lieutenant Governor	Vote for One
WILLIAM SMITH Attorney	
THOMAS GREEN Merchant	
HORACE JONES Farmer	

Amendments read.

## Motion to Table Amendments

Senator McCormack moved that the amendments offered to Senate Bill No. 23, by Senator Donnelly, be laid on the table.

Roll call demanded by Senators Donnelly, Carter, and Engle.

The roll was called, and the amendments laid on the table by the following vote:

**AYES**—Senators Bigger, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Hatfield, Mayo, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tickle, and Ward—20.

**NOES**—Senators Burns, Carter, Denel, Donnelly, Dorsey, Engle, Jespersen, Luckey, McBride, Shelley, Swan, and Tenney—12.

Senate Bill No. 23 ordered printed, engrossed, and to third reading.

**Senate Bill No. 981**—An act to amend Section 2526 of the Water Code, relating to statutory adjudication of water rights.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 2526 of", and insert "add Section 26.1 to the Water Commission Act and Sections 2529, 2530, 2531, and 2532 to".

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 10, inclusive, and insert

"SECTION 1. Section 2529 of the Water Code is amended to read:

2529. Within 30 days after the first publication of the notice, or within 30 days after this act goes into effect as to notices first published subsequent to January 1,

1943 and prior to the effective date of this act, any user of water from the stream system may petition the superior court of the county in which the stream system or some part thereof is situated to conduct a hearing as to the public interest and necessity for the proposed determination of the water rights.

SEC. 2. Section 2530 is added to said code, to read:

2530. The court shall thereupon set the matter for hearing and a copy of the petition and notice of date of hearing shall be served on the department at least 20 days before the date of hearing. The department shall notify all petitioners for the determination of the water rights.

SEC. 3. Section 2531 is added to said code, to read:

2531. The burden of proof shall be upon the department and petitioners for adjudication of the water rights to show the public interest and necessity for the adjudication.

SEC. 4. Section 2532 is added to said code, to read:

2532. If the court finds any one of the following to exist:

- (a) The public necessity will not be served by the adjudication;
- (b) Public interest will not be served by the adjudication;
- (c) The benefits to be derived by the adjudication do not warrant the expense, effort, and burden to the water users which will be involved;

the court shall order that the adjudication not proceed, and no new proceedings to adjudicate the stream system involved shall be commenced during the next succeeding 12 months.

SEC. 5. Section 26.1 is added to the Water Commission Act, to read:

Sec. 26.1. Within 30 days after the first publication of the notice, or within 30 days after this act goes into effect as to notices first published subsequent to January 1, 1943 and prior to the effective date of this act, any user of water from the stream system may petition the superior court of the county in which the stream system or some part thereof is situated to conduct a hearing as to the public interest and necessity for the proposed determination of the water rights.

The court shall set the matter for hearing and a copy of the petition and notice of date of hearing shall be served on the department at least 20 days before the date of hearing. The department shall notify all petitioners for the determination of the water rights.

At the hearing the burden of proof shall be upon the department and petitioners for adjudication of the water rights to show the public interest and necessity for the adjudication.

If the court finds any one of the following to exist:

- (a) The public necessity will not be served by the adjudication;
- (b) Public interest will not be served by the adjudication;
- (c) The benefits to be derived by the adjudication do not warrant the expense, effort, and burden to the water users which will be involved;

the court shall order that the adjudication not proceed, and no new proceedings to adjudicate the stream system involved shall be commenced during the next succeeding 12 months.

SEC. 6. Sections 1, 2, 3, and 4 of this act become operative only if the Water Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time said code takes effect, at which time Section 26.1 of the Water Commission Act added by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 146**—An act to amend Section 1 of an act entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, relating to appropriation of waters by the State Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 268**—An act to amend Section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1078**—An act to amend Section 1005 of the Water Code, relating to water rights.

Bill read second time.

#### Motion to Amend

Senator Fletcher moved the adoption of the following amendments

#### Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and to add Section 41.5 to the Water Commission Act".

#### Amendment No. 2

On page 1 of said bill, after line 24, insert

"Sec. 2. Section 41.5 is added to the Water Commission Act, to read:

41.5. Any right to the water of any stream which flows along a boundary of the State and which is the subject of an interstate compact to which the State is a party, to the extent such right relates to quantities of water which the United States has, under the authority of an act of Congress, contracted to deliver to any municipal corporation, political subdivision, or public district in the State, from storage constructed by the United States on any such stream, shall not be subject to any requirement or limitation provided by law relating to the time within which the construction of works for the use of such water shall be commenced, carried on, or completed, or within which such water shall be put to use, or relating to the continuity of use of such water; and water contracted to be delivered from such stream, shall be reserved to the contractor therefor without diminution by reason of the contractor's failure to apply such water to use during any period, and shall not be subject to appropriation by any other than such contractor.

Sec. 3. Section 1 of this act becomes operative only if the Water Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time said code takes effect; at which time Section 41.5 of the Water Commission Act added by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 232**—An act providing for the taking of a census in cities.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

#### Amendment No. 1

On page 1, line 1, of the printed bill, strike out "any purpose", and insert "the purposes of Sections 73, 73a, 73b and 142 of the Code of Civil Procedure and Section 4312 of the Political Code".

**Amendment No. 2**

On page 1, line 2, of said bill, after "any city," insert "the board of supervisors of the county in which the city is situated, upon the request of".

**Amendment No. 3**

On page 1, line 4, of said bill, strike out "may", and insert "shall".

**Amendment No. 4**

On page 1, line 9, of said bill, strike out "govern-"; and in line 10, strike out "ing body of the city", and insert "board of supervisors".

**Amendment No. 5**

On page 1, line 14, of said bill, strike out "city clerk", and insert "clerk of the board of supervisors".

**Amendment No. 6**

On page 1, line 16, of said bill, strike out "all", and insert "such".

**Amendment No. 7**

On page 1, line 17, of said bill, strike out "is a city charge", and insert "shall be paid by the city".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 239**—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the exclusion of territory.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1 of the printed bill, as amended, between lines 2 and 3, insert "Sec. 30. If the city to which any territory included in any municipal utility district has been annexed already serves electricity or water to the territory annexed, the city council or other governing body of the city may petition the municipal utility district for the exclusion of such territory from the district. The petition shall contain the information prescribed for petitions for exclusion under Section 29 of this act, a deposit for expenses shall be made as therein provided, and thereafter all proceedings shall be had as provided in said section for such petitions after filing.

If an order of exclusion is granted, the board of directors and the governing body of the city shall by contract provide for the payment by the city of the proportion of the taxes and bonded indebtedness to which the territory so excluded is justly liable. If they do not agree, either may petition the superior court in and for the county in which the property is located for a judgment declaring the proportion of the taxes and bonded indebtedness to which the territory excluded is justly liable. The proceeding shall be governed by the provisions of the Code of Civil Procedure relating to declaratory relief.

The order of exclusion shall not invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded nor relieve the property so excluded from any outstanding bonds which are a lien thereon at the time of exclusion, nor from any taxes to pay the principal or interest thereof."

**Amendment No. 2**

On page 2 of the printed bill, as amended, strike out lines 1 to 52; and strike out all of pages 3 and 4.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 153**—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "dollars (\$1,000)", and insert "five hundred dollars (\$1,500)".

**Amendment No. 2**

On page 1, lines 12 and 13, of said bill, strike out "\_\_\_\_\_ dollars (\$\_\_\_\_\_)", and insert "one thousand eight hundred dollars (\$1,800)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 344** An act to amend Section 4273 of the Political Code, relating to the compensation of public officers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 7, of the printed bill, after "auditor," insert "twelve".

**Amendment No. 2**

On page 1, line 7, of the printed bill, after "dollars", insert "\$1,200".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 320** An act to add Section 2211 to the Public Resources Code, relating to the county mineralogist.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1 of the printed bill, starting in line 6, following the period, strike out the balance of that line, and all of lines 7, 8, 9, 10, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 392**—An act to amend Section 4312 of the Political Code, relating to the location and office hours of certain county offices, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 7, of the printed bill, following "business", insert "continuously from 9 o'clock a.m. until 5 o'clock p.m."

**Amendment No. 2**

On page 1, lines 9 and 10, of the printed bill, strike out "during such hours as the board of supervisors of each county shall fix by ordinance".

**Amendment No. 3**

On page 1, line 19, of the printed bill, following "business", insert "continuously from 9 o'clock a.m. until 5 o'clock p.m."

**Amendment No. 4**

On page 1, lines 21 and 22, of the printed bill, strike out "during such hours as the board of supervisors shall fix by ordinance".

**Amendment No. 5**

On page 2, line 2, of the printed bill, following "business", insert "continuously from 9 o'clock a.m. until 5 o'clock p.m."

**Amendment No. 6**

On page 2, lines 4 and 5, of the printed bill, strike out "during such hours as the board of supervisors shall fix by ordinance".

**Amendment No. 7**

On page 2, line 13, of the printed bill, following "business", insert "continuously from 9 o'clock a.m. until 5 o'clock p.m."

**Amendment No. 8**

On page 2, lines 17 and 18, of the printed bill, strike out "and during such hours as the board of supervisors shall fix by ordinance".

**Amendment No. 9**

On page 2, line 18, of the printed bill, following "ordinance", insert

"The words 'transaction of business' as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office.

In all cases where an officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from 12 o'clock noon to and until 1 o'clock p.m.

In all cases where an officer named herein has a branch office to which a single deputy is assigned he shall be permitted to close such branch office during the hour from 12 o'clock noon to and until 1 o'clock p.m.

Notwithstanding anything in this section contained, when so requested by a civilian defense organization or an organization supervising transportation facilities as a means of assisting in the prosecution of the war or as a means of meeting transportation shortage arising from war, the board of supervisors may by ordinance fix the hours during which said county offices shall be open for the transaction of business."

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 401**—An act to amend Section 8 of the County Civil Service Enabling Act, relating to dismissals, suspensions and reduction in pay or rank.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 438**—An act to amend Section 4242 of the Political Code, relating to salaries and compensation for public services in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 266**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any

moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city or town, municipality, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 17 of the title of the printed bill, strike out "or town, municipality," and insert "or any department of any incorporated city having control of its own funds,".

##### Amendment No. 2

On page 2, line 1, of said bill, strike out "or town, municipality," and insert "or any department of any incorporated city having control of its own funds,".

##### Amendment No. 3

On page 2, line 5, of said bill, strike out "or town, municipality," and insert "or any department of any incorporated city having control of its own funds,".

##### Amendment No. 4

On page 2, lines 9 and 10, of said bill, strike out "or town, municipality," and insert "department,".

##### Amendment No. 5

On page 2, line 12, of said bill, strike out "to".

##### Amendment No. 6

On page 2, line 13, of said bill, strike out "or town, municipality," and insert "department,".

##### Amendment No. 7

On page 2, line 15, of said bill, strike out "be deemed wise or expedient in", and insert "deem wise or expedient in (1)".

##### Amendment No. 8

On page 2, line 17, of said bill, strike out "or town, municipality," and insert "department,".

##### Amendment No. 9

On page 2, line 18, of said bill, strike out "or in", and insert "and (2)".

##### Amendment No. 10

On page 2, line 22, of said bill, strike out "town, municipality," and insert "department,".

##### Amendment No. 11

On page 2, line 24, of said bill, strike out "State, which", and insert "State; provided, said".

##### Amendment No. 12

On page 2, line 25, of said bill, strike out "shall be", and insert "are".

##### Amendment No. 13

On page 2, line 26, of said bill, strike out "California and", and insert "California. Any".

##### Amendment No. 14

On page 2, line 37, of said bill, strike out the comma following "money".

##### Amendment No. 15

On page 2, line 40, of said bill, strike out "or town, municipality," and insert "department,".

**Amendment No. 16**

On page 2 of said bill, between lines 41 and 42, insert "Any bonds so purchased, which were issued by the purchaser, may be canceled, either in satisfaction of sinking fund obligations, or otherwise, and when canceled shall no longer be deemed to be outstanding, or in the discretion of the governing body any bonds so purchased may be held uncanceled so long as may be determined upon, and while so held uncanceled may be resold. Any interest and the proceeds of any such resale, shall be deposited in the fund out of which the bonds were purchased."

**Amendment No. 17**

On page 2, line 43, of said bill, strike out "of this act authorized", and insert "authorized by this act".

**Amendment No. 18**

On page 2, lines 45 and 46, of said bill, strike out "our town, municipality," and insert "or department thereof,".

**Amendment No. 19**

On page 2 of said bill, between lines 47 and 48, insert "In the case of any department of any incorporated city having control of its own funds, the board having control of such department and of the expenditure of such funds shall be deemed to be the governing body thereof within the meaning of this act."

Amendments read and adopted.

Bill ordered printed and to third reading.

**Assembly Bill No. 385**—An act to amend the title and Sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act providing for the creation of county treasurers' cash difference funds and overage funds in the counties of the State," approved April 23, 1941, relating to county officers' cash difference funds and overage funds.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the reorganization, powers, and duties of the Board of Forestry.

Resolution read.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed measure, strike out all of lines 21, 22, 23, and 24, inclusive, and insert

"One of the members shall be a graduate of a recognized school of forestry".

**Amendment No. 2**

On page 2 of the printed measure, strike out all of lines 18 to 24, inclusive, and insert "general policies for the guidance of the Division of Forestry, Department of Natural Resources, shall be determined by the board created herein. Pursuant to such policies the board shall assist the Division of Forestry, Department of Natural Resources as follows:".

**Amendment No. 3**

On page 2 of the printed measure, strike out lines 45 to 52, inclusive, and insert "The Division of Forestry shall be administered through a chief, who shall be known as the State Forester. He shall be a technically trained forester, appointed by the Director of Natural Resources upon nomination by the State Board of Forestry. The State Forester shall not be a member of the board and shall be exempt from civil service."

**Amendment No. 4**

On page 3 of the printed measure, strike out lines 14 to 24, inclusive, and insert "On the operative date hereof the State Board of Forestry and the Office of State Forester and Chief of the Division of Forestry provided for by Section 505 of the Public Resources Code are hereby abolished."

Amendments read.



## Motion to Table

Senator Swan moved that the amendments offered by Senator Fletcher to Senate Constitutional Amendment No. 1 be laid on the table.

Motion carried.

The President ordered the amendments to Senate Constitutional Amendment No. 1 laid on the table.

## Motion to Re-refer Senate Constitutional Amendment No. 1

Senator Fletcher moved that Senate Constitutional Amendment No. 1 be re-referred to Committee on Natural Resources.

Motion lost.

## Further Consideration of Senate Constitutional Amendment No. 1

**Senate Constitutional Amendment No. 1**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the reorganization, powers, and duties of the Board of Forestry

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Engle, Gordon, Mayo, Mixter, Quinn, Salsman, Seawell, Slater, and Swan—14

NOES—Senators Burns, Carter, Crittenden, DeLap, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Luckey, McBride, McCormack, Rich, Shelley, Swing, Tenney, Tickle, and Ward—18.

**Senate Bill No. 246**—An act to amend Section 3000 of, and to add Sections 3000.5, 3000.7, and 3005.5 to, the Penal Code, relating to membership on the Board of Prison Terms and Paroles

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Luckey, Mayo, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 813**—An act to amend Section 1030 of the Political Code, relating to hours of employment of State employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tickle, and Ward—25.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 393**—An act to amend Section 1720 of the Labor Code of the State of California, relating to public works and printing.

## Motion to Refer Bill to Inactive File

Senator Tenney moved that Senate Bill No. 393 be placed on the inactive file.

Motion carried.

## Senator Crittenden Presiding

At 3.30 p.m., Senator Crittenden, of the Twentieth District, presiding.

**Senate Bill No. 179**—An act to amend Section 3070 of the Labor Code, relating to the Apprenticeship Council.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 412**—An act to amend Section 11871 of the Insurance Code, relating to representation of State agencies by State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 500**—An act to amend Section 6 of the Corporate Securities Act, to provide for renewal of licenses to brokers and agents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

## Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 407**—An act to require notice to mortgagees or lien holders that taxes levied on real property subject to such encumbrances have not been paid, and to add Section 3350 to the Revenue and Taxation Code, relating to notice of delinquency in taxes to mortgagees or lien holders of the assessed property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Luckey, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 543**—An act to add Sections 8.1 and 13.1 to the Personal Income Tax Act and Sections 17318 and 18404.5 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 17, of the printed bill, as amended, before "In", insert "(a)".

**Amendment No. 2**

On page 2 of said bill, between lines 5 and 6, insert "(b) 'Continental United States,' as used in subsection (a), means the 48 States of the United States."

**Amendment No. 3**

On page 2, line 32, of said bill, before "In", insert "(a)".

**Amendment No. 4**

On page 2 of said bill, between lines 43 and 44, insert "(b) 'Continental United States,' as used in subsection (a), means the 48 States of the United States."

**Amendment No. 5**

On page 2, line 47, of said bill, before "The", insert "SEC. 5."

**Amendment No. 6**

On page 2, lines 50 and 51, of said bill, strike out "after the effective date of this act", and insert "in the taxable year of 1942, and in all taxable years thereafter".

**Amendment No. 7**

On page 3, line 10, of said bill, strike out "SEC. 6", and insert "SEC. 7".

**Amendment No. 8**

On page 3, line 28, of said bill, strike out "SEC. 7", and insert "SEC. 8".

**Amendment No. 9**

On page 3, line 32, of said bill, strike out "3.1 and 8.1", and insert "8.1 and 13.1".

**Amendment No. 10**

On page 3, line 16, strike out "State Guard, Home Guard,".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 359**—An act to add Section 128 to the Welfare and Institutions Code, relating to moneys appropriated for public assistance, and providing for audits by the Director of Finance of records pertaining to the receipt and expenditure thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1058**—An act to amend Sections 7501, 7502 and 7592 of the Business and Professions Code, relating to detectives, and providing for appropriate transfers.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 13 to 19, inclusive.

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Constitutional Amendment No. 6**—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 8b to Article V thereof, relating to appointments by the Governor.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

**REPORTS OF STANDING COMMITTEES****Committee on Finance**

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1600

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 1600, at this time, for the purpose of adoption of the committee amendments.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1600**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 3, line 43, of the printed bill, as amended, after "sum", insert ", not to exceed eight thousand dollars (\$8,000), which".

**Amendment No. 2**

On page 7, line 5, of the printed bill, as amended, strike out "members of the".



**Amendment No. 3**

On page 11, line 14, of the printed bill, as amended, after "expenditure", insert "by the Division of Industrial Welfare, Department of Industrial Relations."

**Amendment No. 4**

On page 12, line 25, of the printed bill, as amended, strike out "or", and insert "of".

**Amendment No. 5**

On page 13, line 31, of the printed bill, as amended, strike out "Adult", and insert "the".

**Amendment No. 6**

On page 22, line 28, of the printed bill, as amended, after "Code", insert "provided, however, that the limitations of subdivision (b) of Section 124 of the Welfare and Institutions Code on the rate of withdrawal do not apply to revolving fund withdrawals under Section 4 of this act."

**Amendment No. 7**

On page 25 of the printed bill, as amended, strike out all of lines 13 and 14, and insert "University of California, or for members of the faculty as defined by the Director of Education in the State colleges,".

**Amendment No. 8**

On page 11 of the printed bill, as amended, strike out all of lines 37 to 48, inclusive.

**Amendment No. 9**

On page 15, line 16, of the printed bill, as amended, strike out "\$425,587.00", and insert "\$584,517.00".

**Amendment No. 10**

On page 15, line 22, of the printed bill, as amended, strike out "\$425,587.00", and insert "\$584,517.00".

**Amendment No. 11**

On page 15, line 27, of the printed bill, as amended, strike out "\$1,132,870.00", and insert "\$1,201,671.00".

**Amendment No. 12**

On page 17, line 16, of the printed bill, as amended, after "grounds", insert "and lands for fish hatcheries".

**Amendment No. 13**

On page 17, line 18, of the printed bill, as amended, after "ment", insert "of fish hatcheries".

**Amendment No. 14**

On page 25, line 24, of the printed bill, as amended, insert

"Item 229—For Salary Restoration Fund for the payment of salaries and wages, to be allocated on authorization of the Board of Control by the Department of Finance to each State officer, department, board, bureau and other State agency, including The Regents of the University of California, in augmentation of the respective appropriations for the support of each for the Ninety-fifth and Ninety-sixth Fiscal Years in an amount for each thereof not in excess of 5 per cent of the salaries and wages (exclusive of salaries and wages expressly fixed by statute) provided in that certain document entitled "State of California Budget for the Biennium July 1, 1943, to June 30, 1945, Ninety-fifth and Ninety-sixth Fiscal Years, Submitted by Earl Warren, Governor, to the California Legislature, Fifty-fifth Session," and as amended by the "Budget Act of 1943" . . . . . \$2,500,000.

To receive an allocation from the Salary Restoration Fund an officer, department, board, bureau, commission or other State agency, including The Regents of the University of California, shall prove to the Department of Finance that it has personnel in the number provided in such document sufficient to require the allocation authorized to be made by this item. The Department of Finance shall certify to the Board of Control that this condition exists as respects any officer, department, board, bureau, commission or other State agency, and the authorization of the Board of Control allocation funds to any department from the Salary Restoration Fund shall be sufficient evidence for the Controller to transfer said funds.

No authorization given by the State Board of Control pursuant to this section in respect to any allocation of money from the Salary Restoration Fund is valid unless given with the unanimous consent of the State Board of Control expressed in the form of a resolution which shall set forth the reasons and necessities for the authorization and shall be entered upon the minutes of the board.

The State Board of Control shall submit to each Member of the Legislature not later than the fifteenth day of each month a report on all authorizations given pursuant to this section during the preceding month. The report shall contain

such information regarding each authorization as shall be sufficient to apprise the Members of the Legislature as to the reasons and necessity therefor."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### MOTION TO SET SPECIAL ORDER

Senator Mixter moved that Assembly Bill No. 1600 be made a special order of business for Wednesday, March 31, 1943, at 2.30 p.m.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 178**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, declaring the urgency thereof, to take effect immediately.

#### Motion to Refer Bill to Inactive File

Senator Carter moved that Senate Bill No. 448 be placed on the inactive file.

Motion carried.

**Senate Bill No. 599**—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

#### Motion to Reconsider

Senator Mixter moved to reconsider the vote whereby Senate Bill No. 599 was passed.

#### Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Mixter moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 599 was passed.

The roll was called, and Senate Bill No. 599 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

#### FURTHER CONSIDERATION OF SENATE BILL NO. 599

**Senate Bill No. 599**—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund.

Bill read third time.

#### Motion to Amend

Senator Mixter moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 1, of the printed bill, before "Notwithstanding", insert "Section 1."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 855**—An act to amend Section 96.5 of the State Civil Service Act, relating to status of members of armed forces on civil service lists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 562**—An act to amend Section 50½ of the Public Utilities Act, relating to fees for applications for certificates of public convenience and necessity.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1124**—An act to amend Sections 812.4 and 829.35 of the Agricultural Code, relating to containers for bunched carrots, declaring the urgency hereof and that this act take effect immediately.

Bill read third time.





**Assembly Bill No. 466**—An act to amend Sections 2681, 2682 and 2685 and to repeal Section 2683 of the Penal Code, relating to the disposition of insane prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 154**—An act to repeal Section 615 of, and to amend Section 1270 of, the Fish and Game Code, relating to deer seasons, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Quinn moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "Trusts 2; and", and insert "District".

Amendment read and adopted.

Bill ordered printed, re engrossed, and to third reading.

**Senate Bill No. 2**—An act to amend Section 691 of the Fish and Game Code, relating to striped bass.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Jespersen, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 420**—An act to add Section 6513 to the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Luckey, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 889**—An act to amend Section 610 of the Fish and Game Code, relating to bag limits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey,

Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.  
 NOES—None.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Joint Resolution No. 18**—Relative to the construction of a dam on the Stanislaus River.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 18?

##### Amendment No. 1

On page 1, lines 8 and 9, of the printed measure, strike out "and would provide a source of electric power".

##### Amendment No. 2

On page 1, line 10, of said measure, after "emergency", insert ", and would provide a source of electrical power".

The roll was called, and the Senate concurred in Assembly amendments to Senate Joint Resolution No. 18 by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

The above resolution ordered enrolled.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tenney moved that Assembly Bill No. 213 be taken from the inactive file, and placed on the second reading file.

Motion carried.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Assembly Bill No. 934 be taken from the inactive file, and placed on the second reading file.

Motion carried.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 911

Senator Mixer moved that Assembly Bill No. 911 be withdrawn from Committee on Welfare and Institutions, and referred to Committee on Finance.

Motion carried.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 146

Senate Bill No. 438

Senate Bill No. 268

Senate Joint Resolution No. 20

Senate Bill No. 401

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 30

Senate Joint Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 100

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CARTER, Vice Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 1121

Assembly Bill No. 1219

Assembly Bill No. 1217

Assembly Bill No. 1220

Assembly Bill No. 1218

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 6

Assembly Bill No. 1952

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 142

Senate Bill No. 342

Senate Bill No. 217

Senate Bill No. 350

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 705

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 90  
 Assembly Bill No. 93  
 Assembly Bill No. 94  
 Assembly Bill No. 126  
 Assembly Bill No. 442  
 Assembly Bill No. 463  
 Assembly Bill No. 529  
 Assembly Bill No. 591  
 Assembly Bill No. 632

Assembly Bill No. 784  
 Assembly Bill No. 787  
 Assembly Bill No. 914  
 Assembly Bill No. 915  
 Assembly Bill No. 1071  
 Assembly Bill No. 1551  
 Assembly Bill No. 1552  
 Assembly Bill No. 1631  
 Assembly Bill No. 1956

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 90**—An act to add Chapter 3, consisting of Sections 8330 and 8331, to Part 3, Division 9, of the Streets and Highways Code, relating to the vacation of city streets and providing for the reservation of certain easements therein.

Referred to Committee on Transportation.

**Assembly Bill No. 93**—An act to amend Section 117d of the Code of Civil Procedure, relating to small claims court and the time for appearance therein.

Referred to Committee on Judiciary.

**Assembly Bill No. 94**—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction and venue of the small claims court.

Referred to Committee on Judiciary.

**Assembly Bill No. 126**—An act to amend Sections 5245 and 5252 of the Streets and Highways Code, relating to special assessment proceedings and the calling for bids.

Referred to Committee on Transportation.

**Assembly Bill No. 442**—An act to amend Section 17 of an act approved March 22, 1941, entitled "An act creating a public airport district designated 'Monterey Peninsula Airport District'; defining its boundaries; providing for its organization, government and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries, and the dissolution of said district."

Referred to Committee on Local Government.

**Assembly Bill No. 463**—An act to add Section 3041a to the Penal Code and to amend Sections 3043 and 3045 of the Penal Code, relating to paroles.

Referred to Committee on Judiciary.

**Assembly Bill No. 529**—An act to repeal Section 5 of an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, relating to the reconversion of registered bonds into coupon bonds.

Referred to Committee on Local Government.



**Assembly Bill No. 591**—An act to amend Section 14230 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Local Government.

**Assembly Bill No. 632**—An act amending Section 4300e of the Political Code, relating to the fees of county recorders.

Referred to Committee on Local Government.

**Assembly Bill No. 784**—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Referred to Committee on Agriculture.

**Assembly Bill No. 787**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 914**—An act to amend Section 4891 of the Health and Safety Code.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 915**—An act to amend the title of the Municipal Improvement Act of 1913, and to add Section 1f thereto, relating to the formation of maintenance districts.

Referred to Committee on Local Government.

**Assembly Bill No. 1071**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1551**—An act to amend Section 41 of the Probate Code, relating to bequests to charity and charitable use.

Referred to Committee on Judiciary.

**Assembly Bill No. 1552**—An act to amend Section 1 of an act entitled "An act to provide for the establishing and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, relating to destruction of such records as the result of enemy action or from any other cause.

Referred to Committee on Judiciary.

**Assembly Bill No. 1631**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Judiciary.

**Assembly Bill No. 1956**—An act to add Article 5, comprising Sections 1970 to 1973, inclusive, to Chapter 4, Part 1, Division 6, of the Harbors and Navigation Code, relating to the power of the Board of State Harbor Commissioners for San Francisco Harbor to sell and

lease to the United States of America or any of its departments, acting by and through any of its various agencies, property of the State of California under the control and jurisdiction of said board, to take effect immediately.

Referred to Committee on Governmental Efficiency.

#### ADJOURNMENT

At 5 p.m., on motion of Senator Mixter, the President pro tempore declared the Senate adjourned until 2 p.m., Wednesday, March 31, 1943.

CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

EIGHTY-SEVENTH CALENDAR DAY

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IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 31, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormick, Myer, Parkinson, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Breed, on motion of Senator Brown.

Senator Powers, on motion of Senator Seawell.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jim Lambert of Fresno, Mrs. Nan Mathison of Sacramento, and Thomas D. Revira of Balboa.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator J. C. Garrison of Modesto.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. W. Getty and S. R. Lewis, both of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Morgan

and Mrs. J. L. Knowles, teachers, and the following students of the high eighth grade, North Sacramento School: Loraine Barclay, June Bird, Lorraine Bowden, Shirley Brewer, Wilma Butler, Dora Carillo, Angelina Chesser, Maggie Gatewood, Gladys Gonsalves, Rita Mae Jones, Janice Kite, Theresa Karbowski, Frances La Forte, Bernice McCormick, Peggy O'Neil, Pearl Wagner, Fay Walton, Rita Yepez, Sammy Burns, Stanley Cadwell, Billy Earle, Robert Eichler, Manuel Epps, Jack Humphrey, Jack Hubbard, Edward Jones, Richard Larimer, Robert Long, Calvin Mayhew, Robert Mullich, Homes Owens, Earle Prior, Donald Ptomey, Frank Ribera, Tony Ruiz, Charles Rice, Robert Taber, Harry Welch, George Westwood, Jack Powers, Donna Allen, Shirley Bright, Rosie Buttacavoli, Lorraine Byrd, Romona Castro, Geraldine Clayton, Maureen Delaney, Lois Fuller, Betty Graham, Marguerite Greer, Beverly Hoerner, Jo Alyce Holland, Doris Hotating, Barbara Johnson, Melba Jones, Dolores Maxwell, Jackie Mitchell, Barbara Morton, Romona Ramey, Betty Reynolds, Leona Sawyer, Mary Ellen Spaan, Elaine Barber, Helen Jo Runyon, Mary Mortensen, Margaret Biggs, Fred Collins, James Cruse, Donald Doseh, Ralph Pitchue, Kevan Griffen, Ronald Griffith, Sam Holsinger, Jerry Johnson, Thurman Jones, James Karnofsky, Eugene Lee, Charles Luce, Terry McKoun, William Medcalf, Rolf Owre, Ector Rodriquez, Jack Smith, Robert Termeer, Carl Wadsworth, and Donald Williams.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. W. Lefever, member of the Board of Supervisors in Sonoma, and Judge Andrew L. Pierovich of Amador County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John A. Tedford, City Manager, and Lloyd Rhodes, Fire Chief, both of Santa Rosa.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ann Baker of Santa Barbara.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. W. Spinney, Chairman, California State Legislative Committee, Order of Railway Conductors, Richmond.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Melvin Wood of Oakland, Mrs. Arthur Carlson of Piedmont, Mr. William Burn of Los Angeles, and Mr. and Mrs. Lloyd Leedom of Long Beach.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA  
STATE BUILDING, SAN FRANCISCO, March 30, 1943

*To the Legislature of the State of California*

Pursuant to the authority contained in Sections 961 of the Code of Civil Procedure and 1247k of the Penal Code, as amended by Chapter 4, Statutes of 1943, and in Section 1a of Article VI of the Constitution, I have the honor to report and present herewith on behalf of the Judicial Council, Rules for the Practice and Procedure on Appeals, and for the time and manner in which the records on such



appeals shall be made up and filed, in civil and criminal actions and proceedings, adopted by the Judicial Council and attested by its secretary on March 30, 1943.

Yours truly,

PHIL S. GIBSON

Chairman of the Judicial Council of the State of California

### RESOLUTIONS

The following resolution was offered:

By Senator Slater:

#### Senate Resolution No. 89

Relative to the commemoration of 40 years in public service of Richard E. Collins.

The Senate of the State of California wishes to join in the felicitations now being extended Richard E. Collins, the Chairman of the State Board of Equalization, on his completion of 40 years in public service in California, 36 years of which have been as a member and for many years the head of the State Board of Equalization and who was for four years prior thereto the county assessor of Shasta County.

Forty years of public service is a long and notable record seldom attained by public officials. Last November Mr. Collins was reelected without opposition to serve another four-year term on the State Board of Equalization and at the commencement of this year was reelected as its chairman.

In harmony with the general approval earned by Mr. Collins as a public servant, recognizing his loyalty and integrity, his desire to do the right thing in his administration of his public duties and in wishing him more years of a life dedicated to public service, the Senate by this tribute signalizes its appreciation of him and his accomplishments. Therefore, be it

*Resolved by the Senate*, That an engrossed copy of this resolution be forwarded in the name of the Senate to Mr. Collins through the Secretary.

Resolution read and unanimously adopted.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 21

Senate Concurrent Resolution No. 30

And reports the same correctly engrossed.

SEAWELL, Chairman

#### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1062

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 591

Senate Bill No. 864

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

## Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 370

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 570

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 415

Senate Bill No. 776

Senate Bill No. 777

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 155

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 501

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

RICH, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 859

Senate Bill No. 156

Senate Bill No. 341

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 911

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 598**—An act to add Section 692.5 to the Political Code, relating to approval by the Director of Finance of leases and licenses to use real property executed by the Reclamation Board.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 and 4, and insert "692.5 Every"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 822**—An act to amend Section 356a of the Political Code, relating to contracts between State agencies.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 24, of the printed bill, after "benefits," insert

"In all such cases the amount shall be based upon the ratio of the elapsed time worked for the agency for which the services were performed to the total number of days in the month, and where a full work week is covered by such employment, the seven-day period from Monday to Sunday, inclusive, including any holidays in said period, shall be considered as part of the time employed."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 805**—An act to amend Section 661 of the Political Code, relating to deficiencies in appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 806** An act to add Section 661.2 to the Political Code, relating to appropriations and the expenditure thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 818** An act to amend Section 1000 of, and to add Sections 380.3, 1000.1, 1000.2 and 1000.3 to, the Political Code, relating to specific term appointments made by the Governor, and requiring the confirmation thereof by the Senate.

Bill read second time.

#### Motion to Amend

Senator Rich moved the adoption of the following amendments:

##### Amendment No. 1

In line 2 of the title of the printed bill, after "Code", insert "and to amend Sections 1300, 1774 and 1775 of, and to add Sections 1300.5, 1322, 1323 and 1324 to, the Government Code,".

##### Amendment No. 2

On page 1, line 20, of said bill, strike out "said code", and insert "the Political Code".

##### Amendment No. 3

On page 2, line 14, of said bill, strike out "said code", and insert "the Political Code".

##### Amendment No. 4

On page 2, line 20, of said bill, strike out "said code", and insert "the Political Code".

PRINTER'S NOTE -There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 5

On page 2 of said bill, after line 37, insert

"SEC. 6. Section 1300 of the Government Code is amended to read:

1300. *Except as otherwise provided, every officer, the mode of whose appointment is not prescribed by law, shall be appointed by the Governor.*

SEC. 7. Section 1300.5 is added to the Government Code, to read:

1300.5. Notwithstanding any statute provision to the contrary, every appointment for a specific term made by the Governor shall be subject to confirmation by the Senate.

SEC. 8. Section 1774 of the Government Code is amended to read:

1774. When an office, the appointment to which is vested in the Governor and Senate, or in the Legislature, either becomes vacant or the term of the incumbent of which expires during the recess of the Legislature, the Governor may appoint a person to the office. The appointee can only hold the office until [the adjournment of the next session of the Legislature.] *confirmation or rejection by the Senate or appointment by the Legislature, as the case may be, at the session of the Legislature first occurring thereafter, whether regular or extraordinary.*

Within 10 days after the meeting of the Legislature, the Governor shall transmit to it a list of all such appointments.

SEC. 9. Section 1322 is added to the Government Code, to read:

1322. Notwithstanding any statute provision to the contrary, whenever any vacancy occurs in any specific term position filled by appointment by the Governor subject to confirmation by the Senate, the Governor shall submit an appointment for the term or the completion thereof, as the case may be, to the Senate for confirmation, if the Senate is in session.

If the appointment is made while the Senate is not in session, the person appointed shall immediately undertake the performance of his duties and his name shall be submitted to the Senate for confirmation at the session of the Legislature first occurring thereafter, whether regular or extraordinary. As used in this section, the Senate is in session when it has convened, has not adjourned sine die, and has not recessed for more than three days. Failure of the Senate to confirm or reject any appointment, unless it adopts the resolution provided for in Section 1323, is equivalent to confirmation.

SEC. 10. Section 1323 is added to the Government Code, to read:

1323. If the Senate, in lieu of failing to confirm, finds that it can not consider all or any of the appointments made by the Governor adequately because the



amount of legislative business and the practical necessity of the matter, in the event, it may adopt a single house resolution by a two-thirds vote of all members elected to the Senate to that effect, and requesting the presiding officer of the Senate, whether regular or extraordinary, consisting of an officer elected by the Legislature. This resolution shall be filed immediately after its adoption in the office of the Secretary of State and the appointee or appointees selected shall serve until next to later confirmation or rejection by the Senate.

SEC. 11. Section 1324 is added to the Government Code, to read: 1324. If any vacancy exists or occurs while the Senate is in session, the appointment shall be made and submitted to the Senate for confirmation before adjournment sine die. If the appointment is not made and submitted by the Senate for confirmation before adjournment, the Governor, upon the next day after the adjournment and until the appointment is confirmed by the Senate at a subsequent session of the Legislature, whether regular or extraordinary.

SEC. 12. Section 1775 of the Government Code is amended to read: 1775. A vacancy in the office of either the Secretary of State, Controller, Treasurer, or Attorney General shall be filled by a person appointed by the Governor subject to confirmation by the Senate, who shall hold his office for the balance of the unexpired term.

SEC. 13. Sections 6, 7, 8, 9, 10, 11, and 12 of this act shall take effect only if the Government Code is enacted by the Legislature at its Fifty-fifth Session, and in such case, at the same time as the Government Code takes effect; at which time Sections 3802, 10001, 10002, and 10003 are added by, and Section 10001 as amended by, this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 824**—An act to create a Board of Budget Appeals designating the members thereof, defining its powers and duties, and to amend Sections 661 and 677.5 of the Political Code, relating to State expenditures.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 810**—An act providing for the transfer to the State Lands Commission of control and management of a tract of land owned by the State in Napa County, and providing for the sale of a portion thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 13, of the printed bill, after "and", insert "and subject to the provisions of Sections 6401 and 6402 of the Public Resources Code."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 811**—An act to add Section 127 to the Civil Service Act, relating to the payment of persons accepting appointment contrary to the acts or rules.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 127", and insert "Sections 127 and 128".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "the payment of persons accepting".

**Amendment No. 3**

In line 3 of the title of said bill, strike out "acts", and insert "act".

**Amendment No. 4**

On page 1, after line 29, of said bill, insert

"Sec. 2. Section 128 is added to said act, to read:

Sec. 128. Any appointing power who appoints or employs any person knowing such action to be contrary to this act or the rules prescribed thereunder, shall be removed from his position."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 820**—An act to add Section 408.5 to the Political Code, relating to the filing of all contracts made by or on behalf of the State, providing for the examination of such contracts, and requiring the Secretary of State to index such contracts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "agency", insert ", bureau or department".

**Amendment No. 2**

On page 1, line 4, of the printed bill, after "State", insert ", except the State Compensation Insurance Fund,".

**Amendment No. 3**

On page 1, line 8, of said bill, after "State", insert ", except of the State Compensation Insurance Fund,".

**Amendment No. 4**

On page 1, line 17, of the printed bill, after the period following "contract", insert "Nothing in this section contained shall be applicable to The Regents of the University of California."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 678**—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 16, of the printed bill, after the comma, insert "whether".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 676**—An act to amend the title of Chapter 1 of Title 5 of Part 3 of the Penal Code, and to add Section 4502 to the Penal Code, relating to possession of deadly weapons by prisoners.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 423**—An act to amend the title of, to amend Sections 26547, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562, 26566, 26567, 26581, 26584, 26586, 26587, 26588, 26600, 26617, 26621, and 26622 of, to add Section 26463 to, and to delete Section 5 from an act entitled "An act adding Division 21, comprising Chapter 3 and Sections 26450 to 26624 inclusive, to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto," approved July 13, 1939.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

On page 2 of the printed bill, strike out all of lines 41 to 47, inclusive, and insert "(f) If it be chopped meat, hamburger, or ground meat containing any substance other than the striated muscle of cattle and crude fat in excess of 25 per cent."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 617**—An act to amend Section 301 of the Agricultural Code, relating to meat inspection.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

Strike out all of the title of the printed bill, and insert "An act to add Chapter 1a, Article 1a and Section 320 a, b, c, d and e to the Agricultural Code, relative to animal food inspection."

##### Amendment No. 2

Strike out all of lines 1 to 30, inclusive, of said bill, and insert "320. Horse meat sold for animal food shall be slaughtered in a licensed establishment, licensed by the State Department of Agriculture.  
320a. All horse meat sold for animal food purposes shall be denatured by the addition of charcoal.

320b. Every establishment in California where horses are slaughtered for animal food purposes shall be maintained and operated in a sanitary manner and inspection conducted in accordance with the provisions of the article and regulations of the director, and in the event that an establishment is not so maintained and operated the director may suspend inspection in any establishment having State inspection.

320c. Horse meat can be sold only from licensed premises which have conspicuously displayed both inside and outside the establishment, signs with boldface letters four inches in height and one inch in width with the following written thereon: "Horse meat for animal food purposes only sold here." No food product for human consumption can be sold on these premises.

320d. The director shall make rules and regulations necessary for the execution of this article.

320e. It is unlawful to maintain a slaughterhouse that is insanitary.

Any person desiring to engage in slaughtering of horses for animal food purposes in any county in the State, shall apply to the director for the inauguration of an inspection service in the establishment where said animals are to be slaughtered for animal food purposes. After the granting of the inspection service to such establishment, thereafter it shall be known as Animal Food Establishment No. \_\_\_\_\_ and shall pay for such inspection service in the amount designated by the director. Such fee paid any establishment shall be credited to the Department of Agriculture Fund and shall be sufficient to cover the total salaries and all other necessary

expenses incurred. All such fees shall be paid monthly in advance. Each establishment under State inspection shall deposit with the director one-half of the amount of one month's inspection fee to be held in trust by the director to be applied on any fee due the State in the event the establishment discontinues inspection or inspection is suspended for nonpayment of fee. In lieu of such deposit any establishment may file a bond for like amount satisfactory to the director."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**Senate Bill No. 482**—An act to amend Sections 13600, 13607, 13610, 13652, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13609, 13611 and 13653 thereof, relating to spotting, sponging and pressing establishments.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 451**—An act to add Section 249 to, and to amend Sections 250, 257, and 268 of the Health and Safety Code, relating to services for physically handicapped children, providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 547**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 623**—An act to amend Sections 10036 and 10551 of the Health and Safety Code, relating to vital statistics certificates.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 100**—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 4, of the printed bill, strike out "shall", and insert "must".

##### Amendment No. 2

On page 1, line 15, of said bill, strike out "shall", and insert "must".

##### Amendment No. 3

On page 2, line 10, of said bill, strike out "shall", and insert "must".

##### Amendment No. 4

On page 2, line 52, of said bill, strike out "shall", and insert "must".

##### Amendment No. 5

On page 3, line 10, of said bill, strike out "shall", and insert "must".

##### Amendment No. 6

On page 3, line 19, of said bill, strike out "shall", and insert "must".

##### Amendment No. 7

On page 3, line 30, of said bill, strike out "shall", and insert "must".



**Amendment No. 8**

On page 4, line 2, of said bill, strike out "shall", and insert "must".

**Amendment No. 9**

On page 4, line 5, of said bill, strike out "shall", and insert "must".

**Amendment No. 11**

On page 4, line 21, of said bill, strike out "shall", and insert "must".

**Amendment No. 12**

On page 4, line 25, of said bill, strike out "shall", and insert "must".

**Amendment No. 14**

On page 4, line 37, of said bill, strike out "shall", and insert "must".

**Amendment No. 15**

On page 5, line 1, of said bill, strike out "shall", and insert "must".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 6**—An act to amend Sections 50 and 472 of the Vehicle Code, relating to the definition of "unladen weight" and the payment of weight fees for commercial vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 17, of the printed bill, after "less", insert "without such boards or gates".

**Amendment No. 2**

On page 2, line 15, of said bill, strike out "3400", and insert "3000".

**Amendment No. 3**

On page 2, line 16, of said bill, after "pounds", insert "and if not used primarily on the premises of the owner".

**Amendment No. 4**

On page 2, line 17, of said bill, after "(2)", insert "When unladen, 3,400 pounds or more, but less than 6,000 pounds and if used primarily on the premises of the owner ----- \$8.00  
(3)".

**Amendment No. 5**

On page 2, line 20, of said bill, strike out "(3)", and insert "(4)".

**Amendment No. 6**

On page 2, line 22, of said bill, strike out "(4)", and insert "(5)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 47**—An act amending Section 1 of "An act granting to the City of San Diego certain parcels of the State-owned lands in Mission Bay State Park upon certain trusts and conditions," approved July 24, 1939, relating to tidelands in Mission Bay State Park.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 811**—An act to amend Sections 749, 750 and 751 of the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**—to amend bill, Assembly Bill No. 110.

On page 1, line 15, of the printed bill, after "a", and before "complaint", insert "verified".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 215**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 217**—An act to add Section 189.5 to the Code of Civil Procedure, relating to vouchers filed in court proceedings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 336**—An act to add Section 439.5 to the Political Code, relating to the administration of oaths by employees of the State Controller.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 355**—An act to amend Section 354 of the Code of Civil Procedure, relating to the suspension of statutes of limitation during war.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 810**—An act to amend Sections 25 and 78 of the Civil Code and Sections 1433 and 1590 of the Probate Code, relating to minors, and effect of marriage upon minority and guardianship of minors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 562**—An act to amend Section 17818 of the Health and Safety Code, relating to apartment houses and hotels.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1121**—An act to amend Section 401 of the Vehicle Code, relating to the operating of authorized emergency vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1217**—An act to add Division 16, comprising Sections 25000 to 25551, inclusive, to the Streets and Highways Code, and to add Section 50005 to Division 50 of said code, thereby consolidating and revising the law relating to the creation, organization and government of joint highway districts composed of two or more counties of the State of California, and providing for the issuance of bonds and the levy and collection of all taxes, assessments and other moneys necessary for the retirement and payment thereof, and for the payment of the costs of all acquisitions and improvements and all other expenses hereunder.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1218**—An act to add Part 2, comprising Sections 26000 to 26263, inclusive, to Division 16 of the Streets and Highways Code, and to add Section 50006 to Division 50 of said code, thereby consolidating and revising the law relating to the formation, establishment and government of boulevard districts, and the construction, acquisition, maintenance, control and use of boulevards by such districts, and providing for the voting, issuing and selling of bonds and the levying of taxes to finance such boulevards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1219**—An act to add Part 3, comprising Sections 27000 to 27325, inclusive, to Division 16 of the Streets and Highways Code, and to add Section 50007 to Division 50 of said Code, thereby consolidating and revising the law relating to the incorporation, organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1220**—An act to add Section 50008 to Division 50 of the Streets and Highways Code, thereby repealing certain special statutes, relating to roads, bridges and highways.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1952**—An act to amend Section 1160.5 to, and to amend Section 1162 of, the Harbors and Navigation Code, relating to pilots, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend Section 1160.5 to and to amend Section 1162 of," and insert "add Section 1160.5 to".

##### Amendment No. 2

On page 1 of the printed bill, between lines 22 and 23, insert "Bar pilots need not keep any vessels for their exclusive use."

##### Amendment No. 3

On page 2 of the printed bill, strike out lines 6 to 9, inclusive; and in line 11, strike out "Sec. 3", and insert "Sec. 2".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 213**—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to motor vehicles, and declaring the urgency of this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 934**—An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms.

Bill read second time, and ordered to third reading.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 427

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 424

Senate Bill No. 187

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

#### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 525**—An act to amend Sections 3 and 7 of "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to noxious or dangerous weeds.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 525?

##### Amendment No. 1

On page 2, line 1, of the printed bill, strike out the dotted line.

Amendment read.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 525 by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.



## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred,

Senate Bill No. 427

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

MIXTER, Chairman

Above reported bill ordered to second reading.

## CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Assembly Bill No. 1600 was taken up.

**Assembly Bill No. 1600**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

## Motion for Committee of the Whole

Senator Seawell moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 1600.

Motion carried.

## IN COMMITTEE OF THE WHOLE

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

On motion of Senator Swing, the committee did arise and report back to the Senate.

## IN SENATE

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## REPORT OF COMMITTEE OF THE WHOLE

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee of the Whole, to which was referred:

Assembly Bill No. 1600

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

SEAWELL, Chairman

## FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1600

**Assembly Bill No. 1600**—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

#### EXPLANATION OF ABSENCE

Senator Slater asked for, and was granted, unanimous consent to have the Journal show that Senator Quinn's absence from the Senate Chamber during the consideration of the Budget Bill, Assembly Bill No. 1600, was due to being called to Woodland by the serious illness of his brother.

#### EXPLANATION OF ABSENCE

Senator Seawell asked for, and was granted, unanimous consent to have the Journal show that the absence of Senators Keating and Judah from the Senate Chamber on March 30, 1943, was due to attending the Governor's Committee on Old Age Pensions, of which they are members.

Senators Keating and Judah requested that the Journal show that their absence during several important roll calls on this legislative day was due to attending the Governor's Committee on Old Age Pensions.

#### WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 7

Senator Mayo moved that Senate Constitutional Amendment No. 7 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Constitutional Amendment No. 7**—A resolution to propose to the people of the State of California an amendment to the Constitution by amending Section 3 of Article VI and repealing Section 26 of Article VI, relating to the election of judges.

Resolution read.

#### Motion to Amend

Senator Mayo moved the adoption of the following amendments:

#### Amendment No. 1

In lines 3 and 4 of the title of the printed measure, strike out "Section 3 of Article VI and repealing Section", and insert "Sections 3, 4a and".

**PRINTER'S NOTE.** There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 1 of said measure, strike out line 28, and insert "Second, That Section 4a of Article VI be amended to read:

Sec. 4a. The State is hereby divided into [three] four appellate districts, in each of which there shall be a district court of appeal, consisting of such number of divisions having three justices each as the Legislature shall determine; and until so determined otherwise [, the courts of appeal for the first and second appellate districts shall each consist of two divisions, and the court of the third appellate district

shall consist of one division.) *such district courts of appeal shall continue as now constituted, and each district shall embrace the counties now embraced in such districts respectively.*

The Legislature may from time to time create and establish additional district courts of appeal and divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof. For that purpose the Legislature may redivide the State into appellate districts, subject to the power of the Supreme Court to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district court of appeal.

The district court of appeal as existing immediately prior to the approval and ratification of this amendment by the people shall not be affected thereby as to the officers or terms of office of the justices thereof.

Upon the creation of any additional division of the district court of appeal the Governor shall appoint three persons to serve as justices thereof until the first day of January after the next general election. The justices of said division elected at such general election shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of 12 years; and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the Office of the Secretary of State.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general State elections except as provided in Section 24 of Article II; and the term of office of said justices shall be 12 years from and after the first day of January next succeeding their election.

If any vacancy occur in the office of a justice of the district courts of appeal, the Governor shall appoint, *with the advice and consent of the Senate*, a person to hold office until the election and qualification of a justice to fill the vacancy. Such election shall take place at the next succeeding general State or primary election after the first day of April next succeeding the occurrence of such vacancy; the justice then elected shall hold office for the unexpired term; provided, that whenever the term of office of the justice whose place is filled by appointment is fixed by law to expire on the first day of January after the next or such succeeding general election, then the person so appointed to fill the vacancy shall hold office for the remainder of such unexpired term.

One of the justices of each of the district courts of appeal, and of each division of said courts, shall be the presiding justice thereof, and as such shall be appointed or elected, as the case may be.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

The presence of two justices shall be necessary for the transaction of any business by such court except such as may be done at chambers, and the concurrence of two justices shall be necessary to pronounce a judgment.

No appeal taken to the Supreme Court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for or regulating appeals to the Supreme Court shall apply to appeals to the district courts of appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

(The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono.)

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said district courts of appeal shall hold their regular sessions respectively at [San Francisco, Los Angeles and Sacramento] *such places as are now, or hereafter may by law be established for holding such regular sessions*, and they shall always be open for the transaction of business.



Third, That Section 26 of Article VI be amended to read:

Sec. 26. [Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the electors of which have adopted provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication in the official ballot a declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.]

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For ----- (title of office)	Yes
Shall ----- (name) be elected to the office for the term expiring January -----? (year)	No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes", such person shall be elected to said office. If a majority of those voting thereon vote "no", he shall not be elected, and may not thereafter be appointed to fill any vacancy in that court, but may be nominated and elected thereto as hereinabove provided.

Whenever a vacancy shall occur in any judicial office above named, by reason of the failure of a candidate to be elected or otherwise, the Governor shall appoint a suitable person to fill the vacancy. An incumbent of any such judicial office serving a term by appointment of the Governor shall hold office until the first Monday after the first day of January following the general election next after his appointment, or until the qualification of any nominee who may have been elected to said office prior to that time.

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Qualifications. The Commission on Qualifications shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the District Court of Appeal of the district in which a justice of a District Court of Appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the District Courts of Appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission on qualifications by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

In addition to the methods of removal by the Legislature provided by Sections 17 and 18 of Article IV and by Section 10 of this article, the provisions of Article XXIII relative to the recall of elective public officers shall be applicable to justices and judges elected and appointed pursuant to the provisions of this section so far as the same relate to removal from office.

[The provisions of this section shall not apply to the judge or judges of the superior court of any county until a majority of the electors of such county voting on the question of the adoption of such provisions, in a manner to be provided for by the Legislature, shall vote in favor thereof.]

If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished."

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Governmental Efficiency.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Bill No. 427, at this time, for passage.



## THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 427**—An act to provide for the relief of the farm labor shortage, relating to the powers and duties of the Director of Agriculture and other public officers in respect thereto and adding Sections 35, 36, 37, 38 and 38.5 to the Agricultural Code for that purpose.

Bill read third time.

## Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 427:

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, MARCH 30, 1943

To the Honorable Members of the Senate  
Sacramento, California

GREETINGS:

SENATE BILL NO. 427

"An act relating to the production and availability of food and fiber, the use and augmentation of labor and facilities, and cooperation by officers and agencies of State and local governments in connection therewith, making an appropriation; and declaring the urgency hereof, to take effect immediately".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 427 as an emergency measure.

Respectfully submitted

EARL WARREN, Governor

## Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to have the following letter from the Legislative Counsel printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL

220 STATE CAPITOL, SACRAMENTO, CALIFORNIA, March 31, 1943

Honorable George J. Hatfield

Senate Chamber, State Capitol, Sacramento, California

EMERGENCY FARM PRODUCTION ACT

SENATE BILL NO. 427, AS AMENDED

March 29, 1943 — No. 8615

DEAR SENATOR HATFIELD: This bill was prepared in response to a request for a measure that would serve (so far as possible under the Constitution) the purposes of the California Food and Fiber Production Act until the latter goes into operation.

We think this bill does that.

The problem is that of putting the responsibility upon an *existing* State agency, one that already has duties which are of such a nature that the conference of this function would not be deemed a substantial change, would not amount to the imposition of "undue, material and substantial additions" to its existing duties. (*Davis vs. County of Los Angeles* (1938), 12 Cal. (2d) 412, 424.) If this principle is not observed, the bill becomes a nonurgency 90-day bill and can not serve its purpose.

In preparing this measure we selected the Office of Director of Agriculture as the existing State agency that best meets this test. Very little by way of "addition" seems needed, other than by statute to instruct the director to perform this specific task, and to provide the necessary funds. This the bill does in Sections 4 and 7. Thus automatically are invoked the already established methods and procedures for organization of the work, selection of agents, representatives and employees, and allocation and auditing of funds.

Additionally we have included (in Section 6) a direction to all other public officers and agencies to assist the Director of Agriculture in every way possible. The thought here is that of making possible the utilization of the services of other State officers whose existing functions may fill in wherever those of agriculture may

prove not completely adequate to the situation, thus making full use of *existing agencies without substantial change of duties.*

As to the "transfer" of properties, books, records, documents, and contracts from the Director of Agriculture to the State Farm Production Director when the California Food and Fiber Production Act takes effect, we have set up an administrative procedure in Section 5 of the bill. This seems safer from a legal standpoint than to have the bill declare an outright transfer on that date. To do the latter would incur the risk of stripping the Department of Agriculture of some of its regular functions and facilities, a result certainly not intended.

Yours very truly,

FRED B. WOOD, Legislative Counsel

#### Further Consideration of Senate Bill No. 427

**Senate Bill No. 427**—An act to provide for the relief of the farm labor shortage, relating to the powers and duties of the Director of Agriculture and other public officers in respect thereto and adding Sections 35, 36, 37, 38 and 38.5 to the Agricultural Code for that purpose.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator Shelley—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Carter and Shelley—2.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 972**—An act to amend Section 96 of the Labor Code, relating to claims for exemption from attachment or execution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1058**—An act to amend Sections 7501, 7502 and 7592 of the Business and Professions Code, relating to detectives, and providing for appropriate transfers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 143**—An act to amend Sections 582, 583, 584, 585, 587, 588, 589, 590, 591, 592, 593, 594, 596 of the Fish and Game Code, relating to kelp and other aquatic plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Keating, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Slater, and Swing—21.

NOES—Senators Carter, Collier, Donnelly, Seawell, Shelley, Swan, Tenney, Tickle, and Ward—9.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 599**—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 154**—An act to repeal Section 645 of, and to amend Section 1270 of, the Fish and Game Code, relating to deer seasons, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Bill No. 1952, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 1952

**Assembly Bill No. 1952**—An act to amend Section 1160.5 to, and to amend Section 1162 of, the Harbors and Navigation Code, relating to pilots, to take effect immediately.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Shelley:

*Resolved*, That Assembly Bill No. 1952 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 1952**—An act to amend Section 1160.5 to, and to amend Section 1162 of, the Harbors and Navigation Code, relating to pilots, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 543**—An act to add Sections 8.1 and 13.1 to the Personal Income Tax Act and Sections 17318 and 18404.5 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mason, Meyer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 154

Senate Bill No. 599

Senate Bill No. 1058

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 153

Senate Bill No. 320

Senate Bill No. 232

Senate Bill No. 344

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 543

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 23

Senate Bill No. 392

Senate Bill No. 239

Senate Bill No. 1078

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 142**—An act to amend Section 6881 of the Code of Civil Procedure, relating to liens upon causes of action and judgments;

**Senate Bill No. 275**—An act to amend Section 117b of the Code of Civil Procedure, relating to the small claims affidavit and order;

**Senate Bill No. 342**—An act to amend Section 1530 and to repeal Section 1531 of the Probate Code, relating to the sale or encumbrance of property by guardians;

**Senate Bill No. 350**—An act relating to jurisdiction over lands in the Kings Canyon National Park and to add Section 119 to the Government Code, relating to the jurisdiction over said lands;

**Senate Joint Resolution No. 18**—Relative to the construction of a dam on the Stanislaus River;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of March, 1943, at 3 p.m.

SEAWELL, Chairman

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 347

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 22:** By Senator Shelley—Relative to memorializing the Congress of the United States to act favorably on United States Senate Resolution No. 114 known as the "Ball Resolution," to urge the initiation by the United States of conferences of United Nations representatives for the purpose of ensuring more adequate war and postwar cooperation.

Referred to Committee on Rules.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 194

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 278  
Assembly Bill No. 315  
Assembly Bill No. 353  
Assembly Bill No. 619  
Assembly Bill No. 643  
Assembly Bill No. 668  
Assembly Bill No. 766  
Assembly Bill No. 772  
Assembly Bill No. 912  
Assembly Bill No. 940  
Assembly Bill No. 967  
Assembly Bill No. 1007  
Assembly Bill No. 1061  
Assembly Bill No. 1175

Assembly Bill No. 1316  
Assembly Bill No. 1331  
Assembly Bill No. 1337  
Assembly Bill No. 1350  
Assembly Bill No. 1395  
Assembly Bill No. 1406  
Assembly Bill No. 1505  
Assembly Bill No. 1595  
Assembly Bill No. 1903  
Assembly Bill No. 1904  
Assembly Bill No. 839  
Assembly Bill No. 240  
Assembly Bill No. 1173

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 278**—An act to amend Sections 5.1104 and 5.1124 of the School Code and Sections 14726, 14727, 14728, 14776, and 14777 of the Education Code, relating to district and joint district retirement plans.

Referred to Committee on Education.

**Assembly Bill No. 315**—An act to amend Section 506 and to add a new section numbered 509 (A), of the Agricultural Code, relating to the making of ice cream and ice milk.

Referred to Committee on Agriculture.

**Assembly Bill No. 353**—An act to amend Sections 755, 762, 763 and 788 of the Probate Code and to add new sections to be numbered 762.5 and 765 to the Probate Code, all relating to the sale of real or personal property in probate.

Referred to Committee on Judiciary.

**Assembly Bill No. 619**—An act to add Section 7154.1 to the Labor Code, relating to scaffolding.

Referred to Committee on Labor.

**Assembly Bill No. 643**—An act to amend Section 105 of the Revenue and Taxation Code, relating to property taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 668**—An act to amend Section 69 of the Civil Code, relating to applications for and issuance of licenses to marry, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 766**—An act to amend Section 3572 of the Revenue and Taxation Code, relating to the termination of the right of redemption of tax-delinquent property, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 772**—An act to amend Sections 3791 and 3792 of the Revenue and Taxation Code, relating to property sold or deeded for taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 912**—An act to amend Sections 13600, 13607, 13610, 13652, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13609, 13611 and 13653 thereof, relating to spotting, sponging and pressing establishments.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 940**—An act to amend Section 43007 of the Political Code, relating to municipal court fees and costs.

Referred to Committee on Judiciary.

**Assembly Bill No. 967**—An act to add Section 210.5 to the Revenue and Taxation Code, defining a householder.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1007**—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman

of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, as amended, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Referred to Committee on Judiciary.

**Assembly Bill No. 1061**—An act to amend Sections 8703, 8705, 9151 and 9174 of the Revenue and Taxation Code, relating to use fuel tax permits and refunds of the use fuel tax.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1175**—An act to add Sections 2168.5 and 2316.5 to the Business and Professions Code, relating to the proof of the completion of instruction and training requirements to practice medicine.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1316**—An act to add Article 4a to Chapter 1 of Part 1 of Division 5 of the School Code and to add Article 3.5 to Chapter 2 of the Education Code, relating to the dismissal of employees of State colleges not in State civil service.

Referred to Committee on Education.

**Assembly Bill No. 1331**—An act to amend Section 22103 of the Business and Professions Code, relating to the marking of precious metals.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1337**—An act to amend Section 4094 of the Business and Professions Code, relating to pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1350**—An act to amend Section 737q of the Political Code of the State of California, referring to the salary of the judge of the Superior Court of Lake County.

Referred to Committee on Local Government.

**Assembly Bill No. 1395**—An act to amend Section 156 of the Revenue and Taxation Code, relating to abbreviations.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1406**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1505**—An act to amend Section 1196 of the Agricultural Code, relating to articles of incorporation of cooperative marketing associations.

Referred to Committee on Agriculture.



**Assembly Bill No. 1595** — An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation Insurance Fund, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1903** — An act to amend Section 8805 of the Business and Professions Code, relating to the annual license fees of land surveyors, and providing that this act shall take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1904** — An act to amend Section 6799 of the Business and Professions Code, relating to fees under the Civil Engineers' Act, and providing that this act shall take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 839** — An act to amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353 to, the Labor Code, relating to tips and gratuities.

Referred to Committee on Labor.

**Assembly Bill No. 240** — An act to amend Sections 45 and 46 of the Elections Code, relating to petitions and papers signed by voters.

Referred to Committee on Elections.

**Assembly Bill No. 1173** — An act to add Section 2369.5 to the Business and Professions Code, relating to the immunity of witnesses in disciplinary proceedings with respect to the practice of medicine.

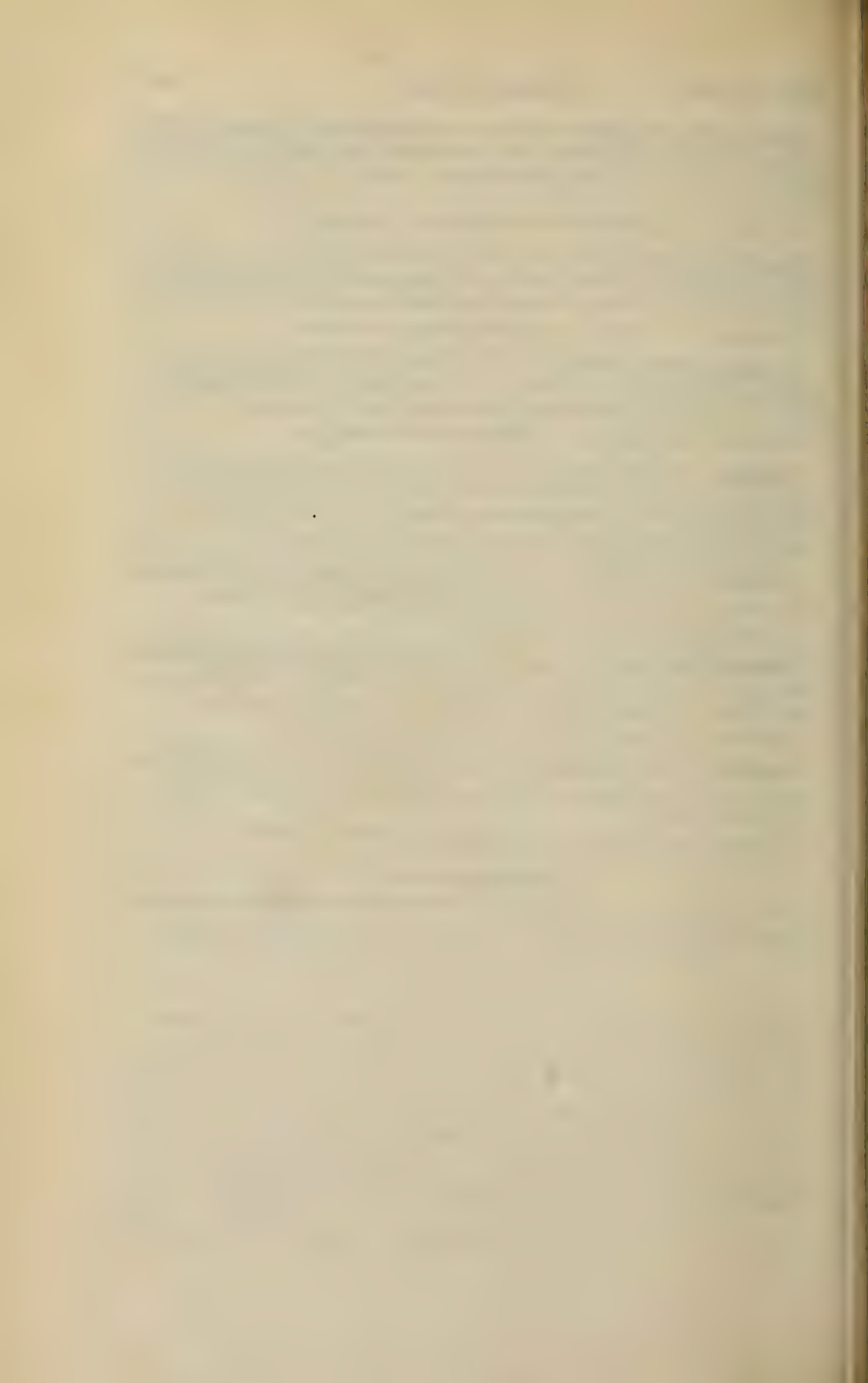
Referred to Committee on Business and Professions.

**Assembly Joint Resolution No. 40** — Relative to memorializing Congress to enact legislation to establish a military and a naval academy on the Pacific Coast.

Referred to Committee on Military and Veterans Affairs.

#### ADJOURNMENT

At 4.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Thursday, April 1, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

EIGHTY-EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 1, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Harbo, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Moxley, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward 37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank L. Holt and Henry Terry, both of Los Angeles.

On request of Senators Collier and Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Stewart Shaw of Palo Alto and Mr. Mayhew H. Davis of Mt. Shasta.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Frank Abernathy of San Jose and Mr. Manuel Piers of Palo Alto.

On request of Senators Jepsen and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Raymond McIntosh of Sierra.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Clarence Rogers of Santa Barbara.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Tony Gaggero, Mayor of Daly City and J. Sarto of Daly City.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Earl Washburn, Deputy Regional Representative Governmental Division of San Francisco.

On request of Senators Swan and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John J. Knezevich, President, Affiliated Teachers Organization of Los Angeles and Mary Ellen Dickison, President, High School Teachers Association of Los Angeles.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 451

Senate Bill No. 676

Senate Bill No. 482

Senate Bill No. 805

Senate Bill No. 547

Senate Bill No. 806

Senate Bill No. 623

Senate Bill No. 824

And reports the same correctly engrossed.

SEAWELL, Chairman

#### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Concurrent Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 1068

Assembly Bill No. 364

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 273

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 469

Senate Bill No. 907

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 136

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 11; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 160

Senate Bill No. 164

Senate Bill No. 161

Senate Bill No. 165

Senate Bill No. 162

Senate Bill No. 167

Senate Bill No. 163

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 499

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 993

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 685	Assembly Bill No. 555
Senate Bill No. 799	Assembly Bill No. 1027
Senate Bill No. 978	Assembly Bill No. 1309
Assembly Bill No. 246	Assembly Bill No. 1422
Assembly Bill No. 471	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 677

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

DeLAP, Chairman

Above reported bill ordered to second reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 358

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 638

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SHELLEY, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 6	Senate Bill No. 678
Senate Bill No. 100	Senate Bill No. 818
Senate Bill No. 423	Senate Bill No. 822
Senate Bill No. 598	

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 640

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 307

Has had the same under consideration, and reports the same back with amendment with the recommendation: Do pass, as amended, and be it referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9

SLATER, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred

Senate Bill No. 1034

Senate Bill No. 779

Assembly Bill No. 644

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 789

Assembly Bill No. 1252

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9

SLATER, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred

Senate Bill No. 113

Senate Bill No. 548

Senate Bill No. 511

Senate Bill No. 652

Senate Bill No. 508

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Constitutional Amendment No. 21:** By Senator Rich—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 5 of Article XIII thereof, relating to property taxation.

Referred to Committee on Revenue and Taxation.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1062**—An act to add Section 1015.5 to the Fish and Game Code, relating to abalone.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 591**—An act to amend Sections 794, 799, and 800 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 9, of the printed bill, after "purposes", strike out "eight", and insert "seven and one-quarter".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 864**—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 4, 5, and 6, and insert "Abalone meat, other than that of the green abalone (*Haliotis fulgens*), may not be transported out of the State. Green abalone (*Haliotis fulgens*) may be taken out of the State, whether canned or fresh. Abalone trimmings may be transported out of the State if made into a meal by a reduction process or canned as chowder.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Sec. 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 570**—An act to amend Sections 10490, 10800, 10971, and 10972 of the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "10490, 10500, 10971 and 10972 of", and insert "10203, 10204, 10209 and 10213 of, and to add Section 10203.6 to".



## Amendment No. 2

On page 1, line 1, of said bill, strike out "10490", and insert "10203"

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"10203. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy [C]covering, when issued, not less than 50 members of any of the following:

(1) Any labor union.

(2) The National Guard.

(3) Any association of governmental or public employees.

(4) Any credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

(b) Written under a policy issued to such union, credit union or association.

(c) The premium on the policy to be paid by the union, credit union, or association or by the union or association and the members thereof jointly or by the insured members alone.

(d) Insuring only members of such union who are actively engaged in the same occupation or members of such credit union or association.

(e) Insuring for amounts of insurance based upon some plan which will preclude individual selection.

(f) Insuring for the benefit of persons other than the union, credit union or association or its officials.

(g) Written under a policy [I] insuring, when issued, not less than 75 per cent of all members eligible for insurance under the policy, or 75 per cent of such members of any class thereof reasonably determined by conditions pertaining to such insurance; or of any established unit thereof not formed for the purpose of procuring insurance; provided, that if a group policy is intended to insure several such classes or units it may be issued as respects any such class or unit at which 75 per cent are covered and extended to other such units or classes as 75 per cent thereof express the desire to be covered. In such case, when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance. If any member fails to become insured under an existing policy when he becomes eligible and later wishes to become insured thereunder, the insurer may require satisfactory evidence of insurability before insurance is granted on such member.

SEC. 2. Section 10203.6 is added to said code, to read:

10203.6. Life insurance conforming to all the following conditions is another form of group life insurance:

(a) Written under a policy issued to a credit union organized and operating under the Federal Credit Union Act of 1934 or Chapter 36 of the California Statutes of 1927 as amended.

(b) Covering the lives of every eligible member of a group of persons who are or become borrowers from one credit union under an agreement to repay the sum borrowed.

(c) The group numbers not less than 50 borrowers yearly.

(d) The amount insured on any one borrower does not exceed the balance of the indebtedness to the credit union and does not exceed three thousand dollars on any one life.

(e) The repayment of the loan is to be made under the agreement of loan in installments over a period not exceeding 10 years.

(f) The policy is issued upon the application of and made payable to the credit union, as beneficiary, and the premiums are paid by the credit union, the borrower, or jointly by the credit union and the borrower.

A policy of insurance conforming to the provisions of this section is not subject to the provisions of Section 10209 or 10213.

SEC. 3. Section 10204 of the Insurance Code is amended to read:

10204. For the purpose of this chapter, the term "employer" includes the association or union designated by Section 10203, and the institution, vendor, credit union, or creditor designated by Sections 10203.5 and 10203.6, and the term "employee" includes the members of such union, credit union or association and the debtors of or purchasers from such institution, credit union, vendor or creditor.

SEC. 4. Section 10209 of the Insurance Code is amended to read:

10209. Except as provided by Sections 10203.5 and 10203.6, the policy shall contain a provision that the insurer will issue to the employer for delivery to the insured employee an individual certificate setting forth:

(a) A statement as to the insurance protection to which the employee is entitled and to whom payable.

(b) A provision that if the employment terminates for any reason whatsoever and the employee applies to the insurer within 31 days after such termination, paying the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, he is entitled, without producing evidence of insurability, to the issue by the insurer of an individual life policy in any one of the forms, other than term insurance, customarily issued by the insurer.

(c) A statement that such policy in lieu of group insurance will be in an amount equal to the amount of his protection under such group insurance at the time of such termination.

SEC. 5. Section 10213 of the Insurance Code is amended to read:

10213. Except as provided by Section *s* 10203.5 and 10203.6, a policy of group life insurance or the proceeds thereof paid to the insured employee or the beneficiary thereunder, shall not be liable, either before or after payment, to be applied by any legal or equitable process to pay any liability of any person having a right under the policy. The proceeds thereof, when not made payable to a named beneficiary, shall not constitute a part of the estate of the employee for the payment of his debts."

#### Amendment No. 4

On page 1 of said bill, strike out lines 3 to 28, inclusive; and strike out all of page 2 of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

**Senate Bill No. 415**—An act to amend the Building and Loan Association Act, by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "to", insert "be".

##### Amendment No. 2

On page 7, line 14, of the printed bill, as amended, after "than", strike out "one-third", and insert "one-half".

##### Amendment No. 3

On page 7, line 41, of the printed bill, as amended, after ")", insert "if the commissioner shall determine that such association is solvent; or (2)".

##### Amendment No. 4

On page 6, line 50, of the printed bill, as amended, after "give", insert "at least".

##### Amendment No. 5

On page 8, line 2, of the printed bill, as amended, after "or", strike out "(2)", and insert "(3)".

**Amendment No. 6**

On page 12, line 33, of the printed bill, as amended, strike out "Sec. 16.02", and insert "Sec. 16.03"; in line 35, after "for", strike out "(1)", in line 36, after "Commissioner", insert a period; strike out the balance of line 36 and all of lines 37 to 45, both inclusive; and in line 46, strike out "clauses shall be prima facie evidence of such fact."

**Amendment No. 7**

On page 13, line 36, of the printed bill, as amended, after the period, insert "The above mentioned list of names and addresses of the investors and creditors referred to the clerk of the court shall be impounded by him and shall not be subject to inspection except upon order of the court and upon such terms and conditions as the court may prescribe."

**Amendment No. 8**

On page 23, line 17, of the printed bill, as amended, after "of Corporations", insert "None of the provisions of this article is intended or shall be construed to eliminate the requirements that a permit be obtained from the Commissioner of Corporations authorizing the sale of issue of securities in any case in which, pursuant to the provisions of the Corporate Securities Act, such permit would be required in the absence of this article."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 776**—An act to amend Section 20 of the "Personal Property Brokers Act" as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to personal property brokers and to persons who, as brokers, negotiate loans made by personal property brokers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1, line 20, of the printed bill, strike out "or", and insert "brokerage, and".

**Amendment No. 2**

On page 1, line 21, of said bill, strike out "wherever made," and insert "made within the State of California,".

**Amendment No. 3**

On page 1 of said bill, after line 24, insert

"A loan lawfully made outside the State of California of the amount or value of three hundred dollars (\$300) or less, may be enforced in this State as to the unpaid principal balance of said loan together with the interest, consideration, brokerage and all other charges, to the extent of but not to exceed said unpaid principal balance and the aggregate amount of interest, consideration, brokerage and all other charges permitted by this act in connection with a loan of the same amount made within this State. Any person who in anywise collects or attempts to collect in this State the unpaid principal balance of a loan made outside the State of California, and a greater aggregate amount of interest, consideration, brokerage and all other charges in connection with such loan than is permitted by this act in connection with a loan of the same amount made within this State, shall be subject to the provisions of this act. Any person who contracts for or negotiates in this State a loan to be made outside the State of California for the purpose of evading or avoiding this act, shall be subject to the provisions of this act."

**Amendment No. 4**

On page 3, line 1, of said bill, strike out "\$300 dollars", and insert "three hundred dollars (\$300)".

**Amendment No. 5**

On page 3, line 2, of said bill, strike out "or", and insert "brokerage, and".

**Amendment No. 6**

On page 3, line 4, of said bill, strike out "wherever made," and insert "made within the State of California,".



**Amendment No. 7**

On page 3 of said bill, after line 6, insert

"A loan lawfully made outside the State of California of the amount or value of three hundred dollars (\$300) or less, may be enforced in this State as to the unpaid principal balance of said loan together with the interest, consideration, brokerage and all other charges, to the extent of but not to exceed said unpaid principal balance and the aggregate amount of interest, consideration, brokerage and all other charges permitted by this act in connection with a loan of the same amount made within this State. Any person who in anywise collects or attempts to collect in this State the unpaid principal balance of a loan made outside the State of California, and a greater aggregate amount of interest, consideration, brokerage and all other charges in connection with such loan than is permitted by this act in connection with a loan of the same amount made within this State, shall be subject to the provisions of this act. Any person who contracts for or negotiates in this State a loan to be made outside the State of California for the purpose of evading or avoiding this act, shall be subject to the provisions of this act."

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 777**—An act to amend Section 19 of the "California Small Loan Act," relating to lenders engaged in the business of making loans of three hundred dollars (\$300) or less, and to persons who, as brokers, negotiate loans made by such lenders.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 1, line 12, of the printed bill, strike out "or", and insert "brokerage, and".

**Amendment No. 2**

On page 1, line 13, of said bill, strike out "wherever made," and insert "made within the State of California,".

**Amendment No. 3**

On page 1 of said bill, after line 15, insert

"A loan lawfully made outside the State of California of the amount or value of three hundred dollars (\$300) or less, may be enforced in this State as to the unpaid principal balance of said loan together with the interest, consideration, brokerage and all other charges, to the extent of but not to exceed said unpaid principal balance and the aggregate amount of interest, consideration, brokerage and all other charges permitted by this act in connection with a loan of the same amount made within this State. Any person who in anywise collects or attempts to collect in this State the unpaid principal balance of a loan made outside the State of California, and a greater aggregate amount of interest, consideration, brokerage and all other charges in connection with such loan than is permitted by this act in connection with a loan of the same amount made within this State, shall be subject to the provisions of this act. Any person who contracts for or negotiates in this State a loan to be made outside the State of California for the purpose of evading or avoiding this act, shall be subject to the provisions of this act."

**Amendment No. 4**

On page 2, line 33, of said bill, strike out "or", and insert "brokerage, and".

**Amendment No. 5**

On page 2, line 34, of said bill, strike out "wherever made," and insert "made within the State of California,".

**Amendment No. 6**

On page 2 of said bill, after line 36, insert

"A loan lawfully made outside the State of California of the amount or value of three hundred dollars (\$300) or less, may be enforced in this State as to the unpaid principal balance of said loan together with the interest, consideration, brokerage and all other charges, to the extent of but not to exceed said unpaid principal balance and the aggregate amount of interest, consideration, brokerage and all other charges permitted by this act in connection with a loan of the same amount made within this State. Any person who in anywise collects or attempts



to collect in this State the unpaid principal balance of a loan made outside the State of California, and a greater aggregate amount of interest, consideration, brokerage and all other charges in connection with such loans than is permitted by this act in connection with a loan of the same amount made within this State, shall be subject to the provisions of this act. Any person who contracts for or negotiates in this State a loan to be made outside the State of California for the purpose of evading or avoiding this act, shall be subject to the provisions of this act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 155**—An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 501**—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Sections 2630.5, 4105.5, 4106.6, 4106.5 and 4106.6 to the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax-redemption duties from the auditor and treasurer to the tax collector.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 859**—An act to add Section 9603.5 to the Revenue and Taxation Code, relating to the taxation of vehicles, and to provide that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "," and to provide that this act shall take effect immediately".

##### Amendment No. 2

On page 1 of said bill, strike out lines 3 to 7, inclusive, and insert "9603.5. "Occasionally" as used in the second subdivision (b) of Section 9603 shall be construed to mean occasionally or for a total annual compensation from all sources for providing such transportation for hire of not more than six hundred dollars (\$600). Any person excluded from the definition of "operator" under that subdivision shall keep available an account of each time he has transported property or laborers and the compensation received therefor. If such person should secure a license under this part, he shall pay a penalty of 1½ per cent, in addition to the amount of the tax, upon all gross receipts received prior to the date the license is issued."

##### Amendment No. 4

On page 1 of said bill, strike out lines 8 to 27, inclusive; and on page 2, strike out lines 1 to 8, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 156**—An act to add Sections 261 and 262 to the Revenue and Taxation Code, relating to veterans' exemptions, and prescribing a penalty for filing false claims.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out the period, and insert "if the property is owned or controlled by the same person who owned or controlled it for the year for which the claim was wrongfully made."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 341**—An act to amend Sections 1, 2, 4 and 23, and to repeal Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on National banking associations, banks and financial corporations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "1, 2, 4".

**Amendment No. 2**

On page 1 of the printed bill, strike out all of lines 1 to 25, inclusive.

**Amendment No. 3**

On page 2 of the printed bill, strike out all of lines 1 to 52, inclusive.

**Amendment No. 4**

On page 3 of the printed bill, strike out all of lines 1 to 22, inclusive.

**Amendment No. 5**

On page 3, line 23, of the printed bill, strike out "SEC. 4", and insert "SECTION 1."

**Amendment No. 6**

On page 3, line 33, of the printed bill, strike out "1 per cent of the net income", and insert "a rate of 1 per cent upon the basis of the net income for the next preceding fiscal or calendar year, computed in the manner hereafter provided."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 424**—An act to add Section 806.5 to the Agricultural Code, relating to standards for plums, declaring the urgency of this act, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "on", insert "characteristic".

**Amendment No. 2**

On page 1, line 5, of the printed bill, after "prunes", insert a period, and strike out all of the remainder of the paragraph to and including line 8.

**Amendment No. 3**

On page 1, line 12, of the printed bill, strike out "plums, by count", and insert "plums by count".

**Amendment No. 4**

On page 1, line 14, of the printed bill, after "lot", insert a comma.

**Amendment No. 5**

On page 1 of the printed bill, between lines 17 and 18, insert "There are hereby established for certain varieties of plums standards of maturity which are alternative to, but not exclusive of, any standards of maturity for the same varieties established by the director as provided in this section".

**Amendment No. 6**

On page 2, line 5, of the printed bill, strike out "good red", and insert "characteristic red flesh".

**Amendment No. 7**

On page 3 of the printed bill, strike out all of lines 1 to 10, inclusive, and insert "Any person desiring to pick, pack, ship, or sell any plums or fresh prunes which are in fact mature, but which by reason of local or seasonal conditions fail to meet the standards for maturity established by or under the provisions of this section, may file with the director, at any time before harvesting, a request for inspection of such plums or fresh prunes on the trees, indicating the location of the orchard and the probable date of maturity. Upon receipt of such request, the director shall cause an inspection to be made of the plums or fresh prunes in the orchard, as nearly as practicable on the probable date of maturity indicated in the request. If upon inspection the director finds plums or fresh prunes in the orchard which are in fact mature, as indicated by color, texture, firmness of flesh, and other factors indicating maturity, he shall so certify, and such plums or fresh prunes so certified may be packed, shipped, and sold, in accordance with rules and regulations of the director, as mature plums or fresh prunes in all respects as though conforming with the standards established by or under the provisions of this section."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Senate Bill No. 187**—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 2, line 28, of the printed bill, strike out the period, and insert "; provided any fluid milk, the milk fat derived from which is used in the manufacture of butter and the skim milk derived from which is used in the manufacture of casein or animal or poultry feed, is hereby designated as surplus milk and for such surplus milk the director may establish a specific price based upon the value of butter, casein and animal or poultry feed. No producer shall be required to deliver surplus milk to any distributor except pursuant to a separate contract providing for delivery of surplus milk."

**Amendment No. 2**

On page 4, line 21, of the printed bill, strike out "five per cent (5%)", and insert "ten per cent (10%)".

**Amendment No. 3**

On page 4, line 24, of the printed bill, strike out "ninety five per cent (95%)", and insert "ninety per cent (90%)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

**Senate Bill No. 347**—An act to add Section 656.5 to, and to amend Sections 657 and 657.5 of, the Fish and Game Code, relating to salmon.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out ", and to amend Sections 657 and 657.5 of,".

**Amendment No. 2**

On page 1, line 3, of said bill, strike out "District 6", and insert "Districts 6 and 7".

**Amendment No. 3**

On page 1 of said bill, strike out lines 8 to 17, inclusive, and insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 911**—An act making an appropriation for administrative expenses of the Department of Social Welfare, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "seventy-two thousand five hundred dollars".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**EXPLANATION OF ABSENCE**

Senator Seawell asked for, and was granted, unanimous consent to have the Journal show that the absence of the members of the Committee on Labor from the Senate Chamber is due to holding a joint meeting with the Railroad Commission in the City Hall.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 980**—An act to add Section 7.1 to the Unemployment Insurance Act, relating to employments excluded from the act.

**Motion to Refer Bill to Inactive File**

Senator Breed moved that Senate Bill No. 980 be placed on the inactive file.

Motion carried.

**Senate Bill No. 146**—An act to amend Section 1 of an act entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or con-



servation of the water resources of the State, approved April 29, 1927, relating to appropriation of waters by the State Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 268**—An act to amend Section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Luckey, Mayo, McBride, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1078**—An act to amend Section 1065 of the Water Code, relating to water rights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 232**—An act providing for the taking of a census in cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 239**—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the exclusion of territory.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 153**—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

**Motion to Refer Bill to Inactive File**

Senator Dillinger moved that Senate Bill No. 153 be placed on the inactive file.

Motion carried.

**Senate Bill No. 320**—An act to add Section 2211 to the Public Resources Code, relating to the county mineralogist.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended, following the period, insert "The expenses of maintaining an office, telephone, traveling and the expense of supplying necessary books, records and other supplies to said mineralogist shall be county charges."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 438**—An act to amend Section 4242 of the Political Code, relating to salaries and compensation for public services in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 20**—Relative to memorializing Congress to extend the effective date of the act providing for suspension of assessment work on mining claims held by location in the United States, including Alaska, to July 1, 1944.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 30**—Relative to use of true names by State employees.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 598**—An act to add Section 692.5 to the Political Code, relating to approval by the Director of Finance of leases and licenses to use real property executed by the Reclamation Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 822**—An act to amend Section 456a of the Political Code, relating to contracts between State agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 805**—An act to amend Section 661 of the Political Code, relating to deficiencies in appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 806**—An act to add Section 661.2 to the Political Code, relating to appropriations and the expenditure thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 818**—An act to amend Section 1000 of, and to add Sections 380.3, 1000.1, 1000.2 and 1000.3 to, the Political Code, relating to specific term appointments made by the Governor, and requiring the confirmation thereof by the Senate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 824**—An act to create a Board of Budget Appeals, designating the members thereof, defining its powers and duties, and to amend Sections 661 and 677.5 of the Political Code, relating to State expenditures.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 423**—An act to amend the title of, to amend Sections 26547, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562, 26566, 26567, 26581, 26584, 26586, 26587, 26588, 26600, 26617, 26621, and 26622 of, to add Section 26463 to, and to delete Section 5 from an act entitled "An act adding Division 21, comprising Chapter 3 and Sections 26450 to 26624, inclusive, to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto," approved July 13, 1939.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.

NOES—Senator Swan—1.

#### Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Senate Bill No. 423 was passed.



## Postponement of Reconsideration

On motion of Senator Hatfield, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 423 was passed, was continued until the next legislative day.

**Senate Bill No. 451**—An act to add Section 249 to, and to amend Sections 250, 257, and 268 of the Health and Safety Code, relating to services for physically handicapped children, providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 547**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Bill read third time.

## Motion to Amend

Senator Burns moved the adoption of the following amendment:

## Amendment No. 1

On page 2, line 2, of the printed bill, strike out "act", and insert "article".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 623**—An act to amend Sections 10036 and 10551 of the Health and Safety Code, relating to vital statistics certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 100**—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—Senator Salsman—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 6**—An act to amend Sections 50 and 372 of the Vehicle Code, relating to the definition of "unladen weight" and the payment of weight fees for commercial vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—25.

NOES—None.

Bill ordered transmitted to the Assembly.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Constitutional Amendment No. 1**—Proposed amendment to Section 14 of Article XIII of the Constitution, relative to exemptions of property on account of military service.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

### Senator Mixer Presiding

At 4.01 p.m., Senator Mixer of the Thirty-second District, presiding.

**Assembly Bill No. 385**—An act to amend the title and Sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act providing for the creation of county treasurers' cash difference funds and overage funds in the counties of the State," approved April 23, 1941, relating to county officers' cash difference funds and overage funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 47**—An act amending Section 1 of "An act granting to the City of San Diego certain parcels of the State-owned lands in Mission Bay State Park upon certain trusts and conditions," approved July 24, 1939, relating to tidelands in Mission Bay State Park.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 811**—An act to amend Sections 749, 750 and 751 of the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 215**—An act to amend Section 1550 of the Probate Code, relating to inventory and appraisement.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 217**—An act to add Section 189.5 to the Code of Civil Procedure, relating to vouchers filed in court proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 336**—An act to add Section 459.5 to the Political Code, relating to the administration of oaths by employees of the State Controller.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, DeLap, Denel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 810**—An act to amend Sections 25 and 78 of the Civil Code and Sections 1433 and 1590 of the Probate Code, relating to minors, and effect of marriage upon minority and guardianship of minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, Mixer, Quinn, Rich, Salsman, Seawell, Swan, and Ward—22.

NOES—Senator Tenney—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 562** An act to amend Section 17818 of the Health and Safety Code, relating to apartment houses and hotels.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, and Ward—23.

NOES—Senators Donnelly, Swan, and Tenney—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1121**—An act to amend Section 401 of the Vehicle Code, relating to the operating of authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Tenney, and Ward—21.

NOES—Senators Donnelly and Judah—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 266**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city or town, municipality, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Breed moved the adoption of the following amendments:

#### Amendment No. 1

On page 3, line 15, of the printed bill, as amended, after "act", insert "entitled, An Act".

#### Amendment No. 2

On page 3, line 18, of said bill, strike out the quotation marks, and insert single quotation mark.

#### Amendment No. 3

On page 3, line 21, of said bill, after "town", insert single quotation mark.

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1017

Senator Tenney moved that Senate Bill No. 1017 be withdrawn from Committee on Elections for purpose of amendment.

Motion carried.



SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1017**—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National Convention.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2300 and 2304 of," and insert "2110, 2203, 2304, 2350, 2353, 3709.5, 3871, 3873, 3878 and 3880 of, and to add Article 10.5 to Chapter 1 of Division 5 of,".

**Amendment No. 2**

In line 2 of the title of said bill, after "convention", insert "and the presidential primary".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2300", and insert "2110".

**Amendment No. 4**

On page 1 of said bill strike out lines 3 to 24, inclusive, and in line 25, strike out "Sec. 2", and insert

"2110. A candidate for delegate shall file a statement in which he enrolls himself with other delegates in expressing his preference for the same person as candidate for presidential nominee or a statement in which he enrolls himself with other delegates in expressing the support of certain principles.

SEC. 2. Section 2203 of said code is amended to read:

2203. Except where the group espouses a principle or principles and not a candidate for presidential nominee, each group of candidates for delegate shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference, or the endorsement of a State campaign committee created in support of the candidacy of the presidential nominee which has not been repudiated by him as lacking authority to make the endorsement. The endorsement, either of the candidate for presidential nominee or of his State campaign committee, shall be filed with the Secretary of State.

SEC. 3."

**Amendment No. 5**

On page 1, line 26, of said bill, strike out "the following", and insert "one of the following statements".

**Amendment No. 6**

On page 2, line 4, of said bill, strike out "I not"; and strike out all of lines 5, 6, and 7.

**PRINTER'S NOTE**—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 7**

On page 2 of said bill, after line 19, insert

**"DELEGATE'S STATEMENT**

*I personally espouse the following principles (here set forth principles in not over 20 words preceded by a summary statement for such principles in not over 3 words) and hereby declare to the voters of my party in the State of California that if elected as delegate to their National party convention I shall to the best of my judgment and ability, support only such candidates for nomination of my party for President of the United States as espouse the principles herein set forth.*

*And I hereby enroll myself in this espousal of principles as one of the group of the following named candidates for delegate:*

-----  
-----  
-----

*Etc.*

*(the blanks immediately following the word "delegate" being filled in by the printed or typewritten names of all the candidates for delegate, including the signer, whose names appear upon the same nomination paper, pursuant to this article).*

*(Signed) -----"*

SEC. 4. Section 2350 of said code is amended to read:

2350. At least 30 days before a presidential primary the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegate for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary. The certified list shall be in substantially the following form:

**CERTIFIED LIST OF CANDIDATES FOR DELEGATE  
DEPARTMENT OF STATE**

To the County Clerk of \_\_\_\_\_ County

I, \_\_\_\_\_ Secretary of State, do hereby certify that the following list contains the names and addresses of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on Tuesday, the \_\_\_\_\_ day of May, 19\_\_\_\_, as delegate to the next National convention of that party under which his name appears. I further certify that in the list under the name of each party, and either under the name of one person for whom a preference as nominee of the party for President has been expressed or under the summary statement of the principles espoused, there is stated the name of each candidate for delegate [who has filed a statement of preference for that person and who has been indorsed as required by law, and] who may be voted for as one of a group.

**LIST OF CANDIDATES**

		Party	
Candidates Preferring	Candidates Preferring	Candidates Preferring	Candidates Espousing
Name Address Top of Group	Name Address Top of Group	Name Address Top of Group	
1	1	1	
2	2	2	
3	3	3	
etc	etc	etc	

(etc., as above with each political party.)

Filed at Sacramento, California, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal)

Secretary of State.

SEC. 5. Section 2353 of and code is amended to read

2353. The notice of the list of candidates published to the county clerk shall be in substantially the following form:

**NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL  
PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICI-  
PATE THEREIN AND NAMES AND ADDRESSES OF CANDIDATES  
FOR DELEGATE.**

Notice is hereby given that a presidential primary election is to be held in the County of \_\_\_\_\_ on Tuesday the \_\_\_\_\_ day of May, 19\_\_\_\_, and that hereafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for at the election, as delegate to the next National convention of that party under which his name appears; and that under the name of each party, and either under the name of one person for whom a preference as nominee of that party for President has been expressed or under the summary statement of principles espoused, there is stated the name of each of those candidates for delegate [who has filed a statement of preference for that person and has been indorsed as required by law, and] who may be voted for [as] one of a group.

**LIST OF CANDIDATES**

		Party	
Candidates Preferring	Candidates Preferring	Candidates Preferring	Candidates Espousing
Name Address Top of Group	Name Address Top of Group	Name Address Top of Group	
1	1	1	
2	2	2	
3	3	3	
etc	etc	etc	

(etc., as above with each political party.)

Party

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 6 o'clock a. m. to the hour of 7 o'clock p. m. on the day thereof and that during those hours the election will be held at the legally designated polling places in each precinct in the county, which are as follows:

City of \_\_\_\_\_ (Location of Polling Place)  
 (Name or number of precinct)  
 Precinct \_\_\_\_\_  
 Precinct \_\_\_\_\_  
 Town of \_\_\_\_\_  
 Precinct \_\_\_\_\_ Township (outside of city)  
 Precinct \_\_\_\_\_  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_, County Clerk.

SEC. 6. Section 3709.5 of said code is amended to read:

3709.5. At the time the county clerk prepares sample ballots for each political party at the presidential primary, he shall also prepare a list of candidates for delegate for each political party. The list shall be printed upon a sheet of paper separate from the sample ballot. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President or Vice President, *summary statement of principles*. The order of groups on the list shall be the same as the order in which the names of the persons they prefer or the principles they espouse appear upon the ballot. Each column shall be headed in heavy face, 12-point, gothic type as follows: *either* "The following delegates are pledged to \_\_\_\_\_" (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference) or "The following delegates espouse \_\_\_\_\_" (The blank being filled in with the summary statement of principles.) The names of the candidates for delegates shall be printed in 8-point, roman capital type.

One copy of the list of candidates for delegate of the party to which the voter belongs shall be mailed to each voter entitled to vote at the presidential primary at the same time and together with the sample ballot. Copies of the list of candidates for delegate of each party shall also be submitted by the county clerk to the chairman of the county committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office.

SEC. 7. Section 3871 of said code is amended to read:

3871. The names of the candidates for delegate of any political party shall not appear upon the ballot. In lieu thereof the names of the persons preferred for President by each group of candidates and the summary statement of principles espoused shall be arranged upon the ballot of the party in parallel columns. The [person preferred by that] group of candidates which first files its nomination paper with the Secretary of State shall be entitled to the first or left hand column, [the person preferred by] the group which next files its nomination paper shall be entitled to the second column, and similarly for all [other persons preferred by] other groups.

SEC. 8. Section 3873 of said code is amended to read:

3873. In the center of each column so headed and not less than one inch or more than two inches below the line separating the heading from the rest of the column, there shall be a voting square one-half of an inch square. Immediately under the square there shall be printed across the width of the column in heavy face, 12-point, gothic type, these one of the following instructions: "A cross (+) stamped in this square shall be counted as a vote for all candidates preferring \_\_\_\_\_" (The blank being filled in with the name of the candidate for presidential nominee heading the column) or "A cross (+) stamped in this square shall be counted as a vote for all candidates espousing \_\_\_\_\_" (The blank being filled in with the summary statement of principles.)

SEC. 9. Section 3878 of said code is amended to read:

3878. At the top of the ballot shall be printed "Official Presidential Primary Election Ballot," and the instructions to voters shall be as follows: "To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square in the column headed by the name of the person preferred. To vote for the group of candidates espousing principles, stamp a cross (+) in the square in the column headed by the summary statement of principles."

SEC. 10. Section 3880 of said code is amended to read:  
3880. The ballot shall be printed substantially in the following form:

**OFFICIAL PRESIDENTIAL PRIMARY ELECTION BALLOT**  
**REPUBLICAN PARTY**

THIRD ASSEMBLY DISTRICT, MAY, -----, 19---

To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square in the column headed by the name of the person preferred.

To vote for group of candidates espousing principles, stamp a cross (+) in the square in the column headed by the summary statement of principles.

For Delegates to National Convention. Vote for one group only.			
Candidates Preferring JOHN P. MONROE	Candidates Preferring WILLIAM ADAMS	Candidates Preferring HENRY JACKSON	Candidates Espousing Lincoln Republicanism
<div style="text-align: center; margin-bottom: 20px;"> <input style="width: 40px; height: 20px;" type="checkbox"/> </div> <p style="font-size: small;">A cross (+) stamped in this square shall be counted as a vote for all candidates preferring John P. Monroe</p>	<div style="text-align: center; margin-bottom: 20px;"> <input style="width: 40px; height: 20px;" type="checkbox"/> </div> <p style="font-size: small;">A cross (+) stamped in this square shall be counted as a vote for all candidates preferring William Adams</p>	<div style="text-align: center; margin-bottom: 20px;"> <input style="width: 40px; height: 20px;" type="checkbox"/> </div> <p style="font-size: small;">A cross (+) stamped in this square shall be counted as a vote for all candidates preferring Henry Jackson</p>	<div style="text-align: center; margin-bottom: 20px;"> <input style="width: 40px; height: 20px;" type="checkbox"/> </div> <p style="font-size: small;">A cross (+) stamped in this square shall be counted as a vote for all candidates espousing Lincoln Republicanism</p>

SEC. 11. Article 10.5 comprising Section 2430 is added to Chapter 1 of Division 5 of said code, to read:

**Article 10.5. National Committeemen**

2430. No person shall be eligible for selection as a member from this State of the National Committee of his party:

(a) Who has not been registered member of his party for at least eight years preceding his selection.

(b) Who holds an elective office under this State or who is a Member of the House of Representatives or the Senate of the United States."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

**MOTION TO RE-REFER SENATE BILL NO. 378**

Senator Quinn moved that Senate Bill No. 378, A-4 on the inactive file, be re-referred to Committee on Fish and Game.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Quinn moved that Senate Bill No. 731 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**President Pro Tempore of the Senate Presiding**

At 4.48 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 222  
Senate Bill No. 224

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 191  
Senate Bill No. 192

Senate Bill No. 427  
Senate Bill No. 471

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1952

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1531

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 280  
Assembly Bill No. 386  
Assembly Bill No. 417

Assembly Bill No. 443  
Assembly Bill No. 1387  
Assembly Bill No. 1747

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new article to be numbered 16, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditor's claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof; providing for the kinds of securities issuable in connection therewith; authorizing executors, administrators, guardians,

receivers, trustees, insurance companies and cemetery associations to consent to or dissent from a plan as defined in said Article 16, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such Article 16 or for property and to continue to hold as a legal investment any securities or properties so received, and exempting the proposer or proposers of a plan and the investors and creditors petitioning for withdrawal of assets from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 280**—An act to amend Sections 8353 and 8355 of, and to add Section 8353.5 to, the Revenue and Taxation Code, relating to apportionments and payments to counties out of the Motor Vehicle Fuel Fund.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 386**—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustee affecting real property.

Referred to Committee on Judiciary.

**Assembly Bill No. 417**—An act to amend Sections 1299.1, 1299.6 and 1299.8 and to add Sections 1299.13, 1299.14 and 1299.15 to the Agricultural Code, relating to marketing of milk and other dairy products.

Referred to Committee on Agriculture.

**Assembly Bill No. 443**—An act to amend Section 4.965 of the School Code and to amend Section 7406 of the Education Code, relating to the canvassing of votes cast at elections for the issuance of school district bonds.

Referred to Committee on Education.

**Assembly Bill No. 1387**—An act to add Sections 53.55 and 53.65 to the Alcoholic Beverage Control Act, relating to containers, cartons and bottles.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1747**—An act to add Section 44.3 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 155

Senate Bill No. 501

Senate Bill No. 370

Senate Bill No. 1062

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Rules has examined

**Senate Bill No. 194**—An act to amend Section 33e of the State Employees' Retirement Act, relating to retirement systems;

**Senate Bill No. 525**—An act to amend Sections 3 and 7 of "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to noxious or dangerous weeds;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of April, 1943, at 3 p.m.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Collier:

## Senate Resolution No. 90

WHEREAS, The efficient functioning of the State Printer, the Legislative Bill Room and the Supervisor of Documents are of vital importance not only to the Legislature and the several officers and departments of the State but to the people of the State as well; and

WHEREAS, It is essential to the welfare of the State that the highly important responsibilities with which such agencies of the State are charged be performed as economically as possible, and that the State Printer, the Legislative Bill Room and the Supervisor of Documents function smoothly without duplication of effort and in perfect cooperation; and

WHEREAS, It is the desire of the Senate that inquiry be made into the relationships between the operations of the State Printer, the Legislative Bill Room and the Supervisor of Documents with a view to ascertaining what steps should be taken to improve the existing service; now, therefore, be it

*Resolved by the Senate of the State of California, That there is hereby created a committee to be known as "The Senate Fact Finding Committee on the Printing and Distribution of Legislative and Other State Documents," to consist of three Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to the operations of the State Printer, the Legislative Bill Room, and the Supervisor of Documents, and the administration of the responsibilities imposed by law or resolution upon them, the efficiency with which their operations are performed, the necessity and reasonableness of the cost of the various services rendered, and the possibilities of improvements therein, with a view to reporting such facts to the Senate and formulating and recommending the enactment of any needed legislation relating thereto; and to that end the committee shall have (i) all the powers conferred upon Legislative Committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such rules may be exercised by the committee after the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:*

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert, and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment, shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, memorandums, or documents showing the receipts and disbursements of any agency of Government and to contract with private firms of auditors for that purpose;

(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(7) To make a complete study, survey, and investigation of every phase of the subjects of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subjects of this resolution.

(8) To meet at any and all places in this State, in public or executive session;

(9) To act after final adjournment of this session of the Legislature;

(10) To file a report with the Senate during the Regular Session of the Fifty-fifth Legislature or during any special session thereof or during the Regular Session of the Fifty-sixth Legislature;

(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the sum of one hundred dollars (\$100) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

Resolution read, and referred to Committee on Rules.

#### ADJOURNMENT

At 4.55 p.m., on motion of Senator Donnelly, the President pro tempore declared the Senate adjourned until 10 a.m., Friday, April 2, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

EIGHTY-NINTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 2, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding

Secretary J. A. Beek at the desk

The roll was called.

### Call of the Senate

Senator Seawell moved a call of the Senate

Motion carried. Time, 10.03 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.20 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the following answered to their names:

Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jepsen, Josiah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward 32.

Quorum present.

### PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

### LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Rich, on motion of Senator Swing.

Senator Powers, on motion of Senator Seawell.

Senator Luckey, on motion of Senator Seawell.

Senator Biggar, on motion of Senator Seawell.

Senator Shelley, on motion of Senator Seawell.

Senator Fletcher, on motion of Senator Seawell.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William Pixley of Los Angeles.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant Clyde Harrell, formerly Assistant City Attorney of Los Angeles, of Camp Beale.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. G. Langenberger of West Los Angeles.

## REPORTS OF STANDING COMMITTEES

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 348

Senate Bill No. 886

Senate Bill No. 533

Senate Bill No. 497

Senate Bill No. 552

Assembly Bill No. 1224

Senate Bill No. 745

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 405

Senate Bill No. 748

Senate Bill No. 478

Assembly Bill No. 689

Senate Bill No. 614

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 13

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 664

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 77

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 126

Senate Bill No. 550

Senate Bill No. 367

Senate Bill No. 602

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 468

Senate Bill No. 63

Senate Bill No. 667

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 490

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 58

Assembly Bill No. 1095

Assembly Bill No. 1421

Assembly Bill No. 1806

Has has the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## CONSIDERATION OF DAILY FILE

## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 423**—An act to amend the title of, to amend Sections 26547, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562, 26566, 26567, 26581, 26584, 26586, 26587,

26588, 26600, 26617, 26621, and 26622 of, to add Section 26463 to, and to delete Section 5 from an act entitled "An act adding Division 21, comprising Chapter 3 and Sections 26450 to 26624, inclusive, to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto," approved July 13, 1939.

**Withdrawal of Motion to Reconsider**

Senator Hatfield moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 423 was passed.

Senate Bill No. 423 ordered transmitted to the Assembly.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 1068**—An act to amend Section 841 and repeal Section 841a of the Military and Veterans Code, relating to veterans' farm and home purchase funds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 1, line 1, of the printed bill, strike out "foreign languages", and insert "the foreign language of any enemy nation".

**Amendment No. 2**

On page 1 of said bill, between lines 6 and 7, insert

"Sec. 2. The publisher of any newspaper printed in a foreign language shall furnish upon request to the Attorney General of the State or to the district attorney of the county where the newspaper is published, a translation of any article, statement or word published in the newspaper. The translation submitted shall be certified to be correct by one competent to make such a translation."

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "2", and insert "3".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 469**—An act to add Section 395.8 to the Military and Veterans Code, relating to the reemployment of elected officers of any city, who shall serve in the armed forces of the United States, upon the completion of their period of training and service; to provide for acting officers to serve during such absence of elected officers; and relating to procedure to be followed to secure such reemployment, declaring the urgency hereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

Strike out lines 2 to 7, inclusive, in the title of the printed bill, and insert "Code, relating to the reinstatement of officers of any city, who shall have left the services



of such city to enter upon active services of the armed forces of the United States, upon his discharge or release from such active service; to provide for temporary officers to serve during such absence of officers; and declaring the".

#### Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 23, inclusive, and insert:

"395.8. Any officer, elective or otherwise, who leaves or shall have left the service of any city in order to enter upon active service with the armed forces of the United States shall be reinstated and restored to his office upon his discharge or release from such active service with the armed forces provided such discharge or release is prior to the expiration of the term for which he has been elected or appointed.

The rights created by this section shall have no application to any officer who shall have been dishonorably discharged or released from such armed forces, or shall have been so mentally or physically disabled as to be incapable of performing the duties of his office or shall fail to present himself to the legislative body or other appointing authority of such city ready and willing to assume the duties of his office, within ninety (90) days from the time of his discharge or release from active service with the armed forces.

The office from which such officer absents himself to enter upon active service with the armed forces shall not be considered to be vacant but the legislative body or other appointing authority, as the case may be, may appoint an officer to temporarily replace any such officer so absents himself to enter upon active service with the armed forces. Such temporary officer shall have all of the powers and duties of the office to which he may be temporarily appointed and shall hold said office until the expiration of the term thereof or until the officer returns from service with the armed forces, whichever event first occurs."

#### Amendment No. 3

On page 2 of the printed bill, strike out lines 1 to 34, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 907**—An act to amend Section 1571 of the Military and Veterans Code, relating to civilian defense.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1571 of", and insert "Sections 1509.4 and 1571 of and to add Sections 1509.6, 1509.7, 1509.8, and 1509.9 to".

#### Amendment No. 1.5

In line 2 of the title of said bill, strike out "civilian defense", and insert "and providing for State and local participation in civilian defense and the war effort and for the administration of the California War Powers Act, declaring the urgency hereof, to take effect immediately."

#### Amendment No. 2

On page 1, line 1, of said bill, strike out "1571", and insert "1509.4".

**PRINTER'S NOTE:**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert:

"1509.4. No salary provided by this chapter shall exceed the sum of seven thousand five hundred dollars (\$7,500) per annum. Any State civil service employee who may be appointed by the Governor to any position under this chapter has the right, upon termination of such appointment, to be reinstated to [his] the civil service position vacated by him upon his acceptance of such appointment hereunder, and during the period of his appointment hereunder shall as to vacation, sick leave, continuity of service and seniority have and enjoy the same rights and privileges

as he would if he were holding a position in the State civil service. [upon termination of such appointment]

SEC. 2. Section 1509.6 is added to said code, to read:

1509.6. In carrying out the provisions of this chapter, the Governor may:

(a) Procure and maintain offices in such parts of the State as may be necessary or convenient;

(b) Acquire property, real or personal, or interests therein;

(c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services and the affording of such facilities as may be necessary and proper;

(d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

SEC. 3. Section 1509.7 is added to said code, to read:

1509.7. Each department, division, bureau, board, commission, and officer of this State and of each agency, political subdivision, or local governmental unit of the State shall render all possible assistance to the Governor in carrying out the provisions of this act.

SEC. 4. Section 1509.8 is added to said code, to read:

1509.8. Except as in this chapter otherwise provided the War Council succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the War Council and the appropriate officers thereof with the same force and effect as though the title of the War Council had been specifically set forth and named therein in lieu of the State Council of Defense.

The War Council and the appropriate officers thereof shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State Council of Defense or held for the benefit or use of the State Council of Defense.

SEC. 5. Section 1509.9 is added to said code, to read:

1509.9. The Governor and the War Council are empowered to expend the moneys in any appropriation or in any special fund in the State treasury now remaining or made available by law for expenditure by the California State Council of Defense or for the use, support or maintenance of the California State Council of Defense.

SEC. 6. Section 1571 of said code is amended to read:".

#### Amendment No. 4

On page 1 of said bill, after line 9, insert

"SEC. 7. The provisions of Sections 1 to 6, inclusive, of this act shall become and be operative and applicable on and after the day when the California War Powers Act takes effect.

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The California War Powers Act will soon take effect. The amendments and additions which are hereby made thereto are urgently necessary to assure immediate and completely effective State, local and regional participation in civilian defense and the war effort."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 160**—An act to amend Sections 154, 159, 160, 161, 740, 741, 742, 743, 744, 745, 747, 749, 834, 835, 836, 869, 901, 903, 905, 906, 907, 908, 909, 910, 911, 1000, 1001, 1002, 1003, 1004, 1005, 1050, 1075, 1076, 1120, 1124, 1125, 1127, 1129, 1150, 1152, 1153, 1175, 1176, 1177, 1178, 1179, 1200 and 5252 of the Welfare and Institutions Code, to add Sections 1008, 1009, 1010, 1011, 1014, 1015, 1049, and 1077 thereto, to repeal Sections 1007 and 1202 thereof, to repeal Article 2 of Chapter 3 of Part 1 of Division 2 thereof, comprising Sections 1020, 1021, 1022, 1023, and 1024, and Article 5 of said chapter, comprising Sections 1100, 1101, and 1102, and to amend and

renumber Section 155.5 of said code to be Section 1000.5, all relating to the Youth Correction Authority, providing for commitments thereto by the juvenile courts, transferring thereto the correctional schools and forestry camps now subject to the jurisdiction of the State Department of Institutions, and specifying the powers and duties of the Youth Correction Authority and its officers and employees in regard to the inmates of such institutions and to other persons committed to the authority.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 161**—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Correction Authority.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 162**—An act to add Section 1714.5 to the Welfare and Institutions Code, and to amend Sections 1717 and 1718 thereof, relating to the Youth Correction Authority, and providing for the appointment of temporary members thereof.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 163**—An act to add Section 1767.3 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and providing for the return to the custody of the authority of persons committed thereto who are at liberty on parole or otherwise.

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 164**—An act to add Section 1752.7 to the Welfare and Institutions Code, relating to the collection of statistics and other information by the Youth Correction Authority, and requiring public officers and employees to furnish statistics and other information to the authority.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 166**—An act to add Section 1760.7 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Correction Authority.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 167**—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the Youth Correction Authority to apply to the Governor for requisitions for the return of persons committed thereto.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 499**—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for hospital care and services.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "202.", insert "(a)".

**Amendment No. 2**

On page 1, line 7, of said bill, strike out ", and in cases of emergency", and insert "hospital".

**Amendment No. 3**

On page 1, line 8, of said bill, strike out "needy", and insert "indigent".

**Amendment No. 4**

On page 1 of said bill, strike out lines 9 to 16, inclusive, and insert "service within or without the county, at cost from any public hospital, clinic, rest home or sanitarium, or at an agreed rate from any private hospital, clinic, rest home or sanitarium in the State. Such agree-".

**Amendment No. 5**

On page 1, line 17, of said bill, after "hospitals", insert ", clinics, rest homes or sanitariums".

**Amendment No. 6**

On page 1, lines 20 and 21, of said bill, strike out "medical, surgical, X-ray, laboratory, nursing, and general".

**Amendment No. 7**

On page 1, line 22, of said bill, strike out "to patients".

**Amendment No. 8**

On page 1 of said bill, strike out line 23, and insert  
"(b) The county may also contract with public or private hospitals or clinics".

**Amendment No. 9**

On page 1, line 26, of said bill, strike out "care and treatment of", and insert "hospital service to".

**Amendment No. 10**

On page 1 of said bill, strike out line 27; and on page 2, strike out lines 1 and 2, and insert "hospital, and for continued hospital service to indigent patients at the expense of the county after the emergency has ceased to exist,".

**Amendment No. 11**

On page 2, line 4, of said bill, strike out "care", and insert "service".

**Amendment No. 12**

On page 2, line 5, of said bill, strike out the comma.

**Amendment No. 13**

On page 2 of said bill, strike out lines 6 to 12, inclusive, and insert "of this code. The county shall pay to the public or private hospital or clinic the cost of the emergency service provided during the first 24 hours to all patients who are unable to pay for the service provided to them.

(c) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing and such other care and service as may be necessary for the treatment of the sick or injured."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 993**—An act to amend Section 6 and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, and 78 to the Unemployment Insurance Act, relating to the administration thereof, creating the office of Executive Director and abolishing the California Employment Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code, to be known as Chapter 3b,



relating to the assignment of accounts receivable and providing for the giving of notice thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 20, of the printed bill, strike out "in effect", and insert "presently effective and unamended".

##### Amendment No. 2

On page 2, line 13, of the printed bill, strike out "and".

##### Amendment No. 3

On page 2, line 31, of the printed bill, following "contain" insert ", in addition to or in lieu of the statement set forth in paragraph 2".

##### Amendment No. 4

On page 2, line 30, of the printed bill, strike out "(b)".

##### Amendment No. 5

On page 2, line 51, of the printed bill, following "other" insert "business".

##### Amendment No. 6

On page 3, line 3, of the printed bill, before "effective", insert "presently".

##### Amendment No. 7

On page 3, line 12, of the printed bill, strike out "thereby", and insert "therefore".

##### Amendment No. 8

On page 4 of the printed bill, following line 18, insert  
 "(c) Shall not be applicable to any assignment made for the benefit of all of the assignor's creditors generally."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 685**—An act to validate certain acts of counties, cities and counties and of their officers, relating to taxation of property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 799**—An act to amend Section 329 of the Political Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law.

Bill read second time.

#### Motion to Amend

Senator DeLap moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and to amend Section 9608 of the Government Code".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 2

On page 1 of said bill, after line 10, insert  
 "SEC. 2. Section 9608 of the Government Code is amended to read:  
 9608. The [repeal] termination or suspension (by whatsoever means affected) of any law creating a criminal offense does not constitute a bar to the indictment or information and punishment of an act already committed in violation of the law so

[repealed] *terminated or suspended*, unless the intention to bar such indictment or information and punishment is expressly declared [in the repealing statute] *by an applicable provision of law*.

SEC. 3. Section 2 of this act shall take effect only if the Government Code is enacted by the Legislature at its Fifty-fifth Session, and in such case, at the same time as the Government Code takes effect; at which time Section 329 of the Political Code as amended by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 978**—An act to amend Section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles, and claims and actions therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 677**—An act to add Section 2061 to the Penal Code and to amend Section 2762 of the Penal Code and to repeal Section 2783 of the Penal Code, relating to the escape of prisoners.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 28, of the printed bill, insert "The Department of Public Works in computing the debits to be made to the convict's accounts, may add not to exceed ten (10) per cent on all items except transportation."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 638**—An act to repeal Section 12108 of the Business and Professions Code, relating to the construction and installation of heavy duty scales.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 640**—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of the Business and Professions Code, relating to public weighmasters.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 2 of the printed bill, strike out all of line 44, and insert "weighmaster seal for applying an impression upon or stamping".

##### Amendment No. 2

On page 3, line 15, of the printed bill, strike out "grows", and insert "gross".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 113**—An act to amend Section 3.324 of the School Code and to amend Section 8730 of the Education Code, relating to taxation in elementary school districts.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 14, of the printed bill, after the first "any", insert "high school district or unified".

**Amendment No. 2**

On page 1, line 15, of the printed bill, after "the", insert "elementary school".

**Amendment No. 3**

On page 1, line 16, of the printed bill, strike out the period, and insert "if the average daily attendance of high school pupils living within the elementary school district and attending a high school in such high school district or unified school district during the preceding school year did not exceed 15".

**Amendment No. 4**

On page 2, line 2, of the printed bill, after "any", insert "high school district or unified".

**Amendment No. 5**

On page 2, line 4, of the printed bill, after "the", insert "elementary school".

**Amendment No. 6**

On page 2, line 4, of the printed bill, strike out the period, and insert "if the average daily attendance of high school pupils living within the elementary school district and attending a high school in such high school district or unified school district during the preceding school year did not exceed 11".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 511**—An act to amend Section 5380 of the School Code and to amend Section 12751 of the Education Code, relating to the suspension of credentials issued by the State Board of Education.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 20, of the printed bill, after "Education", insert "for one year".

**Amendment No. 2**

On page 2, line 13, of the printed bill, after "Education", insert "for one year".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 508**—An act to add Sections 194 and 195 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 6, of the printed bill, after the second "of", insert "persons employed by, or in the military service of, the United States of America and".

**Amendment No. 2**

On page 1 of the printed bill, following line 23, insert  
"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of

hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### Amendment No. 3

On page 2, line 4, of the printed bill, after "of", insert "persons employed by, or in the military service of, the United States of America and".

#### Amendment No. 4

On page 2 of the printed bill, following line 10, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### Amendment No. 5

On page 2, line 17, of the printed bill, after the second "of", insert "persons employed by, or in the military service of, the United States of America and".

#### Amendment No. 6

On page 2 of the printed bill, following line 34, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### Amendment No. 7

On page 2, line 40, of the printed bill, after "of", insert "persons employed by, or in the military service of, the United States of America and".

#### Amendment No. 8

On page 2 of the printed bill, following line 46, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 548**—An act to add Section 1.108 to the School Code and to add Section 16424 of the Education Code, relating to pupils of the public schools.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

#### Amendment No. 1

In line 2 of the title of the printed bill, strike out the first "of", and insert "to".

#### Amendment No. 2

In line 2 of the title of the printed bill, strike out the comma, and insert "and to amend Sections 10270 and 11512 of the Insurance Code and to add Section 11512.4 to the Insurance Code, all".

#### Amendment No. 3

In line 2 of the title of the printed bill, after "to", insert "the insurance of".

#### Amendment No. 4

On page 1 of the printed bill, beginning in line 6, strike out "may provide", and insert "through".



**Amendment No. 5**

On page 1, line 7, of the printed bill, after "for", insert "injuries to".

**Amendment No. 6**

On page 1, line 7, of the printed bill, strike out "injured" and insert "arising out of accidents occurring".

**Amendment No. 7**

On page 1, line 10, of the printed bill, strike out the period, and insert "or while being transported to and from such school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or guardian."

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

**Amendment No. 8**

On page 1, line 16, of the printed bill, strike out "may provide", and insert "through".

**Amendment No. 9**

On page 1, line 17, of the printed bill, after "for", insert "injuries".

**Amendment No. 10**

On page 1, line 17, of the printed bill, strike out "injured" and insert "arising out of accidents occurring".

**PRINTER'S NOTE.** There being no 7 point strikethrough type available, the material which should appear in strikethrough type in the following amendment is indicated as being enclosed within brackets.

**Amendment No. 11**

On page 1, line 21, of the printed bill, strike out the period, and insert "or while being transported to and from such school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or guardian."

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

**SEC. 3. Section 11270 of the Insurance Code is amended to read:**

11270. This chapter shall not affect workmen's compensation insurance, nor shall it apply (a) to a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing duties incident to such membership [nor] (b) to a blanket policy issued to a college, school, or other institution of learning or to the head or principal thereof agreeing to indemnify for loss of tuition by reason of disability of students enrolled therein, nor (c) to a blanket policy issued to a school district or to the governing board of any school district providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises at the school or district during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school at a school district or while being transported to and from school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or guardian. Such policies, however, shall not be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate general rules as to provisions reasonably required in such blanket policies.

**Sec. 4. Section 11512 of the Insurance Code is amended to read:**

11512. No hospital service contract shall be entered into between a corporation proposing to furnish or provide any one or more of the services authorized under this chapter and a subscriber:

(a) Unless the entire consideration therefore is expressed in the contract:

(b) Unless the times at which the benefits or services to the subscriber take effect and terminate are stated in a portion of the contract above the evidence of its execution;

(c) If the contract purports to entitle more than one person to benefits or services [; except that a husband and wife and their child or children may secure the benefits under one contract if the contracts is issued and marked as a family contract] except family hospital service contracts issued under Section 11512.1, group hospital service contracts issued under Section 11512.2 and blanket contracts issued under Section 11512.4.

(d) Unless every printed portion and any indorsement or attached papers is plainly printed in type of which the face is not smaller than 10 points:

(e) Except for group hospital service contracts and blanket contracts issued under Section 11512.2, [U]nless the exceptions of the contract are printed with greater prominence than the benefits to which they apply:

(f) *Except for group hospital service contracts and blanket contracts issued under Section 11512.2, [U] unless, if any portion of such contract purports, by reason of the circumstances under which an illness, injury or disablement is incurred to reduce any service to less than that provided for the same illness, injury or disablement incurred under ordinary circumstances, such portion is printed in bold face type and with greater prominence than any other text of the contract;*

(g) *If the contract contains any provisions purporting to make any portion of the charter, constitution or by-laws of such nonprofit corporation a part of the contract unless such portion is set forth in full in the contract;*

(h) *Unless such contract for hospital service contains in black-face type not less than 10-point the following provisions:*

*"Nothing in this contract contained shall in any way or manner restrict or interfere with the right of [the subscriber] any individual entitled to hospital service and care hereunder to select the contracting hospital or to make a free choice of his attending physician, who shall be the holder of a valid and unrevoked physician and surgeon's certificate and who is a member of, or acceptable to, the attending staff and board of directors of the hospital in which said hospital services are to be provided and rendered."*

Sec. 5. Section 11512.4 is added to the Insurance Code, to read:

11512.4. Blanket hospital service contracts may be issued to a college or school or to the head or principal thereof or to the governing board of any school district providing for services to pupils of such schools when such services are required as the result of accident to such pupils while they are required to be in or on buildings or other premises of the school or district during the time they are required to be therein or thereon by reason of their attendance upon a college or regular day school or any regular day school of a school district or while being transported to and from school or other place of instruction. No pupil shall be compelled to accept such service without the consent of his parent or guardian."

#### Amendment No. 12

On page 1, line 22, of the printed bill, strike out "3", and insert "6".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 652**—An act to amend Section 3.816 of the School Code and to amend Section 10624 of the Education Code, relating to credit hours of junior college work.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 4, of the printed bill, strike out "and", and insert "or".

##### Amendment No. 2

On page 1, line 6, of the printed bill, strike out " where", and insert " Where".

##### Amendment No. 3

On page 1, line 13, of the printed bill, strike out "and", and insert "or".

##### Amendment No. 4

On page 1, line 14, of the printed bill, strike out " where", and insert " Where".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1034**—An act to add Article 9, comprising Sections 3.676-1 to 3.676-9, inclusive, to Chapter 2 of Part 4 of Division 3 of the School Code, relating to 24-hour vocational schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "9, comprising Sections 3,676-1 to 3,676-9"; strike out line 2; and in line 3, strike out "School", and insert "8, comprising Sections 9501 to 9527, inclusive, to Chapter 8 of Division 4 of the Education".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 24, inclusive, and insert:

"SECTION 1. Article 8, comprising Sections 9501 to 9527, inclusive, is added to Chapter 8 of Division 4 of the Education Code, to read:

**Article 8. County Twenty-Four Hour Vocational Schools**

9501. The purpose of this article is to authorize the counties of the State to establish 24 hour vocational schools for underprivileged children, abandoned minors and children who by reason of improper home surroundings, improper companions, or subversive habits may become delinquent, to give to them elementary and high school education, vocational, homemaking, mental, moral, physical and any other training in order to rehabilitate as well as to educate them, to provide for the attendance, maintenance, care, supervision, guidance and observation of those attending these schools, to provide any other training as will enable the children the more effectively to cultivate their talents. The children are to live at the school, receive board there, and be under 24-hour supervision.

9502. Any county with the approval of the State Board of Education may establish and maintain one or more vocational schools to be operated on a 24 hour basis, and to be known as 24-hour vocational schools. The school or schools shall be under the management and control of a board of trustees, to be known as the board of control, appointed by the board of supervisors of the county, one member to be appointed from each supervisorial district. The board of control shall act with all of the duties and powers of a governing board of a high school or elementary or unified school district, and shall act as the legally responsible authority for the vocational school.

9503. The board of control of each county vocational school shall appoint a board of admission to the school, consisting of one member of the State Department of Education, one child psychiatrist, the county superintendent of schools, the county probation officer, and the superintendent of the vocational school. At least one member of the board of admission shall be a woman. The board of admission shall investigate all children proposed for admission to the vocational school and shall make recommendations for admission thereto and dismissal therefrom.

9504. Children admitted will be those whose cases represent such serious behavior problems as to need constant study and care, and who definitely require 24-hour supervision. Admission of pupils to the 24-hour vocational schools shall be by one of the methods provided in this article. No child shall be admitted to a 24-hour vocational school except upon the recommendation of the board of admission.

9505. The board of admission, or some person or persons designated by it, shall investigate the case of any child whose name is submitted in writing by the principal or superintendent of any school district within the county, or by the probation officer or welfare department of the county, or by the parent or parents of any child residing within the county, when with the written submission of the name of the child there is also submitted in writing a statement or report alleging that one or more of the following conditions exist and that the child should be admitted to the school for the reason that he:

- (a) Presents a bad disciplinary problem.
- (b) Has been abandoned.
- (c) Is receiving insufficient or improper care from his parent or parents and is in danger of becoming a delinquent child.
- (d) Is an habitual truant.
- (e) Has already been adjudged a delinquent child.
- (f) Is in special need of vocational or work program.

9506. If, upon investigation, the board of admission finds that one or more of the allegations are true and that the child should be admitted to the school, it may make recommendation to the board of control for the admission or assignment of the child to the 24-hour vocational school.

9507. If the child has not become a ward of or subject to the jurisdiction of the juvenile court at the time the board of admission has completed its investigation and made its recommendation to the board of control, the parent or parents of the child shall be personally notified, if available for personal notification, of the recommendation to the board of control for the admission or assignment of the child to the 24-hour vocational school.



9508. If the parent or guardian of the child enters into a contract with the board of control for the support of the child during the period of the assignment of the child to the school, and consents to the assignment of the child to the school, the board of control may provide for the admission and assignment by private arrangement with the parent or guardian.

9509. The contract shall provide for the payment to the board of control of a sum sufficient to meet the average cost of maintaining a pupil within the school, including meals and a reasonable sum for lodging.

9510. If the parent or guardian refuses to consent to the assignment of the child to the vocational school, or refuses to enter into a contract with the board of control for the support of the child, the board of control shall immediately notify the probation officer of the county who shall cause a petition to be filed in the superior court of the county under the provisions of the juvenile court law, asking for an order of the court committing the child to the 24-hour school and fixing the amount the parent or guardian shall pay for the maintenance of the child therein until such time as the child is discharged therefrom.

9511. If the parent or guardian is unable to pay that amount the court may, on such finding, provide for the payment by the county of a sum sufficient to cover the costs of maintenance of the child during the period of his commitment to the school.

9512. The board of admission shall review the case of each child at least once every six (6) months and shall make such recommendations as the review indicates to the board of admission to be proper.

9513. Any parent or guardian, with whose consent the child was voluntarily placed in the vocational school without the necessity of court petition, may petition the board of admission at any time to have the child restored to the care, custody and control of the parent or guardian.

9514. If the decision of the board of admission is adverse to the petitioner, he may file a petition in the superior court of the county and have the matter determined by the judge thereof sitting in separate session in the exercise of his jurisdiction as judge of the juvenile court of the county.

9515. Upon recommendation of the superintendent of schools of the county, or upon recommendation of the superintendent of the vocational school, and with the approval of the board of admission, the child may be released from the vocational school and restored to the care, custody and control of the parent or guardian.

9516. If the child is a ward of the juvenile court, the release shall not be made without the approval of the juvenile court.

9517. Personnel of the 24-hour vocational school shall consist of the superintendent, and all teachers and other employees necessary, requisite or expedient for the successful and efficient operation of the school. In making appointments, the provisions of the code shall be followed.

9518. Teachers of the school shall be certificated and shall be subject to all rights, duties, and privileges of teachers pursuant to this code.

9519. The board of control, in the exercise of its discretion, may provide residence for any of the personnel of the school.

9520. The courses of study shall be vocational training, trade or homemaking instruction, regular elementary and high school courses of study, and moral and physical instruction. The course of study, methods and means of enforcement shall be approved by the county board of education.

9521. The State Superintendent of Public Instruction shall not apportion any State or Federal funds until the school receives the approval of State agencies charged with the inspection of child-caring institutions.

9522. The cost of establishing the school shall be provided by money appropriated therefor by the board of supervisors of the county, and by gifts and donations.

9523. The cost of operating the school shall be provided by:

(a) Payments made by the parent, or guardian, of the child admitted to the school, when able and contracting to pay therefor, or when so ordered by the juvenile court.

(b) Funds provided for public assistance to children receiving such aid.

(c) County general fund when the juvenile court so orders.

(d) Apportionment of funds by the Superintendent of Public Instruction, pursuant to Section 6955.

(e) Apportionment of elementary and high school funds by the county superintendent of schools, pursuant to Section 6956.

9524. When pupils are accepted from other counties, the county of residence of the accepted pupils shall pay its per capita cost of operation, plus a reasonable annual per capita capital outlay.

9525. Any pupil who absents himself from any 24-hour vocational school without permission therefor having been first obtained from the principal thereof is deemed an habitual truant within the meaning of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code.



9526. Any person who contributes to the absence of any pupil from the school without permission first having been obtained from the principal thereof, or advises, connives at, or aids or assists in that absence, or conceals any pupil after an absence, is guilty of a misdemeanor.

9527. This article shall be construed in conformity with the intent as well as the express provisions thereof. The governing board of any school district that is created pursuant to this article may exercise all the powers of governing boards of school districts of every type and class, and may do all lawful acts which it deems necessary to promote the prosperity of the school, or to promote the well-being and education of all minors entrusted to its charge.

SEC. 2. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act, and the application of each provision to other persons or circumstances, shall not be affected thereby."

Amendments read and adopted

Bill ordered printed, and re-referred to Committee on Education

**Senate Bill No. 779**—An act to add Chapter 4 of Part 2 of Division 1 of the School Code, to add Chapter 7 to Division 8 of the Education Code, and to add Section 1312 to the Labor Code, relating to employment of minor pupils.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Chapter 4 of Part 2 of Division 1 to the School", and strike out all of lines 2 to 4, both inclusive, and insert "increase production by providing for exemptions from various requirements, relating to employment and working conditions of minor employees essential to the war effort, declaring the urgency thereof, to take effect immediately."

##### Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 24, both inclusive, and strike out all of pages 2 and 3, and insert

"SECTION 1. This act shall be known as the Minors Emergency War Employment Act.

SEC. 2. The Legislature hereby declares that, in order to increase production and to win the wars in which the United States is engaged, certain restrictions on activities of minor employees should be temporarily revised, either wholly or partly, such revision of restrictions to be in effect only as provided in Section 10 hereof.

SEC. 3. The Governor may issue a war production permit permitting the employment of minor employees at or for such hours, and at such type of work, and under such conditions, as may be helpful in increasing production and furthering the war effort without unreasonably increasing the risk of impairing the health, education or safety of said minor employees, in view of the emergency. Such permit when issued shall remain in effect until revoked, modified or suspended under Section 6 hereof.

SEC. 4. The Governor may issue a permit authorizing the governing board of any school district to issue permits to work to minors who are subject to the provisions of Chapters 4 and 5 of Division 8 of the Education Code and, permits to employ to employers under such conditions as may be helpful in increasing production and furthering the war effort without unreasonably increasing the risk of impairing the health, education or safety of said minor employees, in view of the emergency. Such permit when issued shall remain in effect until revoked, modified or suspended under Section 6 hereof.

SEC. 5. An application for the issuance of a permit under Section 3 hereof shall be filed with the State Department of Industrial Relations. An application for the issuance of a permit under Section 4 hereof shall be filed with the State Department of Education. An application for a permit may be filed by a person, association or other private agency or by any public agency, but a permit granted hereunder on such application shall be given such scope as the Governor may determine. Such State department shall within 15 days after filing of the application with it, recommend the issuance or denial of such a permit. If it recommends the issuance of such a permit, it shall incorporate the terms and conditions upon which it is recommended that the permit be issued. After receipt of the recommendation from the State department concerned, the Governor, within five days after he receives such recommendation from the State department, at his discretion shall either issue or

deny the permit requested. If a permit is issued, the Governor shall specify therein the terms and conditions fixed by him upon which the permit is granted including, but not excluding others, limitations on the ages and hours for the employment of such minors.

SEC. 6. The Governor may at any time revoke, suspend or modify any permit. Upon proof being made that the terms and conditions of any such permit have been violated, the department which recommended the issuance of said permit may recommend to the Governor that the permit be suspended, modified or revoked.

SEC. 7. All State departments shall continue to exercise their duties under the laws and rules to insure that the relaxation authorized by the permit does not adversely affect the health, education or safety of the minor employees involved.

SEC. 8. No relaxation permit shall have the effect of abrogating any collective bargaining agreement prescribing overtime rates of pay or working conditions or any of the overtime rates prescribed pursuant to law by any State department or agencies of the Federal Government.

SEC. 9. Any authority herein given to a State department may be exercised by any official or employee in the department so authorized by the director or other head of the department.

SEC. 10. This act shall remain in effect until the ninety first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The war emergency requires that all facilities of production be utilized to the utmost and that restrictions upon the hours and conditions of work be relaxed to such an extent as may be compatible with the health and safety of the persons affected. This act provides a method whereby production can be increased under safeguards designed to afford full protection to all persons involved and its early effectiveness is necessary to the prosecution of the war effort."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 307**—An act to amend Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of the School Code and to amend Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975, and 6977 of the Education Code, relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 10, of the printed bill, strike out "forty dollars (\$40)", and insert "thirty-seven dollars and fifty cents (\$37.50)".

##### Amendment No. 2

On page 2, line 45, of the printed bill, strike out "forty dollars (\$40)", and insert "thirty-seven dollars and fifty cents (\$37.50)".

##### Amendment No. 3

On page 3, line 39, of the printed bill, strike out "forty dollars (\$40)", and insert "thirty-seven dollars and fifty cents (\$37.50)".

##### Amendment No. 4

On page 4, line 45, of the printed bill, strike out "forty dollars (\$40)", and insert "thirty-seven dollars and fifty cents (\$37.50)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 731**—An act to amend Section 5014 of the Public Resources Code, relating to the State Park Maintenance and Acquisition Fund.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 364**—An act to add Section 557 1 to the Military and Veterans Code, relating to the organization of licensed military companies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 246**—An act to amend Section 1461a of the Penal Code, relating to procedure in municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 471**—An act to amend Section 12042a of the Penal Code, relating to probation and terms of imprisonment.

Bill read second time.

#### Motion to Amend

Senator Carter moved the adoption of the following amendment

#### Amendment No. 1

On page 1, line 14, of the printed bill, as amended, before "if", insert "1203 2a"

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 555**—An act to amend Section 7a of the Municipal Court Act of 1925, relating to attaches.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1027**—An act to amend Section 801 of the Probate Code, relating to bond on sale of contract to purchase.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1309**—An act to amend Section 261 of the Code of Civil Procedure, relating to salaries of court commissioners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1422**—An act to amend Section 345 of the Code of Civil Procedure, relating to limitation of actions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 358**—An act to add Section 10202 to the Health and Safety Code, relating to certified copies of birth certificates.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

#### Amendment No. 1

On page 1, line 1, of the printed bill, as amended, after "SECTION 1.", strike out "Section 10200."

#### Amendment No. 2

On page 2, line 48, of said bill, strike out "Beneficially interested persons may obtain".

**Amendment No. 3**

On page 2, line 49, of said bill, after "certificates", insert "may be".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 644**—An act to add Section 9 to the Community Recreation Enabling Act of 1939 and to add Section 24409.1 to the Education Code, relating to facilities of community recreation centers maintained solely by school districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "Section 9 to the Community Recreation Enabling Act of 1939 and to add".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "Section 9 is added to the said act, to read:"; and strike out lines 2 to 6, inclusive.

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "SEC. 2."

**Amendment No. 4**

On page 1 of said bill, strike out lines 15 to 18, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Assembly Bill No. 789**—An act to amend Sections 3.30 and 3.33 of the School Code and to amend Sections 8121 and 8122 of the Education Code, relating to the closing of schools and postponement of openings, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1252**—An act to amend Section 2.971 of the School Code, and to amend Section 2102 of the Education Code, relating to city boards of education.

Bill read second time, and ordered to third reading.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 23**—An act to add Sections 48, 49, 50 and 51 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3941, 3946, 7966, 8720, 8721 and 8722 of, and to repeal Section 2838 of, the Elections Code, relating to nominations and party conventions.

**Motion to Set Special Order**

Senator Seawell moved that Senate Bill No. 23 be made a special order of business for Tuesday, April 6, 1943, at 2.30 p.m.

Motion carried.

**Senate Bill No. 678**—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 676**—An act to amend the title of Chapter 1 of Title 5 of Part 3 of the Penal Code, and to add Section 4502 to the Penal Code, relating to possession of deadly weapons by prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 155**—An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

Bill read third time.

#### Motion to Amend

Senator Judah moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 205 of", and insert "add Section 255.5 to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 8, inclusive, and insert:  
"SECTION 1. Section 255.5 is added to the Revenue and Taxation Code to read:  
255.5. Any person claiming the veteran's exemption shall file the affidavit with the assessor in duplicate. Among other facts, the affidavit shall contain a statement, showing the claimant's residence. When the affidavit is filed in a county other than the county of the claimant's residence, the assessor shall transmit the duplicate copy to the assessor of the county of residence."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 467**—An act to add Article 3, comprising Sections 2400 to 2404, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

#### Motion to Refer Bill to Inactive File

Senator Carter moved that Assembly Bill No. 467 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 473**—An act to amend Sections 2708, 2709 and 2877 of the Penal Code, relating to the sale of prison-made goods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swing, Tickle, and Ward—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 355**—An act to amend Section 354 of the Code of Civil Procedure, relating to the suspension of statutes of limitation during war.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### RESOLUTIONS

The following resolution was offered:

By Senator Carter:

##### Senate Resolution No. 91

Relating to the death of Clarence W. Leininger

For 50 years, and until his death on March 30, 1943, Clarence W. Leininger had served the people of Northern California. A native of Butte County, he attended the local schools, graduated from Woodland Academy and from the old Chico Normal School.

For some years he taught school in Trinity County. He was appointed Receiver of the Federal Land Office in Redding. Later he was admitted to the bar and for eight years served as deputy district attorney for Shasta County. In 1903 he was elected to the Assembly of California and served until 1905.

In addition to the public confidence reposed in him, Mr. Leininger enjoyed innumerable warm friendships, and was a member of many fraternal organizations. Therefore, be it

*Resolved by the Senate of the State of California*, That when this Senate today adjourns, it do so out of respect to the memory of Clarence W. Leininger; and be it further

*Resolved*, That as an expression of the sympathy of the Members of this Senate, the Secretary transmit copies of this resolution to the son and daughter of Clarence W. Leininger, John Leininger of Redding, and Mrs. Eleanor McCambridge of Chico.

Resolution read, and unanimously adopted by a rising vote of the following Senators:

Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 320**—An act to add Section 2211 to the Public Resources Code, relating to the county mineralogist.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mc-

Cormack, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 547**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to pre-marital examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 347**—An act to add Section 656.5 to, and to amend Sections 657 and 657.5 of, the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Jaspersen, Judah, Keating, Mayo, McBride, Mixer, Quinn, Seawell, Slater, Swan, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 591**—An act to amend Sections 794, 799, and 800 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

#### Amendment No. 1

In line 2 of the title of the printed bill, strike out "its urgency"; and strike out line 3 of the title, and insert "the urgency of this act, to take effect immediately."

#### Amendment No. 2

On page 1 of said bill, after line 24, insert

"Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The shortage of food supplies in the present war emergency necessitates the utilization of all sea food products to the greatest extent compatible with proper conservation. Inasmuch as this act releases certain restrictions on the taking of abalones it will operate to increase the available supply of healthful food products and to release a comparable amount of food for use for war purposes."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 320

Senate Bill No. 547

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 156

Senate Bill No. 347

Senate Bill No. 591

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Elections**

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 64

Assembly Bill No. 214

Assembly Bill No. 256

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1559

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 721

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

**ADJOURNMENT**

At 11.28 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Monday, April 5, 1943, out of respect to the memory of the late Clarence W. Leininger.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY

NINETY-SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 5, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called.

## Call of the Senate

Senator Collier moved a call of the Senate.

Motion carried. Time, 1.01 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.30 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McBride, on motion of Senator Collier.

Senator Mixter, on motion of Senator Seawell.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ed Bondy of Woodland.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert Hischeoeller of New York and London and Mrs. Marie A. Larkey of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Hamilton McCoy of Burbank.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. H. S. Nicol of Coronado.

On request of Senators Shelley and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. Winckelman, secretary, San Francisco Horsemen's Association, San Francisco.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. R. Vanderlip of Coalinga.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph O'Neil of Sacramento.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank McKeller of San Marino and Mrs. Don Field of Glendale.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 189

Senate Bill No. 514

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 51

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

## CONSIDERATION OF ASSEMBLY AMENDMENT

**Senate Bill No. 51** An act to add Sections 101 and 480.5 to the Fish and Game Code, relating to the creation of a new fish and game district and the taking of fish therein.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 51?

**Amendment No. 1**

On page 1, line 27, of the printed bill, after "beginning", insert ", together with all that portion of Kern County lying west of a line running north and south through said Kern County and being tangent to the most easterly portion of Buena Vista Lake in said Kern County".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 51 by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Critchenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Judith, Keating, Luckey, Mayo, Salsman, Seawell, Shelley, Slater, and Swing—22

**NOES**—None.

Above bill ordered enrolled.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 466

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 192  
Assembly Bill No. 212  
Assembly Bill No. 216  
Assembly Bill No. 279  
Assembly Bill No. 310  
Assembly Bill No. 331  
Assembly Bill No. 348  
Assembly Bill No. 350  
Assembly Bill No. 421  
Assembly Bill No. 532  
Assembly Bill No. 578  
Assembly Bill No. 579  
Assembly Bill No. 580  
Assembly Bill No. 581  
Assembly Bill No. 584  
Assembly Bill No. 585  
Assembly Bill No. 636  
Assembly Bill No. 661  
Assembly Bill No. 662  
Assembly Bill No. 753  
Assembly Bill No. 764

Assembly Bill No. 771  
Assembly Bill No. 801  
Assembly Bill No. 830  
Assembly Bill No. 880  
Assembly Bill No. 910  
Assembly Bill No. 960  
Assembly Bill No. 1026  
Assembly Bill No. 1171  
Assembly Bill No. 1174  
Assembly Bill No. 1260  
Assembly Bill No. 1261  
Assembly Bill No. 1278  
Assembly Bill No. 1291  
Assembly Bill No. 1394  
Assembly Bill No. 1409  
Assembly Bill No. 1455  
Assembly Bill No. 1472  
Assembly Bill No. 1473  
Assembly Bill No. 1474  
Assembly Bill No. 1475  
Assembly Bill No. 1549

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1894  
Assembly Bill No. 1902

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 192**—An act to repeal Section 3715 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

**Assembly Bill No. 212**—An act to amend Section 3714 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

**Assembly Bill No. 216**—An act to amend Section 1406 of the Elections Code, relating to initiative and referendum petitions.

Referred to Committee on Elections.

**Assembly Bill No. 279**—An act to amend Section 11 of the Motor Vehicle Fuel License Tax Act, and to add Section 8104.5 to, and to amend Section 8105 of, the Revenue and Taxation Code, relating to refunds, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 310**—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 331**—An act to amend Section 10.05 of, and to add Section 3.06 to, the Building and Loan Association Act, relating to audits of building and loan associations, and shares as legal investments.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 348**—An act to add Section 167.5 to, and to amend Sections 277 and 278 of, the Fish and Game Code, relating to game refuges.

Referred to Committee on Fish and Game.

**Assembly Bill No. 350**—An act to amend Section 611 of the Agricultural Code, relating to oleomargarine.

Referred to Committee on Agriculture.

**Assembly Bill No. 421**—An act to add Section 6.744 to Article 1, Chapter 1, Part 3, Division 6 of the School Code, and to add Section 19405 to the Education Code, relating to the use of school property.

Referred to Committee on Education.



**Assembly Bill No. 532**—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

Referred to Committee on Judiciary.

**Assembly Bill No. 578**—An act to amend Section 21.5 of the California Small Loan Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 579**—An act to amend Section 23 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the deposit of fees in the General Fund and support from the General Fund, and the payment of costs of administration.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 580**—An act to amend Section 20.5 of the Personal Property Brokers Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 581**—An act to amend Section 15, and add Sections 3a and 15a to, the Industrial Loan Act, relating to the deposit of fees in the General Fund and support out of the General Fund and the payment of costs of administration.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 584**—An act to amend Section 2 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to the deposit of fees in the General Fund and support from the General Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 585**—An act to amend Sections 25, 26 and 28 of the Corporate Securities Act, relating to deposit of fees in and support from the General Fund, revisions of fees, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 636**—An act to amend Section 34 of the Fish and Game Code, relating to cultural operations and scientific investigations in the waters of the State of California.

Referred to Committee on Fish and Game.

**Assembly Bill No. 661**—An act to add Section 20.5 to the Personal Property Brokers Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 662**—An act to add Section 21.5 to the California Small Loan Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 753**—An act to amend Section 201 of the Fish and Game Code, relating to the San Leandro Waterfowl Refuge.

Referred to Committee on Fish and Game.

**Assembly Bill No. 764**—An act to add Section 311a to, and to amend Sections 311 and 312 of, the Penal Code, relating to public morals.

Referred to Committee on Judiciary.

**Assembly Bill No. 771**—An act to add Section 4114 to the Revenue and Taxation Code, relating to redemption of tax-sold and tax-deeded property located in distressed assessment districts.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 801**—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 830**—An act to amend Sections 396 and 397 of the Agricultural Code, relating to estrays.

Referred to Committee on Agriculture.

**Assembly Bill No. 889**—An act to amend Section 737dd of the Political Code, relating to the salary of judges.

Referred to Committee on Local Government.

**Assembly Bill No. 910**—An act making an appropriation for support of Division of Parks, Department of Natural Resources, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 960**—An act to amend Section 2 of the Fish and Game Code, relating to definitions of terms used in said code.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1026**—An act to add Section 754.5 to the Probate Code, relating to the sale of personal and real property as a unit.

Referred to Committee on Judiciary.

**Assembly Bill No. 1171**—An act to add Section 2108.5 to the Business and Professions Code, relating to issuance of certificates to practice medicine, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1174**—An act to add Section 2376.5 to the Business and Professions Code, relating to the reinstatement of certificates to practice medicine.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1260**—An act making an appropriation for legislative printing, binding, etc., to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1261**—An act making an appropriation to the Printing Fund, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1278**—An act to add Section 3363 to, and to amend Section 4930 of, the School Code and to add Section 8819.1 to, and to amend Section 7307 of, the Education Code, relating to junior colleges and junior college classes.

Referred to Committee on Education.

**Assembly Bill No. 1291**—An act to add Section 3223a to, and to amend Section 4922 of, the School Code and to add Section 8703.1 to, and to amend Section 7302 of, the Education Code, relating to high schools and high school classes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1394**—An act to add Parts 3 and 4, comprising Sections 7301 to 8557, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relating to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1409**—An act to define and officially adopt a state-wide System of Plane Coordinates for designating and stating positions of land survey points within the State of California, and permitting, but not requiring, the use thereof, in survey maps and other documents.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1455**—An act to amend Section 4256 of the Business and Professions Code, relating to pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1472**—An act to add Sections 3083.3 and 3471.5 to the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1473**—An act to add Sections 3401.5 and 3432.1 to the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1474**—An act to amend Sections 1550, 2183, and 3082 of the Welfare and Institutions Code, relating to public assistance, providing for investigations into applications therefor, and for the time of commencement of payments thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1475**—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid and income of partially self-supporting blind residents.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1549**—An act to add Section 1648.3 to the Insurance Code, relating to the qualifications of insurance producers.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1894**—An act to add Section 57.1 to the State Civil Service Act, relating to the position of Associate Forestry Engineer.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1902**—An act to amend Section 4214 of the Political Code, relating to county surveyors.

Referred to Committee on Local Government.

**Assembly Joint Resolution No. 16**—Relative to Federal participation in the construction of the highway known as the Los Angeles Freeway.

Referred to Committee on Transportation.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1338  
Assembly Bill No. 357  
Assembly Bill No. 1052  
Assembly Bill No. 1258  
Assembly Bill No. 165  
Assembly Bill No. 1040  
Assembly Bill No. 1160  
Assembly Bill No. 67  
Assembly Bill No. 75  
Assembly Bill No. 1796  
Assembly Bill No. 1460  
Assembly Bill No. 1461  
Assembly Bill No. 857  
Assembly Bill No. 1072  
Assembly Bill No. 740  
Assembly Bill No. 1632

Assembly Bill No. 969  
Assembly Bill No. 564  
Assembly Bill No. 1648  
Assembly Bill No. 479  
Assembly Bill No. 400  
Assembly Bill No. 20  
Assembly Bill No. 1025  
Assembly Bill No. 413  
Assembly Bill No. 414  
Assembly Bill No. 415  
Assembly Bill No. 416  
Assembly Bill No. 1465  
Assembly Bill No. 1468  
Assembly Bill No. 63  
Assembly Bill No. 548  
Assembly Bill No. 380

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By CLEVE TAYLOR, Assistant Clerk



ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 30

Assembly Concurrent Resolution No. 48

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By CLEVE TAYLOR, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 1338**—An act to repeal Article 7, comprising Sections 4160 to 4162, inclusive, of Chapter 9, Division 2 of the Business and Professions Code, relating to pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 357**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1052**—An act making an additional appropriation for the support, operation, construction, improvements, and equipment at the State prisons of California.

Referred to Committee on Finance.

**Assembly Bill No. 1258**—An act to amend Section 435 of the Political Code, relating to the reversion of unexpended balances of certain appropriations.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 165**—An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation benefits for members of the State Highway Patrol.

Referred to Committee on Labor.

**Assembly Bill No. 1040**—An act to amend Section 39 of the Fish and Game Code, relating to migratory birds.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1160**—An act to amend Section 842 of the Fish and Game Code, relating to the unlawful use of nets, traps, lines or appliances.

Referred to Committee on Fish and Game.

**Assembly Bill No. 67**—An act to add Section 1176.5 to the Fish and Game Code, relating to falcons and pigeons, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Fish and Game.

**Assembly Bill No. 75**—An act to appropriate funds to the Division of Libraries for making microfilms of United States Census returns.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1796**—An act to amend Sections 1, 2 and 3 of, and to add Section 7.5 to, an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 24, 1921, relating to the office of the public defender.

Referred to Committee on Local Government.

**Assembly Bill No. 1460**—An act to amend Section 577 of the Agricultural Code, relating to oleomargarine.

Referred to Committee on Agriculture.

**Assembly Bill No. 1461**—An act to amend Section 521 of the Agricultural Code, relating to butter.

Referred to Committee on Agriculture.

**Assembly Bill No. 857**—An act to amend Section 402 of the Vehicle Code, relating to financial responsibility.

Referred to Committee on Transportation.

**Assembly Bill No. 1072**—An act to amend Section 128 of the Vehicle Code, relating to powers and duties of the director.

Referred to Committee on Transportation.

**Assembly Bill No. 740**—An act to amend Section 2712 to the Penal Code, relating to the payment of wages to prisoners.

Referred to Committee on Judiciary.

**Assembly Bill No. 1632**—An act to add Section 818.1 to the Agricultural Code, relating to potatoes for seed purposes.

Referred to Committee on Agriculture.

**Assembly Bill No. 969**—An act to repeal Article 1 of Chapter 5 of Division 5 of the Agricultural Code, and to add to said chapter a new article, to be numbered Article 1, relating to seeds.

Referred to Committee on Agriculture.

**Assembly Bill No. 564**—An act to add Section 1514.5 to the Elections Code, relating to ballot pamphlets.

Referred to Committee on Elections.

**Assembly Bill No. 1648**—An act to amend Section 2671.5 of the Elections Code, relating to declarations of candidacy.

Referred to Committee on Elections.

**Assembly Bill No. 479**—An act to amend Sections 4530, 4531 and 4532 of the Penal Code, relating to escapes.

Referred to Committee on Judiciary.

**Assembly Bill No. 400**—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Referred to Committee on Local Government.

**Assembly Bill No. 20**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1025**—An act to amend Section 756.5 of the Probate Code, relating to sale of personal property.

Referred to Committee on Judiciary.

**Assembly Bill No. 413**—An act to add Section 17 to the Agricultural Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Referred to Committee on Judiciary.

**Assembly Bill No. 414**—An act to amend Section 422 of the Probate Code, relating to the administration of estates of persons dying intestate.

Referred to Committee on Judiciary.

**Assembly Bill No. 415**—An act to add Section 4 to the Probate Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Referred to Committee on Judiciary.

**Assembly Bill No. 416**—An act to add Section 3 to the Fish and Game Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Referred to Committee on Judiciary.

**Assembly Bill No. 1465**—An act to amend the Dental Practice Act by amending Section 1674 of the Business and Professions Code.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1468**—An act to amend Section 1675 of the Business and Professions Code, relating to the powers of the Board of Dental Examiners.

Referred to Committee on Business and Professions.

**Assembly Bill No. 63**—An act to add Section 132.5 to the Vehicle Code, relating to hearings conducted by the Department of Motor Vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 548**—An act to add Section 24b to the Bank Act, relating to the preservation of bank records by preparation of photographic copies thereof and providing for the admissibility in evidence of such copies.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 380**—An act to amend Section 1003 of the Elections Code, relating to proclamation of election days.

Referred to Committee on Elections.

**Assembly Concurrent Resolution No. 30**—Relative to the problem of spastic and crippled children.

Referred to Committee on Public Health and Safety.

**Assembly Concurrent Resolution No. 48**—Approving certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of March, 1943.

Above resolution ordered held at the desk.

## REPORTS OF STANDING COMMITTEES

### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 945

Senate Bill No. 946

Senate Bill No. 947

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 949

Senate Bill No. 952

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 588

Senate Bill No. 988

Senate Bill No. 948

Assembly Bill No. 376

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 113

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.



**Committee on Public Utilities**

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 858

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 4; absent 3

PARKMAN, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 679

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CARTER, Vice Chairman

Above reported bill ordered to second reading.

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1531

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2

McBRIDE, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 160

Senate Bill No. 638

Senate Bill No. 161

Senate Bill No. 685

Senate Bill No. 162

Senate Bill No. 776

Senate Bill No. 163

Senate Bill No. 777

Senate Bill No. 164

Senate Bill No. 859

Senate Bill No. 166

Senate Bill No. 864

Senate Bill No. 167

Senate Bill No. 978

Senate Bill No. 341

Senate Bill No. 993

Senate Bill No. 415

Senate Bill No. 1068

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 155

Senate Bill No. 591

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 995

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill re-referred to Committee on Finance.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 113

Senate Bill No. 640

Senate Bill No. 273

Senate Bill No. 652

Senate Bill No. 499

Senate Bill No. 677

Senate Bill No. 508

Senate Bill No. 799

Senate Bill No. 511

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:**Senate Bill No. 214**—An act to add Section 30022.2 to the Business and Professions Code, relating to money collected under the California Terminal Weighing Act;**Senate Bill No. 215**—An act to add Section 30031.5 to the Business and Professions Code, repealing an act entitled "An act to prohibit prize fighting," approved March 9, 1893;**Senate Bill No. 216**—An act to add Section 30031.5 to the Business and Professions Code, repealing Chapter 436 of the Statutes of 1933, relating to horse racing;**Senate Bill No. 217**—An act to add Section 30045 to the Business and Professions Code, repealing certain acts and parts of acts therein specified, relating to auctioneers;**Senate Bill No. 218**—An act to add Section 30022.1 to the Business and Professions Code, repealing certain laws relating to the tare on baled hops;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:**Senate Bill No. 219**—An act to add Article 4, comprising Section 12925, to Chapter 9 of Division 5 of the Business and Professions Code and to add Section 30022.4 to the Business and Professions Code, relating to wool products and repealing acts and parts of acts specified herein;**Senate Bill No. 220**—An act to add Article 3, comprising Sections 12915 to 12921, inclusive, to Chapter 9 of Division 5 of the Business and Professions Code, and to add Section 30022.3 to the Business and Professions Code, thereby codifying and revising the law relating to the baling and pressing of hay and repealing acts and parts of acts specified herein;**Senate Bill No. 221**—An act to add Article 7.5, comprising Sections 7125 and 7126 to Chapter 9 of Division 3 of, and to add Section 30016.5 to, the Business and Professions Code, thereby consolidating and revising the law relating to workmen's compensation reports of licensed contractors, and repealing acts and parts of acts therein specified;**Senate Bill No. 222**—An act to add Chapter 8, comprising Sections 6850 to 6955, inclusive, to Division 3 of, and to add Section 30044 to, the Business and Professions Code, thereby consolidating and revising the law regulating and licensing collection agencies, penalizing violations thereof and repealing acts and parts of acts specified therein;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:**Senate Bill No. 223**—An act to add Chapter 2, comprising Sections 11500 to 11628, inclusive, and Chapter 3, comprising Sections 11650 to 11658, inclusive, to Part 2 of Division 4 of the Business and Professions Code, to add Section 30043 to the Business and Professions Code and to amend Section 325 of the Revenue and Taxation Code, thereby consolidating and revising the law relating to the surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; the powers and duties of cities, counties and towns with reference to the surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof and repealing acts and parts of acts specified therein;**Senate Bill No. 224**—An act to add Division 4 and Parts 1 and 2 thereof, comprising Sections 10000 to 11020, inclusive, and Section 30042 to the Business and Professions Code, thereby consolidating and revising the law supervised, administered and enforced by the State Division of Real Estate of the Department of

Investment regulating transactions affecting interests in real or personal property, licensing brokers and salesmen with respect to dealings in real or personal property, imposing disciplinary and criminal penalties for the violation thereof and repealing acts and parts of acts specified therein;  
And reports that the same have been correctly enrolled, and presented to the Governor on the second day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 191**—An act to add Sections 1039, 615.3 and 615.4 to the Fish and Game Code, relating to creation of new fish and game district and the taking of fish therein;

**Senate Bill No. 192**—An act to repeal Sections 180 and 181 of the Fish and Game Code, relating to fish refugees;

**Senate Bill No. 471**—An act to amend Section 5.45 of the School Code and to amend Section 20377 of the Education Code, relating to leaves of absence of employees of State colleges not in State civil service;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of April, 1943, at 2 p.m.

SEAWELL, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

**Senate Bill No. 998**

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 348**—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26c, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23e, 23d, 26, 27 and 38.2, relating to the taxation of beer and wine and to provide that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 3, line 51, of the printed bill, as amended, after "State", strike out "within 30".

##### Amendment No. 2

On page 4, line 1, of the printed bill, as amended, strike out "days from the date received in this State".

##### Amendment No. 3

On page 4, line 2, of the printed bill, as amended, after the period following "act", insert "In the event excise taxes under this act have been paid on wine subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to such tax in any report filed on assessment made under this act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 533**—An act to amend Section 359e of the Political Code, relating to vacations of State officers and employees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 14, of the printed bill, strike out "at the time of the transfer,".

##### Amendment No. 2

On page 1 of the printed bill, strike out all of line 17, and insert "tion after the transfer."

##### Amendment No. 3

On page 1, line 18, of the printed bill, strike out "the", and insert "The".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 552**—An act to amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2, making it a misdemeanor for any candidate seeking election or reelection to the Board of Equalization of the State of California and any officer, employee and appointee of said board, to solicit or receive from persons holding liquor licenses issued by said board any money or other thing of value for any political campaign for election or reelection to such board, and making it a misdemeanor for any licensee or holder of a liquor license to contribute or give money or any other thing of value for any such political campaign.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2," and insert "add Sections 5002.5 and 5002.6 to the Elections Code,".

##### Amendment No. 2

In lines 3, 4, and 5 of the title of the printed bill, strike out "the Board of Equalization of the State of California and any officer, employee or appointee of said board", and insert "any office, board or agency authorized to issue licenses, or any officer, employee or appointee of such office, board or agency".

##### Amendment No. 3

In line 6 of the title of the printed bill, strike out "liquor".

##### Amendment No. 4

In line 7 of the title of the printed bill, strike out "board", and insert "office, board or agency,".

##### Amendment No. 5

In line 8 of the title of the printed bill, strike out "board", and insert "office, board or agency".

##### Amendment No. 6

In line 9 of the title of the printed bill, strike out "liquor".

##### Amendment No. 7

On page 1 of the printed bill, strike out all of lines 1 to 15, inclusive, and insert "SECTION 1. Section 5002.5 is hereby added to the Elections Code, to read:  
5002.5. Any elective State officer who is authorized by law to issue licenses, or who is a member of any board or agency authorized to issue licenses, or any person seeking election to such office, board or agency, or any appointee or employee of such



office, board or agency, who directly or indirectly solicits, receives or agrees to receive any money or other thing of value, or any promise thereof, from any licensee named in, or any holder of, any license issued by such officer, board or agency, or from any agent of such licensee or license holder, for any political campaign of any person seeking election or reelection to the office, board or agency authorized to issue such license, is guilty of a misdemeanor."

**Amendment No. 8**

On page 1 of the printed bill, strike out all of lines 17 to 19, inclusive; and on page 2, strike out all of lines 1 to 9, inclusive, and insert

"SEC. 2. Section 5002.6 is hereby added to the Elections Code, to read:

5002.6. Any licensee named in, or any holder of, any license issued by any officer, board or agency of the State of California who directly or indirectly, either by himself or through another, gives, offers, or promises to give any money or other thing of value to any person, corporation or association for any political campaign of any person seeking election or reelection to the office, board or agency authorized to issue such license, is guilty of a misdemeanor."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 745** An act to add Section 59.5 to the State Civil Service Act, providing for the creation of a clerical pool to make available clerical services to all State appointing powers

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, lines 20 and 21, of the printed bill, strike out "ten per cent (10%)" and insert "fifteen per cent (15%)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 886**—An act to convey the Solano Monument Lands, whose use for a monument has been abandoned, to the contributors of the purchase price.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 1, of the printed bill, strike out "Teit-", and insert "Neit-".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 497**—An act to add Sections 3e, 3f, 38f, 38g, 101b, 101e and 114 to, and to amend Sections 8, 9, 28, 28a, 38e, 38e, 46, 47, 49, 51, 58b, 84, 85, 90, 92, 94, 100 and 111 of, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "101c", insert ", 103a".

**Amendment No. 2**

In line 3 of the title of said bill, after "100", insert ", 101".

**Amendment No. 3**

On page 6, line 29, of said bill, after "governing board", insert "or head".

**Amendment No. 4**

On page 10, line 8, of said bill, after "the", insert "second".

**Amendment No. 5**

On page 11, line 31, of said bill, after "amount", insert "which may differ from city to city as determined annually,".

**Amendment No. 6**

On page 12, lines 20 and 21, of said bill, strike out "to members of the California Highway Patrol".

**Amendment No. 7**

On page 12, line 49, of said bill, after "State", insert "or of the university".

**Amendment No. 8**

On page 13, line 19, of said bill, after "his", insert "monthly".

**Amendment No. 9**

On page 13, line 21, of said bill, after "earned", insert "monthly".

**Amendment No. 10**

On page 13, line 22, of said bill, before "compensation", insert "monthly".

**Amendment No. 11**

On page 14 of said bill, strike out line 52; and on page 15, line 1, strike out "Patrol", and insert "system".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 12**

On page 15 of said bill, between lines 9 and 10, insert

"SEC. 21.5. Section 101 of said act is amended to read:

Sec. 101. No modification of the benefits provided herein shall be made on account of any amounts payable to a beneficiary, as defined herein, under Division 4 of the Labor Code, except that the portion of any retirement allowance or death allowance which is provided by contributions of the State or of a contracting city and which is payable by the retirement system because of the death or retirement of any member of the California Highway Patrol or of any city policeman or city fireman, as a result of injury or illness arising out of and in the course of employment, shall be reduced in the manner hereinafter described, by the amount of any benefits, other than medical benefits, payable to or on account of such member under Division 4 of the Labor Code, because of his death or the disability resulting in his retirement.

If said benefits under Division 4 of the Labor Code shall run concurrently with said allowance hereunder and shall be due the beneficiary in payments which are equal to or less than said portion of the retirement allowance or death allowance, then said portion shall be reduced each month by the amount of said benefits so due during said month, and the beneficiary shall have no more right to such reduction than if the retirement system had never existed.

If said benefits under Division 4 of the Labor Code shall run concurrently with the allowance hereunder and shall be due to the beneficiary in payments which are greater than said portion of the retirement allowance or death allowance, then payment of said portion shall be withheld until the total of the amounts so withheld shall equal the total of said benefits paid, and the beneficiary shall have no more right to such amounts withheld than if the retirement system had never existed.

It is the purpose of the preceding paragraphs of this section to reduce the portion of the retirement or death allowance payable from the retirement fund and which is provided by contributions of the State or by a contracting city, by the amount of benefits, other than medical benefits, due to the beneficiary concurrently with said portion, under Division 4 of the Labor Code, and the payment before due date by the commutation through compromise or otherwise of such benefits shall not prevent the reduction of said portion, as provided in this section, in the amounts which would have been payable concurrently with the retirement allowance in the absence of such commutation.

If any benefits, other than medical benefits, shall have been paid under Division 4 of the Labor Code because of a permanent disability concurrently with payments of wages or salary, to said beneficiary, then payment of said portion of the retire-

ment allowance or death allowance shall be withheld until the total of the amounts so withheld shall equal the total of such benefits paid because of the permanent disability, and the beneficiary shall have no more right to such amounts withheld than if the retirement system had never existed. Said benefits which are payable for time during which salary is not paid and prior to the effective date of the retirement or death allowance, shall not be considered hereunder.

[If an injury, known to result in the retirement of and or the death of a member of the California Highway Patrol or of a city policeman or city fireman, is the proximate consequence of the act of a person other than his employer, the retirement system shall have the right to recover from said person an amount which shall be the actuarial equivalent of the benefits for which it shall be liable because of said injury and/or death, and said right shall be determined under the provisions of Chapter 5 of Part 1, Division 4 of the Labor Code. Any claim in favor of the retirement system, now pending or which shall arise under this paragraph, may be settled and compromised, and the proceeds of such settlement and compromise shared between the retirement system and said retired employee, or person entitled to benefits under the retirement system because of the death of said employee, in such amounts as may be recommended by the President of the Board of Administration, and approved by the Attorney General. Said retirement system may join with the employer and, or its compensation insurance carrier in any proceeding under said section, and any amount recovered by any of the parties shall be applied first on the amounts which the employer or its insurance carrier shall have paid or become obligated to pay, and second, on the amounts which the retirement system shall have paid or become obligated to pay.]

Amounts by which retirement and death allowances are reduced and amounts recovered from third persons under the provisions of this section shall be paid by the retirement system to the Motor Vehicle Support Fund, or any other fund out of which the compensation of members who are also members of the California Highway Patrol is paid, or to the contracting city in the case of a city policeman or city fireman.]”

#### Amendment No. 13

On page 15 of said bill, strike out lines 12 to 14, inclusive, and insert “the State Compensation Insurance Fund under which said insurance fund shall represent”.

#### Amendment No. 14

On page 15, line 18, of said bill, after the period, insert “The agreed cost of such service and the expenses incidental thereto shall be paid from the fund out of which the compensation of an injured State employee is paid, or by the contracting city by which an injured member is employed.”

#### Amendment No. 15

On page 15, line 25, of said bill, after “benefits”, insert “which are provided by contributions of the State and”.

#### Amendment No. 16

On page 16 of said bill, between lines 10 and 11, insert

“Sec. 23.5. Section 103a is added to said act, to read:

Sec. 103a. After a member has qualified as to service and disability for retirement for disability, or as to age and service for retirement for service, nothing shall deprive him of the right to a retirement allowance as determined under this act. Such retirement allowance and qualification therefor, shall be subject otherwise to the provisions of this act.”

#### Amendment No. 17

On page 16, line 23, of said bill, strike out “code”, and insert “act”.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 405**—An act to add Section 675b to the Political Code, relating to the approval of contracts by the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 478**—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 614**—An act to amend Section 675.1 of the Political Code, relating to the approval of salaries by the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 748**—An act to amend Section 689.5 of the Political Code, relating to the Service Revolving Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 664**—An act to include in the State civil service all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 3, of the printed bill, immediately following "include", strike out "all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison.", and insert "State officers and employees directly appointed or employed by the State Board of Prison Directors or any warden of a State prison except:

(1) One person holding a confidential position to the State Board of Prison Directors.

(2) The warden or person holding a similar position of any State prison or correctional institution.

(3) One person holding a confidential position to each such warden or person holding a similar position.

(4) Those persons whose employment requires them to be members of the medical or dental profession.

(5) Inmate help in any correctional institution subject to the jurisdiction of the State Board of Prison Directors.

Persons who left such employment subsequent to January 1, 1940, or who hereafter may leave to enter the military service of the United States but who, had they remained in such employment, would have been entitled to probationary status under this act shall be accorded the full protection of Section 152.5 of this act."

##### Amendment No. 2

On page 1, line 13, of the printed bill, immediately following "may", insert "immediately".

##### Amendment No. 3

On page 1, line 17, of the printed bill, immediately following "employee", insert "within 10 working days of the date of such suspension."

##### Amendment No. 4

On page 1, line 23, of the printed bill, after "such", strike out "changes for the purpose of making his answer or explanation for the purpose of the record only.", and insert "reasons. Any employee may appeal to the State Personnel Board within 30 days after service of the reasons forming the basis of such suspension on the grounds that the written reasons are untrue or that said suspension had not been made in good faith. The State Personnel Board shall within 30 days of such appeal hold such hearing or investigation as it may deem necessary, and in rendering a decision the State Personnel Board may affirm or disaffirm the suspension."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 22 of Article XX thereof, relating to intoxicating liquors.

Resolution read.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 18, of the printed measure, after "powers", insert "other than by creating the State or any agency thereof a manufacturer or seller of intoxicating liquors, and shall provide a system of license and regulation for the manufacture, sale, purchase, possession, transportation, and importation by the people of the State of intoxicating liquors".

**Amendment No. 2**

On page 1, line 19, of the printed measure, after "possession", insert "importation".

**Amendment No. 3**

On page 1, lines 20 and 21, of the printed measure, after the comma in line 20, strike out "or authorizing any subdivisions of the State to make such a prohibition locally,".

**Amendment No. 4**

On page 1, line 22, of the printed measure, after the period, insert "Intoxicating liquors, other than beers, shall not be consumed, bought, sold, or otherwise disposed of for consumption on the premises, in any public saloon, public bar or public bar room within the State; provided, however, that subject to the aforesaid restriction, all intoxicating liquors may be kept and may be bought, sold, served, consumed, and otherwise disposed of in any bona fide hotel, restaurant, cafe, cafeteria, railroad dining or club car, passenger ship, or other public eating place, or in any bona fide club after such club has been lawfully operated for not less than one year. It shall be unlawful for any person other than a licensee of the State to manufacture, import or sell intoxicating liquors in this State. Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of intoxicating liquors in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the so-called Alcoholic Beverage Control Act, California Statutes 1935, page 1123 and acts amendatory thereof insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors other than beers and wines, shall be as provided by the Board of Equalization on March 31, 1943, subject to the power of the Legislature to change such fees.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties, and cities and counties of the State, in such manner as the Legislature may deem proper."

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 77**—An act to authorize the Bureau of Criminal Identification and Investigation to purchase or lease the teletype system maintained in and by the County of Mendocino for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the bureau between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "purchase or".

**Amendment No. 2**

On page 1, line 3, of the printed bill, strike out "purchase or".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 468**—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to extend the provisions of the act to other public agencies including the Federal Government, the State, a county, city and county, city, public corporation, municipal corporation and public district, and defining public agencies.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 3 of the title of the printed bill, after "amending", insert "the title and".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 1 and 2, and insert "SECTION 1. The title of the act cited in the title hereof, is hereby amended to read as follows: "An act providing for the joint exercise of powers by public agencies.""

**Amendment No. 3**

On page 1 of the printed bill, strike out line 3, and insert "SEC. 2. Section 1 of the act cited in the title hereof is hereby amended to read as follows:

Section 1. Two or more public agencies as herein defined,".

Amendments read and adopted.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendment to Senate Bill No. 468:

**Amendment No. 4**

In line 3 of the title of the printed bill, after "counties," insert "approved May 20, 1921,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 63**—An act to amend Section 737kk of the Political Code, relating to the salary of superior judges in and for the County of San Diego.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out everything after "is".

**Amendment No. 2**

On page 1, line 5, of the printed bill, strike out all of line 5, and insert "Nine thousand dollars (\$9,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 667**—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "five", and insert "four".

**Amendment No. 2**

On page 1, line 7, of said bill, strike out "\$5,000)", and insert "\$4,000)".

**Amendment No. 3**

On page 1, line 22, of said bill, strike out "three thousand six hundred dollars (\$3,600)", and insert "four thousand dollars (\$4,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 490**—An act to add Section 4307.1 to the Political Code, relating to county charges.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out "shall be", and insert "may be allowed by the board of supervisors in its discretion, and paid as".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 58**—An act to add Section 5.3 to the Metropolitan Water District Act, relating to contracts for transportation of water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 721**—An act to amend Sections 132, 5901 and 5931 of the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Sections 132, 5901 and 531 of", and insert "add Sections 132.5, 293.5, 296.5, 5901.5, and 5931.5 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 48, inclusive, and insert

"SECTION 1. Section 132.5 is added to the Elections Code, to read:

132.5. If a person is a member of the armed forces of the United States or any auxiliary branch thereof, he may appear before any commissioned officer to make an affidavit as to his residence, in compliance with Section 132.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first



occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section and in particular, Section 132, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 2. Section 293.5 is added to said code, to read:

293.5. The county clerk shall cancel the registration of any person registered who has voted at neither the preceding direct primary nor at the preceding general election unless, prior to the time he has canceled the registration, he has had written notice from the voter or a member of the voter's immediate family, or the sworn affidavit of a friend of the voter, that the voter is a member of the armed forces of the United States, or any auxiliary branch thereof, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in Section 293. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 30 days after mailing the notice provided for in Section 296.5, he shall restore the affidavit to the files.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section and in particular, Section 293, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 3. Section 296.5 is added to said code, to read:

296.5. When the county clerk cancels the registration of any person for failure to vote, he shall mail a notice to that person at the address given on the registration or upon the last application for transfer of registration, stating that "your registration has been canceled this day because you did not vote at either the last direct primary or general election and you will be required to register as provided by law before you shall again be entitled to vote, unless you are a member of the armed forces of the United States or any auxiliary branch thereof, and you or your immediate family, or a friend by affidavit has notified the county clerk of that fact within 30 days after date of mailing of this notice, in which case your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause."

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section and in particular, Section 296, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 4. Section 5901.5 is added to said code, to read:

5901.5. If the voter is serving in the armed forces of the United States, or any auxiliary branch thereof, he may make his application for an absent voter's ballot at any time after being notified that he is about to leave the State or to be confined to camp, and no later than one day before the election.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section and in particular Section 5901, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

SEC. 5. Section 5931.5 is added to said code, to read:

5931.5. If a voter is a member of the armed forces of the United States or any auxiliary branch thereof, he may appear to mark his absent voter's ballot before any commissioned officer if he is unable, by reason of his service in the armed forces of the United States or any auxiliary branch thereof, to go to his polling place or to go before the clerk of the county, municipality or district in which he resides.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section and in particular, Section 5931, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Elections.



## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1224**—An act to amend Section 791 of the Political Code and Section 8200 of the Government Code, relating to notaries public.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "211", and insert "222".

**Amendment No. 2**

On page 1, line 15, of said bill, as amended, strike out "211", and insert "222".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 689**—An act to add Section 6 to an act entitled "An act authorizing the creation of a personnel system, merit system, or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within the State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relating to temporary employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1095**—An act to amend Sections 864 and 885 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1421**—An act to amend Section 4076a of the Political Code, relating to procedure for audit allowance and payment or rejection of claims in counties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1806**—An act to amend Section 4312 of the Political Code, relating to the location and office hours of county officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 64**—An act to repeal Section 4535 of the Elections Code, relating to the filing of vouchers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686 and 687 of, and to repeal Section 662 of, the Elections Code, relating to precinct boards.

Bill read second time.

## Motion to Amend

Senator Breed moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 687", and insert ", 687 and 695."

## Amendment No. 2

On page 3 of the printed bill, strike out line 16, and insert

"SEC. 6. Section 695 of said code is amended to read:

695. Any election officer may on the day of an election at which he is serving, absent himself from any service or employment in which he is then engaged or employed. He shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made from his usual salary or wages, nor shall he be suspended or discharged from his service or employment; *provided, that no employee of any public or municipal corporation, or public district, shall be paid any compensation by the public or municipal corporation, or public district, employing him for any absence during which he receives compensation for acting as an election officer.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 256**—An act to amend Sections 2798.5, 2807, 2808, 2820, 2821, 2822, and 2827 of the Elections Code, relating to the State central committee.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1559**—An act to amend Sections 501, 502, 503, 504, and 505 of the Elections Code, relating to election precincts.

Bill read second time, and ordered to third reading.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 92

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work April 3, 1943:

	<i>Per day</i>
Rose Racich, Stenographer-----	\$6 00

Resolution read and unanimously adopted.

By Senator Tickle:

## Senate Resolution No. 93

*Resolved*, That the following named person be and she is hereby appointed to the position set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning April 5, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Mrs. Doris Elliott, Stenographer-----	\$6 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

By Senators Hatfield, Powers, Luckey, Engle, Dorsey, Collier, Seawell, Swing, Dillinger, Jespersen, Mayo, Brown, and Crittenden:

**Senate Resolution No. 94**

*Relating to foot and mouth disease in imported cattle*

WHEREAS, A Joint Committee of this Legislature has in hearings relating to the shortage of meat in California received expert testimony that if Argentine cattle were to be imported into the United States, such importation would be practically certain to result in outbreaks of the foot and mouth disease among California and other American cattle; and

WHEREAS, Such importation, instead of increasing the meat supply in the United States would, by destruction of the American cattle supply, decrease the total amount available and subject the people of this Country to the possible harmful effects of eating diseased meat; and

WHEREAS, The Bureau of Animal Industry of the United States Department of Agriculture through Dr. S. C. Fladness undertook an investigation of the situation in Argentina with respect to the prevalence of the foot and mouth disease about a year ago, and has apparently made a report on the situation to the Department of Agriculture; and

WHEREAS, The officers of this State charged with the administration of laws designed to protect the people and animals of this State against the foot and mouth disease have made appropriate efforts to obtain that report or the results thereof and despite the legitimate interest of the people of this Country in the results of this report it has thus far been unavailable; now, therefore, be it

*Resolved by the Senate of the State of California*, That in order to protect the livestock of this Country, its food supply and its general economy, the Members of the Congress of the United States from California be and they are hereby requested to demand a copy of this report so that there shall be no secrecy upon a matter that is so vital to the well being of every man, woman and child in this Country, and if such demand fails to make the report available that the Congress of the United States by and through its appropriate committees subpoena Dr. S. C. Fladness to testify as to the results of his investigation of the foot and mouth disease situation in Argentina, and any other country from which the Federal Administration proposed to import cattle; and be it further

*Resolved*, That a copy of this resolution be sent to each Senator and Member of the House of Representatives from California in the Congress of the United States.

Resolution read, and unanimously adopted.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 238**

Senator Carter moved that Senate Bill No. 238 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

**MOTION TO RE-REFER SENATE BILL NO. 552**

Senator Collier moved that Senate Bill No. 552, No. 4 on the daily file, be re-referred to Committee on Governmental Efficiency.

Roll call demanded by Senators Carter, Donnelly and Engle.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Brown, Collier, Crittenden, Ducl, Gordon, Keating, Luckey, Mayo, Parkman, Powers, Rich, Seawell, Tickle, and Ward—15.

**NOES**—Senators Carter, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Quinn, and Shelley—9.

**Motion to Reconsider**

Senator Carter moved to reconsider the vote whereby Senate Bill No. 552 was re-referred to Committee on Governmental Efficiency.

**Postponement of Reconsideration**

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 552 was re-referred to committee was continued until the next legislative day.

## WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 701

Senator Tenney moved that Senate Bill No. 701 be withdrawn from Committee on Military and Veterans Affairs, for purpose of amendment.

Motion carried.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Shelley:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 10 of the Public Utilities Act, relating to salaries of commissioners.

Respectfully submitted.

SENATOR SHELLEY

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:  
By Senator Gordon:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 31, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend the Bank Act by adding a new section to be numbered 123.1, relating to travel expenses by the Superintendent of Banks Office.

Respectfully submitted.

SENATOR GORDON

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—None.



**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:  
By Senator Parkman:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 14084 and 14200 of the Health and Safety Code, relating to weed abatement and removal of fire hazards in fire protection districts in unincorporated areas, declaring the urgency thereof, to take effect immediately.

Respectfully submitted.

SENATOR PARKMAN

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Donel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1087:** By Senator Shelley—An act to amend Section 10 of the Public Utilities Act, relating to salaries of commissioners.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1088:** By Senator Gordon—An act to amend the Bank Act by adding a new section to be numbered 123.1, relating to travel expenses by the Superintendent of Banks Office.

Referred to Committee on Financial Institutions.

**Senate Bill No. 1089:** By Senator Parkman—An act to amend Section 14084 and 14200 of the Health and Safety Code, relating to weed abatement and removal of fire hazards in fire protection districts in unincorporated areas, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 238**—An act to amend Section 4285 of the Political Code, relating to compensation for public services in counties of the fifty-sixth class.

Bill read second time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "4285", and insert "4284".

**Amendment No. 2**

In lines 2 and 3 of the title of said bill, strike out "in counties of the fifty-sixth class".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "4285", and insert "4284".

**PRINTER'S NOTE** -There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 29, inclusive, and insert "4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

- [1. The county clerk, two thousand dollars per annum.
2. The sheriff, three thousand dollars per annum.
3. The recorder, one thousand dollars per annum.
- 4.] 1. The auditor, one thousand eight hundred dollars (\$1,800) per annum.
15. The treasurer, one thousand five hundred dollars per annum; provided, that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury.
6. The tax collector, one thousand two hundred dollars per annum.
7. The assessor, three thousand dollars per annum; provided, that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes, road and hospital taxes, shall be paid into the county treasury.]

[8.] 2. The district attorney, one thousand eight hundred dollars (\$1,800) per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand two hundred dollars per annum which said sum of one thousand two hundred dollars shall also be in full payment of the services of such superintendent of schools upon the board of education.

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

13. In counties of this class the justices of the peace shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month; provided, however, that the justice of the peace residing at the county seat shall receive twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand.

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the Federal census taken A. D. 1910.

14. In counties of this class the constables shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month, together with such fees as may be now or hereafter allowed for mileage for serving papers.

The salaries of the constables as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

[15.] 3. Each member of the board of supervisors [nine] one thousand two hundred dollars (\$1,200) per annum; mileage from residence to county seat at each sitting of the board, twenty cents (\$.20) per mile.

[16.] 4. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars, in lawful money

of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents (\$0.25) per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance; and the treasurer of said county shall pay said warrants.

[The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.]

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 344**—An act to amend Section 4273 of the Political Code, relating to the compensation of public officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

### Motion to Reconsider

Senator Powers moved to reconsider the vote whereby Senate Bill No. 344 was passed.

### Postponement of Reconsideration

On motion of Senator Powers, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 344 was passed, was continued until the next legislative day.

**Senate Bill No. 392**—An act to amend Section 4312 of the Political Code, relating to the location and office hours of certain county offices, to take effect immediately.

Bill read third time.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Denel, Dillinger, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

The roll was called.

### Call of the Senate

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time, 2.24 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 401**—An act to amend Section 8 of the County Civil-Service Enabling Act, relating to dismissals, suspensions and reduction in pay or rank.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Baggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLoe, DeLongor, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Keating, Mayo, Partman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 21**—Relative to memorializing Congress to make available to the civilian population property of Japanese evacuees.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Baggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLoe, DeLongor, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Keating, Mayo, Partman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 482**—An act to amend Sections 13600, 13607, 13610, 13632, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13602, 13611 and 13653 thereof, relating to spitting, spewings and pressing establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Baggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLoe, DeLongor, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Mayo, Partman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 2:36 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 392 passed by the following vote:

**AYES**—Senators Baggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLoe, DeLongor, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Keating, Mayo, Partman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**President of the Senate Presiding**

At 2.41 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1062**—An act to add Section 1015.5 to the Fish and Game Code, relating to abalone.

Bill read third time.

**Point of Order**

Senator Hatfield arose to the following point of order: That Senate Bill No. 1062 carries implied an appropriation and has not been considered by the Committee on Finance.

The President ruled the point of order well taken.

The President ordered Senate Bill No. 1062 re-referred to Committee on Finance.

**Senate Bill No. 591**—An act to amend Sections 794, 799, and 800 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 864**—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 797 of", and insert "add Section 797.1 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 3, inclusive, and insert "SECTION 1. Section 797.1 is added to the Fish and Game Code, to read: "797.1".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 415**—An act to amend the Building and Loan Association Act, by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan; and to continue to hold as a legal investment any securities or properties so received.

**Motion to Refer Bill to Inactive File**

Senator Crittenden moved that Senate Bill No. 415 be placed on the inactive file.

Motion carried.

**Senate Bill No. 777**—An act to amend Section 19 of the "California Small Loan Act," relating to lenders engaged in the business of making loans of \$300 or less, and to persons who, as brokers, negotiate loans made by such lenders.

Bill read third time.

**Motion to Amend**

Senator Tickle moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 5, of the printed bill, strike out "or", and insert "off".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 155**—An act to amend Section 205 of the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggall, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Duval, Dillinger, Donnelly, Looney, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rob, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 859**—An act to add Section 9003.5 to the Revenue and Taxation Code, relating to the taxation of vehicles, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggall, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Duval, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah,

Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 156**—An act to add Sections 261 and 262 to the Revenue and Taxation Code, relating to veterans' exemptions, and prescribing a penalty for filing false claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 341**—An act to amend Sections 1, 2, 4 and 23, and to repeal Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on national banking associations, banks and financial corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—Senators Dillinger, Hatfield, and Swan—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1068**—An act to amend Section 841 and repeal Section 841a of the Military and Veterans Code, relating to veterans' farm and home purchase funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

# COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Quinn, ordered printed in the Journal:

EL HERALDO DE MEXICO  
LOS ANGELES, CALIFORNIA, April 2, 1943

*California State Senate Military Affairs Committee  
Sacramento, California*

DEAR MR. CHAIRMAN: Under March 31st date line, I noticed in the metropolitan newspapers that your Military Affairs Committee approved legislation to require newspapers printed in alien enemy language to carry parallel translations in English.

Please permit me to state, Mr. Chairman, that I was very highly elated over the patriotic decision of your honorable body, which, in my modest estimation, is a very just and constitutional legislation and does not in any way infringe the rights of the free press, and I very happily endorse this new legislation by reason of the fact that

the above newspaper, as well as its subsidiary publication, the Spanish-American Shopping News, have inaugurated of printing these newspapers in both languages namely, English and Spanish, over a period of seven years with the greatest success. As a matter of fact, it would be very advantageous and beneficial for all foreign language newspapers without exception to follow the example of this publisher as well as some of the other publishers, for instance like the California Jewish Voice, the Viking, and the B'nai B'rith Messenger, and others.

The first duty of an alien upon establishing permanent residence in the United States should be to learn the language and the laws of the country where he earns his livelihood and adjust himself to the new environment by making every effort to become a citizen. That is the only way he can show good faith and that is the only way we may be able to eliminate in the future all the denaturalization proceedings now going on among so many groups because they have failed to learn the most elementary principles of citizenship, which is loyalty to your new adopted country.

In the hope that your proposal shall receive final enactment by both legislative bodies, and respectfully requesting that this information be filed in your records, I am

Very respectfully yours,

EL HERALDO DE MEXICO  
SPANISH-AMERICAN SHOPPING NEWS  
EDGAR GORDON, Publisher

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

Bill read third time.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried. Time, 4.22 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 160**—An act to amend Sections 154, 159, 160, 161, 740, 741, 742, 743, 744, 745, 747, 749, 834, 835, 836, 869, 901, 903, 905, 906, 907, 908, 909, 910, 911, 1000, 1001, 1002, 1003, 1004, 1005, 1050, 1075, 1076, 1120, 1124, 1125, 1127, 1129, 1150, 1152, 1153, 1175, 1176, 1177, 1178, 1179, 1200 and 5252 of the Welfare and Institutions Code, to add Sections 1008, 1009, 1010, 1011, 1014, 1015, 1049, and 1077 thereto, to repeal Sections 1007 and 1202 thereof, to repeal Article 2 of Chapter 3 of Part 1 of Division 2 thereof, comprising Sections 1020, 1021, 1022, 1023, and 1024, and Article 5 of said chapter, comprising Sections 1100, 1101, and 1102, and to amend and renumber Section 155.55 of said code to be Section 1000.5, all relating to the Youth Correction Authority, providing for commitments thereto by the juvenile courts, transferring thereto the correctional schools and forestry camps now subject to the jurisdiction of the State Department of Institutions, and specifying the powers and duties of the Youth Correction Authority and its officers and employees in regard to the inmates of such institutions and to other persons committed to the authority.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McCormack, Parkman, Powers, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 161**—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Correction Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 162**—An act to add Section 1714.5 to the Welfare and Institutions Code, and to amend Sections 1717 and 1718 thereof, relating to the Youth Correction Authority, and providing for the appointment of temporary members thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Rich, Salsman, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 163**—An act to add Section 1767.3 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and providing for the return to the custody of the authority of persons committed thereto who are at liberty on parole or otherwise.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Powers, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 164**—An act to add Section 1752.7 to the Welfare and Institutions Code, relating to the collection of statistics and other information by the Youth Correction Authority, and requiring public officers and employees to furnish statistics and other information to the authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating,

Luckey, Mayo, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 166**—An act to add Section 1760.7 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Correction Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Parkman, Quinn, Salsman, Seawell, Shelley, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 167**—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the Youth Correction Authority to apply to the Governor for requisitions for the return of persons committed thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 499**—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for hospital care and services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Quinn, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.55 p.m., on motion of Senator Quinn, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 273 refused passage by the following vote:

AYES—Senators Biggar, Burns, Cunningham, Dillinger, Dorsey, Engle, Fletcher, Luckey, McCormack, Quinn, Salsman, Seawell, Slater, Tenney, and Ward—15.

NOES—Senators Breed, Carter, Collier, Crittenden, DeLap, Deuel, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Parkman, Powers, Rich, Shelley, Swan, and Tickle—19.

**Motion to Reconsider**

Senator Quinn moved to reconsider the vote whereby Senate Bill No. 273 was refused passage.

**Postponement of Reconsideration**

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 273 was refused passage, was continued until the next legislative day.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 48, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 48**

**Assembly Concurrent Resolution No. 48**—Approving certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of March, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, DeLap, Denel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—26.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 353 AND 551**

Senator Swing moved that Senate Bills Nos. 353 and 551 be withdrawn from the Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 353**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read second time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "other", insert "officers and".

**Amendment No. 2**

On page 1, line 4, of the printed bill, strike out "a depart-", and insert "the State".

**Amendment No. 3**

On page 1, line 5, of the printed bill, strike out "ment".

**Amendment No. 4**

On page 1, line 8, of the printed bill, following the comma after "departments", insert "elective constitutional officers, commissioners of divisions in the Department of Investment, and members of all boards and commissions,".

**Amendment No. 5**

On page 1, line 10, of the printed bill, strike out "of depart-".

**Amendment No. 6**

On page 1, line 11, of the printed bill, strike out "ments".

**Amendment No. 7**

On page 1 of the printed bill, strike out all of lines 13 to 17, inclusive, and insert "Any officer or employee of any State department, board, commission or agency may confer with such other persons, associations or organizations outside of the State whenever it may be of assistance to such State department, board, commission or agency in the conduct of its work, and actual and necessary traveling expenses shall be allowed such persons when traveling outside of the State, when such traveling and expenses have".

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 551**—An act to add a new section to the Political Code, to be numbered 695.5, relating to services furnished by State agencies, and repealing Section 685 of the Political Code, as added by Chapter 925, Statutes of 1933.

Bill read second time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill, after line 31, insert

"Sec. 3. Section 695.5 of the Political Code, as added by this act, shall be deemed a continuation of Section 695 of the Political Code repealed by Section 2 hereof. Any statutory references to the section repealed shall be deemed to refer to Section 695.5."

**Amendment No. 2**

On page 1, line 18, of the printed bill, strike out "monthly", and insert "quarterly".

**Amendment No. 3**

On page 1, line 20, of the printed bill, strike out "proportion", and insert "percentage".

**Amendment No. 4**

On page 1 of the printed bill, strike out all of lines 22 to 29, inclusive, and insert "istration or service which the Board of Control in its discretion shall determine to be the fair share of such State agency after taking into consideration such factors of cost distribution as the board may deem necessary.

The share of the amounts expended for supervision or administration of the State Government or service to the various State departments, divisions, bureaus, boards, commissions, offices, institutions, or other agency due from any such agencies under the provision of this section shall constitute a charge against any appropriations made for the support of such agency from any fund or funds in the State treasury other than the General Fund.

The Board of Control shall certify quarterly to the State Controller the amount due from the various State agencies under the provisions of this section and the State Controller shall notify each such agency of the amount due from it."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Governmental Efficiency.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 994**

Senator Ward moved that Senate Bill No. 994 be withdrawn from Committee on Welfare and Institutions, for purpose of amendment.

Motion carried.



**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 994**—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

Bill read second time.

**Motion to Amend**

Senator Ward moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 11, of the printed bill, strike out "one month", and insert "six months".

**Amendment No. 2**

On page 2, line 17, of said bill, strike out the period, and insert "; but this provision shall not apply in any case if the individual has in good faith moved his residence since the date of his last employment and if the offer of work or employment is not made until after the date on which the individual has so moved."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 640**—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of the Business and Professions Code, relating to public weighmasters.

Bill read third time.

**Motion to Amend**

Senator Donnelly moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 29, of the printed bill, as amended, after "deputy", insert "public".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 113**—An act to amend Section 3.324 of the School Code and to amend Section 8730 of the Education Code, relating to taxation in elementary school districts.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 14, of the printed bill, as amended, strike out "11", and insert "15".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

## REPORTS OF STANDING COMMITTEES

## Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 846

Senate Bill No. 986

Senate Bill No. 982

Senate Bill No. 1085

Senate Bill No. 983

Assembly Bill No. 314

Senate Bill No. 985

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 953

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 845

Senate Bill No. 984

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 912—An act to amend Section 528 of the Political Code, relating to the printing and distribution of laws;

Senate Bill No. 913—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers;

Senate Bill No. 914—An act to amend Section 4022 of the Political Code, relating to official bonds of county and township officers;

Senate Bill No. 915—An act to amend Section 665.5 of the Political Code, relating to deductions from the salaries and wages of officers and employees of the State for the purpose of buying United States bonds or similar United States obligations;

Senate Bill No. 916—An act to add Section 1184e to the Code of Civil Procedure, relating to claims against public agencies, including claims against those persons rendering services or supplying personal property to public agencies;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 917—An act to amend Section 2 of an act entitled "An act to provide for wage and salary deductions for public officers and employees for the purpose of purchasing United States savings bonds or similar United States obligations, including the adding of Section 665.5 to the Political Code, declaring the urgency thereof, and providing that this act shall take effect immediately," approved January 26, 1942, relating to wage and salary deductions for public officers and employees for the purpose of purchasing United States bonds or similar United States obligations;

Senate Bill No. 918—An act to amend Section 4141 of the Political Code, relating to recording fee;

**Senate Bill No. 920**—An act to repeal Section 3235 of the Political Code, relating to the products of Mongolian labor;

**Senate Bill No. 958**—An act to establish a Government Code, thereby consolidating and revising the law relating to the organization, operation, and maintenance of a system of State and local government and repealing acts and parts of acts specified herein;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 427**—An act relating to the production and availability of food and fiber; the use and augmentation of labor and facilities, and cooperation by officers and agencies of State and local governments in connection therewith; making an appropriation; and declaring the urgency hereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the fifth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 58**

**Senate Bill No. 614**

**Senate Bill No. 405**

**Senate Bill No. 748**

**Senate Bill No. 478**

And reports the same correctly engrossed.

SEAWELL, Chairman

#### Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 30, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

**Senate Bill No. 698**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 31:** By Senator Burns—Relative to the commutation of the sentence of Allen Ellis

Referred to Committee on Judiciary.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

**Assembly Bill No. 811**

**Assembly Constitutional Amendment No. 1**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

**Senate Bill No. 123**

**Senate Bill No. 226**

**Senate Bill No. 128**

**Senate Bill No. 265**

**Senate Bill No. 141**

**Senate Bill No. 312**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 504

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 635

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Concurrent Resolution No. 44**—Relative to adjournment sine die of the Fifty-fifth Session of the Legislature of the State of California.

Referred to Committee on Rules.

**Assembly Bill No. 635**—An act to add Sections 453.5, 453.6, 453.7, 453.8, and 453.9 to the Fish and Game Code, relating to storage locker plants.

Referred to Committee on Fish and Game.

## ADJOURNMENT

At 5.10 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., Tuesday, April 6, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

NINETY-THIRD CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 6, 1943

The Senate met at 2 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McCormack, Minter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—36.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator McBride, on motion of Senator Collier.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Wm. Pickering of Pasadena and Mr. Leslie J. Cooper of South Pasadena.

On request of Senators Judah and Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. M. Craig, E. M. Petersen, and A. E. Petersen of Watsonville.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Henry C. Jones of Walnut Creek.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Malcolm Glenn of the Superior Court, Sacramento.

## COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal.

UNITED STATES SENATE  
WASHINGTON, D.C., April 2, 1943

*Mr. J. A. Beek, Secretary of the Senate  
Sacramento, California*

MY DEAR MR. BEEK: Upon receipt of your telegram of March 20th, transmitting resolution adopted by the State Senate that same day, relative to the situation confronting the poultry industry, I took up the matter with the Office of Price Administration and with the Department of Agriculture.

Enclosed herewith you will find copy of the response received from the Office of Price Administration, which I believe you will find self-explanatory.

When a response reaches me from the Department of Agriculture, I will communicate with you again.

Sincerely yours,

HIRAM W. JOHNSON

OFFICE OF PRICE ADMINISTRATION  
WASHINGTON, D. C., March 30, 1943

In Reply, Refer to 637-B:AFP

*The Honorable Hiram W. Johnson  
United States Senate*

DEAR SENATOR JOHNSON: We wish to thank you for your letter of March 20th, in which you enclosed a telegram from J. A. Beek, Secretary of the Senate of the State of California.

The resolution of the California Senate is being given our most respectful attention. The Poultry and Egg Section has been making a very exhaustive study of the fundamental factors of prices and costs appropriate to the various producing areas of the United States. Every effort should be made to maintain maximum prices for poultry which follow a consistent pattern for the whole United States. Regional differences can be recognized, but they should be such as not to cause undue disturbance in other areas.

To meet the California situation, and still maintain a uniform system, has been a knotty problem. Emphasis has been placed on the fact that California is separated by a natural barrier from contiguous regions. The natural barrier does not prevent the spreading of information, however. Other areas are already pointing out that they, too, have special conditions justifying a concession similar to that granted the West Coast.

It is our purpose to prepare an amendment in the near future which we think will embody in principle most of the suggestions contained in the Senate resolution. Meanwhile, the regional order is meeting the California situation reasonably satisfactorily. This belief on our part is borne out by all the official figures at our command. For example, only a very small percentage of the leghorn chicks are being destroyed. The latest survey reports less than 5 per cent. Some destruction would probably be normal under the most favorable production conditions. Only three hatcheries reported any destruction, and they were all in the same locality.

We assure you of our solicitude for the well-being of the California poultry industry and for the whole food program.

Sincerely yours,

PRENTISS M. BROWN, Administrator

STATE OF CALIFORNIA  
BUREAU OF PRINTING, SACRAMENTO, April 2, 1943

*Joseph A. Beek, Secretary, Fifty-fifth California Senate  
State Capitol, Sacramento, California*

DEAR MR. BEEK: Our Check No. 6 in the sum of \$13,623.18 has been deposited to the credit of the Legislative Printing Fund. This covers total collections on the sale of legislative printed matter for the period of January 4th, to March 24th, less the sum of \$13.94 which covers \$13.89 received as collections of sales tax and \$0.05 overpayment. Our total collections for this period were \$13,637.12. Statement of Sales Distribution and Operating Statement for this period are attached for your information.

You will note in our Operating Statement that the percentage of our operating expenses for this period was 16½ per cent.

Referring to a report of the Supervisor of Documents in the Assembly Journal of 1941, pages 1549 and 1550, it will be of interest to note that the total amount reimbursed by that office for the two-year period from July 1, 1938, through June 30, 1940, on gross sales totaling \$30,601.17, after deducting overhead and adminis-

trative expenses, etc., of \$19,378.50, was \$11,222.67. The percentage of his cost of operation for that period, based on his report, is 48 7/10 per cent compared to 16 1/2 per cent for the Legislative Bill Room's expense chargeable against legislative bill services.

It is of particular interest to the Legislature to know that in the three-month period that the Bill Room has been operating as a sales agent for the Senate and Assembly that no other documents have been sold, the entire income of \$13,637.12 being derived from the sale of printed matter emanating out of the Legislature, and not including statutes and codes for 1943.

Respectfully submitted.

GEORGE H. MOORE, State Printer

Attest: WALTER E. FINCH, Chief Accounting Officer

**Legislative Bill Room Operating Statement of the Sales of Publications  
and Bill Service**

**For the Period January 4, 1943, to March 24, 1943**

Sales per detail .....	\$15,835 38
Plus:	
Collection of sales tax .....	\$13 89
Cost of Special Transportation by request of customer .....	30 41      44 30
Total gross sales .....	\$15,879 68
Cash receipts per bank report .....	\$13,637 12
Petty cash .....	10 00
Accounts Receivable as of March 24, 1943 .....	2,232 56
	\$15,879 68

**Cost of Operations for the Above Period**

Labor .....	\$1,749 80
Postage .....	644 44
Prepaid express and freight .....	42 03
Miscellaneous supplies, envelopes, etc. ....	110 00
	\$2,546 27

Percentage of cost to sales.....16 1/2 per cent

NOTE: The operating cost is not to be deducted from any revenue remittance to the Legislature because the above cost is a part of the regular Bill Room operations and has been billed to the Legislature as such.

Attest: WALTER E. FINCH, Chief Accounting Officer

**Statement of Sales Distribution**

**For the Period January 4, 1943, to March 24, 1943**

Publication	Quantity	Amount
Budget—1943-45 .....	399	\$463 01
California Legislature .....	8	8 50
Legislative bill services .....	390	14,806 50
Miscellaneous bill orders .....		617 32
Special handling expense .....		44 30
Overpayment on sales .....		05
TOTAL SALES .....		\$15,879 68

Attest: WALTER E. FINCH, Chief Accounting Officer

**MOTION TO APPROVE JOURNALS**

The Senate Journals of Monday, March 29, 1943; Tuesday, March 30, 1943; Wednesday, March 31, 1943; Thursday, April 1, 1943; and Friday, April 2, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 465

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill order to unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 977

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 912

Assembly Bill No. 914

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 710

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

KEATING, Chairman

Above reported bill ordered to second reading.

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 356

Senate Bill No. 838

Senate Bill No. 357

Assembly Bill No. 332

Senate Bill No. 615

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 732

Senate Bill No. 1024

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills re-referred to Committee on Finance.



SENATE CHAMBER, SACRAMENTO, April 5, 1943.

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Senate Bill No. 410

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 63

Senate Bill No. 548

Senate Bill No. 468

Senate Bill No. 667

Senate Bill No. 490

Senate Bill No. 745

Senate Bill No. 533

Senate Bill No. 886

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 113

Senate Bill No. 864

And reports the same correctly re-engrossed

SEAWELL, Chairman

#### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 568

Assembly Bill No. 570

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 10; absent 3

DE LAP, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 136

Assembly Bill No. 453

Senate Bill No. 1067

Assembly Bill No. 1551

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 10; absent 3

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 362

Senate Bill No. 577

Assembly Bill No. 463

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 10; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 251

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 3; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 278	Assembly Bill No. 461
Senate Bill No. 608	Assembly Bill No. 493
Assembly Bill No. 93	Assembly Bill No. 1007
Assembly Bill No. 94	Assembly Bill No. 1552
Assembly Bill No. 179	Assembly Bill No. 1631

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 611  
Senate Bill No. 807

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 804  
Senate Bill No. 812  
Assembly Bill No. 1526

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 31	Senate Bill No. 819
Senate Bill No. 353	Assembly Bill No. 381
Senate Bill No. 463	Assembly Bill No. 768
Senate Bill No. 464	Assembly Bill No. 924
Senate Bill No. 672	Assembly Bill No. 1128
Senate Bill No. 714	Assembly Bill No. 1527

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

**CONSIDERATION OF DAILY FILE****CONSIDERATION OF MOTION TO RECONSIDER****Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.**Postponement of Reconsideration**

On motion of Senator Tenney, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 273 was refused passage, was continued until the next legislative day.

## COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Tenney, ordered printed in the Journal:

STATE OF CALIFORNIA  
OFFICE OF LEGISLATIVE COUNSEL

STATE CAPITOL, SACRAMENTO, CALIFORNIA, April 6, 1943

Honorable Irwin T. Quinn, Senate Chamber  
State Capitol, Sacramento, California

## FOREIGN LANGUAGE NEWSPAPERS—8847

DEAR SENATOR QUINN: You have asked us for an opinion as to the constitutionality of Senate Bill No. 273 which affects newspapers printed in foreign languages.

The first section in substance provides that such a newspaper printed in the foreign language of any enemy nation must contain a correct English translation of the article printed in such enemy foreign language.

The second section refers to all newspapers printed in foreign languages and requires them to furnish, upon request, to the Attorney General or the district attorney of the county of publication a translation of any matter published in a foreign language.

Violation of the requirements of the act is a misdemeanor.

It is apparent that if this bill is enacted, it will be pursuant to the police power of the State, and the question that will be presented to the court is whether or not it is a reasonable exercise of the police power. This in turn will depend upon whether the court can say that there was no reasonable basis either for the regulation or for the classification.

It is our opinion that foreign language newspapers do constitute a class which the Legislature may regulate in the public interest, and it is also our opinion that the imposition upon foreign language newspapers generally of the obligation to furnish a correct translation of matter published in such a language is not an unreasonable exercise of the police power.

The question as to whether it is proper further to classify foreign language newspapers by making applicable this requirement to newspapers published in the language of an enemy nation is one which the courts would hold is primarily a question for the Legislature, that it is not the function of the court to substitute its judgment for that of the Legislature, and that if there is any reasonable basis upon which the classification can be sustained, it is the duty of the court to sustain it.

We believe it can be successfully contended that as newspapers printed in the language of an enemy nation are more apt to be read by persons sympathetic to this country and its war efforts, it is proper to require such newspapers to carry an English translation rather than to put the burden upon the Attorney General or the district attorney to require such translation.

The only other constitutional question that occurs to us aside from the problem of classification is the question of interference with the freedom of the press. It has never been successfully contended that the freedom of the press provisions of the Constitution prevent any regulation that does not unreasonably interfere with such freedom. In view of the fact that this law does not restrict what may be printed in the newspapers, we do not believe that it would constitute an unreasonable interference with the freedom of the press.

In view of the shortness of the time within which we have been required to prepare this opinion, we have not been able to make any extended research, and have, therefore, relied upon general principles which it would seem to us would be applied by a court in considering the problem.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By SIDNEY L. WEINSTOCK, Deputy

## RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

## Senate Resolution No. 95

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of two thousand seven hundred ninety-seven dollars and ninety-four cents (\$2,797.94) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same

being bills for contingent expenses, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

Bureau of Purchases		
Supplies, January and February	-----	\$399 32
Pac. Tel. & Tel. Co.	-----	111 61
Railway Express Agency	-----	102 30
H. S. Crocker Co.		
Supplies	-----	\$310 74
Posture chairs	-----	342 06
		652 80
Western Union	-----	71 09
Dictaphone Corporation	-----	4 12
Carithers Sign Co.	-----	9 00
Capital City Planing Mill	-----	64 01
Geo. N. Hammond Typewriter Co.	-----	97 25
Lawyers Book Exchange (code indexes)	-----	30 90
Bancroft-Whitney Co.	-----	28 73
Postal Telegraph Cable Co.	-----	1 59
State Department of Finance		
Typewriter service, pro rate Capitol Bldg.		
Telephone office, electric light replacements, repairs, change in offices	-----	923 69
Postage for mailing department	-----	300 00
Cascade Towel Supply	-----	1 53
		\$2,797 94

POWERS  
DEUEL  
BROWN  
SEAWELL  
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Luckey, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

#### WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1000

Senator Dorsey moved that Assembly Bill No. 1000 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1000**—An act to amend Section 4295 of the Political Code, relating to payment of fees to State, county and township officers.

Bill read second time.

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section 6103", and insert "Sections 6103 and 6107".

##### Amendment No. 2

On page 2, line 15, of said bill, strike out "verified", and insert "certified".

##### Amendment No. 3

On page 2, line 21, of said bill, after "ance", insert "or any other act of Congress granting claims for pensions, allotments, allowances, compensation insurance, or automatic insurance to any person by reason of service of that person or any other person in the Army, Navy, or Marine Corps".



**PRINTER'S NOTE:** There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 4

On page 3, line 12, of said bill, strike out "2", and insert "6107 of the Government Code is amended to read:

6107. Neither the State nor any county, or city, nor any public officer or body acting in his official capacity on behalf of the State, any county, or city, including notaries public, shall demand or receive any fee or compensation for:

(a) Recording or indexing any discharge of a soldier, sailor, or marine of the United States Army, Navy, or Marine Corps, or of a nurse who served in the American Red Cross or in the Army or Navy Nursing Corps.

(b) Issuing certified copies of such discharges.

(c) Any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or any claim to be presented to the Administrator of Veterans' Affairs under the World War Veterans' Act, 1924.

(d) Furnishing a [verified] certified copy of the public record of marriage, death, birth or divorce, deed of trust, mortgage, or property assessment, or making the search for them, when they are to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automobile insurance, or otherwise under the World War Veterans' Act, 1924 or under any other act of Congress for service in the Army, Navy, or Marine Corps.

The services specified in this section shall be rendered on the request of a United States official, a claimant, or his guardian or attorney. An officer is liable on his official bond for every failure or refusal to render the services.

SEC. 4. Sections 2 and 3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Carter asked for, and was granted, unanimous consent to take up Senate Bill No. 362 and Assembly Bill No. 463, at this time, for purpose of adopting the committee amendments.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 362**—An act to add a new Article 4 to Chapter 8 of Title 1 of Part 3 of the Penal Code to permit paroles of men from State prisons, county jails and city jails into the armed forces of the United States during the war emergency and to create a new form of parole for such persons to be known as special service parole, making an appropriation therefor, declaring the urgency of this measure and providing that it should take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In the title of the printed bill, strike out lines 1 to 8, inclusive, except "An act" in line 1, and insert "to make an appropriation to carry into effect Article 4 of Chapter 8 of Title 1 of Part 3 of the Penal Code."

##### Amendment No. 2

On page 1 of said bill, strike out line 1; and strike out all the rest of the bill, and insert

"SECTION 1. There is hereby appropriated to the State Board of Prison Terms and Paroles out of any money in the State treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) for the purpose of carrying out the provisions of Article 4 of Chapter 8 of Title 1 of Part 3 of the Penal Code."

Amendments read and adopted.

Bill ordered printed, and re-referred to the Committee on Judiciary.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 463.** An act to add Section 3041a to the Penal Code and to amend Sections 3043 and 3045 of the Penal Code, relating to paroles.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In the title of the printed bill, as amended, in line 1, strike out "and Section 3041a to the Penal Code and to".

**Amendment No. 2**

In the title of the printed bill, as amended, in line 3, strike out the period and insert the following:

"and to add Article 4 to Chapter 8 of Title 1 of Part 3 of the Penal Code, to permit paroles of men from State prisons, county jails and city jails into the armed forces of the United States during the war emergency and to create a new form of parole for such persons to be known as special service parole, declaring the necessity of this measure and providing that it should take effect immediately."

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 14, inclusive, and insert

"Section 1. Article 4 is hereby added to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:

**Article 4. Special Service Paroles**

3100. In order to assist in meeting the growing crisis in manpower in the present war emergency and also to further the rehabilitation of men in the several prisons and jails in this State, there is hereby created for the duration of said war emergency a system or form of parole to be known as special service parole for release of such men into the armed forces of the United States through the facilities of National Selective Service.

3101. The agencies charged with administering the provisions of this article shall at all times work in cooperation with National Selective Service and be familiar with the rules and regulations thereof and with the type of men acceptable thereto.

3102. The agencies charged with administering the provisions of this article shall make such rules and regulations, not inconsistent with law, as it may deem necessary in addition to the granting of selective service paroles in order to effectuate the purposes of this article.

3103. The Division of Prison Terms and Paroles is hereby charged with the administration of the provisions of this article with respect to selective service paroles of prisoners in State prisons. The board of parole commissioners of each county is hereby charged with similar duties with respect to prisoners under their control. Said county boards, however, shall in the exercise of said duties cooperate with and conform to the pattern or system of selective service parole prescribed by the rules and regulations of the Division of Prison Terms and Paroles to the end that the functions of all said agencies shall be coordinated into a uniform system that will best meet the needs of National Selective Service.

3104. Special service paroles are paroles granted by the Board of Prison Terms and Paroles or by a county board of parole commissioners, as the case may be, to men in State prisons and county or city jails, who are qualified for service in the armed forces according to the National Selective Service Act and rules and regulations made pursuant thereto. Persons given this parole shall go directly from custody into the hands of military authorities and shall in no case be paroled to civilian life.

3105. Special service paroles shall be conditional in nature and shall continue in force, unless sooner revoked, for a period of time equal to the maximum term of imprisonment therefor fixed for the prisoner.

3106. Such persons given such paroles who complete their service in some branch of the armed forces and receive a honorable discharge therefrom may then be eligible for full parole from the Governor even though they have not served their full period of parole by the end of their period of service, or such person may petition the authority granting his parole for a full discharge from parole and the granting authority may consider the honoraria discharge from any branch of the armed services as ground for granting such discharge.

Should no parole or discharge be granted then the parole shall continue according to law.

3107. The names and records of all men granted special service paroles shall be kept in the confidential files of the administrative agency, but shall be available

to the Governor, the Attorney General, the Advisory Pardon Board, National Selective Service and the military authorities, including the commanding officer of any such parolee.

3108. With respect to State prisoners, no prisoner who has had imposed upon him two or more cumulative or consecutive sentences shall be eligible for special service parole, until he has served, at least one calendar year, of the aggregate of such cumulative or consecutive sentences.

3109. No prisoner confined in the State prison, and no prisoner under sentence to the State prison, who is convicted of an escape or an attempt to escape from the prison or the guards shall be eligible for special service parole, until he has served at least one calendar year from and after the date of his return to the prison after such conviction.

3110. No prisoner who has served a previous sentence in a State prison, in this or any other State, or in a Federal penitentiary shall be eligible for special service parole, until he has served at least one calendar year.

3111. No prisoner under a life sentence shall be eligible for special service parole, until he has served at least five calendar years.

3112. In all other cases not specially provided for in the sections immediately preceding, no prisoner shall be eligible for special service parole until he has served in a State prison either the minimum term of imprisonment provided by law for the crime of which he was convicted, or one year, whichever may be deemed best within the discretion of the paroling authorities. In special meritorious cases special service parole may be granted a prisoner who has served nine months with benefit of credits.

3113. The Board of Prison Terms and Paroles and the Governor shall have, over persons granted special service paroles, the same rights and powers of revocation as are now possessed in all other paroles as provided under this title.

3114. The dishonorable discharge of a special service parolee from the armed forces shall be sufficient cause for revocation of parole, whether such dishonorable discharge occurs either during or after the present war.

3115. All persons granted special service paroles shall report in writing by mail directly to the agency which paroled him at such intervals as that agency may prescribe. Such report shall consist of a statement that said parolee is still serving in the armed forces, and, so far as military regulations will permit, shall designate the particular military organization with which he is serving together with such other matters as the paroling agency shall prescribe. Such report shall be approved by the unit commander of the parolee.

3116. It shall be permissible for any and all men who, at the time this article becomes law, are on parole from any State prison or county jail in California, to apply to the authority which placed them on parole for permission to be placed on the special service parole for the purpose of entering the armed forces. Any and all such persons who then enter the armed forces become subject to all of the duties, obligations and rights embodied in the article in relation to discharge, pardon, reporting, and revocation of parole."

#### Amendment No. 4

On page 2 of said bill, after line 8, insert

"Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the State Constitution and shall therefore go into immediate effect. The facts constituting urgency are as follows:

There are now many able-bodied men serving time in State prisons, county jails and city jails who, if given an opportunity to serve in the armed forces could materially assist the military manpower needs of this Nation. This legislature would not only provide men for armed service but would also provide a method of rehabilitation. Time is of the essence in providing manpower for the armed forces and this act should therefore go into effect immediately".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

#### RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

#### Senate Resolution No. 96

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 6, 1943, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Teddy Barr, Page-----	\$2 50
Jack Quinn, Page-----	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 856

Senator Dillinger moved that Senate Bill No. 856 be withdrawn from Committee on Welfare and Institutions for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 856**—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read second time.

#### Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 4, of the printed bill, strike out "most recent".

#### Amendment No. 2

On page 1, line 6, of said bill, after "mission", insert "and in such case wages earned at any time prior to such leaving shall be excluded in determining the amount of benefits payable with respect to unemployment occurring after such leaving."

#### Amendment No. 3

On page 1, line 9, of said bill, strike out "most recent".

#### Amendment No. 4

On page 1, line 10, of said bill, after "commission", insert "and in such case wages earned at any time prior to such discharge shall be excluded in determining the amount of benefits payable with respect to unemployment occurring after such discharge."

#### Amendment No. 5

On page 1, line 26, of said bill, strike out "three", and insert "fifty-two".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Joint Resolution No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

DELAP, Chairman

Above reported resolution ordered to second reading.



**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1

MIXTER, Chairman

Above reported bill ordered to second reading.

**COMMUNICATIONS**

The following communications were received, read, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1943

*Honorable Frederick F. Hawser, President of the Senate**Senate Chamber, State Capitol, Sacramento, California*

DEAR MR. PRESIDENT: The Assembly has instructed me to invite the Lieutenant Governor and the Members of the Senate to meet informally with the Members of the Assembly on Thursday, April 8th, at 2:30 p.m., to hear Mr. and Mrs. Thomas Sullivan who will address the Members of the Legislature at that time and place.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

**Statement by Assemblyman Thomas A. Maloney**

I am happy to report that Mr. and Mrs. Thomas Sullivan will appear before this Legislature on Thursday, April 8, 1943 at 2 p.m. The Sullivan family were invited on motion of Thomas Doyle, seconded by Don Field. This lovely family lost their five sons in this war.

THOMAS A. MALONEY

**Chief Clerk Instructed to Invite Certain State Officials  
and the Senate to Hear Mr. and Mrs. Sullivan**

Mr. Maloney moved that the Chief Clerk be instructed to invite the Governor, the Lieutenant Governor, and the Members of the Senate to meet informally with Members of the Assembly next Thursday at 2:30 p.m., to hear from Mr. and Mrs. Thomas Sullivan, who lost five sons in the war, and who are making a tour of the West Coast.

Mr. Doyle seconded the motion.

Motion carried.

**Appointment of Special Committee**

The Speaker appointed Messrs. Maloney, Burns, Doyle, and Desmond as a special committee to escort Mr. and Mrs. Sullivan from the city limits to the Assembly Chamber on Thursday, April 8, 1943.

*Honorable George W. Biggar**Senate Chamber, State Capitol, Sacramento, California*

DEAR SENATOR BIGGAR: A dinner will be served Wednesday, April 7th, in Westminster Church, 13th and N Streets, 6:15 p.m. (60 cents), which is open to the public. Dr. Nathaniel Bercovitx, famous surgeon who was held captive in Hainan, China, by the Japanese for several months, will be the speaker.

The dinner is open to the public, and those attending may be excused for committee meetings or other engagements at any time.

Respectfully,

DR. KIRCHER

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1079**

Senator Fletcher moved that Senate Bill No. 1079 be withdrawn from Committee on Water Resources for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)****Senate Bill No. 1079**—An act to provide for the organization, incorporation and government of county water authorities, authorizing

and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

Bill read second time.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendments:

**Amendment No. 1**

On page 6, line 17, of the printed bill, after "authority", strike out the balance of line 17, and all of lines 18 and 19, and insert a period.

**Amendment No. 2**

On page 6 of the printed bill, strike out all of line 37, and insert "the State, but not within the county in which the authority is organized and/or located; to develop, store and transport such water; to provide,".

**Amendment No. 3**

On page 9, line 13, of the printed bill, strike out "elector", and insert "electors."

**Amendment No. 4**

On page 11, line 22, of the printed bill, after "assistant controller", insert "by his lithographed or engraved signature".

**Amendment No. 5**

On page 11, line 39, of the printed bill, after "than", strike out "ten (10)", and insert "twenty (20)".

**Amendment No. 6**

On page 11, line 47, of the printed bill, after "highest bidder.", insert "'Highest bidder,' as used in this subsection, shall mean the one which gives the authority the lowest net cost."

**Amendment No. 7**

On page 12, line 30, of said printed bill, after "some", strike out "paper", and insert "newspaper".

**Amendment No. 8**

On page 12, line 32, of the printed bill, after "such", strike out "paper", and insert "newspaper".

**Amendment No. 9**

On page 12, line 35, of the printed bill, after "anyone", strike out "interest", and insert "interested".

**Amendment No. 10**

On page 18, line 34, of the printed bill, after "Any public agency", insert "including a county,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Quinn:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon.

Respectfully submitted.

SENATOR QUINN

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

**Senate Bill No. 1090:** By Senator Quinn—An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon.

Referred to Committee on Fish and Game.

**Senate Constitutional Amendment No. 22:** By Senators Tickle, Seawell, and Fletcher—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Referred to Committee on Rules.

**Senate Constitutional Amendment No. 23:** By Senator Salsman—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 24 to Article IX of said Constitution, relating to the Superintendent of Public Instruction.

Referred to Committee on Education.

## CONSIDERATION OF DAILY FILE (RESUMED)

## CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m., having arrived, Senate Bill No. 23 was taken up.

**Senate Bill No. 23**—An act to add Sections 48, 49, 50 and 51 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3941, 3946, 7966, 8720, 8721 and 8722 of, and to repeal Section 2838 of, the Elections Code, relating to nominations and party conventions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, Dandl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, and Swing—27.

**NOES**—Senators Breed, Crittenden, DeLap, Shelley, Swan, Tenney, Tickle, and Ward—8.

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Bill No. 504**—An act to amend Section 3.513 of the School Code and to amend Section 9144 of the Education Code, relating to vocational rehabilitation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 504?

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Section 3.513 of the School Code and to amend".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "Section 3.513 of the School Code is amended", and strike out lines 2 to 13, inclusive.

**Amendment No. 3**

On page 1, line 15, of said bill, strike out "Sec. 2."

**Amendment No. 4**

On page 2 of said bill, strike out lines 1 to 5, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 504 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.

## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 552**—An act to amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2, making it a misdemeanor for any candidate seeking election or reelection to the Board of Equalization of the State of California and any officer, employee and appointee of said board, to solicit or receive from persons holding liquor licenses issued by said board any money or other thing of value for any political campaign for election or reelection to such board, and making it a misdemeanor for any licensee or holder of a liquor license to contribute or give money or any other thing of value for any such political campaign.

Pursuant to his motion previously made, Senator Carter moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 552 was re-referred to Committee on Governmental Efficiency.

Roll call demanded by Senators Carter, Swan, and Dorsey.

The roll was called, and Senate Bill No. 552 reconsidered by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—Senators Brown, Collier, Seawell, and Swing—4.

The President ordered Senate Bill No. 552 to third reading.



## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 344**—An act to amend Section 4273 of the Political Code, relating to the compensation of public officers.

## Withdrawal of Motion to Reconsider

Senator Powers moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 344 was passed.

Motion carried.

Senate Bill No. 344 ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF SENATE BILLS

**Senate Bill No. 949**—An act to add Division 11 to the Water Code, thereby revising and consolidating the law relating to irrigation districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

**Amendment No. 1**

On page 3, line 14, of the printed bill, after "lines", insert a comma.

**Amendment No. 2**

On page 33, line 24, of said bill, strike out "also shall", and insert "shall also".

**Amendment No. 3**

On page 34, line 12, of said bill, after "irrigation", insert "or".

**Amendment No. 4**

On page 50, line 18, of said bill, after "plant", insert a comma.

**Amendment No. 5**

On page 51, line 12, of said bill, strike out "4", and insert "5".

**Amendment No. 6**

On page 61, line 27, of said bill, after "into", insert "an".

**Amendment No. 7**

On page 81, line 24, of said bill, after "proposal", strike out "or", and insert "is".

**Amendment No. 8**

On page 83, line 45, of said bill, after "board", insert a comma.

**Amendment No. 9**

On page 95, line 15, of said bill, strike out "equaliaztion", and insert "equalization".

**Amendment No. 10**

On page 106, line 13, of said bill, strike out "inforce", and insert "enforce".

**Amendment No. 11**

On page 107, line 4, of said bill, strike out "description", and insert "descriptions".

**Amendment No. 12**

On page 108, line 4, of said bill, strike out "or", and insert "of".

**Amendment No. 13**

On page 115, line 21, of said bill, strike out "bonds", and insert "bond".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 952**—An act to add Sections 202, 203, 1050.5 and 1050.6 to, to amend Sections 228 and 275 of and to repeal Article 5 of Chapter 1 of Part 2 of Division 2 of the Water Code, relating to the administration of the provisions of said code.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Water Resources:

PRINTER'S NOTE:—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 1**

On page 1 of the printed bill, between lines 10 and 11, insert

"Sec. 3. Section 228 of said code is amended to read:

228. The [Division of Water Resources] department shall gather and correlate information and data pertinent to an annual forecast of seasonal water crop, including the making of snow surveys, either independently or in cooperation with any person or any county, State, Federal, or other agency.

SEC. 4. Section 275 of said code is amended to read:

275. The [Division of Water Resources] department shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this State."

**Amendment No. 2**

On page 1, line 11, of said bill, after "Sec.", strike out "3", and insert "5".

**Amendment No. 3**

On page 1, line 16, of said bill, after "Sec.", strike out "4", and insert "6".

**Amendment No. 4**

On page 1, line 20, of said bill, after "Sec.", strike out "5", and insert "7".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 588**—An act to add Section 12.5 to the Water Conservation Act of 1929, relating to the offices of the directors of water conservation districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 948**—An act to add Division 10 and Section 150010 to the Water Code, thereby revising and consolidating the law relating to the financial supervision of irrigation and other public districts, including provisions relating to the approval and certification of bonds of such districts as legal investments and as security for the deposit of public money, provisions relating to the obligations and finances of such districts, and provisions relating to the California Districts Securities Commission and other State agencies having powers similar to said commission, and to repeal certain acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 988**—An act to provide for the limiting of service areas by the California Districts Securities Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Amendment No. 9**

On page 1 of said bill, between lines 24 and 25, insert "e. Upon or at every agricultural inspection station just inside California and located on every highway leading into California."

**Amendment No. 10**

On page 1, line 25, of said bill, strike out "e. Upon or on the grounds of every automobile", and insert "f. Upon or on the grounds of every operating automobile gas and oil".

**Amendment No. 11**

On page 2, line 1, of said bill, strike out "f. At or over", and insert "g. At or over or in".

**Amendment No. 12**

On page 2, line 3, of said bill, strike out "g. At or over", and insert "h. At or over or in".

**Amendment No. 13**

On page 2 of said bill, between lines 4 and 5, insert "i. In front of or over and in the large reception or waiting room of every railroad and electric railway station and union station in all cities and towns having a population of 10,000 and over."

**Amendment No. 14**

On page 2, line 5, of said bill, after "States", insert "of America".

**Amendment No. 15**

On page 2, line 6, of said bill, strike out "(the Bear flag)".

**Amendment No. 16**

On page 2 of said bill, strike out lines 13 and 14.

**Amendment No. 17**

On page 2, line 16, of said bill, strike out "(the Bear flag)".

**Amendment No. 18**

On page 2, line 27, of said bill, strike out "of the Flag of the United States", and insert "and maintenance of the Flag of the United States of America".

**Amendment No. 19**

On page 2, line 28, of said bill, strike out "(the Bear flag)".

**Amendment No. 20**

On page 2, line 33, of said bill, after "display", insert "and maintenance".

**Amendment No. 21**

On page 2 of said bill, between lines 44 and 45, insert "Sec. 9. The superior court is hereby granted jurisdiction to enforce each or any of the provisions of this bill on the petition of any citizen of the county in which the subject of complaint is located."

**Amendment No. 22**

On page 2, line 45, of said bill, strike out "Sec. 9", and insert "Sec. 10".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 376**—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of districts organized under the California Water District Act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "States", insert "and who receives an honorable discharge therefrom".

**Amendment No. 2**

In lines 1 and 2 of the title of said bill, strike out "and to add Section 395.3 to".

**Amendment No. 3**

On page 1 of said bill, strike out lines 13 to 23, inclusive; and on page 2, strike out lines 1 to 4, inclusive.

**Amendment No. 4**

On page 2, line 5, of said bill, strike out "3", and insert "2".

Amendments read and adopted.

Bill ordered printed and to third reading.

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 314**—An act to amend Section 20 of the "California Water District Act," relating to the redemption of bonds of water districts.

Bill read second time, and ordered to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 29**

Senator Crittenden moved that Senate Bill No. 29 be withdrawn from Committee on Public Health and Safety for purpose of consideration.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 29**—An act to amend Sections 9201, 9202 and 9203 of the Health and Safety Code, relating to cemeteries.

Bill read second time.



**Motion to Amend**

Senator Crittenden moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "9201."

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "9201", and insert "9202".

**Amendment No. 3**

On page 1 of said bill, strike out lines 4 to 9, inclusive.

**Amendment No. 4**

On page 1, line 15, of said bill, strike out "Sec. 3", and insert "Sec. 2".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 799**—An act to amend Section 329 of the Political Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, strike out "affected", and insert "effected".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 548**—An act to add Section 1.108 to the School Code and to add Section 16424 of the Education Code, relating to pupils of the public schools.

Bill read third time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 2, of the printed bill, as amended, after "injuries", insert "to".

**Amendment No. 2**

On page 2, line 14, of said bill, as amended, strike out "11270", and insert "10270".

**Amendment No. 3**

On page 2, line 16, of said bill, as amended, strike out "11270", and insert "10270".

**Amendment No. 4**

On page 2, line 20, of said bill, as amended, after "membership", insert a comma.

**Amendment No. 5**

On page 2, line 23, of said bill, as amended, strike out "nor", and insert "or".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

## WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 323

Senator Keating moved that Senate Bill No. 323 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 323**—An act to amend Section 65e of, and to add Section 83d to, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read second time.

## Motion to Amend

Senator Keating moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 65e of, and to add Section 83d to," and insert "add Section 78b to".

## Amendment No. 2

In line 3 of the title of said bill, strike out the period, and insert "; providing for the employment of retired employees upon conditions specified therein, and declaring the urgency of this act, to take effect immediately."

## Amendment No. 3

On page 1 of said bill, strike out lines 1 to 28, inclusive; and on page 2, strike out lines 1 to 36, inclusive, and insert

"SECTION 1. Section 78b is added to the State Employees' Retirement Act, to read:

Sec. 78b. Notwithstanding any other provision of this act, until October 1, 1945, or the termination of the war in which the United States is now engaged, whichever is earlier, any person (other than a person who retired for service while a member of the California Highway Patrol) who has been retired for service (as distinguished from disability) under the provisions of this act may be employed in State service in accordance with the laws governing such service, in the same manner as a person who has not been so retired, upon the determination of the Board of Administration, by medical examination, that he is not incapacitated for the duties proposed to be assigned to him.

Any person so employed shall be considered as reinstated from retirement and his retirement allowance shall be canceled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of such reinstatement, and his rate of contribution for future years shall be the same as if he had continued in State service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The prosecution of the war in which the United States is now engaged has, by reason of the induction of millions of men into the armed forces and the employment of additional millions in war industries, resulted in an acute shortage of manpower throughout the Nation. This shortage makes difficult or impossible the recruitment of qualified persons to fill essential positions in State service. Although recent legislation has made possible the temporary retention in State service of persons who would otherwise be retired upon reaching the age of 70 years, existing provisions of law prevent the reemployment of persons already retired, who constitute a reservoir of trained and experienced personnel. To make possible the immediate use of these persons to meet the shortage of qualified workers in the public service, and so to prevent the breakdown of the administration of the essential services of the State Government, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Crittenden moved that Senate Bill No. 415 be taken from the inactive file, and re-referred to the Committee on Financial Institutions.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 919

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1082

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1747

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 1083

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 727

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 640

Senate Bill No. 777

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 348

And reports the same correctly engrossed.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 295  
Assembly Bill No. 342  
Assembly Bill No. 433  
Assembly Bill No. 538  
Assembly Bill No. 848  
Assembly Bill No. 945

Assembly Bill No. 1054  
Assembly Bill No. 1111  
Assembly Bill No. 1431  
Assembly Bill No. 1564  
Assembly Bill No. 1787

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 295**—An act to add Section 226 to the Labor Code, relating to wages.

Referred to Committee on Labor.

**Assembly Bill No. 342**—An act to amend Sections 2353, 2705, and 5556 of the Elections Code, relating to the time for opening and closing the polls.

Referred to Committee on Elections.

**Assembly Bill No. 433**—An act to amend Section 5658 of the Elections Code, relating to the residence of persons living in trailers or vehicles or at camping grounds or public camps.

Referred to Committee on Elections.

**Assembly Bill No. 538**—An act to amend Section 5196 of the Public Resources Code, relating to investment of funds.

Referred to Committee on Natural Resources.

**Assembly Bill No. 848**—An act to add to Chapter 2 of Division 5 of the Agricultural Code a new section to be numbered 790.5, relating to emergency standards, and declaring the urgency thereof to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 945**—An act to amend Section 4170 of and add Section 4174 to the Business and Professions Code, relating to temporary certificates to practice pharmacy, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1054**—An act to add Section 862.29 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Referred to Committee on Local Government.



**Assembly Bill No. 1111**—An act to amend the heading of Article 11 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2453, 2455, 2831, 2832, 2839, 2840, 2841, 2842, and 2843 and to repeal Section 2450 of the Elections Code, relating to county central committees.

Referred to Committee on Elections.

**Assembly Bill No. 1431**—An act to amend Section 740 of the Welfare and Institutions Code, relating to commitments by the juvenile court, and authorizing commitment of wards to the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1564**—An act to amend Section 7 of the "American River Flood Control District Act," approved May 28, 1927, relating to the board of trustees.

Referred to Committee on Water Resources.

**Assembly Bill No. 1787**—An act amending Sections 4006, 4030, 4036, 4090, 4091, 4196, 4231, 4232, 4233, 4250, 4255, and 4256 and to repeal Sections 4160, 4161, and 4162 of the Business and Professions Code, relating to licentiates in pharmacy.

Referred to Committee on Business and Professions.

#### ADJOURNMENT

At 4.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Wednesday, April 7, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

NINETY-FOURTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 7, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—36.

Quorum present.

## PRAYER

By invitation of the President pro tempore, prayer was offered by the Rev. Raymond Renwald, Chaplain of the Cathedral Church.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator Rich, on motion of Senator DeLap.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Chris Stevin, Mrs. Edna E. Curtis, Mrs. Pearl Curtis, and Miss Eda Rieder of Richmond.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Leo C. Hammett, Chairman, Stanislaus County Board of Supervisors, and Chairman of the Legislative Committee of the State Supervisors Association.

On request of Senators Tenney and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William Patch of Escondido.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Walter Sullivan, Commander, County Council, American Legion in Los Angeles.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. J. E. Tope, City Attorney, in Stockton.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of the Social Studies Class, Stanford Junior High School: Patsy Bingham, Frances Bird, Shirley Bobo, Barbara Bryan, Betty Cole, David Duncan, Jackie DuLak, Tommy Ferrara, Joan Edwards, James Edwards, Edward Gardiner, Dolores Grass, Reba Green, Velma Green, Everett Handy, Barbara Harris, Patricia Kent, Dorothy Krammer, Joseph Krein, Mary Krein, Kathleen Lasell, Marjorie Lehman, Louellyn Meredith, Betty Ann Moseley, Bill Mossap, Jean Oas, Roselyn Peyser, Jack Riley, Gertrude Schroeter, Charles Shaw, Tommy Simpson, Marilyn Stewart, Edsella Stoneburner, and Fred Styles.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Stevens of Orange County.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 90

Senate Joint Resolution No. 22

Assembly Concurrent Resolution No. 43

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

### Committee on Education

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 240

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 226**—An act to amend Section 204a of the Code of Civil Procedure, relating to the appointment of a jury commissioner in certain counties;

**Senate Bill No. 265**—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal



corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately;

**Senate Bill No. 312**—An act to amend Section 581b of the Code of Civil Procedure, relating to dismissal of actions or proceedings for failure to pay transfer fee;

**Senate Bill No. 514**—An act to amend Sections 271, 273, 274, 275, 276, 277, 281, and 283, and to repeal Section 279, of the Agricultural Code, relating to bee diseases and inspection;

**Senate Joint Resolution No. 15**—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain lands by the United States;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of April, 1943, at 5 p.m.

SEAWELL, Chairman

#### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 646

Senate Bill No. 774

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1799

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 534

Assembly Bill No. 871

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1036

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 635

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 165

Assembly Bill No. 619

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 201

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Constitutional Amendment No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 103

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 62

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 723

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 170

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 668

Senate Bill No. 169

Assembly Bill No. 553

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bills ordered to second reading.

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 51—An act to add Sections 101 and 480.5 to the Fish and Game Code, relating to the creation of a new fish and game district and the taking of fish therein;

Senate Bill No. 123—An act to amend Section 4244 of the Political Code, relating to the compensation of public personnel in counties of the fifteenth class;

Senate Bill No. 128—An act to repeal Section 14407 of the Health and Safety Code, relating to repayment of the cost of furnishing fire-fighting equipment and services;

Senate Bill No. 141—An act to amend Section 373 of the Civil Code and Section 411 of the Code of Civil Procedure, relating to service of summons;

Senate Bill No. 189—An act to amend Section 369 of the Agricultural Code, relating to estrays;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of April, 1943, at 5 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 548

Senate Bill No. 799

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 497

Senate Bill No. 982

Senate Bill No. 552

Senate Bill No. 983

Senate Bill No. 588

Senate Bill No. 984

Senate Bill No. 679

Senate Bill No. 985

Senate Bill No. 698

Senate Bill No. 986

Senate Bill No. 845

Senate Bill No. 988

Senate Bill No. 846

Senate Bill No. 998

Senate Bill No. 948

Senate Bill No. 1085

Senate Bill No. 952

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 569

Assembly Bill No. 570

Assembly Bill No. 571

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 489

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill No. 977**—An act to add Chapter 8.5 (comprising Sections 10615 to 10622, inclusive) to Division 9 of the Health and Safety Code, relating to the registration of previously unregistered births, declaring the urgency hereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "add Chapter 8.5 (comprising Sections 10615 to"; and strike out lines 2, 3, 4, and 5 of the title, and insert "amend Section 10617 and to repeal Sections 10621 and 10622 of the Health and Safety Code, relating to registration of previously unregistered births, and making an appropriation therefor, declaring the urgency hereof, to take effect immediately."

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 1 to 26, inclusive.

**Amendment No. 3**

On page 2 of said bill, strike out lines 1 to 51, inclusive; and on page 3, strike out lines 1 and 2.

**Amendment No. 4**

On page 3, line 3, of said bill, insert

"SECTION 1. Section 10617 of the Health and Safety Code is amended to read:"

**Amendment No. 5**

On page 3, lines 14 and 15, of said bill, strike out "and place it in a book marked", and insert "as a record of".

**Amendment No. 6**

On page 3 of said bill, strike out lines 21 to 52, inclusive; on page 4, strike out lines 1 to 11, inclusive; and on page 4, line 13, strike out "Sec. 2.", and insert "SEC. 2. Sections 10621 and 10622 of the Health and Safety Code are repealed.

SEC. 3. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of forty thousand dollars (\$40,000) for support of the Department of Public Health to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years, in addition to, and in augmentation of, any other money appropriated for a similar purpose.

SEC. 4."



**Amendment No. 7**

On page 4, line 23, of said bill, after the period, insert  
 "This law became effective during February 1943 and the amendments made by this bill are necessary to permit of the more efficient operation of that law, and should therefore become effective immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 710**—An act to amend Section 13026 of the Health and Safety Code, relating to the authority of the State Fire Marshal over fire equipment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 13026", and insert "Sections 13026, 13108 and 13109".

**Amendment No. 2**

In lines 2 and 3 of the title of said bill, strike out "over fire equipment".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of said bill, after line 5, insert

"SEC. 2. Section 13108 of said code is amended to read:

13108. The State Fire Marshal shall make and enforce orders, rules, and regulations, not inconsistent with [any] existing laws or ordinances [,] relating to:

[(a)] Fire protection in the design and construction of, the means of egress and the adequacy of exits from, [and] the installation and maintenance of fire alarm and fire extinguishment equipment or systems, [in State institutions.]

[(b)] the installation and maintenance of equipment and furnishings that present unusual fire hazards in, [and the means of egress and adequacy of exits in case of fire from,] any State institution, factory, asylum, hospital, sanitarium, nursery, church, school, hall, theater, amphitheater, night club, or a similar occupancy or other place where a large number of persons work, live, or congregate.

SEC. 3. Section 13109 of said code is amended to read:

13109. The State Fire Marshal, his deputies, or his salaried assistants may enter any factory, asylum, hospital, sanitarium, nursery, church, school, hall, theater, amphitheater, night club, or a similar occupancy or other place where a large number of persons work, live, or congregate at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager, or operator of any [of] such building[s] or premises shall permit the State Fire Marshal, his deputies, or his salaried assistants to enter and inspect them at the time and for the purpose stated in this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 356**—An act to add Section 4015 to the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act and other cooperative agreements with the Federal Government.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 357**—An act to add Section 4014 to the Public Resources Code, relating to the acceptance by the State of the provisions of the Clarke-McNary Act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 615**—An act to amend Sections 5003.5 and 5014 of the Public Resources Code, relating to the powers of the State Park Commission, and providing the manner in which the moneys in the State Park Maintenance and Acquisition Fund may be expended.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 838**—An act to amend Section 511 of the Public Resources Code, relating to the Department of Natural Resources Printing Revolving Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 410**—An act making an appropriation for the acquisition for State park purposes of certain lands in San Mateo County to be incorporated in the State Park System.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

##### Amendment No. 1

On page 1, line 5, of the printed bill, strike out "in", and insert "appropriated by subdivision (b) of Section 5014 of the Public Resources Code to".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code, to be known as Chapter 3b, relating to the assignment of accounts receivable and providing for the giving of notice thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 23, of the printed bill, strike out "Secretary of State", and insert "county recorder of the county in which the assignor resides or if the assignor is a corporation or a partnership the county in which such assignor has its principal place of business".

##### Amendment No. 2

On page 2 of the printed bill, commencing in line 4, strike out "irrespective of which assignee shall first give notice of his assignment to the debtor".

##### Amendment No. 3

On page 2, line 6, of the printed bill, following "debtor", insert "irrespective of the provisions of Section 3019".

##### Amendment No. 4

On page 2, line 8, of the printed bill, following "assignor", insert "his agent for collection".

##### Amendment No. 5

On page 2, line 23, of the printed bill, strike out "(1)".

##### Amendment No. 6

On page 2, line 27, of the printed bill, following "and", insert "either :".

##### Amendment No. 7

On page 2, line 28, of the printed bill, strike out "(2)", and insert "(1)".

##### Amendment No. 8

On page 2 of the printed bill, strike out lines 31 to 34, inclusive, and insert "(2) A statement that the assignor expects to assign certain accounts in which event the statement may contain :".

**Amendment No. 9**

On page 2, line 35, of the printed bill, strike out "(1)", and insert "(a)".

**Amendment No. 10**

On page 2, line 38, of the printed bill, strike out "(2)", and insert "(b)".

**Amendment No. 11**

On page 2, line 30, of the printed bill, strike out the period, and insert "; or".

Amendments read and adopted.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, line 16, of the printed bill, as amended, strike out "and".

**Amendment No. 2**

On page 4, line 18, of said bill, strike out the period, and insert "; and".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1067**—An act to amend Section 1203b of the Penal Code, relating to granting of probation summarily.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out all of lines 4, 5, and 6, and insert "in criminal cases shall have the power to suspend the execution or imposition of sentence summarily in any case punishable by not more than six months in the county jail or a fine of five hundred dollars (\$500) or by both such imprisonment and fine. The period of suspension may be for any period not exceeding two years, and during such period the court shall have jurisdiction, in its discretion, to revoke its order suspending imposition or execution of sentence and to impose sentence or to issue its commitment upon the sentence previously imposed. If, however, the order suspending imposition or execution of sentence is not revoked during the period thereof, then upon the expiration of said period the judgment shall be fully satisfied and the defendant freed from any further liabilities or penalties arising from his conviction.

Suspension of sentence under the provisions of this section shall not constitute a grant of probation, but sentence may not be suspended in any case hereunder where probation is prohibited by law."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 577**—An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 to 18, inclusive, and insert "255. Every illegitimate child is an heir of his mother, and also of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock; but he does not represent his father by inheriting any part of the estate of the father's kindred, either lineal or collateral, unless, before his death, his parents shall have intermarried, and his father, after such marriage, acknowledges him as his child, or adopts him into his family; in which case such child is deemed

*legitimate for all purposes of succession. An illegitimate child may represent his mother and may inherit any part of the estate of the mother's kindred, either lineal or collateral."*

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 278**—An act to amend Section 4532 of the Penal Code, relating to escapes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 608**—An act to amend Section 3048 of the Penal Code, relating to parole.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 251**—An act relating to claims against, the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers and/or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 611**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1 of the printed bill, between lines 15 and 16, insert

"Any contract for the acquisition of said toll road shall provide that before the same is accepted on behalf of the State, it shall be repaired and reconditioned so that the maintenance cost to the State on acquisition will not be excessive. The commission shall provide in any such contract for the retention of a reasonable portion of the purchase price until the highway has been put in such condition and the certificate of the State Highway Engineer to that effect has been delivered to the commission, in which event the conveyance may be accepted and the purchase price paid."

Amendment read and adopted.

Bill ordered printed and re-referred to Committee on Finance.

**Senate Bill No. 807**—An act to repeal the act establishing the State Planning Board as approved June 14, 1935, and to establish in place thereof a State Economic Planning Commission and prescribe its powers and duties.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 18, of the printed bill, strike out "eight", and insert "nine".

**Amendment No. 2**

On page 2, line 33, of said bill, strike out ", or"; and strike out lines 34, 35, and 36, and insert a period.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 804**—An act to prevent any officer, employees or agencies of the State Government from assuming or performing any functions of counties, cities or other local governmental agencies, or interfering therein without the express approval of the Legislature.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, lines 4 and 5, strike out "without the express approval of the Legislature", and insert "except in such cases as are authorized by law."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 812**—An act to add Section 472.1 to the Political Code, relating to the Attorney General, his assistants and deputies, and counsel employed or appointed by the Superintendent of Banks, Building and Loan Commissioner, or the Insurance Commissioner.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 15, of the printed bill, as introduced January 30, 1943, after the period, insert

"The cost of such legal services, rendered by the Attorney General or his assistants or deputies, shall be fixed by the Attorney General and shall be a charge against and paid from the funds or assets of the bank, building and loan company, or insurer in connection with which such legal services were rendered."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 31**—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 284, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Legislature and the members thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 353**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 463**—An act to amend Section 692 of the Political Code, relating to the approval of land contracts by the Director of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 464**—An act to amend Section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 672**—An act to add Section 38dd and amend Section 38e of the Alcoholic Beverage Control Act, relating to rules and regulations for the orderly wholesaling of beer, and also relating to price posting.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 714**—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 819**—An act to regulate the employment of publicists employed by State departments and agencies, and prescribing penalties for the violation hereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Joint Resolution No. 3**—Relative to memorializing the Congress of the United States to initiate proper action and legislation to determine the identity, and forfeit the citizenship of those holding a dual citizenship in any other country and prohibiting such citizenship.

Resolution read.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 2, line 7, of the printed measure, after "citizenship", strike out "or for whom dual citizenship is held out".

##### Amendment No. 2

On page 2, line 14, of the printed measure, before "citizenship", insert "dual".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 16**—An act to add Section 66a to the Code of Civil Procedure and to amend Section 737vv of the Political Code, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Solano, and providing for his compensation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 5 of the title of the printed bill, strike out the second "and".

**Amendment No. 2**

In line 6 of the title of the printed bill, after "pensation", insert ", and making an appropriation".

**Amendment No. 3**

On page 1 of the printed bill, after line 23, insert

"Sec. 4. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of eight thousand dollars (\$8,000) in addition to, and in augmentation of, Item 20 in Section 2 of the "Budget Act of 1943.""

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 919**—An act to amend Sections 3284, 3285 and 3286 of the Streets and Highways Code, relating to proceedings for the sale and redemption of delinquent property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert a comma and "and to add Sections 3286.1 and 3286.2 to,".

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 28 to 30, inclusive, and insert "All property shall be sold and shall be subject to redemption at the time and in the manner now or hereafter provided in Chapter 14 of Part 1 of Division 6 of this code.

SEC. 4. Section 3286.1 of said code is hereby added, to read as follows:

3286.1. If the delinquency referred to in Section 3284 of this code occurred between July 1, 1941, and the effective date of this section, publication of a list of the delinquent assessments may be made in conformity with the provisions of this chapter of this code at any time prior to one (1) year after the effective date of this section.

SEC. 5. Section 3286.2 of said code is hereby added, to read as follows:

3286.2. The provisions of this chapter of this code shall prevail over the provisions of Chapter 177 of the Statutes of 1895, at page 204, relating to delinquent assessments except that any proceedings taken under this chapter of this code before the effective date of this section are hereby ratified."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1083**—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 11, of the printed bill, strike out "three", and insert "five".

**Amendment No. 2**

On page 1, line 12, of the printed bill, strike out "(\$3,000)", and insert "(\$5,000)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 727**—An act making an appropriation to the Emergency Fund specified in Item-----of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 5 of the title of the printed bill, after "therefor", insert ", declaring the urgency of this act, to take effect immediately".

##### Amendment No. 2

On page 2 of said bill, after line 27, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and therefore shall go into immediate effect. The following is a statement of facts constituting such necessity:

The occurrence of storms and floods is inherently unpredictable and it is necessary to provide a flexible method whereby funds may be made available for necessary repair, restoration, and replacement of works and property damaged or destroyed by storms or floods. This act makes such provision and inasmuch as the danger of disastrous storms and floods is now and, until the end of the current rainy season, will be present, it is necessary in the interests of the public health and safety that this act take effect immediately."

##### Amendment No. 3

On page 1, line 9, of the printed bill, after the first comma, insert "channels,".

##### Amendment No. 4

On page 1, line 11, of the printed bill, strike out "January 1, 1943," and insert "December 1, 1942,".

##### Amendment No. 5

On page 2, line 1, of the printed bill, strike out "one-third", and insert "or in excess".

##### Amendment No. 6

On page 2, line 9, of the printed bill, strike out "one-third", and insert "like".

##### Amendment No. 7

On page 2 of the printed bill, between lines 12 and 13, insert

"(c) Such expenditure and purpose is first approved by the State Controller".

##### Amendment No. 8

On page 1, lines 6 and 7, of the printed bill, strike out "without regard to fiscal years, and to remain available until expended", and insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

##### Amendment No. 9

On page 2, line 24, of the printed bill, before the comma following "department", insert "and the Department of Finance".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 912**—An act to amend Sections 13600, 13607, 13610, 13652, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13609, 13611 and 13653 thereof, relating to spotting, sponging and pressing establishments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 914**—An act to amend Section 4891 of the Health and Safety Code, relating to sewer maintenance districts.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 332**—An act to amend Section 3424 of the Public Resources Code, relating to the recording of oil production charge payments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 453**—An act to add Section 3873.1 to the Penal Code, relating to the sale or exchange of animals and fowls raised at the prisons.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 5, of the printed bill, strike out "farmers of California, as well as to other".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1551**—An act to amend Section 41 of the Probate Code, relating to bequests to charity and charitable use.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 11, of the printed bill, strike out "devices", and insert "devises".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 93**—An act to amend Section 117d of the Code of Civil Procedure, relating to small claims court and the time for appearance therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 94**—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction and venue of the small claims court.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 179**—An act to amend Section 51 of the Bank Act, relating to deposit of moneys in banks by executors and other fiduciaries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 461**—An act to amend Section 4808 of the Penal Code, relating to the membership of the Advisory Pardon Board.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 493**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in

this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by adding Section 7.5, relating to sales of real property by the State.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1007**—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the judicial council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, as amended, relating to expenses of judges and justices of the peace sitting under assignment from the judicial council.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1552**—An act to amend Section 1 of an act entitled "An act to provide for the establishing and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, relating to destruction of such records as the result of enemy action or from any other cause.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1631**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1526**—An act to add Section 359e to the Political Code, relating to sick leave for employees exempt from civil service.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, in line 4, of the printed bill, as amended, strike out "Sundays and holidays", and insert "time during which they are not regularly assigned to work".

##### Amendment No. 2

On page 1, in line 11, of the printed bill, as amended, beginning with "For", strike out the remainder of line 11, and all of lines 12 and 13.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers and general circulation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 924**—An act to add Section 663.8 to the Political Code, transferring certain powers, duties, jurisdiction, property and personnel from the Department of Finance to the State Board of Control.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1128**—An act to amend Section 96 of the State Civil Service Act, relating to reemployment lists.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1527**—An act to add Section 152.6 to the State Civil Service Act, relating to the effect of time spent in the military service by civil service employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1747**—An act to add Section 44.3 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

On page 2 of the printed bill, between lines 30 and 31, insert  
"An authorized emergency vehicle as defined in this subsection shall not be equipped with a siren or other red light showing to the front."

##### Amendment No. 2

On page 2, line 32, of said bill, strike out "intermittently."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

## RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

## Senate Resolution No. 97

WHEREAS, The chairs on the Senate rostrum and those placed in the back of the Senate for guests have had some 40 years service without being repaired; and

WHEREAS, Inmates of the penitentiary at San Quentin are prepared to make the necessary repairs to this furniture at a cost to the State of approximately twelve dollars (\$12) per chair, including new upholstery where necessary, springs, paint and varnish and transportation to and from San Quentin; now, therefore, be it

*Resolved*, That the Secretary of the Senate be and he is hereby directed to arrange for the transportation of these chairs to San Quentin, the repair thereof and return to Sacramento, subsequent to the adjournment of this session of the Legislature.

Resolution read and unanimously adopted.

By Senator Slater:

## Senate Resolution No. 98

Relative to the death of John F. Quinn of Eureka

The passing of John F. Quinn of Eureka, a former Member of the California Legislature, has occasioned much regret wherever his work, his loyalty and his honest endeavors to promote public welfare, are known in this State. He entered eternal rest on Tuesday evening, April 6, 1943, never rallying from the effects of a critical operation performed in the hope of saving his life.

Mr. Quinn, a brother of our highly esteemed colleague, Senator Irwin T. Quinn, who was with him when he exchanged time for eternity, was born on the farm acquired by pioneer parents in Humboldt County. It was there he received the early training which in the after years made its impression upon his future life, stimulating the high sense of integrity and courage, devotion and character which marked his life of close to 70 years. He was a graduate of the University of California and commenced his practice of the law 42 years ago in the City of Eureka and was in active work up to within a short time of his passing. He served Eureka as its mayor and Humboldt County as its representative in the Assembly during the Sessions of 1915 and 1917. In many other ways he aided in public development and in human betterment.

As a tribute to Mr. Quinn and in extending its sincere sympathy to his deeply bereaved widow and his brothers and sisters and other relatives; be it

*Resolved by the Senate of the State of California this April 7, 1943*, That when it adjourns for the day, it do so out of respect to the memory of an honorable citizen and in so doing expresses its sentiment of appreciation of the outstanding career of one who has now closed his Life Book with a smile; and be it further

*Resolved*, That the Secretary of the Senate be requested to forward copies of this tribute, appropriately engrossed to the bereaved widow and the other members of his family.

Resolution read and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Mixter:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 6, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 8202 of the Government Code, relating to eligibility to and performing the duties of the office of notary public.

Respectfully submitted.

SENATOR MIXTER



**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 6, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Mixter moved a call of the Senate.

Motion carried. Time, 1.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

**Motion to Set Special Order**

Senator Luckey moved that Senate Bill No. 273 be made a special order of business for Wednesday, April 14, 1943, at 2.30 p.m.

Motion carried.

**UNFINISHED BUSINESS****CONSIDERATION OF ASSEMBLY AMENDMENTS**

**Senate Bill No. 465**—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 465?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "and 89.6a", and insert "89.7 and 89.8".

**Amendment No. 2**

On page 2 of said bill, strike out lines 20 to 22, inclusive, and insert

"Sec. 3. Section 89.7 is added to the Agricultural Code, to read:

89.7. No funds or property may be used or be permitted to be used for agricultural labor camps pursuant to Sections 89.5 or 89.6 after the California Food and Labor Production Act takes effect except with the approval of the California Farm Production Director appointed pursuant to said act, nor prior to the time said act takes effect except with the approval of the Director of Agriculture.

SEC. 4. Section 89.8 is added to the Agricultural Code, to read:

89.8. As used in Sections 89.5 and 89.6, the term".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 465 by the following vote:

**AYES**—None.

**NOES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Engle, Deuel, and Hatfield as a Senate Committee on Conference concerning Senate Bill No. 465 to meet a like committee of the Assembly.

### SENATE COMMITTEE ON RULES

SEAWELL, Chairman

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.35 p.m., on motion of Senator Mixter, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Mixter was granted permission to introduce a bill by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1091:** By Senator Mixter—An act to amend Section 8202 of the Government Code, relating to eligibility to and performing the duties of the office of notary public.

Referred to Committee on Local Government.

### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA

Governor's Office, Sacramento, April 6, 1943

*Honorable Frederick F. Houser*

*Lieutenant Governor*

*209 State Capitol, Sacramento, California*

MY DEAR GOVERNOR: The California War Powers Act creating the War Council, adopted by the First Extraordinary Session of the Legislature, will become effective on May 1st. Because of the extreme importance of the functions to be exercised by the Council under the terms of the act, I believe it is desirable that a meeting be held as soon as possible for the purpose of formulating plans, discussing budgetary matters, and selecting the man whom they desire to have serve as the State Director of Civilian Defense.

I am today announcing that I propose to appoint, as soon as the act becomes effective, Eugene W. Biscailuz, Sheriff of Los Angeles County, and Leslie Cleary, District Attorney of Stanislaus County, as the two representatives of the county governments of the State; and Walter W. Cooper, City Manager of San Diego, and Richard Graves, Executive Secretary of the League of California Cities, as the representatives of the city governments of the State.

I am calling a meeting of the members of the Council on Monday, April 12th, at 2 p.m. in my office in the Capitol, and shall appreciate it if you can attend. I trust that the Rules Committee of the Senate and the Speaker of the Assembly will select in the immediate future the legislative representatives so that they may meet with us.

With best wishes, I am

Sincerely,

EARL WARREN, Governor

### CONSIDERATION OF DAILY FILE (RESUMED)

### THIRD READING OF SENATE BILLS

**Senate Bill No. 864:**—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—21.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 2 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Sec. 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

Bill read third time.

**Motion to Re-refer Senate Bill No. 370**

Senator DeLap moved that Senate Bill No. 370 be re-referred to Committee on Financial Institutions.

**Motion to Table**

Senator Swing moved that the motion by Senator DeLap to re-refer Senate Bill No. 370 to the Committee on Financial Institutions be laid on the table.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Crittenden, Fletcher, Judah, Keating, McCormack, Powers, Seawell, Slater, Swing, and Ward—10.

**NOES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixter, and Shelley—17.

The President stated that the motion by Senator DeLap to re-refer Senate Bill No. 370 to Committee on Financial Institutions, was before the Senate.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Jespersen, Judah, Luckey, McBride, Shelley, and Mr. President—16.

**NOES**—Senators Crittenden, Fletcher, Gordon, Hatfield, Keating, Mayo, McCormack, Mixter, Powers, Seawell, Slater, Swing, Tenney, Tickle, and Ward—15.

**Motion to Reconsider**

Senator Seawell moved to reconsider the vote whereby Senate Bill No. 370 was re-referred to Committee on Financial Institutions.

**Postponement of Reconsideration**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 370 was re-referred to Committee on Financial Institutions, was continued until the next legislative day.

**MOTION TO PRINT IN THE JOURNAL**

Senator Mayo moved that the following report of the committee delegated to represent the State Senate at the Council of State Governments be printed in the Journal.

Motion carried.

**Committee Report—Council of State Governments**

MR. PRESIDENT: Your Committee or Delegates Selected to Represent the State Senate at the Sixth General Assembly of the Council of State Governments in Baltimore, Maryland, January 24, 25, 26, 1943, pursuant to Senate Resolution No. 11, reports as follows:

The Sixth General Assembly of the Council of State Governments met in Baltimore, Maryland, January 24, 25, 26, 1943. This was the first meeting of the General Assembly since the United States got into the war. The entire program was concentrated upon war problems and war activities, and was focused upon the successful prosecution of the war.

The major committees of the council, during the past 18 months, have concentrated upon defense problems generally, manpower problems, tax and fiscal relations, and wartime legislation.

**Opening Session**

The formal sessions opened Sunday night, January 24th, with the President's address by Governor Herbert R. O'Connor of Maryland, in which he outlined in detail the part which the States had taken in developing first the defense program and later in cooperation with the National Government in the prosecution of the war. He emphasized particularly the States' part in Selective Service, in rationing, in the adjustment of transportation difficulties and impediments, in the development of necessary State legislation, and the organization and operation throughout the Country of State councils of defense which have taken over the job of maintaining the war effort on the home front.

Governor O'Connor stressed particularly the desirability first of the States' organizing their machinery and developing their activities in such a way as to participate fully and contribute their utmost to the successful prosecution of the war, and, second, of the States' seeing to it that whatever duties and responsibilities, as well as activities, were transferred to Washington for war purposes should be returned to the States at the expiration of the emergency.

He urged that democracy in this Country—the democracy for which we are fighting—is a democracy that must be exercised, used, and maintained in the localities and in the States; that only through the maintenance of strong local and State governments could democracy in this Country continue to be what it has been—a Government designed to preserve the liberties and assure opportunities for all the American people.

Under Secretary of War Robert P. Patterson discussed in detail the progress of the war. He outlined the steps which have been taken in the development of our American Army from a small organization consisting of some two hundred thousand officers and men to the gigantic Army which we now have of more than five and a half million, a large part of which is fighting on fronts located at the four corners of the globe.

He called particular attention to the fact that the first move made by the War Department to expand the Army into a modern fighting machine was the induction of State Guards into the National service some two years ago. These State Guards, said the Under Secretary of War, have been on the front line units in the Philippines, in the South Seas, in Africa, and on many other fronts.

The Secretary emphasized that the size of the Army was a technical question which must be decided by the general staff. He stated that many more persons were going to be called into the armed services for training, and expert training, in 1943 in order to be ready to take their places in combat units in 1944. The Secretary said he knew of no considerable amount of evidence which would indicate that the war would be over in 1943, and hence the Army was preparing for 1944 as well.

**Monday Sessions**

Beginning Monday morning, January 25th, the sessions dealt to a very large extent with our domestic problems of war; and there was more open discussion and participation from the floor than in previous General Assemblies.

At the morning session, January 25th, Senator Thurman A. Biddinger, Chairman of the Board of Managers of the Council, presided and introduced the Honorable James E. Murray, United States Senator from Montana, and Chairman of the Special Committee on Small Business.

Senator Murray outlined the plight of small business in our war economy. He discussed the various efforts which had been made from time to time to convert small business to war activities and to use small business more extensively in both war and



civilian programs. He said the job had not been well done, that greater interest must be developed in this problem, greater attention given to the project, if we were not to lose what had been and what is the very backbone of the American business system; namely, the small enterprises employing millions of men and scattered throughout the Country.

He stated that the Special Committee of the United States Senate, of which he is chairman, was continuing work on this problem; he urged the Council of State Governments to appoint a special committee to work with Congressional committees and Federal administrative organizations on this very important problem.

The general discussion which ensued indicated that small businesses were confronted with serious problems in all parts of the Country, and that unless definite, constructive and expeditious action is taken in the very near future we might develop and come out of this war with an economy composed almost altogether of big monopoly groups—a development which might suit those groups themselves but which would certainly not serve the public interest and the public welfare.

The luncheon and afternoon session, with Governor John Bricker of Ohio presiding, dealt with problems of production, manpower, rubber, civilian defense, and transportation.

This was one of the most interesting and constructive sessions that the General Assembly of the Council of State Governments has ever had. With the exception of an initial statement on production by Donald M. Nelson, Chairman of the War Production Board, there were no formal speeches. And for four hours the heads of the War Agencies of Production, of Manpower, of Rubber, of Civilian Defense, and of Transportation, discussed with a packed house of State executives, administrators, and legislators the civilian problems of the United States in time of war.

Delegates from all over the Country asked questions concerning their particular interests and their more acute problems; questions so raised were discussed and answered by the heads of the War agencies.

It seemed to be the consensus of opinion from the discussion that production had gotten under way, was along the road, and was rolling; that manpower was still in the throes of organization with many problems yet unsolved; Problems of set-up and administration, problems of farm labor, problems of excess industrial labor in some parts of the Country and shortages in others, and problems having to do with the more effective functioning of Selective Service in order to make it more really selective.

A highlight of this session, certainly a highlight if one is to judge by newspaper reaction and Country-wide comment, was the statement of Mr. Jeffers, Rubber Administrator, to the effect that production in the synthetic rubber field was being hampered and delayed by too many Army and Navy officials visiting, inspecting, and supervising production work in plants.

Many questions were raised with respect to the administration of civilian defense activities, and a number of delegates wondered whether under existing circumstances we were not overdoing some phases of civilian defense perhaps at the expense of other and more necessary war tasks.

In the field of transportation, the rationing of gasoline, the conservation of rubber, the regulation of motor transport, and the full utilization of our railroads all came in for much discussion and many questions.

Never before, perhaps, have so many top-ranking Federal officials, charged with such far-reaching responsibilities, sat down with so many top-ranking State representatives for a free-for-all, uninhibited discussion of such critical and far-reaching problems.

#### State Dinner

The State dinner on Monday evening, presided over by the President of the Council, dealt with international affairs.

John G. Winant, United States Ambassador to Great Britain, outlined in detail the organization of the war machine in England and discussed the impact of war upon the civilian population.

He explained that Great Britain was not only in the war—it was actually, immediately, and physically located in the war zone, just 20 miles from the front line trenches. Hence, the problem of civilian organization for war and of civilian supply during war had been problems of the utmost importance and very acute in nature for more than three years.

Situated as England is, and dependent upon the outside world for food, England had gone on a rationing basis with the beginning of the war; and rationing in England covered practically all articles of food and clothing and even shelter.

He paid particular tribute to the courage, the stability, the patience, and the sheer determination of the British people in the face of the gravest danger. There was much, the Ambassador said, in the British experience which we could use to advantage, although there was much that was different in that their problems concerned a small, compact, heavily populated island close to the front, whereas ours concerned an immense country, largely self-supporting, situated some distance away from the fighting front.

Governor Harold E. Stassen of Minnesota, discussed the future of the United States in the world that is to be. He began by emphasizing that our first, all important, all-absorbing problem was the job of winning the war at the earliest possible time; but that second only to that was the job of winning the peace, lest we again, in the short space of two decades, have to sacrifice our resources and the lives of hundreds of thousands of our citizens in another war. He mentioned that we won the Revolutionary War and then we won the peace, and the result was a strong United States; that the fight for the preservation of the Union was won and then the peace almost lost, but later the mistakes were corrected and the United States went on along the road to greater development; that we won our war in 1918 only to lose the peace, with the inevitable result that we are again involved in war.

He particularly emphasized that the United States must this time avoid the mistakes of 1918; it must realize that it is a Nation living in the world, it is a part of the world, and it must assume its share of the duties and responsibilities incident thereto. He urged that now is the time when there should be specific, definite thinking and planning to preserve the United Nations after the war as a united force for peace.

He suggested a specific plan, stating that he knew the plan was not perfect but he thought the time had come to be specific and to inspire and invite the fullest discussion and fullest criticism of definite, concrete plans for world organization and world administration after the war—such organization and administration in the interests of independent nations, it is true, but also in the interest of all nations.

The specific plan which he suggested provided for a World Parliament, a World Administrative Organization, and a World Court. He discussed the major problems of organization and operation after the war: Problems of disarmament; problems of the administration of air boards and airways of the future, of shipping, the administration of gateways to the seas, and international trade; the expansion of education and the development of justice; and the establishment of a United Nations force to support equitable and peaceful administration. Some such organization based upon international cooperation, international participation, and international justice would be necessary if we are to attain and preserve international peace, the Governor stated.

#### Tuesday Sessions

Governor J. Howard McGrath of Rhode Island presided at the morning session, which was devoted to discussion of the problem of oil and the question of "The States in the Future."

Honorable Everett Lee DeGolyer, Assistant Deputy Petroleum Coordinator, substituted for the Secretary of the Interior, Harold L. Ickes, who was ill. Mr. DeGolyer discussed in detail the oil problems confronting the Country, problems both of gasoline and fuel oil.

Governor J. Melville Broughton of North Carolina, in discussing the future of the States, traced the development and growth of our democratic system as a parallel to the agricultural-commercial-industrial growth and development of the Country. He emphasized that Federal encroachment upon the original domain of the States had come about largely because of a lack of social consciousness in some of our State Governments. He called attention also to the inevitability of increased Federal power and authority during wartime, but despite these circumstances, he insisted that the States today were infinitely more powerful than ever before. More than that, he said, they have not yet reached their peak. In the developing postwar world, Governor Broughton estimated that the National Government will be forced to occupy itself more with international problems and less with domestic difficulties. In addition to this, the National debt of \$200,000,000,000 by 1944 will, he indicated, lay a restraining hand on Federal ambitions. In contrast, he called attention to the improving financial position of the State Governments which should equip them to shoulder many burdens of domestic concern in the postwar world. The future of the American States, he concluded, has never been so bright.

The Attorney General of the United States, Francis Biddle, discussed the emergency war legislation program. Reviewing the cooperative arrangement between the Council of State Governments and the Department of Justice, which established the machinery to draft and present to the 48 States a series of legislative proposals designed to make the Nation's war effort more effective, Attorney General Biddle cited this blending of State and Federal activity as Federal recognition of State responsibility. He emphasized that the detailed and realistic approach taken by the Drafting Committee was an example of the democratic process at its best, and he urged that the scope of this two-way machinery be broadened to include both administrative and legislative problems.

In continuing this discussion of emergency legislation for war, Governor Leverett Saltonstall of Massachusetts urged that the States prepare themselves to act quickly when the need arises. Some problems, he said, will require volunteer effort, some will need legislative action, and some will need executive initiative. The important thing, he said, is for the States to be free to act speedily by whatever method is necessary. The Governor reviewed his use of the Emergency War Powers for Governors Act as adopted by the Massachusetts Legislature, cautioning against the

use of such powers where another method is available. He nevertheless praised the availability of such powers during the interim when the Legislature is not in session. Governor Saltonstall urged the States to tackle their problems of wartime business of government in the immediate future with the following watch words: Maintain—Improve—Curtail—Postpone—Prepare! By so doing, he concluded, the States can make their greatest contribution to Victory.

#### Manpower Committee Report

The report of the Council's Committee on Manpower which was unanimously adopted by the General Assembly is particularly interesting and pertinent to the many discussions in both houses of the California Legislature at this session and we herewith set forth the committee's report in full:

We recognize that the allocation and use of manpower is one of the most critical problems on the home front, and is also one in which far from satisfactory progress has been made toward solution.

We are confident that we can tender, on behalf of the States, all of their resources, the trained administrative personnel in State and local governments, and our Council of State Governments secretariat, to assist in meeting this problem.

For this purpose, we also hereby authorize and request the President of the Council of State Governments to appoint a Special Manpower Committee to confer with the Federal Government and assist in definite steps to improve the handling of manpower.

We submit that comparatively the most successful Nation-wide programs have been those which have used the Federal-State-local method of operation.

Examples are: Selective Service,  
Social Security Programs,  
Department of Justice,  
Public roads,  
County Agricultural Agents,  
The earlier part of OPA—tires, cars and sugar,  
The later part of OCD.

Those programs which ignored these principles and were entirely Federal in operation were comparative failures.

Examples are: The early stage of OCD,  
The later stage of OPA—gas and fuel oil rationing  
and price control,  
The present manpower administration.

Likewise, we recognize that exclusive State operation of a National problem results in comparative failure, such as the experience with truck and transport regulations in the early stage of the war. This again was corrected when the States conformed to a uniform Federal policy in the spring of 1942 and then cooperated in the administration of that policy.

Therefore, we urge that the operation of the manpower program be based on the Federal-State-local line of command with participation by each level of government and with respect for established governmental lines of jurisdiction.

As a few examples for cooperative action, we urge that a Federal-State-local program be instituted.

A. To maintain adequate agricultural manpower by definite establishment as a National policy the recognition of the necessity of keeping on the farms the trained farmer with adequate help to produce the essential food supply.

B. To register, on a voluntary basis, the 16- and 17-year-old youth and to train them to help on the farms. The program to be administered locally with supervision of small groups of these youth through school authorities and the use of them in peak seasons for production of fruit, vegetables, and grains.

C. To use manpower confined in prisons and reformatories not convicted of crimes of violence.

D. To promote fair employment practices without discrimination for old age, race, color, or creed.

E. To provide effective day care for children of working mothers.

F. To increase the industrial and commercial work week (which now averages 42½ hours overall), on a basis that is not anti-labor, that contains proper safeguards for health, and that does not break the inflation control price ceilings.

G. To reduce absenteeism, improve safety, transportation, and housing of employees.

H. To safeguard health of workers.



I. To use governmental employees in peak harvest seasons and temporarily suspend certain governmental operations.

J. To reduce the hoarding and inefficient use of manpower in some war plants.

K. To maintain the supply of labor essential for transportation and mechanical upkeep.

L. To transfer civilian production from areas short of manpower to areas with adequate manpower.

M. To utilize persons on old age assistance as productive manpower, particularly during harvest seasons, through removing or modifying the earning restrictions for the duration of the war.

In conclusion, we submit that there is a most urgent need for a clear-cut statement by the Federal Government of the overall policies of manpower. In a desire to be helpful in the prosecution of this war to speedy victory, we ask the War Manpower Commission to meet with a committee of the Council of State Governments for the purpose of arriving at a definite statement of policy and a method of effective State and local participation in the Manpower Program.

In view of the fact that the Legislatures of most of the States are now in session, we urge early consideration of this report.

Let a copy of this report, upon its adoption by the Assembly, be forwarded to the President of the United States, to the Chairman of the War Manpower Commission, to the Secretary of Agriculture, and to the Chairman of the War Production Board.

Governor Harold Stassen of Minnesota was Chairman of the Council's Manpower Committee and California was represented on this committee by Senator Mayo.

#### Forestry and Timberland Conservation

The following resolution was introduced at the Conference by Senator Fletcher and was adopted by the Council:

WHEREAS, The Eastern States Conservation Conference through its Regional Committee on Forestry Problems has evolved certain recommendations with respect to State policy in the public acquisition of land for forest purposes, methods of protecting forests from fire, insects, and tree diseases, State control of cutting practices on private forest lands, culminating in certain constructive proposals for a Post-war Forestry Program under State controls with Federal aid; and

WHEREAS, There has been a feuding on the part of the United States Forest Service and of certain groups in the Congress to attempt to extend the Federal authority in these particulars notably in the direction of Federal control of cutting even to the extent of suggesting that Federal aid under the Clarke-McNary Act might be withdrawn from States which did not comply with the Federal standards of cutting control which have been proposed; now, therefore, be it

*Resolved*, That this General Assembly of the States commend the efforts of these States to work out cooperatively at the State level the solution of common problems; that the Legislatures of such States be urged to give due consideration to the recommendations that have been made and take such action as they may deem appropriate that through the Council of State Governments the reports and recommendations of such northeastern Regional Committee on Forestry Problems and the conclusions of the Eastern States Conservation Conference be submitted to the Commissions on Interstate Cooperation of the States not included in such conference, for study and such action as they may deem appropriate.

#### Conclusion

In addition to the Senate Committee the following attended the General Assembly representing other branches of California State Government: Honorable Harrison W. Call and Honorable Ralph Dills, State Assembly; Honorable Robert W. Kenny, Attorney General; Honorable Perry Taft, Deputy Attorney General; Honorable Gordon Garland, Director of Motor Vehicles, representing Governor Earl Warren, and Honorable Dixwell Pierce, State Board of Equalization.

Your committee was given, pursuant to Senate Resolution No. 11, four hundred dollars (\$400) each to defray the cost of attending the Council of State Governments. The following amounts have been returned to the State Controller:

Senator Mayo—	
Advanced	\$400 00
Expenses	365 88
Balance returned to Controller	\$ 34 12



Senator Fletcher—

Advanced	-----	\$400 00
Expenses	-----	363 80

Balance returned to Controller	-----	\$ 36 20
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JESSE M. MAYO  
ED FLETCHER

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 776**—An act to amend Section 20 of the "Personal Property Brokers Act" as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to personal property brokers and to persons who, as brokers, negotiate loans made by personal property brokers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 777**—An act to amend Section 19 of the "California Small Loan Act," relating to lenders engaged in the business of making loans of \$300 or less, and to persons who, as brokers, negotiate loans made by such lenders.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

## Explanation of Refusal to Vote

Senator Swing asked for, and was granted, unanimous consent to have the following explanation of his refusal to vote on Senate Bills Nos. 776 and 777, printed in the Journal:

MR. PRESIDENT: I refused to vote on Senate Bills Nos. 776 and 777 because I fear that these bills violate the "full faith and credit" provision of the Constitution of the United States.

RALPH E. SWING

**Senate Bill No. 501**—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Sections 2630.5, 4105.5, 4105.6, 4106.5 and 4106.6 to the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax-redemption duties from the auditor and treasurer to the tax collector.

Bill read third time.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 2.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 911**—An act making an appropriation for administrative expenses of the Department of Social Welfare, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 685**—An act to validate certain acts of counties, cities and counties and of their officers, relating to taxation of property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—Senator Keating—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 799**—An act to amend Section 329 of the Political Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—Senators Dorsey and Swan—2.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 978**—An act to amend Section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles, and claims and actions therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 677**—An act to add Section 2061 to the Penal Code and to amend Sections 2762 of the Penal Code and to repeal Section 2783 of the Penal Code, relating to the escape of prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

#### Motion to Amend Title

Senator Carter moved the adoption of the following title amendment to Senate Bill No. 677:

#### Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "the escape of".

Amendment read and adopted.

Senate Bill No. 677 ordered transmitted to the Assembly.

**Senate Bill No. 638**—An act to repeal Sections 12108 of the Business and Professions Code, relating to the construction and installation of heavy duty scales.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.15 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 501 refused passage by the following vote:

AYES—Senators Collier, Crittenden, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Shelley, Swing, Tenney, and Ward—18.

NOES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Dorsey, Engle, Hatfield, Keating, Luckey, Salsman, Seawell, Slater, Swan, and Tickle—17.

#### Motion to Reconsider

Senator McBride moved to reconsider the vote whereby Senate Bill No. 501 was refused passage.

### Postponement of Reconsideration

On motion of Senator McBride, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 501, refused passage, was continued until the next legislative day.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 640**—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of the Business and Professions Code, relating to public weighmasters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormick, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 511**—An act to amend Section 5380 of the School Code and to amend Section 12751 of the Education Code, relating to the suspension of credentials issued by the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Parkman, Powers, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 508**—An act to add Sections 194 and 195 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time, 3.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 32:** By Senators Seawell, Powers, Tickle, Brown, and Denel—Relative to adjournment sine die of the Fifty-fifth Session of the Legislature of the State of California.



**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 32, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 32**

**Senate Concurrent Resolution No. 32**—Relative to adjournment sine die of the Fifty-fifth Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Swan, Swing, Tickle, and Ward—26.

**NOES**—Senators Burns, Gordon, Mayo, Slater, and Tenney—5.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 548**—An act to add Section 1108 to the School Code and to add Section 16424 of the Education Code, relating to pupils of the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—27.

**NOES**—Senators Donnelly, Dorsey, Gordon, Powers, and Ward—5.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 652**—An act to amend Section 3.816 of the School Code and to amend Section 10624 of the Education Code, relating to credit hours of junior college work.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3.53 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 508 adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Swing, and Ward—27.

**NOES**—Senators DeLap, Deuel, Keating, Powers, Swan, Tenney, and Tickle—7.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, and Swing—21.

NOES—Senators Brown, Burns, Cunningham, DeLap, Deuel, Gordon, Keating, Powers, Shelley, Swan, Tenney, Tickle, and Ward—13.

#### Motion to Reconsider

Senator Salsman moved to reconsider the vote whereby Senate Bill No. 508 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Salsman, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 508 was refused passage, was continued until the next legislative day.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 731**—An act to amend Section 5014 of the Public Resources Code, relating to the State Park Maintenance and Acquisition Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—20.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 348**—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26c, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23c, 23d, 26, 27 and 38.2, relating to the taxation of beer and wine and to provide that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 533**—An act to amend Section 359c of the Political Code, relating to vacations of State officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

#### RESOLUTIONS

The following resolution was offered:

By Senators Hatfield, Crittenden, Engle, Mixter, Luckey, Ward, McBride, Powers, Brown, Mayo, Jespersen, Gordon, Dorsey, Collier, Cunningham, Dillinger, and Seawell:

#### Senate Resolution No. 99

WHEREAS, The American Meat Institute has evolved a program to achieve proper distribution of meat to the armed forces, to the civilian population, and to lend lease without interfering with the wartime objective of inflation control; and

WHEREAS, Such program is the result of the work of more than two hundred men, including 22 Institute committees, over a period of several weeks and was approved at a meeting of the directors of the Institute appointed by members from all parts of the United States; and

WHEREAS, This program was endorsed by the Joint Live Stock Committee representing 93 organizations engaged in the production, feeding and marketing of live stock; and

WHEREAS, It appears that the basis of the program consists of an integrated, centralized control having authority to correlate slaughter and Government buying with civilian needs in order at all times to keep the supply consistent with the demand; and

WHEREAS, It appears to this body that such purposes are sound; now, therefore be it

*Resolved by the Senate of the State of California,* That it hereby endorses the meat industry program for solving wartime meat problems; and be it further

*Resolved,* That Chester C. Davis, Food Administrator, be and he is hereby empowered to place the full authority to achieve the objectives of such a program in a person and staff thoroughly and practically experienced in the problems of the meat industry; and be it further

*Resolved,* That such person and staff be aided by an Advisory Committee appointed by appropriate Government authority to represent the meat industry in all its phases and locations; and be it further

*Resolved,* That the Secretary of the Senate transmit copies of this resolution by mail to the President and Vice President of the United States, and to the Members of the Congress of the United States from California; and be it further

*Resolved,* That the Secretary of the Senate telegraph the contents of this resolution to the Honorable Chester C. Davis, Food Administrator; the Honorable Prentiss Brown, Administrator of the Office of Price Administration; the Honorable James Byrnes, Director of Economic Stabilization, and the Honorable Alfred J. Elliot, Chairman of the California Delegation in the House of Representatives.

Resolution read and unanimously adopted.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, strike out the period, and insert " , declaring the urgency thereof, to take effect immediately."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 781**

Senator Parkman moved that Senate Bill No. 781 be withdrawn from Committee on Governmental Efficiency, for purpose of amendment, and be re-referred to committee.

Motion carried.

The President ordered Senate Bill No. 781 to second reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 60**

Senator Hatfield moved that Senate Bill No. 60 be withdrawn from Committee on Transportation, for purpose of amendment, and be re-referred to committee.

Motion carried.

The President ordered Senate Bill No. 60 to second reading.

**REPORTS OF STANDING COMMITTEES****Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 724

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 269

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

MCBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 415

Senate Bill No. 570

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

MCBRIDE, Chairman

Above reported bills ordered to second reading.



**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 504**—An act to amend Section 9144 of the Education Code, relating to vocational rehabilitation;  
And reports that the same has been correctly enrolled, and presented to the Governor on the seventh day of April, 1943, at 2 p.m.

SEAWELL, Chairman

**Committee on Public Utilities**

SENATE CHAMBER, SACRAMENTO, April 2, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

**Senate Bill No. 990**

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 7; committee vote: Ayes 4; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, April 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

**Senate Bill No. 454**

Has had the same under consideration, and reports the same back with amendments with the recommendation: **Amend, and do pass, as amended.**

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 31**

**Senate Bill No. 608**

**Senate Bill No. 278**

**Senate Bill No. 615**

**Senate Bill No. 353**

**Senate Bill No. 672**

**Senate Bill No. 356**

**Senate Bill No. 714**

**Senate Bill No. 357**

**Senate Bill No. 819**

**Senate Bill No. 463**

**Senate Bill No. 838**

**Senate Bill No. 464**

**Senate Constitutional Amendment No. 21**

**Senate Joint Resolution No. 22**

And reports the same correctly engrossed.

SEAWELL, Chairman

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lowrey, King, and Weybret as a Committee on Conference concerning:

**Senate Bill No. 465**—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 465**—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 158

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 144  
Assembly Bill No. 197  
Assembly Bill No. 325  
Assembly Bill No. 326  
Assembly Bill No. 327  
Assembly Bill No. 445  
Assembly Bill No. 516  
Assembly Bill No. 519  
Assembly Bill No. 559  
Assembly Bill No. 566  
Assembly Bill No. 654  
Assembly Bill No. 786

Assembly Bill No. 691  
Assembly Bill No. 829  
Assembly Bill No. 918  
Assembly Bill No. 927  
Assembly Bill No. 979  
Assembly Bill No. 1010  
Assembly Bill No. 1050  
Assembly Bill No. 1096  
Assembly Bill No. 1169  
Assembly Bill No. 1254  
Assembly Bill No. 1777  
Assembly Bill No. 1939

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 144**—An act to amend Section 7b of the Municipal Court Act of 1925, relating to the salaries of marshal's deputies and assistants in cities of the first and one-half class.

Referred to Committee on Local Government.

**Assembly Bill No. 197**—An act amending Section 4076 of the Political Code, relating to county government.

Referred to Committee on Local Government.

**Assembly Bill No. 325**—An act to amend Section 605e of the Civil Code, relating to the disposition of assets of nonprofit corporations upon dissolution or winding up.

Referred to Committee on Judiciary.

**Assembly Bill No. 326**—An act to amend Section 2727 of and to add Section 2727.5 to, the Business and Professions Code, relating to the practice of nursing.

Referred to Committee on Business and Professions.

**Assembly Bill No. 327**—An act to amend Section 1215 of the Health and Safety Code, relating to applicability of clinic and dispensary licensing provisions.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Referred to Committee on Local Government.

**Assembly Bill No. 516**—An act to add Section 10971.7 to the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 519**—An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 559**—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Referred to Committee on Local Government.

**Assembly Bill No. 566**—An act to amend Section 4 of an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, relating to funds of the system.

Referred to Committee on Local Government.

**Assembly Bill No. 654**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 786**—An act to add Section 4041i to the Political Code, relating to the transfer of county property used for fair purposes.

Referred to Committee on Local Government.

**Assembly Bill No. 691**—An act to amend Section 739 of and to add Section 737.1 to the Vehicle Code, relating to the filing of notices to appear in court, the fixing of bail and the endorsement thereof upon such notices, the deposit of bail and the forfeiture thereof for failure to appear.

Referred to Committee on Transportation.

**Assembly Bill No. 829**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Referred to Committee on Judiciary.

**Assembly Bill No. 918**—An act to amend Section 5133 of the Streets and Highways Code, relating to publications.

Referred to Committee on Transportation.

**Assembly Bill No. 927**—An act to amend Section 13.02 of the Building and Loan Association Act, relating to the employment of attorneys by the Building and Loan Commissioner.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 979**—An act to amend Section 666 of the Agricultural Code, relating to the labeling of milk products and imitations thereof.

Referred to Committee on Agriculture.

**Assembly Bill No. 1010**—An act to add Section 276.5 to the Vehicle Code, relating to the extension of the life of operators' licenses during the war emergency, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1050**—An act to amend Section 4005 of the Government Code, relating to the filing of reports of public work.

Referred to Committee on Local Government.

**Assembly Bill No. 1096**—An act authorizing a conveyance to the United States of America of the reversionary and possessory interest of the State of California in and to certain portions of tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1169**—An act to amend and renumber Section 1208 of the Code of Civil Procedure as added by Statutes of 1905, Chapter 472, and amended by Statutes of 1935, Chapter 104, to be Section 1208.5, relating to liens upon animals.

Referred to Committee on Judiciary.

**Assembly Bill No. 1254**—An act to provide a method for the dissolution of Orange County Water District, a district organized and existing under an act of the Legislature of the State of California, approved June 14, 1933, and to provide for the distribution of its assets.

Referred to Committee on Water Resources.

**Assembly Bill No. 1777**—An act to add Section 5418.5 to the Health and Safety Code, relating to sewerage.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1939**—An act to add Section 3466d to the Political Code, relating to reclamation districts.

Referred to Committee on Water Resources.

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution, adding a new section numbered 1c, relating to taxation.

Re-referred to Committee on Revenue and Taxation.

#### ADJOURNMENT

At 4.50 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Thursday, April 8, 1943, out of respect to the memory of the late John F. Quinn.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

FORTY-SEVENTH LEGISLATIVE DAY

NINETY-FIFTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Thursday, April 8, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator DeLap, on motion of Senator Rich.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to representatives from the eighth grade of Crystal School, Suisun, Solano County: L. B. Sarasin, principal; and Richard Fockler, Frank Minick, Paula Crawley, Blanche Baker, Elmer Mulanax, Joel Haskill, Dale Spicer, Edward Howard, Ruth Clifton, Norma Hicks, Esther Engell, Rhojean Daves, Arlene Engell, Dineline White, Hazel Hambach, Lily Mae Browning, Georgia Rodgers, Donna Morrisen, and Frances Law.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. W. Noon of Bakersfield, Chairman of the Board of Supervisors of Kern County.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Tredway and Mrs. Hazel Schumacher, both of Modesto.

On request of Senators Crittenden and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. F. H. Harvey of Galt.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Anthony Crafton of Placerville.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nora Axtell of Roseville and Staff Sergeant Bill Merritt of the Alaska Defense Command.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Lieutenant Governor, Ellis E. Patterson.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Seventh and Eighth Grade Representatives of Monticello School: Mrs. Ida Clark, teacher; and Bob Gardner, Kathreen Clark, Voda Harvey, Ted Eaton, Jack McLaughlin, Jean Adams, Jane McLaughlin, Elsie Kidwell, Kenneth Smith, David Robbins, and Tom Nashabaugh.

## REPORTS OF STANDING COMMITTEES

### Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 602  
Assembly Bill No. 594  
Assembly Bill No. 595

Assembly Bill No. 596  
Assembly Bill No. 886

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 593

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Joint Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

MAYO, Chairman

Above reported resolution ordered to third reading.

**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 461	Assembly Bill No. 1487
Senate Bill No. 481	Assembly Bill No. 1489
Senate Bill No. 976	Assembly Bill No. 1490
Senate Bill No. 185	Assembly Bill No. 710
Assembly Bill No. 350	Assembly Bill No. 711
Assembly Bill No. 850	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 406  
Senate Bill No. 890  
Senate Bill No. 891

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills re-referred to Committee on Finance.

**President of the Senate Presiding**

At 1.13 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 84  
Senate Bill No. 364  
Senate Bill No. 430

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 590  
Senate Bill No. 907

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1929

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 469

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 362

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 7; absent 6.

DeLAP, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 515

Assembly Bill No. 32

Senate Bill No. 658

Assembly Bill No. 463

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1080

Assembly Bill No. 524

Senate Bill No. 413

Assembly Bill No. 592

Assembly Bill No. 353

Assembly Bill No. 940

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 142

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 1; absent 5.

DeLAP, Chairman

Above reported bill ordered to second reading.

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 6

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 785

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

SHELLEY, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 16

Senate Bill No. 812

Senate Bill No. 136

Senate Bill No. 919

Senate Bill No. 710

Senate Bill No. 1067

Senate Bill No. 804

Senate Joint Resolution No. 3

And reports the same correctly engrossed.

SEAWELL, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 945

Senate Bill No. 947

Senate Bill No. 946

Senate Bill No. 732

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

MIXTER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 158—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Rules has appointed Senators Quinn and Swing to represent the Senate under the California War Powers Act created by the First Extraordinary Session of the Fifty-fifth Legislature.

SEAWELL, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 752

Senator Swan moved that Senate Bill No. 752 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 752—An act to add Article 9.5, consisting of Sections 5.107-1 to 5.107-4, inclusive, to Chapter 1 of Part 1 of Division 5 of the School Code, relating to the granting of degrees to vocational teachers.

Bill read second time.

**Motion to Amend**

Senator Swan moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 7, of the printed bill, strike out "State"; and strike out lines 8 to 12, inclusive, and insert "Commission for Vocational Education, as created and established by the State Board of Education, whose duties it shall be to administer the policies of the State board relative to vocational education, and two other members, selected by the Superintendent of Public Instruction and Director of Education who are presidents of State colleges and who shall hold office at the pleasure of the Superintendent of Public Instruction and Director of Education."

**Amendment No. 2**

On page 1 of said bill, strike out lines 14 to 17, inclusive, and insert "5.107-2. The board shall set up an examination or shall evaluate the qualifications of vocational teachers desirous of qualifying for the Baccalaureate Degree. The evaluation shall be made, in terms of credits set up by the board as minimum requirements for the Baccalaureate Degree, and shall be based upon the education, completion of approved vocational teacher training, occupational experience, supervisory experience, and managerial experience of the candidate. The board shall not grant to a candidate more than 40 units for occupational experience, supervisory experience and managerial experience. The evaluation shall be at the discretion of the board."

**Amendment No. 3**

On page 1, line 21, of said bill, strike out "degree of Bachelor"; and strike out lines 22 and 23, and insert "Baccalaureate Degree in vocational arts by any State college."

**Amendment No. 4**

On page 2, line 1, of said bill, strike out "degree", and insert "Baccalaureate Degree".

**Amendment No. 5**

On page 2 of said bill, strike out lines 2 and 3, and insert "graduate, shall have had not less than seven years actual experience in the trade or occupation in which he desires to qualify, and shall have had a minimum of 1,620 hours teaching experience in an approved vocational class, or 1,000 hours teaching experience in an approved trade extension class."

**Amendment No. 6**

On page 2, line 6, of said bill, strike out "and"; and strike out lines 7 and 8, and insert a period.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****CONSIDERATION OF REPORT OF COMMITTEE ON CONFERENCE**

**Senate Bill No. 465**—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately.

**Report of Committee on Conference**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 7, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 465**—An act to add Section 89.5 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and declaring the urgency thereof and providing that this act shall take effect immediately;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on April 2, 1943, be further amended as follows:

**Amendment No. 1**

On page 2, line 22, of the printed bill, as amended, strike out "Labor", and insert "Fiber".

ENGLE  
HATFIELD  
DEUEL

KING  
LOWREY  
WEYBRET

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—23  
NOES—None.

Senate Bill No. 465 ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 508**—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

**Request for Unanimous Consent**

Senator Salsman asked for, and was granted, unanimous consent to have his motion to reconsider the vote whereby Senate Bill No. 508 was refused passage, continued until Tuesday, April 13, 1943.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Sec. 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

**Postponement of Reconsideration**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 370 was re-referred to Committee on Financial Institutions, was continued until the next legislative day.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 646**—An act to add Section 887 to the Fish and Game Code, relating to nets.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1 of the printed bill, following "to", strike out the balance of line 7, and all of lines 8 to 25, inclusive, and insert "such restrictions as the commission deems advisable."

**Amendment No. 2**

On page 2, line 3, of said bill, strike out the period, and insert ", and the Alamo and New Rivers."

**Amendment No. 3**

On page 2, line 7, of said bill, after "Sea", insert "and the Alamo and New Rivers".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 774**—An act to amend Section 92 of the Fish and Game Code, relating to districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after the colon, strike out the balance of the line, and strike out lines 5, 6, 7, and 8, and insert "All of Imperial County and those portions of Riverside and San Bernardino Counties lying south and east of the following line: Starting at the intersection of Highway 99 with the north boundary of Imperial County, thence north along said highway to the intersection with Highway 60 and 70; thence east along Highway 60 and 70 to its intersection with the Cottonwood Springs Road in Sec. 9, T. 6 S., R. 11 E.; thence north along said road and the Mecca Dale Road to Amboy; thence east along Highway 66 to the intersection with Highway 95; thence north along Highway 95 to the California-Nevada boundary. Except as otherwise provided, the provisions relating to District 44 shall apply to District 22."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 534**—An act to add Section 612.5 to the Fish and Game Code, relating to steelhead.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1036**—An act to amend Section 64 of the Fish and Game Code, relating to fish and game district.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 10, of the printed bill, after the period, insert "During the period from July 1, 1943, to June 30, 1945, this tax shall be passed on to the customer by the retailer at the rate of one cent (\$0.01) for purchases exceeding fifteen cents (\$0.15) but not exceeding fifty-nine cents (\$0.59); two cents (\$0.02) for purchases exceeding fifty-nine cents (\$0.59) but not exceeding ninety-nine cents (\$0.99); three cents (\$0.03) for purchases exceeding ninety-nine cents (\$0.99) but not exceeding one dollar and thirty-nine cents (\$1.39) and one cent (\$0.01) additional tax for each additional forty cents (\$0.40) in sales price thereafter."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.



**Senate Bill No. 62**—An act to amend Section 253 of the Revenue and Taxation Code, relating to exemptions from taxes on real property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "property", insert "; and to provide that this act shall take effect immediately."

**Amendment No. 2**

On page 1, line 3, of the printed bill, after "because of", insert "active military service of the United States in time of war,"; strike out "similar", and insert "other"; and after "cause", insert "found to be unavoidable in the judgment of the assessor".

**Amendment No. 3**

On page 1, line 7, of the printed bill, strike out "take", and insert "administer".

**Amendment No. 4**

On page 1, line 8, of the printed bill, insert a period after "oath"; and strike out "under the laws of this State. If", and insert in lieu thereof "If, during time of war, the applicant is in active military service of the United States or of any nation with which the United States is allied, or is outside of the continental limits of the United States, or if".

**Amendment No. 5**

On page 1, line 9, of the printed bill, strike out "his wife," and insert "a member of his immediate family, his".

**Amendment No. 6**

On page 1, line 10, of the printed bill, after "representative", insert ", having personal knowledge of the facts required to be set forth, may appear before the assessor and".

**Amendment No. 7**

Strike out all of lines 12 to 19, both inclusive, of the printed bill, and insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and, therefore, shall go into immediate effect.

A statement of facts constituting such necessity is as follows:

Due to the fact that the United States is now engaged in a war of world-wide proportions in which a large number of citizens of this State entitled to veterans' exemption are engaged in active military duty making it impossible for them to attend in person before an assessor or his deputy to claim such exemption, and due to the fact that many of these persons are beyond the continental limits of the United States where it is difficult, if not impossible for them to exchange correspondence with assessors through which verified exemption claims may be forwarded to the assessors in time to comply with the requirements of law pertaining to the exemption of the veterans' property as of the first Monday in March of 1943, it is essential that some means be found to alleviate the great hardship which would result from the denial of these exemptions under such circumstances."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 723**—An act to add Section 3515.5 to the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 170**—An act to amend Sections 3691, 3699, 3705, and 3707 and repeal Section 3707.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 668**—An act to amend Section 7403 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 169**—An act to amend Section 2641 of, and to add Section 5137.5 to, the Revenue and Taxation Code, relating to payment of taxes under protest.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 489**—An act making an appropriation from the State Park Maintenance Fund to repay a loan made from the Emergency Fund, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 781**—An act to amend Sections 19530 and 19532 and to repeal Section 19532.5 of the Business and Professions Code, relating to horse racing and horse race meetings.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "amend Sections 19530 and 19532 and to repeal Section 19532.5 of", and insert "add Sections 19490, 19532.1 and 19561.5 to".

##### Amendment No. 2

In line 3 of the title of said bill, after "meetings", insert ", declaring the urgency of this act, to take effect immediately".

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 22, inclusive, and insert:

"SECTION 1. Section 19490 is added to the Business and Professions Code, to read:

19490. Whenever a fair conducted by the State Agricultural Society, or a district or county fair conducts a program of horse racing, it shall provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are mounted by jockeys.

SEC. 2. Section 19532.1 is added to said code, to read:

19532.1. During the time this section is in effect there shall be allowed in the area to which Section 19532 applies an additional 20 racing days per year.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

SEC. 3. Section 19561.5 is added to said code, to read:

19561.5. The board may adopt the rules and regulations of the United States Trotting Association, not inconsistent with this chapter, for the regulation of harness racing, in which horses are harnessed to a sulky, carriage, or similar vehicle, as distinguished from the form of horse racing in which the horses participating are mounted by jockeys.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Wartime restrictions have hampered many sporting and entertainment activities which ordinarily provide healthful recreation for the people of the State. Insofar as it may be done without interference with the war effort, the State should relax as many of the restrictions imposed by the State as are compatible with sound policy. Due to conditions beyond their control certain licensees have been prevented from conducting horse racing meetings at the times and for the periods

now provided for by law and regulation. In order that the recreational opportunities of the people of the State shall not be further impaired it is necessary that this act take immediate effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 724**—An act making an appropriation for the purchase of land for the Humboldt State College.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "Finance", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 269**—An act to add Section 20.7 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to licensees in military service.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

##### Amendment No. 1

On page 1, line 10, of the printed bill, insert a comma after "Required".

##### Amendment No. 2

On page 1 of said bill, strike out lines 11 to 28, inclusive, and insert "On his honorable discharge from said service, to pay the sum of one hundred dollars (\$100) as a fee for investigating his application for a license under this act as set forth in Section 6 hereof.

A person in the military service of the United States shall be permitted to collect all outstanding loans contracted for pursuant to this act to which he is a party, either in person or through an agent, without the necessity of such person or agent being licensed under this act."

##### Amendment No. 3

On page 2, line 10, of said bill, insert a comma after "required".

##### Amendment No. 4

On page 2 of said bill, strike out lines 11 to 28, inclusive, and insert "on his honorable discharge from said service, to pay the sum of one hundred dollars (\$100) as a fee for investigating his application for a license under this act as set forth in Section 6 hereof.

A person in the military service of the United States shall be permitted to collect all outstanding loans contracted for pursuant to this act to which he is a party, either in person or through an agent, without the necessity of such person or agent being licensed under this act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 415**—An act to amend the Building and Loan Association Act, by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the

business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 570**—An act to amend Sections 10490, 10800, 10971, and 10972 of the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 990**—An act to provide for the limiting of service areas by the Railroad Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 454**—An act relating to the determination of the wartime population of cities for purposes of allocation of moneys from the State Highway Fund for expenditures therein and adding a new article to be numbered 6 to Chapter 1 of Division 1 of the Streets and Highways Code, to consist of Sections 207, 208, 209, 210, and 211, in respect thereto, and declaring the urgency thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, before "cities", insert "cities or".

##### Amendment No. 2

On page 2, line 28, of said bill, after "or", insert "city and".

##### Amendment No. 3

On page 2, line 32, of said bill, after "or", insert "city and".

##### Amendment No. 4

On page 2, line 50, of said bill, before "counties", insert "cities and".

##### Amendment No. 5

On page 3, line 3, of said bill, before "county", insert "city and".

##### Amendment No. 6

On page 3 of said bill, between lines 16 and 17, insert "SEC. 5.5. This act does not apply to counties."

##### Amendment No. 7

On page 3, line 26, of said bill, after "city", insert "and city and county".

##### Amendment No. 8

On page 3, line 27, of said bill, after "cities", insert "and cities and counties".

##### Amendment No. 9

On page 3, line 31, of said bill, after "cities", insert "and cities and counties".



**Amendment No. 10**

On page 3, line 36, of said bill, after "cities", insert "and cities and counties".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 569**—An act to add Section 2710.2 to the Penal Code, relating to the California Institution for Men Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "including an inmate wage as set by the board,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 570**—An act to add Section 2710.1 to the Penal Code, relating to the Folsom Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "including an inmate wage as set by the board,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 571**—An act to amend Section 2710 of the Penal Code, relating to working revolving funds for the State prisons, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "including an inmate wage as set by the board,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1799**—An act to add Section 1290.5 to the Fish and Game Code, relating to deer skins.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 871**--An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 724.3 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 553**--An act to amend Sections 12625 and 12682 of the Revenue and Taxation Code, relating to insurance taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 165**--An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation benefits for members of the State Highway Patrol.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 619**--An act to add Section 7154.1 to the Labor Code, relating to scaffolding.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 201**--An act to add Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, and 1661 to Article 3 of Chapter 1 of Part 6 of Division 2 of the Labor Code, relating to artists' managers.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

##### Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "and 1661 to Article 3 of Chapter 1 of Part 6 of Division 2", and insert "1661, 1662 and 1663".

##### Amendment No. 2

On page 1, lines 1 and 2, of said bill, strike out "Article 3 of Chapter 1 of Part 6 of Division 2 of".

##### Amendment No. 3

On page 1, line 4, of said bill, strike out "firm or corporation".

##### Amendment No. 4

On page 1, line 6, of said bill, strike out "; and who, as an element of"; and strike out lines 7, 8, and 9, and insert "and who procures, offers, promises or attempts to procure employment or engagements for an artist only in connection with and as a part of the duties and obligations of such person under a contract with such artist by which such person contracts to render services of the nature above mentioned to such artist."

##### Amendment No. 5

On page 1, line 21, of said bill, strike out ", firm or corporation".

##### Amendment No. 6

On page 1, line 23, of said bill, after the period, insert "Such license shall be posted in a conspicuous place in the office of the licensee."

##### Amendment No. 7

On page 2 of said bill, strike out lines 2 to 10, inclusive, and insert "1652. Every artists' manager shall pay to the Labor Commissioner annually at the time the license is issued or renewed a license fee of fifty dollars (\$50)."

##### Amendment No. 8

On page 2 of said bill, strike out lines 13, 14, and 15, and insert "1653. A person may apply for both an employment agency license and an artists' manager license, as provided for in this code, and in such event shall pay a single license fee at the rate applicable under Section 1588 or under Section 1652 of this code, whichever is highest, and such single license fee shall cover the issuance or renewal of both the employment agency license and the artists' manager license."

**Amendment No. 9**

On page 2 of said bill, strike out lines 18 to 28, inclusive, and insert

"1654. In the event that an artists' manager shall collect from an artist a fee or expenses for obtaining employment for the artist, and the artist shall fail to procure such employment, such artists' manager shall, upon demand therefor, repay to the artist the fee and expenses so collected. Unless repayment thereof is made within forty-eight (48) hours after demand therefor, the artists' manager shall pay to the artist an additional sum equal to the amount of the fee."

**Amendment No. 10**

On page 2, line 31, of said bill, strike out "pay to the Labor Com."; and strike out lines 32 and 33, and insert "submit to the Labor Commissioner a form or forms of contract to be utilized by such artists' manager in entering into written contracts with artists for the employment of the services of such artists' manager by such artists, and secure the approval of the Labor Commissioner thereof. Such approval shall not be withheld as to any proposed form of contract unless such proposed form of contract is unfair, unjust and oppressive to the artist. Each such form of contract, except under the conditions specified in Section 1647.5 of this code, shall contain an agreement by the artists' manager to refer any controversy between the artist and the artists' manager relating to the terms of the contract to the Labor Commissioner for adjustment. There shall be printed on the face of the contract in prominent type the following: "This artists' manager is licensed by the Labor Commissioner of the State of California.""

**Amendment No. 11**

On page 2 of said bill, strike out lines 36 to 43, inclusive, and insert

"1656. Every person engaged in the occupation of an artists' manager shall file with the Labor Commissioner a schedule of fees to be charged and collected in the conduct of such occupation, and shall also keep a copy of said schedule posted in a conspicuous place in the office of such artists' manager. Changes in the schedule may be made from time to time, but no change shall become effective until seven days after the date of filing thereof with the Labor Commissioner, and until posted for not less than seven days in a conspicuous place in the office of such artists' manager."

**Amendment No. 12**

On page 2 of said bill, strike out lines 46 to 49, inclusive, and insert

"1657. In cases where an artist is sent by an artists' manager beyond the limits of the city in which the office of such artists' manager is located upon the representation of such artists' manager that employment of a particular type will there be available for the artist and the artist does not find such employment available, such artists' manager shall reimburse the artist for any actual expenses incurred in going to and returning from the place where the artist has been so sent."

**Amendment No. 13**

On page 3 of said bill, strike out lines 2 to 8, inclusive, and insert

"1658. Every artists' manager shall post in a conspicuous place in the office of such artists' manager a printed copy of this chapter and of such other statutes as may be specified by the Labor Commissioner. Such copies shall also contain the name and address of the officer charged with the enforcement of this chapter. The Labor Commissioner shall furnish to artists' managers printed copies of any statute required to be posted under the provisions of this section."

**Amendment No. 14**

On page 3 of said bill, strike out lines 11 to 14, inclusive, and insert

"1659. The Labor Commissioner may revoke or suspend any license when it is shown that:

- (a) the licensee or his agent has violated or failed to comply with any of the provisions of this chapter, or
- (b) the licensee has ceased to be of good moral character, or
- (c) the conditions under which the license was issued have changed or no longer exist."

**Amendment No. 15**

On page 3 of said bill, strike out lines 23 to 27, and insert

"1661. Every artists' manager shall keep records approved by the Labor Commissioner, in which shall be entered: (1) The name and address of each artist employing such artists' manager; (2) the amount of fee received from such artist; (3) the employment in which such artist is engaged at the time of employing such artists' manager, and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the artists' manager, and the amount of compensation received by the artists pursuant thereto; and (4) other information which the Labor Commissioner requires.

No artists' manager, its agent or employees, shall make any false entry in any such records."

**Amendment No. 16**

On page 3 of said bill, after line 27, insert

"SEC. 13. Section 1662 is added to said code, to read:

1662. The definitions of "theatrical engagement," "motion picture engagement," "emergency engagement," as now contained in Section 1553 of this code; the definition of "fee," as now contained in Section 1554 of this code; and the definitions of "registration fee," "license" and "licensee," as now contained in Section 1555 of this code, shall be applicable to artists' managers with the same force and effect as though said definitions had been enacted with express reference to artists' managers.

SEC. 14. Section 1663 is added to said code, to read:

1663. No part of the provisions of Part 6, Chapter 1 of this code shall be applicable to an artists' manager, except as expressly provided in Sections 1650 to 1663, inclusive, of this code, and except that the following sections, in the terms thereof now in effect, shall be so applicable, to wit: Sections 1550, 1582, 1583, 1584, 1585, 1586, 1587, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1597, 1598, 1599, 1620, 1621, 1623, 1630, 1636, 1637, 1638, 1639, 1640, 1640.5, 1642, 1643, 1644, 1646, 1647, 1647.5, and 1648; and for such purpose, each of said sections, in the terms thereof now in effect, shall be read, applied, administered and enforced as though expressly made applicable to an artists' manager."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 635**—An act to add Sections 453.5, 453.6, 453.7, 453.8, and 453.9 to the Fish and Game Code, relating to storage locker plants.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out ", 453.8, and 453.9", and insert "and 453.8".

**Amendment No. 2**

On page 2 of said bill, strike out lines 17 to 20, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**President Pro Tempore of the Senate Presiding**

At 2:10 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding:

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 993**—An act to amend Section 6 and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, and 78 to the Unemployment Insurance Act, relating to the administration thereof, creating the office of Executive Director and abolishing the California Employment Commission.

Bill read third time.

**Motion to Amend**

Senator Gordon moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, lines 11 and 12, of the printed bill, as amended, strike out "seven thousand five hundred dollars (\$7,500)", and insert "six thousand dollars (\$6,000)".

Amendment read.

Roll call demanded by Senators Gordon, Judah, and Swan.



The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Donnelly, Dorsey, Gordon, Judah, and Rich—5

NOES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Engle, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—24.

#### Further Consideration of Senate Bill No. 993

**Senate Bill No. 993**—An act to amend Section 6 and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, and 78 to the Unemployment Insurance Act, relating to the administration thereof, creating the office of Executive Director and abolishing the California Employment Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Tickle, and Ward—24.

NOES—Senators Carter, Crittenden, Dillinger, Donnelly, Keating, Shelley, Swan, Swing, and Tenney—9.

Bill ordered transmitted to the Assembly.

#### SECOND READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 60**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 259 of", and insert "add Section 258.1 to".

##### Amendment No. 2

In line 1 of the title of the printed bill, after "relating to", insert "temporary chauffeurs' licenses for".

##### Amendment No. 3

On page 1 of the printed bill, strike out all of lines 1 to 6, both inclusive, and insert

"SECTION 1. Section 258.1 is added to the Vehicle Code, to read:

258.1. Until six months after the termination of all current hostilities as declared by the President or the Congress of the United States, chauffeurs' licenses may be issued to persons 17 years of age or over permitting such persons to drive school busses."

##### Amendment No. 4

On page 1 of the printed bill, strike out all of lines 14 to 26, both inclusive, and insert

"Under existing law no chauffeur's license may be issued to a person under 18 years of age thus preventing in many cases the employment, for compensation, of persons under such age for the operation of motor vehicles. Because of manpower shortage resulting from the war in which the United States of America is now engaged, it is impossible to secure persons 18 years of age for employment as chauffeurs. It is essential, during the emergency created by the war, that disruption of essential transportation services be avoided by permitting the issuance of chauffeurs' licenses to persons under the conditions, and for the purposes, set forth in this act. In order to avoid such disruption of essential transportation services, it is necessary that this act take immediate effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 737p of the Political Code, relating to the salary of the superior judge of the County of Kings.

Respectfully submitted.

SENATOR CUNNINGHAM

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 8, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1092:** By Senator Cunningham—An act to amend Section 737p of the Political Code, relating to the salary of the Superior Judge of the County of Kings.

Referred to Committee on Local Government.

**Senate Constitutional Amendment No. 24:** By Senator McCormack—A resolution to propose to the people of the State of California an amendment to Section 3 of Article IX of the State Constitution, relating to county superintendents of schools.

Referred to Committee on Education.

**Senate Constitutional Amendment No. 25:** By Senators Tickle, Seawell, and Fletcher—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Referred to Committee on Rules.

**RECESS**

At 2.30 p.m., on motion of Senator Tenney, the Senate recessed until 3.30 p.m.

**REASSEMBLED**

At 3.35 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 113**—An act to amend Section 3.324 of the School Code and to amend Section 8730 of the Education Code, relating to taxation in elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Crittenden, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tickle—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 745**—An act to add Section 59.5 to the State Civil Service Act, providing for the creation of a clerical pool to make available clerical services to all State appointing powers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Dillinger, Donnelly, Gordon, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 886**—An act to convey the Solano Monument Lands, whose use for a monument has been abandoned, to the contributors of the purchase price.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Gordon, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 497**—An act to add Sections 3e, 3f, 3sf, 3sg, 101b, 101c and 114 to, and to amend Sections 8, 9, 28, 2Sa, 3Se, 3Sc, 46, 47, 49, 51, 58b, 84, 85, 90, 92, 94, 100 and 111 of, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Mayo, Mixer, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 405**—An act to add Section 675b to the Political Code, relating to the approval of contracts by the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo,

Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 614**—An act to amend Section 675.1 of the Political Code, relating to the approval of salaries by the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 748**—An act to amend Section 689.5 of the Political Code, relating to the Service Revolving Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—26.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 468**—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to extend the provisions of the act to other public agencies including the Federal Government, the State, a county, city and county, city, public corporation, municipal corporation and public district, and defining public agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 63**—An act to amend Section 737kk of the Political Code, relating to the salary of superior judges in and for the County of San Diego.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 667**—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 58**—An act to add Section 5.3 to the Metropolitan Water District Act, relating to contracts for transportation of water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 490**—An act to add Section 4307.1 to the Political Code, relating to county charges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 501**—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Sections 2630.5, 4105.5, 4105.6, 4106.5 and 4106.6 to the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax-redemption duties from the auditor and treasurer to the tax collector.

Pursuant to his motion previously made, Senator McBride moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 501 was refused passage.

The roll was called, and Senate Bill No. 501 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Senate Bill No. 501 ordered to third reading.

Senator Swing Presiding

At 4.25 p.m., Senator Swing, of the Thirty-sixth District, presiding.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 588**—An act to add Section 12.5 to the Water Conservation Act of 1929, relating to the offices of the directors of water conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 552**—An act to amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2, making it a misdemeanor for any candidate seeking election or reelection to the Board of Equalization of the State of California and any officer, employee and appointee of said board, to solicit or receive from persons holding liquor licenses issued by said board any money or other thing of value for any political campaign for election or reelection to such board, and making it a misdemeanor for any licensee or holder of a liquor license to contribute or give money or any other thing of value for any such political campaign.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 2 to 17, inclusive, and insert "add Sections 5002.5, 5002.6 and 5006.5 to the Elections Code, making it a misdemeanor to solicit or receive or to contribute or give money or other thing of value with respect to elections."

**Amendment No. 2**

On page 2 of said bill, after line 41, insert

"Sec. 3. Section 5006.5 is added to the Elections Code, to read:

5006.5. Any Member of the Legislature, candidate for election to the Legislature, or candidate for nomination for election to the Legislature, who directly or indirectly solicits, receives or agrees to receive any money or other thing of value or any promise thereof from any person interested in or likely to be interested in probable legislation is guilty of a misdemeanor.

Any person interested or likely to be interested in probable legislative action who directly or indirectly, either by himself or through another, gives, offers or promises to give any money or other thing of value to any person, corporation or association for any political campaign of any person seeking election or reelection to the Legislature is guilty of a misdemeanor."

Amendments read.

**Motion to Table**

Senator Jespersen moved that the amendments offered by Senator Seawell to Senate Bill No. 552 be laid on the table.

Motion lost.

**Further Consideration of Amendments to Senate Bill No. 552**

Roll call demanded by Senators Carter, Rich, Tickle, Breed, Biggar, and Swan.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Donnelly, Keating, Luckey, McCormack, Powers, Seawell, Swing, Tickle, and Ward—9.

NOES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Parkman, Rich, Shelley, Slater, Swan, and Tenney—19.

#### Further Consideration of Senate Bill No. 552

**Senate Bill No. 552**—An act to amend the Alcoholic Beverage Control Act by adding thereto Sections 59.1 and 59.2, making it a misdemeanor for any candidate seeking election or reelection to the Board of Equalization of the State of California and any officer, employee and appointee of said board, to solicit or receive from persons holding liquor licenses issued by said board any money or other thing of value for any political campaign for election or reelection to such board, and making it a misdemeanor for any licensee or holder of a liquor license to contribute or give money or any other thing of value for any such political campaign.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO PRINT IN THE JOURNAL

Senator Shelley moved that the Report of the Senate Interim Committee on Golden Gate Bridge and Highway District, and also the reasons for the absence of Senator Quinn, be printed in the Journal.

Motion carried.

#### Report of Senate Interim Committee on Golden Gate Bridge and Highway District to the Senate, California Legislature, Fifty-fifth Session—1943

##### Members of Committee:

SENATOR JOHN F. SHELLEY, CHAIRMAN  
SENATOR HERBERT W. SLATER  
SENATOR THOMAS F. KEATING  
SENATOR E. GEORGE LUCKEY  
SENATOR IRWIN T. QUINN  
SENATOR H. RAY JUDAH

##### *To the Members of the Senate of the State of California*

Resolution No. 157, adopted by the Senate at the Fifty-fourth Session of the California Legislature, provided for an Interim Committee of six Members of the Senate, to be known as "The Golden Gate Bridge and Highway District Committee", and directed such committee to study the administrative, financial status, and modus operandi of the Golden Gate Bridge and Highway District.

Appointed members of such a committee were: Senator John F. Shelley, Chairman; Senator Herbert W. Slater, Senator Thomas F. Keating, Senator E. George Luckey, Senator Irwin T. Quinn, and Senator H. Ray Judah. The committee named Edwin H. Wilder its secretary.

In exploring the history, management, and financial condition of the bridge pursuant to terms of the resolution the committee discovered many emergency problems confronting bridge district management because of wartime regulations and as a result Senate Resolution No. 35, adopted by the Fifty-fifth Session of the Legislature, extended the time of committee study in order that the very latest trends in traffic over the bridge, current revenues and maintenance and operating costs be included in the committee report which is presented herewith.



*General Survey*

The committee approached its study of the Golden Gate Bridge and Highway District with the desire to acquire a thorough understanding of the facts concerning legislation introduced in the Fifty-fourth Session of the Legislature calling for inclusion of the Sausalito Extension Highway as an approach to the bridge; and to clarify the financial needs of the bridge district in relation to past and present revenues, as well as anticipated earnings, maintenance and operating costs necessary to meet a long term application of funds toward bond interest and redemption; to secure factual data on need for State aid in maintenance of the bridge and approaches, together with the possibility of the State taking over the bridge and its management, making the structure eventually toll free; to study the relationship of truck and motor vehicle traffic revenues with increases in population throughout the area directly served by the bridge; to make constructive recommendations to the Legislature and the board of directors of the bridge district; and to aid the motoring public generally in obtaining a better understanding of the many ramifications connected with administering the affairs of the Golden Gate Bridge and Highway District and the vital import of the bridge to the Highway System of California and the Pacific Coast.

To accomplish these objectives, public hearings were held in San Francisco and Sacramento in December, 1942; January, 1943; and March, 1943.

Many individuals and representatives having a particular interest in toll rates and service facilities of the Golden Gate Bridge appeared before the committee.

Additional conferences held with directors and officers of the bridge district, and with officials of the State Department of Public Works, proved highly informative and valuable as both agencies cooperated fully in making available exhaustive historical data, files and official records, and detailed information requested by the committee.

*Varied Factors Have Bearing on Golden Gate Bridge*

The committee recognized immediately the many factors involved in organizing the six counties of San Francisco, Marin, Sonoma, Napa, Mendocino (part), and Del Norte into a bridge and highway district in accordance with provisions of Act No. 936, General Laws of California, approved May 25, 1923, and with the issuance of \$35,000,000 in bonds to cover administrative, engineering, construction and financial costs, but the committee confined its study to post-construction matters, except for reviewing the conditions under which the War Department granted the permit for construction of the bridge.

While authority was granted by the Legislature to form the Golden Gate Bridge and Highway District, May 25, 1923, it was not until December 4, 1928, that the district was officially incorporated. Bridge construction began on January 5, 1933, and not until May 28, 1937, was the structure opened to pedestrian and motor vehicle use.

The committee found that toll revenues immediately following opening of the bridge were governed to some degree by ferryboat competition, and not until discontinuance of the ferryboat service in 1941 was the full impact of motor vehicle traffic across the bridge felt.

The committee feels that insufficient time elapsed between the discontinuance of ferryboat operation and the outbreak of war on December 7, 1941, in which to allow a picture of bridge earnings accurate enough to permit a projection of such earnings into future income. It is likewise impossible to determine future population increases in the area directly serviced by the bridge and to pro-rate such population increases into future tolls. From testimony presented bearing on the number of vehicles which were using the bridge prior to Pearl Harbor, December 7, 1941, there was an indication of steady increase, and therefore, following the war, it is natural to conclude that this increase will continue if for no other reason than the fact that the population growth in the State as a whole will reflect considerably greater travel than the bridge ever experienced prior to the beginning of the war. It is the opinion of the committee, however, that growth in population throughout the bridge district may not increase sufficiently to meet increased toll revenues necessary to maintain and administer the bridge and to meet obligations of the district in future years.

The income of the district was directly affected by entrance of the United States in World War Two. Inauguration of gasoline rationing on December 1, 1942, virtually stopped all pleasure and nonessential traffic over the bridge, and for the first 10 days following December 1, 1942, toll revenues showed a drop of \$2,200 per day over the same period of the preceding month.

After making an exhaustive study of the formation of the Golden Gate Bridge and Highway District; the issuance of \$35,000,000 in non-callable bonds backed by the full faith and credit of real property within the district; the terms and conditions under which the War Department issued the permit for construction of the bridge and approaches thereto; trends in truck and passenger traffic using the bridge since its opening to public use, including the greatly varied total between peacetime and the present war emergency; and the financial obligations, viewed in terms



of the present and future (which is complicated somewhat by the unknown factor of the war's duration), the committee reached the following conclusions:

#### *Toll-Free Government Traffic*

The committee found the toll free privilege extended Government traffic affects the entire operation and maintenance costs of the bridge. A total of 1,946,903 non-revenue Government vehicles have used the bridge from the time of its opening to December 31, 1942, and an amazing increase of toll free Government traffic is shown between 1940 (295,348 vehicles) and 1942 (726,741 vehicles).

Testimony before the committee indicated the War Department was in a strong bargaining position in granting the provisional permit for construction of the Golden Gate Bridge on December 20, 1924, in that both north and south bridge approaches crossed military reservations. However, the committee came to the conclusion that granting of toll-free privileges to the War Department by the bridge district was intended to cover military forces of the United States and their dependents only.

The committee learned that under the classification of non-revenue Government vehicles is included all traffic of the Army and Navy, including civilian employees of the Army and Navy traveling on official business; Army and Navy personnel, active and retired, and their dependents whether on official business or personal pleasure; and all Government-owned vehicles and equipment, as well as all Government employees of all Government agencies, the latter group comprising some 92 different bureaus. A total of about 15 per cent of the bridge traffic is now toll-free Government traffic.

The committee feels no such "Free Ride" regulations are imposed on other agencies dealing in Government traffic, and that whenever transportation is desired on any public carrier, provision is made for the purchase of tickets and transportation. The committee also recognizes that Federal regulations on the use of rubber and gasoline by the public have resulted in revenue losses to the bridge district, which makes the moral obligation of the Government to pay its way over the bridge all the more important. Such drastic travel restrictions could easily create an emergency financial problem to the bridge district.

The moral obligation of the Federal Government to pay its way over the Golden Gate Bridge is further strengthened by the fact that the bridge district was put to extremely heavy costs in replacement of certain buildings and structures on north and south approaches, within Federal military reservations.

The committee recommends that every possible assistance be given to the passage of legislation now pending before the Congress of the United States, which provides for the charging of tolls for the passage or transit of Government traffic over the Golden Gate Bridge.

Senate Joint Resolution No. 7, memorializing and petitioning the Congress of the United States to pass the bill before it, generally known as the "Len Welch Bill," H. R. 877, suspending the exemption from tolls in favor of United States Government traffic over the Golden Gate Bridge during the war emergency and for six months thereafter, was introduced and passed by the Fifty-fifth Session of the Legislature on January 18th.

#### *Refinancing*

The committee finds any prediction on the ability of the bridge district to meet its financial obligations in the immediate years ahead is purely speculative because of possible further Government restrictions on automobiles, gasoline, tires, and use of automobiles, and the brief pre-war period of normal traffic with its vital relationship to population increases and annual increases in toll revenues.

The original financial plan was apparently formulated to permit building of the Golden Gate Bridge and get it into operating condition; however, the committee feels it was not designed to meet contingencies such as the present war, or economic disaster, and people of the bridge district in assuming the financial obligation of the \$35,000,000 non-callable bonds were too optimistic in the ability of the bridge to produce revenues sufficient to meet substantial retirement schedules.

If the revenues of the district are inadequate to pay the principal or interest of the bonded indebtedness as it becomes due, the board of directors is required to cause a tax to be levied upon all of the tangible property in the district, in addition to any other taxes which may be imposed.

The schedule of bond retirement calls for a total of \$1,000,000 (plus \$7,509,000 in interest) for the five-year period 1942 to 1946. During the period from 1947 to 1951, the bond retirement increases to \$400,000 per year (plus interest); the five-year period from 1952 to 1956 annual bond retirement increases to \$800,000 per year (plus interest); and from 1957 to 1961, the annual bond retirement reaches \$1,200,000 (plus interest); the period from 1962 to 1966 bond retirement is \$1,800,000 annually (plus interest); and the final five-year period of from 1967 to 1971, the annual bond redemption amount is \$2,500,000 (plus interest).

With discontinuance of the competing ferry boat service between San Francisco and Marin County March 1, 1941, the first full impact of Golden Gate Bridge traffic was felt and the peak of revenues was developed. Additional increases in income

necessary to meet the increasing schedule of bond redemption therefore must be realized from population increases with subsequent use of the bridge.

The committee feels that much of the increased revenue reported since the immediate drop of income on December 1, 1942, resulting from gasoline rationing, is the result of increased employment of workers in the Marin shipbuilding plant at Sausalito and other Northbay war industry activities.

This stop-gap income may or may not continue after peace is declared, but the future obligation of meeting the interest and redemption on the noncallable bonds will remain with the district.

The committee feels that many other financial problems will confront the directors of the bridge district, as they have in the past; and while the committee is quite confident that the return of peace will definitely affect Golden Gate Bridge traffic favorably, not only by reason of the admitted growth in State population, but also because of the inevitable postwar activity in huge public works projects that could not help but affect all classes of motor vehicle traffic over the bridge, a confidence also expressed in the testimony of President Haderer of the district, it is not possible for the committee to endeavor to predict definitely what the postwar era will bring in the way of toll revenues to the bridge district.

With so many unknown factors, together with recorded toll income to date indicating the eventual need for consideration of some type of financial program adjustment, the committee agrees that the Golden Gate Bridge directors should be relieved of their present financial strait jacket in order that they may be in a position to meet any emergency.

This may be accomplished by whatever plan best fits the need of the emergency if and when it arises, as determined by the board of directors.

The committee finds there are two schools of thought in connection with refinancing the present Golden Gate Bridge structure: One group of eminent attorneys contends that the present act permits the board of directors to adjust the district's financial structure; while a second group, equally eminent and respected, claims that the directors have no power or authority to act in the matter, other than follow the schedule of bond redemption as originally established.

The committee feels this question should be clarified beyond all question of doubt and that legislation should be enacted by the Fifty-fifth Session of the Legislature which would grant to the directors of the Golden Gate Bridge and Highway District the power and authority to adjust the financial structure of the bridge district if and when in the opinion of the board of directors this action is deemed necessary.

The committee therefore recommends that the present Bridge District Act be amended to enable the directors of the Golden Gate Bridge and Highway District to alter their financial program by whatever method they deem best under conditions existing at that time.

The committee finds the Golden Gate Bridge directors have had various refinancing plans submitted to them, including the so-called "Kaiser Plan" which was presented to the committee in detail by its author, Mr. Leland Kaiser.

The committee believes it is not the responsibility of the Legislature to bring forth, or adopt, any specific refinancing plan, but that given proper legal authority under terms of the Bridge District Act, it is the sole duty and responsibility of the board of directors of the Golden Gate Bridge and Highway District to determine by what method financial readjustments may be accomplished.

#### *Sausalito Lateral*

In examining the facts pertaining to possible construction of the Sausalito Extension Lateral as an adjunct to the existing Waldo Approach to the north bridgehead, the committee finds such a highway would represent a tremendous saving in gasoline and maintenance on vehicles using the Golden Gate Bridge, particularly heavy duty trucks which now find it necessary to climb the steep Waldo Grade and are reluctant to use this route because of the steep grades.

A saving in elevation of 366 feet would be effected by construction of the Sausalito Extension Lateral, and as the present Waldo Grade is the scene of numerous slides of rock and mud each winter which interrupt the free flow of traffic and might easily become blocked for extended periods of time, this proposed highway route would serve as an auxiliary bridge approach offering most favorable roadway conditions at all times and under any weather conditions.

At present there is a traffic problem experienced by workers driving to and from the Marin shipyards in Sausalito. Use of the present Waldo Approach entails climbing a 6 per cent grade, passing through the Waldo Tunnel, and then leaving the highway at the bottom of a long grade via a rather sharp turn. The only alternate is the narrow, winding city streets of Sausalito.

To become eligible for State highway funds, the Sausalito Extension Lateral must be a part of the State Primary Highway System.

The only alternate possibility for construction of this highway would be its designation as a military necessity by the military, a highly improbable situation despite the fact that the Waldo Grade, or Waldo Tunnel, might become blocked and present a very serious bottle-neck in defense of the coast in event of an invasion by the enemy.

The committee recognized the difficulty of attempting any highway construction project of this type under present war emergency conditions. However, because no definite plan can be made for construction of this important route in the State's Post-War Highways Construction Program until such time as it becomes a part of the State Primary Highway System, the committee recommends that in the interest of economy to motorists, and commercial vehicles, public safety and as an essential service to the motoring public of California and the West, legislation be enacted by the Fifty-fifth Session of the Legislature designating that portion of highway from the north bridgehead of the Golden Gate Bridge north through the City of Sausalito and joining Highway 101 at the "Waldo Y." as a part of the State Primary Highway System, and that plans be made to incorporate construction of this sector of highway in any postwar highway construction plans, or earlier if possible.

#### *State Ownership*

The committee feels that the State has already established its position in regard to toll bridges through Legislative action in 1929 which established the California Toll Bridge Authority:

"It is hereby declared to be the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the State, with the end in view of ultimately eliminating all toll charges thereon.

"The California Toll Bridge Authority shall authorize and direct the Department of Public Works to build toll bridges and other toll highway crossings, to acquire for and in the name of the State of California toll bridges or other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams --- whenever in its opinion and in the opinion of the Department of Public Works it is necessary or desirable so to do and to pay for the same out of any funds provided or made available by this act. The Department of Public Works is hereby empowered to acquire by gift, by purchase or by eminent domain proceedings any bridge, franchise, right, privileges, easements or other property either real or personal, when the acquisition or construction is authorized by the California Toll Bridge Authority.

"The Department of Public Works shall have full charge of the acquisition and construction of all such toll bridges and other toll highway crossings as may be authorized by the California Toll Bridge Authority, the operation and maintenance thereof and the collection of tolls thereon."

The committee feels that the only factor preventing State consideration of the Golden Gate Bridge and its approaches has been the financial set-up of the bridge district. Therefore legislation is being advocated which will clarify this point and make it possible for the State to consider the Golden Gate Bridge in terms of the authority already vested in the California Toll Bridge Authority.

Clarification of the Bridge District Act, in regard to the right of the board of directors to refinance, will enable the State and Golden Gate Bridge and Highway District to discuss the problem of maintenance and ultimate State ownership with resultant free tolls.

The committee wishes to call attention to the fact that several years prior to acquisition of the Carquinez Bridge by the State of California, legislation was enacted which permitted such action, and it is the recommendation of the committee that enabling legislation be acted upon by the Fifty-fifth Session of the Legislature which will permit acquisition of the Golden Gate Bridge and approaches thereto, by the State of California, and that the State Department of Public Works be authorized to enter into negotiations for the purchase, lease, maintenance and eventual acquisition, of the Golden Gate Bridge and its approaches.

In view of the well established policies already adopted by the Legislature, the California Toll Bridge Authority and the State Department of Public Works relative to the acquisition and maintenance of toll bridges (purchase of the Antioch and Carquinez Bridges and construction of the San Francisco Oakland Bay Bridge), the committee feels immediate steps should be taken toward the eventual inclusion of the Golden Gate Bridge in the State's Highway and Toll Bridge System. The Golden Gate Bridge has already demonstrated its value and importance to automotive and truck traffic and as an adjunct to vital military programs in California and the entire West. Its acquisition by the State therefore is essential and entirely within the prerogative of the California Toll Bridge Authority, under existing laws, with the enactment of enabling legislation.

In justice to the large number of motorists who use this bridge, and will continue to use it until the present outstanding financial obligations are amortized, the State should be the managing authority and there is no just reason why property owners within the Golden Gate Bridge District should continue to bear the responsibility of the financial success of the bridge simply because they were the motivating factor in the bridge's construction.

#### *Management*

The committee found funds of the Golden Gate Bridge and Highway District were being handled and administered in accordance with provisions of the Bridge Act, and



that conditions of employment, including safety, health, and compensation, were comparable to standards prevailing in industry in the San Francisco Bay Area.

The committee finds maintenance costs on the Golden Gate Bridge are very reasonable considering the structure's great exposure to ocean storms. At the time of construction it was not possible to sandblast the steel due to lack of funds; therefore, the major item of maintenance expense is painting.

The item of painting will continue to be the predominating maintenance factor until such time as the bridge is sandblasted, which according to engineer estimates will cost in the neighborhood of \$500,000.

#### *Conclusion*

The committee submits this report after intensive studies and after hearing a great amount of oral testimony presented at various public hearings. Strong emphasis is placed on the recommendations for (1) relief of existing toll-free Government privileges, (2) amendments to the Bridge District Act which will enable Golden Gate Bridge directors to adjust finances if and when such action is deemed necessary by said board, (3) enactment of legislation which will incorporate the proposed Sausalito Extension Lateral in the State Primary Highway System, and assure its inclusion in a postwar road construction program, and (4) legislation which will open negotiations for the State to take over the Golden Gate Bridge and operate it eventually toll free.

The committee wishes to express its appreciation to all those who presented material for study, communications and other data which permitted a complete study of the entire Golden Gate Bridge matter.

Respectfully submitted.

#### SENATE INTERIM COMMITTEE ON THE GOLDEN GATE BRIDGE AND HIGHWAY DISTRICT

JOHN F. SHELLEY, Chairman

E. GEORGE LUCKEY

HERBERT W. SLATER

THOMAS F. KEATING

H. R. JUDAH

MR. PRESIDENT: Senator Quinn was absent from the Senate, due to the death of his brother, at the time the report was ready for the signatures of the members of the committee. May the record show that he did approve the report in its rough draft?

SHELLEY, Chairman

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read third time.

#### Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

#### Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 18 to 21, both inclusive, and insert "following: (1) the return thereof to such association; (2) the retention thereof by the".



**Amendment No. 2**

On page 9 of the printed bill, as amended, before the semicolon in line 20, insert "either promptly upon such plan becoming operative or, of the amount or validity of such investment certificates, shares or claims shall not have been finally determined, promptly upon such final determination with further provision in such plan for reserving adequate funds to make such payment upon such final determination"

**Amendment No. 3**

On page 9, lines 49 to 52, of the printed bill, as amended, strike out "For the purpose of this Section 16.03, real property, contracts for the sale of real property, loans, and all other assets (whether like or unlike the foregoing) shall be valued at fair market value."

**Amendment No. 4**

On page 10, lines 33 and 34, of the printed bill, as amended, strike out "To enjoin during the pendency of the proceeding and," and insert a comma.

**Amendment No. 5**

On page 12 of the printed bill, as amended, change the comma in line 6 to a period; and strike out the last three words in line 6, and all of lines 7 to 20, both inclusive.

**Amendment No. 6**

On page 11 of the printed bill, as amended, strike out the semicolon in line 50, and the last four words of such line; and strike out line 51, and insert a period.

**Amendment No. 7**

On page 14, lines 2 to 6, of the printed bill, as amended, strike out "For the purposes of this Section 16.04 any property of such association which is subject to encumbrance shall be valued at its net equity value and all of the assets of such association shall be valued on the basis of fair market value."

**Amendment No. 8**

On page 16, line 11, of the printed bill, as amended, change "Priorities", to "Priorities and Value."

**Amendment No. 9**

On page 17 of the printed bill, as amended, between lines 4 and 5, insert "For the purposes of this article, real property, contracts for the sale of real property, loans, and all other assets (whether like or unlike the foregoing) shall be valued at fair market value, and any assets subject to encumbrance shall be valued with due allowance for the amount of such encumbrance."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 845**—An act to add Section 12.5 to the Reclamation Board Act, relating to the disposal of lands acquired by the Reclamation Board.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 12.5", and insert "Sections 12.5 and 12.6".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "(Chapter 25, Statutes of 1911 First Extra Session)".

**Amendment No. 3**

On page 1 of said bill, between lines 17 and 18, insert "Sec. 2. Section 12.6 is added to said act, to read:".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 31** An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 284, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Legislature and the members thereof.

Bill read third time.

**Motion to Amend**

Senators Tenney, Shelley, and Breed moved the adoption of the following amendments:

**Amendment No. 1**

In line 4 of the title of the printed bill, after "Code", insert "and to add Article 4, comprising Sections 9100 to 9104, inclusive, to Chapter 1, Part 1, Division 2, Title 2, of the Government Code".

**Amendment No. 2**

On page 2 of said bill, after line 18, insert  
"SEC. 3. Article 4, comprising Sections 9100 to 9104, inclusive, is added to Chapter 1, Part 1, Division 2, Title 2, of the Government Code, to read:

**Article 4. Legislative Offices**

9100. Legislative Offices for the use of the Members of the Legislature in the performance of their legislative duties, shall be maintained at all times, and without regard to whether the Legislature is or is not in session, in the State Building in Los Angeles, in the State Building in San Francisco and in a State building in Alameda County.

9101. The Legislative Office in Los Angeles shall be under the management and control of the Senator elected from the County of Los Angeles, the Legislative Office in San Francisco shall be under the management and control of the Senator elected from the City and County of San Francisco and the Legislative Office in Alameda County shall be under the management and control of the Senator elected from the County of Alameda.

9102. The Senator having the management and control of a Legislative Office shall have the authority to employ in such office one person holding a confidential position to such Senator, at a compensation of one hundred fifty dollars (\$150) per month and there shall be no other employees.

The salary of the employee shall be paid in the same way as the expenses incurred by other State officers are paid.

9103. The Department of Finance shall provide suitable office space in the State Building in Los Angeles and in the State Building in San Francisco and in a State building in Alameda County for the offices provided for in this article, and shall provide for the maintenance and upkeep of the same.

9104. Appropriations for the support of the offices provided for in this article shall be included in the Budget Bill.

SEC. 4. Section 3 of this act shall take effect only if the Government Code is enacted by the Legislature at its Fifty-fifth Session, and in such case, at the same time as the Government Code takes effect, at which time Article 6, comprising Sections 280 to 284, inclusive, of Chapter 2, Title 1, Part 3, of the Political Code as added by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 934**—An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms.

Bill read third time.

**Motion to Amend**

Senator Crittenden moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 643.2 to,".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out the period, and insert "and", declaring the urgency thereof to take effect immediately."

**Amendment No. 3**

On page 2 of the printed bill, strike out all of lines 6 to 13, inclusive, and insert "wise caring for the milk or cream. Said milk house or room shall not be located in or be a part of any dwelling house, barn, or poultry house, and shall not be used for any other purpose."

**Amendment No. 4**

On page 2 of the printed bill, after line 11, insert

"SEC. 2. Section 643.2 is added to said code, to read:

643.2. Notwithstanding the provisions of Section 643, until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, it shall be lawful to handle, wash, and sterilize milk containers and milk handling equipment in the same room where milk is separated, cooled, mixed, canned, or kept.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

A serious shortage of market milk and market cream during the summer months of 1943 is threatened because of an increase in the wartime population of the State and a shortage of producing dairy cows. The Milk Products Act of 1941 requires that separate rooms be provided for the handling of milk and the sterilization of containers and equipment on dairy farms producing market milk. This act, by modifying this limitation so as to permit the sterilization of containers and equipment in the same room where milk is handled for the duration of the war or until the ninety-first day after the adjournment of the Fifty-sixth Regular Session of the Legislature will aid to increase the number of dairies which can qualify for the production of market milk. In order to offset as far as possible the prospective shortage of market milk and cream during the coming summer months in the interest of preserving and protecting human health, it is necessary that this act become effective immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 964**

Senator Seawell moved that Senate Bill No. 964 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 964**—An act to add Section 276.5 to the Vehicle Code, relating to operator's license.

Bill read second time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 4 to 10, inclusive, and insert "License. Whenever the Governor shall find that by reason of war an emergency exists whereby the State can no longer, or, in view of all circumstances, should no longer renew drivers' licenses, he shall proclaim such fact. Thereafter the Director of Motor Vehicles shall have authority from time to time to extend the date of expiration of any or all drivers' licenses which may be outstanding for fixed periods not exceeding four years.

When the Governor finds that the emergency necessitating the continuance of outstanding drivers' licenses no longer exists, he shall proclaim such fact, and, thereafter, the director shall have no further authority to extend drivers' licenses under the authority of this section.

This section shall remain in effect until six months after the cessation of hostilities in the war in which the United States is now engaged as declared by the President or Congress of the United States."

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Transportation.

## President Pro Tempore of the Senate Presiding

At 4.43 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 2  
Senate Bill No. 184  
Senate Bill No. 385

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 107  
Senate Bill No. 173

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 444  
Assembly Bill No. 613  
Assembly Bill No. 675  
Assembly Bill No. 676  
Assembly Bill No. 677  
Assembly Bill No. 678  
Assembly Bill No. 693  
Assembly Bill No. 716  
Assembly Bill No. 1048  
Assembly Bill No. 1073  
Assembly Bill No. 1166  
Assembly Bill No. 1239  
Assembly Bill No. 1294  
Assembly Bill No. 1295

Assembly Bill No. 1296  
Assembly Bill No. 1300  
Assembly Bill No. 1301  
Assembly Bill No. 1304  
Assembly Bill No. 1323  
Assembly Bill No. 1391  
Assembly Bill No. 1541  
Assembly Bill No. 1593  
Assembly Bill No. 1594  
Assembly Bill No. 1762  
Assembly Bill No. 1855  
Assembly Bill No. 1856  
Assembly Bill No. 1936  
Assembly Bill No. 1951

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 444**—An act to add Sections 569, 3794.2, 3807.3, 3811, 3812, 3813, 3814, to, to amend Sections 1834, 1901, 2614, 2621, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2634, 3351, 3437, 3439, 3480, 3513, 3712, 3716, 3717.5, 3718, 3797, 3805, 4109, 4109.5, 4337, 4834, 4837, 4838, 4880, 4946, 4948, 4989, 4990, 4991, and 4992 of, and to repeal Section 3707.5 of the Revenue and Taxation Code, relating to property taxation.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 613**—An act to amend Section 2617 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.



**Assembly Bill No. 675**—An act to add Section 1562 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to needy children.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 676**—An act to add Section 2507 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid and relief to indigents.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 677**—An act to add Section 3092 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the needy blind.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 678**—An act to add Section 2190 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the aged.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 693**—An act to add Section 833 to the Revenue and Taxation Code, relating to inspection of information and records in the State Board of Equalization office.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 716**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax delinquent property and providing for an alternative procedure for accomplishing said purposes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1048**—An act to amend and renumber the heading of Article 1 of Chapter 1 of Part 9 of Division 2 of the Labor Code, to add Article 1, comprising Sections 2200 and 2201, and Article 3.5, comprising Sections 2370 and 2371, to said chapter, and to repeal an act entitled "An act to provide for the keeping of medical and surgical appliances in factories," approved May 19, 1913, and an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, all relating to the obligations of employers of labor to provide for the health and comfort of their employees.

Referred to Committee on Labor.

**Assembly Bill No. 1073**—An act to amend Section 974 of the Labor Code, relating to penalties for violation of provisions concerning advertisements for employees during labor trouble.

Referred to Committee on Labor.

**Assembly Bill No. 1166**—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Referred to Committee on Labor.

**Assembly Bill No. 1239**—An act to amend Section 25502 of the Water Code, relating to irrigation district assessments.

Referred to Committee on Water Resources.

**Assembly Bill No. 1294**—An act to repeal Sections 22900, 22901, 22902, 22903, 22904, 22905, and 22906 of the Water Code, relating to the distribution of electric power in irrigation districts containing 500,000 acres or more.

Referred to Committee on Water Resources.

**Assembly Bill No. 1295**—An act to amend Section 22950 of the Water Code, relating to assessments in irrigation districts containing 500,000 acres or more.

Referred to Committee on Water Resources.

**Assembly Bill No. 1296**—An act to amend Sections 25035 and 25335 of the Water Code, relating to refunding bonds of irrigation districts.

Referred to Committee on Water Resources.

**Assembly Bill No. 1300**—An act to amend the title and Sections 3 and 4 and to repeal Sections 4c and 4d of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, and to add Article 6 to Chapter 5, Part 5 of Division 11 of the Water Code, relating to the government, operation, and functions of irrigation districts of an area of over 500,000 acres.

Referred to Committee on Water Resources.

**Assembly Bill No. 1301**—An act to amend Sections 22116 and 22120 of the Water Code and Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amendatory thereof and supplemental to the California Irrigation District Act and to the borrowing of funds and issuance of warrants and securities by irrigation districts.

Referred to Committee on Water Resources.

**Assembly Bill No. 1304**—An act to amend Section 61 of the California Irrigation District Act, relating to the issuance of warrants by an irrigation district.

Referred to Committee on Water Resources.

**Assembly Bill No. 1323**—An act to amend Section 1352 of the Labor Code, relating to working hours for women.

Referred to Committee on Labor.

**Assembly Bill No. 1391**—An act to amend Sections 7301, 7303, 7304, 7351, 7352, 7402, 7405, 7501, and 7604 of, and to amend and renumber Section 7306 to be Section 6210.3 of, the Public Resources Code, relating to the sale and exchange of land, and granting and taking rights and interests therein, by the State and its political subdivisions.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1541**—An act to add Section 37i to the Water Commission Act, and Chapter 9 to Part 4 of Division 2 of the Water Code, relating to methods and procedure to carry into effect decrees providing for the distribution of water and for the allocation and payment of the expenses thereof.

Referred to Committee on Water Resources.

**Assembly Bill No. 1593**—An act to amend Sections 6702, 6736, 6738, 6757, 6776, and 6796, and to repeal Sections 6360 and 6361 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1594**—An act to amend Section 9912 of the Revenue and Taxation Code, relating to jeopardy determinations with respect to the motor vehicle transportation license tax, including the delinquency penalty and interest in connection therewith, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1762**—An act authorizing the investment of surplus funds of any bridge and highway district in bonds, obligations and securities and legalizing all such investments heretofore made, and authorizing such bridge and highway districts to use such surplus funds for the refunding or partial refunding of any existing bonded indebtedness of bridge and highway districts and to add Section 27154 to the Streets and Highways Code for the same purposes.

Referred to Committee on Transportation.

**Assembly Bill No. 1855**—An act to add Chapter 5 to Part 4 of Division 11 of the Water Code, relating to irrigation district elections.

Referred to Committee on Water Resources.

**Assembly Bill No. 1856**—An act to amend Section 32a of the California Irrigation District Act, relating to the issuance of bonds, funding and refunding bonds and the refunding of bonds and warrants, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Water Resources.

**Assembly Bill No. 1936**—An act to amend Section 347½ of the Penal Code, relating to the sale and use of drugs.

Referred to Committee on Public Health and Safety.



**Assembly Bill No. 1951**—An act to add Section 256.5 to the Revenue and Taxation Code, relating to exemptions from real property taxation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

## REPORTS OF STANDING COMMITTEES

### Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 381

Senate Bill No. 650

Senate Bill No. 873

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 618

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 833

Senate Bill No. 498

Senate Bill No. 437

Assembly Bill No. 521

Senate Bill No. 503

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 779

Assembly Bill No. 1314

Senate Bill No. 168

Assembly Bill No. 1317

Assembly Bill No. 644

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

### Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 169

Senate Bill No. 668

Senate Bill No. 170

Senate Bill No. 723

Senate Bill No. 489

Senate Bill No. 949

Senate Bill No. 534

Senate Bill No. 990

Senate Bill No. 570

Senate Bill No. 1036

And reports the same correctly engrossed.

SEAWELL, Chairman



**ADJOURNMENT**

At 4.55 p.m., on motion of Senator McBride, the President pro tempore declared the Senate adjourned until 1 p.m., Friday, April 9, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

NINETY-SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 9, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator Salsman, on motion of Senator Shelley.

Senator Biggar, on motion of Senator McBride.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter Cooper and their daughter, Miss Barbara Cooper; Supervisor David Bird, Supervisor Harry Warner, Tom Whelan, and Victor Winnick, all of San Diego.

On request of Senators Fletcher and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Patty Poe of Sacramento.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Earl Hurbert of Independence, Inyo County.

On request of Senators Quinn and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ralph Bull of Eureka.

On request of Senators Tickle and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glen R. Baker, Insurance Broker, of San Bruno, San Mateo County.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

DEPARTMENT OF PUBLIC WORKS  
SACRAMENTO, April 2, 1943

*Honorable Joseph A. Beck*  
*Secretary of the Senate, Sacramento, California*

SUBJECT: Filing of State Engineer reports pursuant to Ch. 1, Stats.  
1940, 2d Extra Session, as amended.

DEAR SIR: Handed you herewith for filing is the following report of the State Engineer:

A-129a City of Colton, File No. S. Bd. 40-1  
Streets

This report is on an application filed under authority of said Chapter 1, Statutes of 1940, as amended, and is transmitted to you pursuant to the requirements of Section 1 thereof.

Very truly yours,

EDWARD HYATT, State Engineer  
By A. D. EDMONSTON, Deputy State Engineer

President of the Senate Presiding

At 1.04 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1293  
Assembly Bill No. 1299

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1293**—An act to amend Section 20043 of the Water Code, relating to reports by the California Districts Securities Commission.

Referred to Committee on Water Resources.

**Assembly Bill No. 1299**—An act to add Section 24628.5 to the Water Code, relating to warrants of an irrigation district.

Referred to Committee on Water Resources.



REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 50

Has had the same under consideration, and reports the same back with the recommendation: That it be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1066

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 538

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 796

Senate Bill No. 1087

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 360

Senate Bill No. 551

Assembly Bill No. 1930

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 820

Assembly Bill No. 1387

Senate Bill No. 821

Assembly Bill No. 357

Senate Bill No. 921

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution ordered to third reading.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 587

Senate Bill No. 238

Senate Bill No. 1091

Assembly Bill No. 1000

Senate Bill No. 323

Assembly Bill No. 1350

Senate Bill No. 322

Assembly Bill No. 559

Senate Bill No. 324

Assembly Bill No. 992

Senate Bill No. 325

Assembly Bill No. 442

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 78

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 159

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 281

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred Senate Bill No. 148

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 1000

Senate Bill No. 1001

Senate Bill No. 1002

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1086

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and re refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 994

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 999

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 856

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 62

Senate Bill No. 724

Senate Bill No. 269

Senate Bill No. 774

Senate Bill No. 646

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 31

Senate Bill No. 454

Senate Bill No. 845

And reports the same correctly re-engrossed.

SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 602**—An act to amend Section 120 of the Welfare and Institutions Code, relating to the State Department of Social Welfare.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 461**—An act to add Section 77 to the Agricultural Code, relating to the powers of the State Agricultural Society.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 481**—An act relating to bases for allocation of money to county and district agricultural fairs.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 976**—An act to amend Section 647 of the Agricultural Code, relating to conveyances transporting milk or cream or containers therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 185**—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 84**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

Bill read second time



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out "by a chlorine sterilization process, or".

**Amendment No. 2**

On page 1, line 11, of said bill, after "steam", insert ", or by a chlorine sterilization process (the methods by which the same shall be used to be established by regulation of the director)".

**Amendment No. 3**

On page 2, line 44, of said bill, strike out "by a chlorine sterilization process, or".

**Amendment No. 4**

On page 2, lines 45 and 46, of said bill, strike out "or other means equally effective and acceptable to the department", and insert ", or by a chlorine sterilization process (the methods by which same shall be used to be established by regulation of the director)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 364**—An act to add Sections 333.7 and 333.8 to the Agricultural Code, relating to cattle brands.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "for indicating ownership".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 11, inclusive, and insert "animal for the purpose of canceling a prior brand on the animal. A permit from the director is required to vent a brand by rebranding with the same or another brand of the owner of the animal. Such permit shall be granted when such use of a venting brand will not, in the judgment of the director, conflict with another recorded brand used in the same or any adjacent district, and shall specify the place upon the animal where the venting brand shall be applied, which shall be a place on".

**Amendment No. 3**

On page 1, line 12, of said bill, after the period, insert "Notwithstanding any provision in this article it shall be lawful to use a brand in conformity with a permit issued pursuant to this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 430**—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, animal and poultry products and of any competing commodity or product thereof; to recognize, make effective and provide for the enforcement in this State of marketing agreements and licenses issued or prescribed by the Secretary of Agriculture of the United States; to provide for the issuance, administration and enforcement of State marketing agreements and State licenses in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that State and Federal marketing agreements and licenses

shall be and establish standards of fair competition in this State; to suspend all anti-trust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State and Federal marketing agreements and licenses; to declare the existence of a State and National agricultural emergency and the urgency of this act and that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

In the title of the printed bill, strike out lines 5 to 9, inclusive, and insert "and horticultural products; to".

##### Amendment No. 2

In line 11 of the title of said bill, strike out "State licenses", and insert "marketing orders".

##### Amendment No. 3

In line 14 of the title of said bill, strike out "and Federal".

##### Amendment No. 4

In line 15 of the title of said bill, strike out "licenses", and insert "marketing orders".

##### Amendment No. 5

In line 21 of the title of said bill, strike out "and Federal".

##### Amendment No. 6

In the title of said bill, strike out lines 22 and 23, and insert "ments and marketing orders; to declare the urgency of this".

##### Amendment No. 7

On page 2 of said bill, strike out lines 4 to 10, inclusive; and in line 11, strike out "their families".

##### Amendment No. 8

On page 2 of said bill, strike out lines 45 to 51, inclusive; and on page 3, strike out lines 1 to 16, inclusive, and insert

"(9) 'Cartwright Act' means Chapter 2, Part 2, Division 7, of the Business and Professions Code.

(10) 'Fair Trade Act' means Chapter 3, Part 2, Division 7, of the Business and Professions Code.

(11) 'Unfair Practices Act' means Chapter 4, Part 2, Division 7, of the Business and Professions Code."

##### Amendment No. 9

On page 3, line 17, of said bill, strike out "2a", and insert "3".

##### Amendment No. 10

On page 3, line 22, of said bill, strike out "3", and insert "4".

##### Amendment No. 11

On page 3, line 29, of said bill, strike out "4", and insert "5".

##### Amendment No. 12

On page 4, line 3, of said bill, strike out "5", and insert "6".

##### Amendment No. 13

On page 4, line 37, of said bill, strike out "6", and insert "7".

##### Amendment No. 14

On page 4, line 40, of said bill, strike out "6a", and insert "8".

##### Amendment No. 15

On page 5 of said bill, strike out lines 35 to 41, inclusive, and insert  
"(6) Establishing uniform grading standards of quality, condition, appearance, size or pack for any such commodity and providing for the grading and inspection and regulation of handling of such commodity in accordance with such grading

standards so established. Such grading standards for any such commodity shall not be established below any minimum standards prescribed by law for such commodity."

**Amendment No. 16**

On page 5 of said bill, between lines 49 and 50, insert

"(9) Providing for a program to adjust the commercial production of any agricultural commodity by means of tree or vine removal, including methods for financing such program by the acceptance of Federal or State funds available for this purpose or by levying a uniform assessment upon all production or marketing subject to such marketing agreement or order, or by both methods, and for the disbursement of the funds so obtained to those growers who qualify for payments under such production adjustment program. Tree or vine removal under such program shall be voluntary and a grower shall be deemed qualified to receive payment who, upon application to the administrative committee selected pursuant to this act and approval of such application, removes trees or vines as specified in the program and otherwise conforms with the provisions thereof. Each application shall be considered and approved or disapproved in whole or in part, within the limits of the funds available, so as most effectively to accomplish the purpose of the program. No program of production adjustment devised hereunder shall authorize payments for the removal of such trees or vines of the species or variety specified in the program as have averaged during the three immediately preceding years an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species or variety for the State as a whole, such yields and averages to be determined by the administrative committee from official Federal and State statistical data or such other sources as are deemed by it to be competent and reliable. All actions of the administrative committee under such program shall be subject to review and approval or disapproval of the director."

**Amendment No. 17**

On page 5, line 50, of said bill, strike out "6a", and insert "8".

**Amendment No. 18**

On page 6, line 38, of said bill, strike out "6 and 6a", and insert "7 and 8".

**Amendment No. 19**

On page 6, line 40, of said bill, strike out "7", and insert "9".

**Amendment No. 20**

On page 7, line 38, of said bill, strike out "8", and insert "10".

**Amendment No. 21**

On page 8, line 3, of said bill, strike out "9", and insert "11".

**Amendment No. 22**

On page 8, line 22, of said bill, strike out "title", and insert "act".

**Amendment No. 23**

On page 8, line 29, of said bill, strike out "10", and insert "12".

**Amendment No. 24**

On page 8, line 46, of said bill, strike out "5", and insert "6".

**Amendment No. 25**

On page 8, line 50, of said bill, strike out "5", and insert "6".

**Amendment No. 26**

On page 9, line 21, of said bill, strike out "7", and insert "9".

**Amendment No. 27**

On page 9, line 24, of said bill, strike out "11", and insert "13".

**Amendment No. 28**

On page 9, line 39, of said bill, strike out "of".

**Amendment No. 29**

On page 9, line 45, of said bill, strike out "12", and insert "14".

**Amendment No. 30**

On page 10, line 30, of said bill, strike out "13", and insert "15".

**Amendment No. 31**

On page 10, line 40, of said bill, strike out "14", and insert "16".

**Amendment No. 32**

On page 10, line 49, of said bill, strike out "wilfully".

**Amendment No. 33**

On page 11, line 46, of said bill, strike out "15", and insert "17".

**Amendment No. 34**

On page 11, line 48, of said bill, strike out "6a", and insert "8".

**Amendment No. 35**

On page 12 of said bill, between lines 37 and 38, insert

"(G) Any money received by the director under this act shall be deposited in the Department of Agriculture Fund and shall be available for expenditure by the director in carrying out the provisions of this act pursuant to the provisions of this act."

**Amendment No. 36**

On page 12, line 38, of said bill, strike out "16", and insert "18".

**Amendment No. 37**

On page 13, line 22, of said bill, strike out "17", and insert "19".

**Amendment No. 38**

On page 13, line 20, of said bill, strike out "18", and insert "20".

**Amendment No. 39**

On page 13, line 31, of said bill, after the period, insert "This act shall not be construed to modify or repeal any other act or acts relating to the same or different subject matter and shall be construed as an entirely separate and independent enactment."

**Amendment No. 40**

On page 13, line 32, of said bill, strike out "19", and insert "21".

**Amendment No. 41**

On page 13, line 34, of said bill, strike out "20", and insert "22".

**Amendment No. 42**

On page 13 of said bill, strike out lines 40 to 43, inclusive, and insert

"The necessity for orderly and stabilized marketing of agricultural products is imperative in order that the efforts of producers of such products may be concentrated upon production in the interests of the war effort. Unless uncertainty as to the law and regulations under which agricultural commodities are marketed is removed the agricultural industry affected by this act will be demoralized and vitally needed production will be hampered."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 590**—An act to amend Section 890 of the Military and Veterans Code, relating to veterans and their dependents.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

In the title of the printed bill, after "dependents", and before the period, insert ", declaring the urgency thereof, to take effect immediately".

**Amendment No. 2**

On page 1 of said bill, after line 12, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Orphans of veterans of World War II, some of whom are in school, are in need of assistance now and some of them have already applied for such assistance, which can be furnished immediately upon the passage of this bill, and which if delayed will result in unmerited hardship to a meritorious class."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 907**--An act to amend Section 1571 of the Military and Veterans Code, relating to civilian defense.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Military and Veterans Affairs:

**Amendment No. 1**

On page 2, line 15, of the printed bill, as amended, strike out "act", and insert "chapter".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 469**--An act to add Section 395.8 to the Military and Veterans Code, relating to the reemployment of elected officers of any city, who shall serve in the armed forces of the United States, upon the completion of their period of training and service; to provide for acting officers to serve during such absence of elected officers; and relating to procedure to be followed to secure such reemployment, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 515**--An act to amend Section 108 of the Civil Code, relating to financial responsibility of spouse seeking divorce on ground of incurable insanity.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 16, of the printed bill, after "granted", insert "and the court may make such order for support as the circumstances justify."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 658**--An act to amend Section 500 of the Vehicle Code, relating to negligent homicide and adding a new section, to wit: 500.5, to the Vehicle Code, relating to the crime of involuntary homicide.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "amend", insert "Section 193 of the Penal Code and to repeal".

**Amendment No. 2**

In the title of said bill, strike out lines 2 to 4, inclusive, and insert "crimes involving the operation of vehicles."

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "California".

**Amendment No. 4**

On page 1 of said bill, between lines 1 and 2, insert "repealed.

SEC. 2. Section 193 of the Penal Code is amended to read:

193. Manslaughter is punishable by imprisonment in the State prison for not exceeding 10 years, *except that a violation of Subdivision 2 of Section 192 of this code resulting from the operation of a vehicle is punishable by imprisonment in the county jail for not more than one year or in the State prison for not more than five years.*"

**Amendment No. 5**

On page 1 of said bill, strike out lines 2 to 30, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1080**—An act to amend Section 3324 of and to add Section 3327 and 3330 to the Penal Code, relating to the California Institution for Women.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 413**—An act amending Section 4300a of the Political Code, relating to fees of the county clerk.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 785**—An act to add Section 16904.5 to the Business and Professions Code, for the purpose of preventing evasion of resale price restrictions imposed with respect to any commodity by any contract entered into pursuant to the provisions of Section 16900 to 16905, both inclusive, of the Business and Professions Code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 945**—An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of the rights in streams, wells, pumping plants, and conduits, the establishment and operation of public districts relating to water, and to repeal certain acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 946**—An act to add Division 5 and Section 150005 to the Water Code, relating to flood control by cities, counties and the State, including provisions relating to the Reclamation Board, the Sacramento and San Joaquin Drainage District, and to repeal certain acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 947**—An act to add Division 6 to the Water Code, relating to the conservation, development and utilization of the water resources of the State, including provisions relating to the State Water Plan, the Central Valley Project, the San Luis Rey Water Authority, the Colorado River Board, and to repeal certain acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 732**—An act to amend Section 5010 of the Public Resources Code, relating to the State Park Maintenance Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 381**—An act to amend Section 2.1520 of the School Code and to amend Section 4861 of the Education Code, relating to the membership of schools in societies, associations, or organizations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 15, of the printed bill, after the period, insert "The total amount paid on account of all such memberships shall not exceed fifty dollars (\$50) for any school during any school year."

##### Amendment No. 2

On page 2, line 7, of the printed bill, after the period, insert "The total amount paid on account of all such memberships shall not exceed fifty dollars (\$50) for any school during any school year."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 650**—An act to add Section 3735.3 to the School Code and to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 5, of the printed bill, strike out "the minimum school day".

##### Amendment No. 2

On page 1, line 27, of the printed bill, strike out "the minimum school day".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 873**—An act to add Sections 5.653-1, 5.653-2, 5.653-3, 5.653-4, 5.653-5, 5.653-6, 5.653-7, 5.653-8 and 5.653-9 to, and to amend Section 5.654 of, the School Code, and to add Sections 13528.1, 13528.2, 13528.3, 13528.4, 13528.5, 13528.6, 13628.7, 13528.8, and 13528.9 to, and to amend Sections 13529 and 13530 of, the Education Code, relating to permanent employees of school districts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, both inclusive, and insert "An act to add Sec-".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 1 to 23, both inclusive; and strike out all of pages 2, 3, 4, 5, and 6; and on page 7, strike out lines 1 to 27, both inclusive.

**Amendment No. 3**

On page 7, line 29, of the printed bill, strike out "SEC. 11.", and insert "SECTION 1."

**Amendment No. 4**

On page 7, line 31, of the printed bill, after "when", insert "charges have been filed against".

**Amendment No. 5**

On page 7, line 31, of the printed bill, strike out "who has been"; and strike out all of lines 32 and 33, except "the".

**Amendment No. 6**

On page 7, line 34, of the printed bill, strike out "shall immediately", and insert "in its discretion, may".

**Amendment No. 7**

On page 7, line 34, of the printed bill, strike out "The"; and strike out all of lines 36 and 37.

**Amendment No. 8**

On page 7, line 39, of the printed bill, strike out "12", and insert "2".

**Amendment No. 9**

On page 7 of the printed bill, strike out all of lines 41 to 52, both inclusive; and on page 8, strike out lines 1 to 21, both inclusive, and insert "13528.2. The board of preview shall consist of five members, two of whom shall be appointed by the governing board, two by the employee, and one by the four so appointed. The board shall elect its own chairman."

**Amendment No. 10**

On page 8, line 23, of the printed bill, strike out "13", and insert "3".

**Amendment No. 11**

On page 8, line 31, of the printed bill, after the period, insert "Any employee of the employing governing board shall be entitled to his regular compensation while absent pursuant to such subpoena."

**Amendment No. 12**

On page 8, line 33, of the printed bill, strike out "14", and insert "4".

**Amendment No. 13**

On page 8, line 35, of the printed bill, following "receive", insert "such compensation as the employing governing board shall determine, not exceeding".

**Amendment No. 14**

On page 8, line 38, of the printed bill, following the period, insert "Employees of the employing governing board who serve as members of a board of preview shall receive their regular compensation while so serving and shall not receive any further compensation other than their traveling expenses for services as a member of such board on any day when the schools of the district are in session."

**Amendment No. 15**

On page 8, line 43, of the printed bill, strike out "15", and insert "5".

**Amendment No. 16**

On page 9, line 1, of the printed bill, strike out "16", and insert "6".

**Amendment No. 17**

On page 9 of the printed bill, beginning in line 3, strike out "demand a hearing", and insert "received notice of the election of the governing board to hold such preview hearing".

**Amendment No. 18**

On page 9, line 16, of the printed bill, strike out "17", and insert "7".

**Amendment No. 19**

On page 9, line 36, of the printed bill, strike out "18", and insert "8".

**Amendment No. 20**

On page 10, line 1, of the printed bill, strike out "19", and insert "9".



**Amendment No. 21**

On page 10 of the printed bill, strike out all of lines 11 to 50, both inclusive, and strike out all of page 11.

**Amendment No. 22**

On page 9, line 39, of the printed bill, after "but", insert "not more than three continuances shall be had excepting upon stipulation of the parties, and".

**Amendment No. 23**

On page 9, lines 39 and 40, of the printed bill, strike out "adjournment", and insert "continuance".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 618**—An act to add Section 4.925 to the School Code and to add Section 7.305 to the Education Code, relating to the average daily attendance of high school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 5, of the printed bill, after "less", insert "credited to it for apportionment purposes in each high school maintained by the district".

**Amendment No. 2**

On page 1 of the printed bill, beginning in line 7, strike out "The sole purpose of determining the apportionment of State funds to or for such district", and insert "all the purposes of this division".

**Amendment No. 3**

On page 1, line 12, of the printed bill, after the period, insert "For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district."

**Amendment No. 4**

On page 1, line 27, of the printed bill, after "less", insert "credited to it for apportionment purposes in each high school maintained by the district".

**Amendment No. 5**

On page 2 of the printed bill, beginning in line 2, strike out "the sole purpose of determining the apportionment of State funds to or for such district", and insert "all the purposes of this division".

**Amendment No. 6**

On page 2, line 7, of the printed bill, after the period, insert "For all other purposes the average daily attendance of the district shall be the actual average daily attendance of the district."

**Amendment No. 7**

On page 1, line 15, of the printed bill, strike out "or until the cessation of hostilities in all"; strike out all of line 16; and in line 17, strike out "first occurs".

**Amendment No. 8**

On page 2, line 10, of the printed bill, strike out "or until the cessation of hostilities in all"; strike out all of line 11; and in line 12, strike out "first occurs".

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Finance.

**Senate Bill No. 833**—An act to add Sections 4.931 and 4.932 to the School Code, relating to the computation of average daily attendance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "Sections", insert "4.735,".

**Amendment No. 2**

In the title of said bill, between lines 1 and 2, insert "and to add Sections 6759, 7308 and 7309 to the Education Code,".

**Amendment No. 3**

In line 2 of the title of said bill, after "computation", insert "and audit".

**Amendment No. 4**

On page 1, line 1, of said bill, after "SECTION 1." insert "Section 4.735 is added to the School Code, to read:

4.735. The Department of Finance may audit all records of the Superintendent of Public Instruction, county superintendents of schools, elementary school districts, high school districts, or junior college districts relating to average daily attendance reports in any elementary school district, high school district, or junior college district.

SEC. 2."

**Amendment No. 5**

On page 1, line 12, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

**Amendment No. 6**

On page 1 of said bill, after line 20, insert

"SEC. 4. Section 6759 is added to the Education Code, to read:

6759. The Department of Finance may audit all records of the Superintendent of Public Instruction, county superintendents of schools, elementary school districts, high school districts, or junior college districts relating to average daily attendance reports in any elementary school district, high school district, or junior college district.

SEC. 5. Section 7308 is added to the Education Code, to read:

7308. In the computation of average daily attendance of pupils in part-time schools, evening high schools, evening junior colleges, special classes, vocational classes, and classes in adult education, no credit shall be given for attendance at special lectures of a popular nature. Average daily attendance in any such school or class shall be computed only upon bona fide students of the classes who attend at least one-third of the hours for which the classes are given.

SEC. 6. Section 7309 is added to the Education Code, to read:

7309. In the computation of average daily attendance of pupils in part-time schools, evening high schools, evening junior colleges, special classes, vocational classes, and classes in adult education, no credit shall be given for attendance of pupils who have previously taken and completed the same or substantially the same course, whether the courses are designated under the same, or a different name.

SEC. 7. Sections 4, 5, and 6 of this act become operative only if the Education Code is enacted by the Legislature at its Fifty-fifth Session, and in such case, at the same time as said Education Code takes effect, at which time Sections 4.735, 4.931, and 4.932 of the School Code, added by this act, are repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 437**—An act to add Section 5.500b to the School Code, and to add Section 13082.2 to the Education Code, relating to classification of certificated employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In the title of the printed bill, beginning in line 1, strike out "5.500b to the School Code, and to add Section 13083.2", and insert "13099.2".

**Amendment No. 2**

In line 3 of the title of the printed bill, strike out "certificated employees", and insert "persons as permanent employees of school districts".

**Amendment No. 3**

On page 1 of the printed bill, strike out all of lines 1 to 17, both inclusive, and insert

"SECTION 1. Section 13099.2 is added to the Education Code, to read:  
13099.2. The following service by a person shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district:  
(1) Service under an emergency credential;  
(2) Service under a war emergency credential;  
(3) Service under any credential on and after July 1, 1942, when the person held a credential prior to July 1, 1937, and did not serve under such credential in any district between June 30, 1937, and July 1, 1942."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 503**—An act to amend Section 2.20 of the School Code and to amend Section 1502 of the Education Code, relating to the Public School System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In the title of the printed bill, beginning in line 1, strike out "amend Section 2.20 of the School Code and to amend Section 1502 of the Education Code", and insert "add Sections 12008.1 and 12042.1 to the Education Code".

**Amendment No. 2**

In line 2 of the title of the printed bill, after "to", insert "emergency credentials authorizing service in".

**Amendment No. 3**

In line 3 of the title of the printed bill, after "system", insert ", declaring the urgency thereof, to take effect immediately".

**Amendment No. 4**

On page 1 of the printed bill, strike out all of lines 1 to 30, both inclusive, and insert

"SECTION 1. Section 12008.1 is added to the Education Code, to read:  
2008.1. The Superintendent of Public Instruction, during any National emergency declared by the President of the United States of America, may, on the recommendation of the Commission of Credentials, issue emergency credentials. The expiration date of said credential issued hereunder shall be fixed by the Superintendent of Public Instruction, but in no event shall such credential be valid for any purpose after the date upon which the President of the United States of America declares such National emergency has ceased to exist.  
SEC. 2. Section 12042.1 is added to the Education Code, to read:  
12042.1. For an emergency credential as high a general standard as conditions at the time will warrant.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

There exists at this time a marked shortage of qualified teachers for the public schools of California. This shortage is becoming increasingly severe due to the entrance of men and women into military service and into war industry, the increasing of pupil enrollment on the elementary level and to an expansion of the offerings in technical subjects on the secondary level.

In order that this shortage in teachers may be met in the most efficient and satisfactory manner, it is necessary that this bill take immediate effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 498**—An act to amend Section 4.250 of the School Code and to amend Section 5340 of the Education Code, relating to the public school system.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Section 4.250 of the School Code and to amend Section 5340 of", and insert "Sections 176, 304, 305, 366, 2863, 12291, 14326, 14111, 14433, 14439, 14503, 14523, 14526, 14528, 14529, 14532, 16731, 20005, and 20793 and the chapter heading of Chapter 15 of Division 3 and the chapter heading of Chapter 9 of Division 7 of, and to add Section 20794 and the chapter heading of Chapter 14 of Division 3 to,".

##### Amendment No. 2

Strike out line 3 of the title of said bill, and insert "establishment, maintenance, government, and operation of schools and institutions of learning."

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 23, inclusive, and insert

"SECTION 1. Section 176 of the Education Code is amended to read:

176. Wherever in Article 2, Chapter 3 of Title 1 of Part 3 of the Political Code the term "head of the department," "head of a department," or similar designation occurs, it shall, for the purposes of this [part] *chapter* mean the Director of Education.

SEC. 2. Section 304 of said code is amended to read:

304. A majority of the members appointed by the board of supervisors shall be experienced teachers holding not lower than [grammar] *elementary* school certificates in full force and effect. In any county in which there are one or more high schools at least one of the appointive members of the board of education of the county shall hold a certificate of high school grade.

SEC. 3. Section 305 of said code is amended to read:

305. Members of the county board of education [, elected or appointed,] shall qualify within 10 days after receiving notice of their [election or] appointment.

SEC. 4. Section 366 of said code is amended to read:

366. A deputy appointed pursuant to Section [363] 365 shall not be allowed a salary, payable out of the school fund.

SEC. 5. Section 2863 of said code is amended to read:

2863. Elementary school districts uniting to form a union or [join] *joint* union elementary school district, and *union elementary school districts uniting to form a union elementary school district*, under the provisions of this chapter, shall remain under the control of their respective boards of trustees until the first day of July next succeeding the formation of the union or joint union district and the location of the union or joint union school, or schools.

SEC. 6. Article 1 comprising Sections 7101 to 7110, inclusive, and Article 2, comprising Sections 7131 to 7141, inclusive, constitute Chapter 14 of Division 3 of the Education Code, and a chapter heading is added to said Chapter 14 to read:

#### CHAPTER 14. APPORTIONMENT TO HIGH SCHOOL DISTRICTS

SEC. 7. The chapter heading of Chapter 15 of Division 3 of said code is amended to read:

#### CHAPTER 15. APPORTIONMENT TO [HIGH SCHOOL DISTRICTS] JUNIOR COLLEGE DISTRICTS.

SEC. 8. Section 12291 of the Education Code is amended to read:

12291. County or city and county boards of education may grant health and development certificates to the following:

(a) Persons holding *physician's and surgeon's* certificates [to practice medicine and surgery] issued by this State.



(b) Persons holding life diplomas of this State and special credentials in physical education, issued by the State Board of Education.

(c) Persons holding certificates to practice dentistry or dental hygiene issued by the Board of Dental Examiners of California.

(d) Persons holding certificates to practice optometry issued by the State Board of Optometry.

(e) Holders of certificates of registration as nurses issued by the Board of Nurse-Examiners of the State of California.

Sec. 9. The chapter heading of Chapter 9 of Division 7 of said code is amended to read:

(CHAPTER 9. RIGHTS AND DUTIES OF EMPLOYEES [REQUIRING CERTIFICATION])

SEC. 10. Section 14326 of said code is amended to read:

14326. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the retirement system. In not to exceed six-year periods after June 30, 1935, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the retirement system. From time to time, the board shall determine the rates of interest being earned on the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt for the retirement system such interest rates, mortality, service, and other tables as are deemed necessary. No action of the board, other than correction of errors in calculating the annuity at the time of retirement, shall change the annuity payable to a person retired prior to the date the action is taken.

SEC. 11. Section 14411 of said code is amended to read:

14411. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status requisite for membership, but who are now or hereafter become members of the State Employees' Retirement System or any other retirement system, and receive credit thereunder for service which would be credited hereunder to a member, except a local fund supported by a local district for the purpose of supplementing the retirement allowance payable under this chapter. A member whose membership is terminated by this subdivision shall be considered, solely for the purpose of Section 14491, as ceasing to be employed in a status requisite to membership.

(c) Persons serving as exchange teachers from outside of this State.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who according to the best judgment of their employer, will not render at least five months of service during the school year. If such persons subsequently enter a status requisite for membership, they shall be credited with service rendered in the substitute status, subject to the board's rule fixing minimum service required for credit.

SEC. 12. Section 14433 of said code is amended to read:

14433. Any person [by] to whom service [is] rendered outside of the State after January 1, 1914, [shall be] is credited and any person who has claimed exemption from the provisions of the retirement system or its predecessor or who was a member of the State Employees' Retirement System while serving in a status requisite for membership in this retirement system or its predecessor, and who later becomes subject to its provisions, shall pay, in addition to the twenty-four dollars (\$24) for each year of credited service rendered outside the State or while exempt or while a member of any other system, interest at the rate of 5 per cent per annum on the amount which would have been contributed had he been a member of the retirement system when the service was rendered. Interest shall begin on the first day of July next following the end of the school year in which the service was rendered, and shall end upon the date of retirement. Contributions for years prior to July 1, 1935, shall carry interest on only twelve dollars (\$12) per year.

SEC. 13. Section 14439 of said code is amended to read:

14439. Any member who makes contributions to the annuity deposit fund and who is employed by a local district which, as a condition of employment, requires contributions to a local fund, may elect to cease contributing to that fund, even though he is excluded from the local fund. Accumulated annuity deposits standing to the credit of his individual account, because of service upon the basis of which he will receive a benefit from the local fund, shall be refunded to him upon his request filed with the retirement board within two years after he becomes a member of the local fund. Otherwise, accumulated annuity deposits standing to the credit of his individual account shall remain credited and shall not be refunded except as provided elsewhere.

SEC. 14. Section 14503 of said code is amended to read:

14503. The right of a person to an annuity, a retirement salary, or a retirement allowance, to the return of contributions, the annuity, retirement salary, or retirement

allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under this [article] chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable except as in this [article] chapter specifically provided.

SEC. 15. Section 14523 of said code is amended to read:

14523. Upon retirement for service, as provided in Section 14521, a member shall receive a retirement allowance which shall consist of:

- (a) A retirement salary of fifty dollars (\$50) per month; and
- (b) An annuity which shall be the actuarial equivalent of his accumulated annuity deposits at the time of his retirement.

The retirement salary shall be subject to the deductions provided in [Sections 14434 and] Section 14435, if the person retired is not credited at the time of retirement with the total permanent fund contributions required of each member.

SEC. 16. Section 14526 of said code is amended to read:

14526. Upon retirement for disability, as provided in Sections 14524 and 14525, a member shall receive a retirement allowance which shall consist of:

- (a) A retirement salary payable monthly in an amount which bears the same ratio to fifty dollars (\$50) as the years of service credited to the member, not to exceed thirty (30) years, bears to thirty (30) years; and
- (b) An annuity which shall be the actuarial equivalent of his accumulated annuity deposits at the time of his retirement.

The retirement salary herein provided shall be subject to the deductions provided in [Sections 14434 and] Section 14435, if the person retired is not credited at the time of retirement with the total permanent fund contributions required of each member.

SEC. 17. Section 14528 of said code is amended to read:

14528. The last 10 years of service in this State immediately preceding retirement, as required in Sections 14521 and 14524, may be broken by periods of absence from service, or by periods of service in universities, colleges, or private schools within this State, or by service outside of this State during a year in which the person has served the minimum time required for a year of service in this State, or by a year of service outside this State if 10 of the 11 final years of service have been in this State.

SEC. 18. Section 14529 of said code is amended to read:

14529. Application for retirement shall be made within two years after the last day of service, or at any time during a leave of absence or renewal thereof if the person left service on [any] such leave of absence duly granted by a governing board of a school district or other authority employing him, or within six months after the appointment of a guardian of a member whose right to apply for retirement has otherwise lapsed, or who is determined to the satisfaction of the retirement board to have been mentally incompetent at the time of lapsing.

SEC. 19. Section 14532 of said code is amended to read:

14532. If any person retired pursuant to this article is reemployed, after complying with the requirements in Section 14536, in a status requisite to membership in the retirement system or in any teaching capacity in a public school, or if any person is retired for disability and recovers from the disability for which he was retired, his retirement allowance shall cease.

SEC. 20. Section 16731 of said code is amended to read:

16731. No person, firm, or corporation shall employ, suffer, or permit any minor under the age of 16 years to work in or in connection with any establishment or occupation except as provided in Article [13] 14 of this chapter, without a permit to employ, or a vacation permit issued by the proper educational officers in accordance with law.

SEC. 21. Section 20005 of said code is amended to read:

20005. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by [Section 52 of the Political Code] Sections 243 and 244 of the Government Code. Every alien student who has not made a valid declaration of intention to become a citizen of the United States as provided by law, prior to the opening day of a semester during which he proposes to attend the university, is deemed to be a nonresident student. Nothing in this section or in [Section 52 of the Political Code] Sections 243 and 244 of the Government Code prevents The Regents from causing to be classified as a resident student:

- (a) Any citizen of the United States, or any person who prior to the opening day of a semester during which he proposes to attend the university has made a valid declaration of his intention to become a citizen, who has attained his majority according to the laws of this State, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the university has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

(b) Any minor child, a citizen of the United States, or any minor child, who, prior to the opening day of a semester during which he proposes to attend the university, has made a valid declaration of his intention to become a citizen, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein.

SEC. 22. Section 20793 of said code is amended to read:

20793. If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency, the court shall not issue the certificate, but shall, according to the nature of the application before it, either order the principal to provide the child with the service or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency.

[If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the principal under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency the principal may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court.]

SEC. 23. Section 20794 is added to said code to read:

20794. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the principal under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency the principal may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education

**Senate Bill No. 779**—An act to add Chapter 4 of Part 2 of Division 1 to the School Code, to add Chapter 7 to Division 8 of the Education Code, and to add Section 1312 to the Labor Code, relating to employment of minor pupils.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 168**—An act to amend Section 2,600 of, to add Section 2,600-1 to, the School Code, to amend Section 3661 of, and to add Section 3661.1 to, the Education Code, relating to the formation of union or joint union high school districts.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 594**—An act to amend Section 5050 of the Welfare and Institutions Code, relating to the safekeeping and examination of persons alleged to be mentally ill.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 595**—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the commitment of



persons addicted to the intemperate use of stimulants, and the parole and discharge thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 596**—An act to amend Section 6720 of, and to add Section 6726.5 to, the Welfare and Institutions Code, relating to the duty and power of the sheriff to arrest escaped and paroled patients and inmates of State hospitals and institutions and deliver them to persons authorized by the Department of Institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 886**—An act to add Section 1756.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and authorizing the Authority to return persons committed thereto who are found to be mentally abnormal to the committing court for recommitment to the Department of Institutions for placement in State institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 593**—An act to amend Sections 701, 777 and 778 of the Welfare and Institutions Code, relating to minors who should be declared free from parental control, and relating to the procedure in such cases.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

On page 1, line 18, of the printed bill, strike out "such parent or parents", and insert "the parent or parents abandoning him".

##### Amendment No. 2

On page 1, line 25, of said bill, after "such", insert "cruel or neglectful".

##### Amendment No. 3

On page 2, line 7, of said bill, after "such", insert "habitually intemperate or morally depraved".

##### Amendment No. 4

On page 2, line 29, of said bill, after "parents", insert "so declared to be feeble minded or insane".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 350**—An act to amend Section 611 of the Agricultural Code, relating to oleomargarine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 850**—An act to amend Section 822 of the Agricultural Code, relating to markings on containers of apples.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1487**—An act to amend Sections 737.5, 737.6, 737.8, and 737.11 of the Agricultural Code, relating to licensing and bonding of distributors of fluid milk and fluid cream, and the fees



therefor; providing for records of purchases, and for proceedings to refuse, revoke or suspend such licenses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1489**—An act to amend Section 489 of the Agricultural Code, relating to the sale of graded milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1490**—An act to amend Section 498 of, and to add Section 498.5 to, the Agricultural Code, relating to dairy farm building requirements and qualifications for milk and dairy inspectors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 710**—An act to amend Section 323 of the Agricultural Code, relating to the payment of moneys into the State treasury, and to further provide for the disposition of such moneys in the State treasury.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 711**—An act to amend Section 215.17 of the Agricultural Code, relating to the payment of moneys into the State treasury and to further provide for the disposition of such moneys in the State treasury.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1929**—An act to repeal Chapter 3 of Part 2 of Division 2 of the Military and Veterans Code and Sections 8, 9, 10, 11 and 12 of the California Guard Act of 1942 and to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the California State Guard, providing for the pay, privileges, allowances and rights of the California State Guard, for the organization and administration of the California State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school busses available for use by the California State Guard, making an appropriation for the operation, maintenance and organization of the California State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 11 of the title of the printed bill, as amended, strike out "making"; strike out all of lines 12 and 13 of said title; and in line 14, strike out "for the expenditure thereof."

##### Amendment No. 2

On page 2, line 15, of said bill, as amended, strike out "It is also necessary"; and strike out all of lines 16, 17, and 18.

##### Amendment No. 3

On page 6 of the printed bill, as amended, strike out lines 25 to 38, inclusive.

**Amendment No. 4**

On page 6, lines 41 and 42, of said bill, strike out "he deems", and insert "may reasonably be".

**Amendment No. 5**

On page 7, line 19, strike out ", and the decision of The Adjutant General or of"; and strike out lines 20 and 21, except the period.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 32**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "continuances" insert "in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer".

**Amendment No. 2**

On page 1, line 3, of said bill, strike out "action", and insert "civil or criminal action or proceeding in a court, or of any administrative proceeding before a State board or commission or officer".

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "referee", and insert "officer".

**Amendment No. 4**

On page 1, line 8, of said bill, after "therein", insert "(whether he became an attorney of record before or after the commencement of a Legislative session or before or after his appointment to a Legislative Committee)".

**Amendment No. 5**

On page 1, line 10, of said bill, after "recess", insert "(not exceeding a recess of 35 days)".

**Amendment No. 6**

On page 1, line 11, of said bill, strike out "interim".

**Amendment No. 7**

On page 1, line 17, of said bill, strike out "; when", and insert "or the commencement of a recess of more than thirty-five (35) days. When".

**Amendment No. 8**

On page 1, line 17, of said bill, strike out "interim".

**Amendment No. 9**

On page 1, line 19, of said bill, after "days", insert a comma.

**Amendment No. 10**

On page 1, line 22, of said bill, strike out "interim".

**Amendment No. 11**

On page 1, line 22, of said bill, after "committee", insert ", unless said 15 day period will expire when the Legislature is to be in session in which case the action or proceeding shall not without such consent be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than thirty-five (35) days".

**Amendment No. 12**

On page 2, line 30, of said bill, as amended, strike out "including", and insert ", including notices".

**Amendment No. 13**

On page 4, line 38, of said bill, strike out "the", and insert "an".

**Amendment No. 14**

On page 2, line 41, of said bill, after "recess", insert "not exceeding a recess of thirty-five (35) days)".

**Amendment No. 15**

On page 2, line 41, of said bill, strike out "interim".

**Amendment No. 16**

On page 2, line 47, of said bill, strike out "; when", and insert "or the commencement of a recess of more than thirty-five (35) days. When".

**Amendment No. 17**

On page 2, line 47, of said bill, strike out "interim".

**Amendment No. 18**

On page 2, line 50, of said bill, strike out "interim".

**Amendment No. 19**

On page 2, line 51, of said bill, after "mitter", insert ", unless said 15 day period will expire when the Legislature is to be in session in which case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than thirty-five (35) days".

**Amendment No. 20**

On page 3 of said bill, after line 9, insert

"Sec. 3. If any provision of Section 595 or of Section 1054 of the Code of Civil Procedure, or the application thereof to any person or circumstance, is held invalid, the remainder of the section, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 463**—An act to add Section 3041a to the Penal Code and to amend Sections 3043 and 3045 of the Penal Code, relating to paroles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 4, line 1, of the printed bill, as amended, strike out "nine", and insert "six".

**Amendment No. 2**

On page 4, line 14, of said bill, as amended, strike out "Sec."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 353**—An act to amend Sections 755, 762, 763, and 788 of the Probate Code and to add new sections to be numbered 762.5 and 765 to the Probate Code, all relating to the sale of real or personal property in probate.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 524**—An act to amend Section 1458 of the Penal Code, relating to the fixing, acceptance and forfeiture of bail in justice's courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 592**—An act to amend Sections 224, 226 and 227a of the Civil Code, relating to the adoption of children.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 940**—An act relating to municipal court fees and costs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 142**—An act to amend Section 69 of the Civil Code, relating to marriage, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 6**—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 521**—An act to amend Sections 5384 and 5398 of the School Code and to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Sections 5384 and 5398 of the School Code and to amend".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "Sections 5384 of the School Code is amended to"; and strike out lines 2 to 24, inclusive.

##### Amendment No. 3

On page 2, line 1, of said bill, strike out "Sec. 3".

##### Amendment No. 4

On page 2, line 14, of said bill, strike out "Sec. 4.", and insert "Sec. 2".

##### Amendment No. 5

On page 2 of said bill, strike out lines 26 to 30, inclusive.

##### Amendment No. 6

On page 2, line 7, of the printed bill, strike out "237", and insert "191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232".

##### Amendment No. 7

On page 2, line 19, of the printed bill, strike out "237", and insert "191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Assembly Bill No. 644**—An act to add Section 9 to the Community Recreation Enabling Act of 1939 and to add Section 24409.1 to the



Education Code, relating to facilities of community recreation centers maintained solely by school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1314**—An act to amend Section 5120 of the School Code and to amend Section 12001 of the Education Code, relating to authorization of service in the public schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1317**—An act to add Section 545-1 to the School Code and to add Section 20379 to the Education Code, relating to employees of State colleges not serving in the State civil service.

Bill read second time, and ordered to third reading.

#### EXPLANATION OF ABSENCE

Senator Collier asked for, and was granted, unanimous consent to have the following explanation of his absence from the Senate Chamber on April 8, 1943, printed in the Journal:

On Thursday afternoon of April 8, 1943, I was on the Assembly side before committee in reference to two bills of mine, and was absent from the floor of the Senate and during my absence Senate Bill No. 552, by Carter, passed out of the Senate without my having an opportunity to vote on the same. If I had been present, I would have voted in favor of this measure.

SENATOR COLLIER

Senator Ward Presiding

At 1.27 p.m., Senator Ward of the Thirty-first District, presiding.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 478**—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 988**—An act to provide for the limiting of service areas by the California Districts Securities Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo,

McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 846**—An act to amend Sections 4356 and 4357 of the Water Code, relating to disbursements from the State Watermaster Service Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1085**—An act to amend Section 40 of, and to add Section 19c to, the California Water Storage District Act, relating to water storage districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Biggar, ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, April 6, 1943

*C. E. Wilson, Executive Vice Chairman War Production Board,  
Washington, D. C.*

We were astounded to receive today revocation preference rating order issued March 31, 1943, on P-19c No. 669 for the reconstruction of Albion River Bridge south Fort Bragg on strategic highway network, State Route 56. Project financed Federal aid secondary and State funds, endorsed by Army and certified by WPR. Contract awarded September, 1942, but progress delayed due inability to secure materials on A 2 rating. No record of WPR action upon continued requests for upgrading. State negotiating with contractor for modification design to permit use smaller length timbers which are more obtainable. Bridge being constructed consists series timber trusses on timber towers with second-hand steel truss span supported on reinforced concrete towers spanning main channel at estimated cost \$385,600. Bridge replaces 522-foot timber stringer and wooden truss span with 17 feet roadway width built 1922 by Mendocino County about 80 feet above water. Bridge posted in 1934 for 11 tons and 15 m.p.h. Load and speed restrictions frequently and continuously violated, former by as much as 100 per cent. Experience

with somewhat similar but heavier designed bridges indicate failure within 17 years. Precarious condition bridge shown by joints pulling apart, trusses not plumb and bowing columns. Incipient failure emphasized by excessive swaying and deflection. Complete failure may occur momentarily. Impossible to maintain safety. Bridge spans deep canyon with no detour available, and failure structure would disrupt traffic traversing Coastal Redwood Region from Point Arena to Fort Bragg and require circuitous route utilizing unimproved mountainous roads to U. S. 101 via Laytonville or Willits, Mendocino County, with attendant delay in ultimate delivery vital war materials to San Francisco Bay Area. Failure would impede truck shipments of 50,000 feet of lumber per day, transportation fish and farm products and would result in blocking of coast road to all civilian and military traffic. We are at complete loss to understand reason for issuance of this stop order. State charged with responsibility of maintaining highways and bridges for safe transportation. Your action makes it impossible for State to fulfill its obligations. Hence you must publicly accept full responsibility for safe conduct of civilian and military traffic. We request your immediate cancellation of stop order and approval of uprating so project may be expeditiously prosecuted to completion.

G. T. McCoy, California State Highway Engineer

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 23:** By Senator Biggar—Relative to memorializing the War Production Board to rescind its revocation of the order to reconstruct the Albion River Bridge.

#### Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 23, at this time, for consideration.

#### CONSIDERATION OF SENATE JOINT RESOLUTION NO. 23

**Senate Joint Resolution No. 23**—Relative to memorializing the War Production Board to rescind its revocation of the order to reconstruct the Albion River Bridge.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Lacey, Mayo, McBride, McCormack, Mixter, Powers, Rich, Seawell, Shelby, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### MOTION TO RE-REFER SENATE BILL NO. 185

Senator McBride moved that Senate Bill No. 185 be re-referred to Committee on Agriculture.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 845**—An act to add Section 12.5 to the Reclamation Board Act, relating to the disposal of lands acquired by the reclamation board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

#### Motion to Amend Title

Senator Rich moved the adoption of the following amendment to the title:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Section" insert "s"; and after "12.5", insert "and 12.6".

Amendment read and adopted.

Bill ordered reprinted and transmitted to the Assembly.

**Senate Bill No. 710**—An act to amend Section 13026 of the Health and Safety Code, relating to the authority of the State Fire Marshal over fire equipment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 698**—An act to add Chapter 4, consisting of Sections 28000 and 28004, inclusive, to Division 21 of the Health and Safety Code, relating to horse meat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—Senators Breed, Gordon, Judah, and Rich—4.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 356**—An act to add Section 4015 to the Public Resources Code, relating to money received by this State pursuant to the Clarke-McNary Act and other cooperative agreements with the Federal Government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 357**—An act to add Section 4014 to the Public Resources Code, relating to the acceptance by the State of the provisions of the Clarke-McNary Act.

Bill read third time.

**Motion to Amend**

Senator Tickle moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "1942", and insert "1924".

**Amendment No. 2**

On page 1, line 28, of the printed bill, after the second "the", insert "Department of Natural Resources and".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 615**—An act to amend Sections 5003.5 and 5014 of the Public Resources Code, relating to the powers of the State Park Commission, and providing the manner in which the moneys in the State Park Maintenance and Acquisition Fund may be expended.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 838**—An act to amend Section 511 of the Public Resources Code, relating to the Department of Natural Resources Printing Revolving Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—25.

**NOES**—Senators Dillinger and Dorsey—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code, to be known as Chapter 3b, relating to the assignment of accounts receivable and providing for the giving of notice thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1067**—An act to amend Section 1203b of the Penal Code, relating to granting of probation summarily.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 278**—An act to amend Section 4532 of the Penal Code, relating to escapes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 608**—An act to amend Section 3048 of the Penal Code, relating to parole.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 251**—An act relating to claims against, the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property, and alleged to be due to the negligence or carelessness of such officers and/or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Slater, Swing, and Ward—23.

NOES—Senators Carter, Cunningham, Donnelly, Dorsey, Powers, and Swan—6.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 812**—An act to add Section 472.1 to the Political Code, relating to the Attorney General, his assistants and deputies, and counsel employed or appointed by the Superintendent of Banks, Building and Loan Commissioner, or the Insurance Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McCormack, Mixer, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 804**—An act to prevent any officer, employees or agencies of the State Government from assuming or performing any functions of counties, cities or other local governmental agencies, or interfering therein without the express approval of the Legislature.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McCormack, Mixer, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 353**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 463**—An act to amend Section 692 of the Political Code, relating to the approval of land contracts by the Director of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 464**—An act to amend Section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 672**—An act to add Section 38dd and amend Section 38e of the Alcoholic Beverage Control Act, relating to rules and regulations for the orderly wholesaling of beer, and also relating to price posting.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 3.55 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Senate Bill No. 16**—An act to add Section 66a to the Code of Civil Procedure and to amend Section 737vv of the Political Code, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Solano, and providing for his compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO PRINT IN JOURNAL

Senator Tenney moved that the Report of the Joint Fact-Finding Committee on Un-American Activities in California, be printed in the Journal.

Motion carried.



REPORT OF THE JOINT FACT-FINDING COMMITTEE ON  
UN-AMERICAN ACTIVITIES IN CALIFORNIA TO  
CALIFORNIA LEGISLATURE

MEMBERS OF COMMITTEE

*Senators*

JACK B. TENNEY, Chairman

HUGH M. BURNS

*Assemblymen*

NELSON S. DILWORTH

JESSE RANDOLPH KELLEMS, Ph.D.

JAMES H. PHILLIPS

INTRODUCTION

Mr. President, Mr. Speaker, and members of the Legislature:

Your committee investigating un-American activities in California herewith submits its report on the investigations and public hearings held throughout the State.

AUTHORIZATION

The committee was created by Assembly Concurrent Resolution No. 13, filed with the Secretary of State January 27, 1941. This resolution created a Joint Fact-Finding Committee on Un-American Activities in California. The committee was instructed by Assembly Concurrent Resolution No. 13 to "investigate, ascertain, collate and appraise all facts causing or constituting interference with the National Defense Program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially;" and to "investigate the activity of groups and organizations whose membership include persons who are members of the Communist Party, the Fascist Organizations, the German Nazi Bund, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the preparation of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program." Assembly Concurrent Resolution No. 13 provides that the committee should "act during this Session of the Legislature (1941), including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature," and "to file a report with the Legislature during any Session of the Fifty-fourth Legislature and with the Legislature during the regular Session of the Fifty-fifth Legislature." Assembly Concurrent Resolution No. 13 appropriated the sum of \$10,000 from the Contingent Fund of the Senate and the Assembly for the expenses of the committee.

Pursuant to the provisions of the resolution the Committee on Rules of the Senate appointed Senators T. H. DeLap, Chris N. Jespersen and Clarence C. Ward. The Speaker of the Assembly appointed Assembly-

men Hugh M. Burns, Jesse Randolph Kellems, James H. Phillips and Jack B. Tenney. In compliance with the provisions of Assembly Concurrent Resolution No. 13 the committee, as appointed by the Rules Committee of the Senate and the Speaker of the Assembly, selected **Assemblyman Jack B. Tenney as its chairman.**

Before the final adjournment of the Legislature in 1941, the Rules Committee of the Senate declined to make a further appropriation for the use of the Joint Fact-Finding Committee created under the provisions of Assembly Concurrent Resolution No. 13. On June 13, 1941, Assemblyman Jack B. Tenney, the Chairman of the Joint Fact-Finding Committee created under Assembly Concurrent Resolution No. 13, offered House Resolution No. 277 to the Assembly. House Resolution No. 277 was adopted by the Assembly. This resolution contained nearly the same provisions as Assembly Concurrent Resolution No. 13, except that it created an Assembly Fact-Finding Committee on Un-American Activities in California of five members of the Assembly to be appointed by the Speaker and appropriated the sum of \$15,000 from the Contingent Fund of the Assembly for the expenses of the committee. The Speaker of the Assembly thereafter appointed Assemblymen Hugh M. Burns, Nelson S. Dilworth, Jesse Randolph Kellems, James H. Phillips and Jack B. Tenney to serve on the Assembly committee. Subsequently, the members appointed by the Speaker selected Assemblyman Jack B. Tenney as its chairman. Later in the year Senators T. H. DeLap, Chris N. Jespersen, and Clarence C. Ward resigned from the Joint Fact-Finding Committee created by Assembly Concurrent Resolution No. 13. Although the committee sat during the greater part of its existence as an Assembly interim committee, it nevertheless retained a majority of the members of the Joint Fact-Finding Committee.

Senate Concurrent Resolution No. 8 was introduced by Senators Jack B. Tenney of Los Angeles County and Hugh M. Burns of Fresno County on January 8, 1943. It was unanimously approved by the Senate and was adopted by the Assembly with but five dissenting votes. Pursuant to its provisions the Rules Committee of the Senate appointed Senators Hugh M. Burns and Jack B. Tenney and the Speaker of the Assembly appointed Assemblymen Nelson S. Dilworth and Dr. Jesse Randolph Kellems. The committee in its first meeting elected Senator Jack B. Tenney its chairman.

The committee, therefore, acted at all times under joint authority of the Senate and the Assembly of the California Legislature. For this reason your committee makes its report to both houses of the California Legislature.

**ACTIVITIES OF THE COMMITTEE**

Between July 28, 1941, and March 1, 1943, the committee conducted 30 days of public hearings in the State of California. The dates and places of these hearings are as follows:

Los Angeles, July 28, 29, 30, 31, and August 1, 1941.

Los Angeles, October 14, 15, 16, and 17, 1941.

San Francisco, December 1, 2, 3, 4, and 5, 1941.

San Quentin, December 6, 1941.

San Diego, February 19, 20, and 21, 1942.

Los Angeles, February 23, and 24, 1942.

Los Angeles, March 24, 1942.

Fresno, May 22, 23, 1942.

San Francisco, May 25, 26, and 27, 1942.

Los Angeles, December 16, and 19, 1942.

Los Angeles, February 27, and March 1, 1943.

In addition to the above specified public hearings, the committee met in executive session on a number of occasions. During the two years existence of the committee it has taken 16 volumes of testimony-transcript numbering 3,980 pages. Hundreds of exhibits have been introduced in connection with the testimony of witnesses and are attached to the original transcripts of testimony. In addition to these records, the committee has gathered hundreds of pamphlets and circulars. Attaches of the committee have subscribed to subversive publications and have systematically checked them during the life of the committee. In addition, the committee has filed and indexed nearly 14,000 cards listing the activities of as many individuals in California. This part of the committee's work is incomplete due to the lack of funds for the employment of necessary attaches.

The committee has attempted to probe the activities of the groups enumerated in the resolutions creating the committee, such as the Communist Party, the Nazi-German Bund, the Fascist organizations and kindred groups.

The members of your committee unanimously selected Mr. R. E. Combs of Visalia as Chief Investigator. Investigators were hired from time to time in northern California and in southern California and in all cases these investigators did an outstanding patriotic work. Thomas L. Cavett did a great deal of work for the committee in the southern part of the State and Harry T. Machell did splendid work for the committee in the San Francisco area. The committee had a number of volunteer investigators who did extensive work without compensation and at their own expense. Among these your committee

wishes especially to mention Mr. W. Bruce Pine of Los Angeles. Mr. Pine was attacked in San Francisco in a trap that had been laid for the committee's chief investigator, R. E. Combs, and had to be hospitalized. The American Legion and its committees assisted in every instance. Ben S. Boery, Chairman of the Americanism Committee of the Seventeenth District, American Legion, rendered your committee valuable services. The Veterans of Foreign Wars, the Anti-Defamation League and other similar groups assisted the committee in every possible manner. Many other patriotic and civic organizations who do not desire publicity, likewise rendered invaluable service.

Dr. John R. Lechner, executive director of the *Americanism Educational League* did especially fine work in the Japanese field, collecting many documents and statistics concerning *Issei* and *Nisei* Japanese. His report, *Playing With Dynamite*, prepared by him in his capacity as chairman of the *Americanism Commission* of the 23d District of the *American Legion*, is well worth study in connection with the Japanese problem.

Particular mention must be made of the work of Mrs. Linnie Terry, committee secretary, who labored night and day preparing the material and typing the entire manuscript of this report.

To all of these patriotic individuals and groups, and the many others who are not named, but whose fine assistance is acknowledged, the members of the committee extend their sincere thanks.

From the very inception of its work the members of the committee were cognizant of the fact that all subversive activities are tinged with sensationalism and that facts developed by investigations and public hearings necessarily lend themselves to publicity. The committee and its members, therefore, endeavored in every way to conduct the hearings with dignity and restraint, sometimes under most trying circumstances.

Before hearings on any phase of the committee's work were planned, an intensive study was made of the ideological background of the particular movement under investigation. Its literature was secured and read. Hearing briefs, covering all of the points concerning the organization, its leaders, members and activities, and the questions to be asked the witnesses and the exhibits to be introduced in connection with witnesses' testimony, were carefully prepared. The order and appearance of witnesses were carefully planned so that the committee's transcript would show a clear, systematic and chronological sequence. To preserve clarity and continuity throughout, the examination of witnesses was conducted by the committee's chief investigator, Mr. R. E. Combs. At the conclusion of the prepared questions from the hearing



brief, the members of the committee asked such questions as occurred to them during the chief examination of the witness.

The committee, at all times, cooperated closely with the intelligence units of the armed forces and with the Federal Bureau of Investigation. Representatives of the committee have worked for weeks at a time with the agents of Federal departments. It was found the elastic powers of your committee were exceedingly helpful to other law enforcing agencies. The committee, empowered to subpoena witnesses and to examine them under oath, not being bound by the rules of evidence and armed with the power to punish for contempt through the initiation of proper criminal proceedings, and for perjury in the event that crime might be established, cuts through the technical restriction of other investigative units which are primarily law enforcing in character rather than fact-finding.

The newspapers of the State of California played an important part in the work of the committee. Nearly every newspaper in the State carried concise and clear reports of the public hearings and contributed greatly in exposing the machinations and activities of subversive groups within our borders. Your committee wishes to state emphatically that subversive organizations wither and die under the penetrating search-light of publicity. The newspapers of California have contributed no small part in patriotically checking these termites in their efforts to undermine and sabotage our government.

#### AMERICANISM

The committee approached each separate subversive problem on the premise that any group that attacks the Flag, institutions, traditions, Democracy and Constitution of California and the United States is un-American *per se*. The members of the committee, at all times, kept in mind the Bill of Rights and its guarantees to the people of the United States. The committee has, at all times, carefully distinguished between criticism of our form of government and design for its destruction. We have been aware, at all times, of the right of every citizen to criticize, to discuss, and to propose changes in either our laws or our economics. We have never lost sight of the right of the individual, or of a group of individuals, to propose changes in our laws and in our government by constitutional methods. We have, therefore, concerned ourselves with those individuals and groups who are determined to sabotage and forcibly destroy the government under which we live and to which we owe our allegiance. The committee is happy to report that such individuals and groups are in the minority but wishes emphatically to state that *because* of this minority status, these groups

have evolved techniques and tactics that more than offset the smallness in numbers of their adherents. They present a real and tangible threat to our institutions, our Democracy, our State and our Nation.

#### ISMS VERSUS DEMOCRACY

The members of the committee have been asked from time to time to define un-American and subversive groups. We believe that any organization, individual or group in California or in the United States, controlled, directed or subsidized by a foreign government or agency, either by direct instructions or sympathy with or adherence to foreign *isms* inimical to the Constitution and Democracy of the United States, and which have as their ultimate objective the changing of the policies of, or the government of, the United States in accordance with the wishes or directions or ultimate objectives of such foreign government, are un-American and subversive.

Considerable study of Communism, Fascism, and Naziism has been made by the committee and its representatives in contrast to American Democracy. We find, generally, that all of these *isms* are inimical to the most fundamental principles of Democracy under the Constitution of the United States. Communism, Naziism and Fascism differ one from the other only in minor technicalities. The committee finds that:

1. Communism, Naziism and Fascism are totalitarian dictatorships.
2. Communism, Naziism and Fascism abolish all respect for personal dignity and individual rights.

3. The individual under Communism, Naziism or Fascism is deprived of any legal protection whatever against acts of force or brutality by representatives of his respective government.

4. All three forms of government have in common a complete and thorough contempt for liberalism, parliamentarism, humanitarianism, majority opinion or democratic procedure. All three *isms* are founded on intolerance and are committed to attaining their ends by the application of ruthless force and brutality.

5. Under Communism, Naziism or Fascism the imposition of *group interest* over individual right differs only in respect to the group favored. Under Communism, it is the proletariat and under Naziism and Fascism, the lower middle classes of the people.

6. Communism, Naziism and Fascism are *single party* systems. Party members under all three systems are exalted over the remainder of the people and constitute a *class* under which new caste distinctions emerge. The *National Socialist Party* of Germany under Hitler at the outbreak of the war numbered about 3,000,000 people out of the total population of Germany, and the Communist Party of Russia had about

the same numerical strength. Only party members in Germany or in Russia have anything to say whatsoever about the conduct of their respective governments.

7. Class warfare is the approved, accepted, desirable and legitimate means used by Communism, Naziism and Fascism for the attainment of their respective objectives.

8. Communism, Naziism and Fascism have a common history of terror and intimidation. The Blood Purges of 1934 in Germany are illustrative of the Nazi technique in overcoming opposition and have their counterpart in Soviet Russia in the physical mass liquidation of entire populations in the Ukraine and in the Communist trials and mass murders of 1937.

9. The Communist, Nazi and Fascist dictatorship share the doctrine of expansion by force beyond their own boundaries; not only conquest by the sword, but conquest by propaganda, and political penetration as well. The Fascist invasion of Ethiopia, the Nazi attacks upon Austria, Czechoslovakia, Poland, Norway and Western Europe in general, and Soviet Russia's attack on Finland, Poland and Rumania before Hitler's invasion of Russia, are typical illustrations of conquest by the sword. Nazi propaganda and front organizations under direct supervision of Berlin, Communist propaganda, front organizations and activities throughout the United States under the direct supervision of Moscow and Fascist propaganda and organizations under the direction of Rome, are illustrations of the political penetrations of these three totalitarian states.

Constitutional democracies are best described today as being "in the middle." The end of the war, with its necessary dislocations and readjustments, will make this fact even more apparent. On the one side is Communism and on the other, Fascism. Regardless of the outcome of the war neither ideology will be destroyed. While there is little difference between them, each flourishes and grows strong in its antagonism against the other. Naziism, and its *German-American Bund* mouthpiece in America, recruits members and sympathizers on the basis of its *race hatred* and *anti-Communism*. Russia, through its mouthpiece, the Communist Party of the United States, recruits members on the basis of *class hatred* and *anti-Fascism*. Constitutional democracies are caught in this vicious "squeeze-play." We have yet to see an *anti-Nazi Communist League*.

The successful adjustment of our economic life in the United States to industrial and agricultural mass production; the successful adjustment of the increasing use of machines to the decreasing use of labor within the framework of our Constitution and its Bill of Rights is the

real problem facing American Democracy today. Many of our people, including public officials, appear to have lost sight of this real problem in the midst of the hullabaloo raised by the conflict between Fascism and Communism. American Democracy has been sitting idly by, quizzically watching the life and death struggle of two beasts of prey, little realizing that Democracy is the prize to be devoured by the victor of the contest. America must be made to realize that it is not just Fascism versus Communism, but, actually, Constitutional Democracy versus Totalitarianism.

#### SUBVERSIVE GROUPS ATTACK WEAKNESSES

The United States was attacked at Pearl Harbor! This attack was a practical demonstration of what can happen to a Nation *unaware* of enemies possessed with ideological passion for world domination. The United States has no territorial ambitions. The United States has no desire to govern the people of other lands. In fighting this war we do so because we are attacked. All that the United States hopes for in victory is that the world will rid itself of the madmen; of superiority ideologies and of the crusading *isms* continually challenging the right of other Nations to live at peace at home and with its neighbors.

This global conflict is a *two front* war. It is a war of ships and tanks, of bombers and guns. It is also a war of *ideas*. In the final analysis the conflict is not simply to determine the victorious nation or nations, but to determine what *ideas* will rule the world. The United States battle fronts are scattered throughout the world. We can trace the ebb and flow of desperate battle on the world's map. It is difficult, however, to trace the *isms*, the sneaking and disguised enemies of our democracy as they ebb and flow, pulsating within our own ranks at home. Our military leaders, our engineers and our scientists have developed military equipment; we have heard of "defense in depth"; of offensive strategy; of adequate arms, but we have developed little, if anything, for the battle of *ideas*. It should be remembered that we can *win* the war and *lose* our democracy through short sightedness. If we are to win the war and retain our democracy, then we must know not only the enemy we fight with guns but the enemy we fight with ideas; we must know his strategy and the weapons he uses against us. The fanatical fighting zeal of the subversive enemies within our midst must not only be met with equal zeal but must be surpassed in faith for our democracy and our form of government.

What kind of people are we fighting on the home front? Your committee is prepared to state that they are trained, iron-disciplined



and inspired with a zeal and purpose to wipe out our way of life. **Are we, as Americans, trained and disciplined and inspired with zeal to continue our way of life? Are we prepared for this war at home?**

We are fighting a *total* war. We should demand nothing less than *total* victory. It is the responsibility of the Legislature to enact suitable laws for the protection of the community, the State and Nation from these subversive organizations, but laws are not enough. We need a *fighting faith* for our Democracy, our Constitution and our way of life.

## PART I

## COMMUNISM

## 1

## THE SOVIET GOVERNMENT AS AN ALLY OF THE UNITED STATES

The members of your committee are fully appreciative of the magnificent stand being made against Hitler and his hordes of barbarians by the Red Army. We are likewise cognizant of the fact that since December, 1941, our country, the United States, has been an ally of Soviet Russia. The members of the committee, since the invasion of Soviet Russia by Germany in June of 1941, have been in full accord with every possible assistance to the Soviet Union in its fight against the common enemy, Nazi-Germany. We stand unequivocally behind the foreign policy of our government in giving every possible aid, at this time, to Soviet Russia and her valiant Red Army. We have no quarrel, whatsoever, with the foreign policy of the United States in relation to the winning of the war and the uncompromising defeat of the Axis powers. We stand, as we believe every patriotic American stands, wholeheartedly for every possible aid to Great Britain, China, Soviet Russia and the United Nations in winning this war and in the complete and thorough crushing of Hitler, Mussolini, and Hirohito.

The committee, however, wishes to distinguish between the activities of the Soviet Union as a government allied to the United States in this present conflict, and the activities of its tool and agent,—the Communist Party of the United States. We look upon these two activities as distinct and separate; on the one hand referring to the foreign policy of our own country, and on the other, referring specifically to our internal domestic picture, and bearing, perhaps, vitally, on the future and the preservation of our form of government when the war is ended.

The situation is crystal clear if our thinking is straight and lucid. Prior to December 7, 1941 the United States was seething with alien propaganda, foreign-agents and avowed enemies of our way of life. For 22 months, culminating June 22, 1941, two fifth columns, merging their activities and propaganda, had collaborated in sabotaging our defense efforts and our preparations for the eventuality of war. The Nazi Fifth Column and the Communist Fifth Column, because of the mutual interests of their respective foreign governments, buried whatever antagonism that had existed between them and worked against their common enemies, the United States, Great Britain and the nations at war with Germany. Suddenly, on June 22, 1941, the masters of these fifth columns in America went to war against each other. The United States was still at peace. On June 23, 1941, the Communist Fifth Column stopped its collaboration with the Nazi Fifth Column, altered its propagandizing in the United States, and became a leading force in its demand for intervention. Many Americans, including members

of your committee, favored intervention against Nazi-Germany at the outbreak of the war.

Since the invasion of Soviet Russia by Nazi-Germany, the Communist Party in California has been helpful in ferreting out Nazi and pro-Axis agents and sympathizers, as the transcripts of the committee amply indicate. Every loyal American, and every decent human being, loathes and abhors the bestiality and degrading philosophy that activates Nazi-Germany. Every loyal American is resolved and determined, at whatever personal sacrifice necessary, that the Nazi-monster and its Axis partners be vigorously and thoroughly stamped out. No loyal American will compromise this resolve and determination and will be satisfied with nothing less than the unconditional surrender and defeat of these world aggressors. In this resolve and determination of ours, the Communist Party of the United States has found, *for the first time in its existence*, a moving force in America, corresponding in every detail with the *foreign policy, ambition and need* of the Comintern. The Communist Party will take every possible advantage of this situation. Heretofore the Communists have been able to fit their *party line* into small segments of American life, detached from the broad current of Yankee thought and desire. Now, they find that the sweeping force of a great war in which the United States is engaged, is one which they can harness for their future, sinister purposes.

Earl Browder's latest book of Communist propaganda is *Victory—And After* (International Publishers Co., Inc., 1942). This work, as is to be expected, elucidates the present *party line* of the Comintern. In addition to being an all-out attack on Martin Dies and his committee, the general theme is "Unity," which may be considered the Communist key-term for the current era of Communist strategy in the United States. The psychological tactic of tying in the enemies of Communism with the enemies, fancied or otherwise, of segments of American life, is here used in a vicious and clever manner by tying the enemies of Communism in with the enemies of the United States. Thus, although the Dies Committee has exposed Axis-agents and Nazi-front organizations as fearlessly as they have exposed Communism and its front organizations; because it has fought Communism together with the now admitted enemy of the United States, *Nazism*, Mr. Browder labels Dies and his committee the *real* fifth column in America and agents of Hitler. Mr. Browder believes the war offers an opportunity for the Communist Party to rid itself of the Dies Committee and of all similar Committees by the fallacious reasoning that in view of the fact that the United States is an ally of Soviet Russia, it naturally follows that those who oppose Communism necessarily espouse Nazism. Mr. Browder's plea for "Unity" is a plea for freedom of action, plotting and intrigue in the United States for the Communist Party. *Victory—And After* is clearly Communist propaganda modified to meet the present strategy of the party.

In *Victory—And After* we have, as of course is to be expected, a different Earl Browder than the person who appeared before the members of the Fifteenth International Brigade in the vicinity of Moro Station in Spain following the brigade's relief from action at Teruel. (Affidavit of John G. Honeycombe.) At that time, Mr. Browder is

reported as having said in his address to the members of the brigade that "Victory for the working class of Spain will be the signal for the revolt of the working classes throughout the world to overthrow their oppressors and establish the dictatorship of the proletariat; \* \* \* we of America must set the example of revolutionary discipline and courage for the workers of Spain as well as for our own working class at home in America," and that the day would surely come when the Communists would be the cadres of the revolution, leading the vanguard of the working class in their struggle to overthrow the capitalists and the capitalist systems and establish the dictatorship of the proletariat; that the comrades in Spain must emulate the heroic leaders of the revolution, Lenin and Stalin.

The Communist Fifth Column is still in America. The committee warns that this fact must not be forgotten. We all admire the courage and heroism of the Russian people fighting against the barbarous, brutalized Nazi invader. We do not believe, however, that this stand and this courage of the Russian people proves the greatness of their form of government any more than we believe that the aggressiveness and brutality of the Nazi hordes prove the greatness of the Nazi dictatorship. We have no quarrel with the Soviet Government. We *DO* have a quarrel with Nazi-Germany and her Axis partners. We are determined, in collaboration with the United Nations, to prosecute that quarrel to glorious victory for the United Nations. We want peace at the conclusion of this victorious war with all the nations of the world. Our comradeship-in-arms with Soviet Russia in this life-and-death struggle will, and properly should, bring the people of the United States and the people of Russia, together in strong bonds of friendship. We desire that our governments, because of our mutual sacrifices, work together in the future in close friendship and cooperation. We have no designs on the Government of the United Nations nor upon the Government of Soviet Russia. We believe in the self determination of peoples of all nations. We insist and demand that we be permitted to determine our own form of government. We are resolved that the end of the war shall not see the end of our American way of life. Therefore, we should not tolerate in our midst, either the fifth column of the enemies we fight on the far-flung battlefields of the world, or the Fifth Column of the allies with whom we fight as well.

The war is one thing. Our peace, tranquillity and security at home, in California and in the United States, is another thing. We must not forget that the transcendent arch-enemy which the Communist Third International, and its affiliated parties throughout the world and the whole elaborate Communist hierarchy have been savagely, relentlessly, ruthlessly and fanatically fighting since the inception of the Comintern, is Capitalism. The complete smashing by force of every capitalist government—yes, and of every Democracy—and the establishment of a world-wide dictatorship of the proletariat is the long range objective of the Comintern. The mere intervention of this global conflict will not, for an instant, change the allegedly scientific socialism of Karl Marx or in any manner amend or lessen the basic ideologies of the Communist movement which is indelibly burned into the mind and fibre of every real indoctrinated Communist.



The committee is likewise aware of the cleverly conceived and still more cleverly executed psychological warfare plans of pro-Axis forces in the United States. We have become thoroughly familiar with the patterns of Axis propaganda, its use of prejudices and its play on ignorance and emotion. The committee has gathered considerable evidence, proving beyond the shadow of a doubt, that the pro-Axis forces in California and in the United States, have used in the past, and are well prepared to use in the future, the Communist Party and Soviet Russia as a basis for a negotiated peace with Germany and the Axis powers. Hitler used the Communist menace as a stepladder to the Fuehrership of the Third Reich. Therefore, the committee emphatically warns the people of California and of the United States to be watchful and aware of such a pro-Axis scheme. Our country and its leaders have never quarreled with the people of other countries in the determination of their particular forms of government. We reiterate that we in America have no quarrel with Soviet Russia, as a government, in its form of government, its economics, or its internal laws. We have never sought officially or otherwise to dictate to the people of Germany, of Italy or of Japan, the form of government under which they should live. We have never sent emissaries from the United States to undermine or destroy the governments of foreign countries. We have never attempted to indoctrinate the people of other countries with our philosophy of government nor have we stirred them up for the purpose of undermining and sabotaging their institutions. We have no quarrel with the Monarchy of Great Britain. We have no quarrel with the form of the governments of the United Nations. We, therefore, believe that we have a right to be free of molestation and interference in our own Nation as to our particular type of government and its institutions. If we are not concerned about the preservation of our American Democracy, its Constitution, its government and its institutions, then, of course, it doesn't very much matter. The committee believes, however, that we are *vitaly* concerned. Thus it is, that we carefully distinguish between the government of Soviet Russia, our ally in fighting the common enemy, Nazi-Germany, and the Communist Party of the United States, which has as its long range objective the destruction of our form of government. It is only incidental, and considerably aside from the main question, that the Communist Party of the United States, in carrying out its policy of protecting the Soviet Union, joins presently in our all-out war effort against the common enemy.

Clear thinking in these times is vitally important. The committee learned that when it investigated the Communists in California, that the Communists attacked the committee as being "Fascist" and, after the invasion of Russia by Germany as agents of Hitler. When the committee investigated the *German-American Bund*, the *Friends of Progress*, and the Italian-Fascist groups throughout the State, the committee was attacked by these groups as being "Communist." The pattern of psychological propaganda in this respect was the same on either side of the picture. This strategy is being carried to great lengths at present by the Communist Party in California. An attack upon the American Communist, according to the American Communist, is an attack upon American "unity" and whoever indulges in such attacks, proclaims the American Communist, is an ally of Hitler and the Axis

powers. The "unity" that the Communist Party babbles about at this time is the unity of a drop of arsenic in a glass of milk. If anyone complains of the arsenic, argues the Communist, he is disrupting "unity." It is the psychology of the classical proposal of an alternate selection of death; hanging or shooting, and the human mind sometimes does not reason clearly enough to recognize the fundamental and actual desire, merely to live. Americans want neither hanging nor shooting, neither Fascism nor Communism. They want American Democracy, constitutional government, free enterprise, civil liberties, freedom, and the unhindered enjoyment of life, liberty and the pursuit of happiness.

The distinction the committee makes in this connection is a very real one. How many of our people ever heard of a man by the name of Michael Kalinin? Everyone has heard of Stalin. Yet Stalin has no position, whatsoever, in the Soviet government. Michael Kalinin is the head of the *Union of the Socialist Soviet Republics*. Joseph Stalin is merely the Secretary of the Communist Party of Russia.

## 2

### RED-BAITING AND RED-BAITERS

The average citizen knows little or nothing of Communism. He has been the victim of a steady barrage of clever propaganda under which true designs and purposes are concealed. He has been led to believe that anyone who advocates a more equal distribution of the world's goods and who fights for the oppressed and the exploited is called a "Communist" by the so-called "reactionary" press and the spokesmen of large corporations. If Mr. Average Citizen has heard Communism defined at all, it has been on the basis of the theory of John Mill who defined "Communism" as "An equality of distribution of the physical means of life and enjoyment as a transition to a still higher standard of justice that all should work according to their capacity and receive according to their need." John Mill's definition of Communism is the cheese in the trap for the unwary mouse, Mr. Average Citizen.

Generally, Mr. Average Citizen has never met anyone who admitted he was a Communist. He has undoubtedly heard of Mr. Earl Browder, Secretary of the Communist Party of the United States of America, and perhaps he has even seen photographs of Mr. Browder. He may have heard that "Communism is Twentieth Century Americanism." In recent years he has heard that Communism is based on the principles of Jefferson, Washington, Lincoln, Marx, Lenin and Stalin. Certainly, reasons Mr. Average Citizen, (if he is actually reasoning and not merely reacting to his conditioned reflexes), if Washington, Jefferson and Lincoln are in agreement with Marx, Lenin and Stalin, then, certainly, Communism is, in fact, *really* Twentieth Century Americanism.

If our Mr. Average Citizen has *really* been doing any thinking in recent years, he must undoubtedly have been considerably confused and dismayed by the apparently twisting Communist "party line" in America. He would like to discuss the matter and to learn the reasons and the motivating force behind Communist machinations in California and in the United States. This, however, he finds he can not do. Some strange spell has been cast over his mind. He finds that

he can not reason at all when it comes to a discussion of Communism. The more intellectual he happens to be; the more he considers himself a "liberal" or a "progressive" the more inhibited he finds himself when faced with this vague and mysterious subject of Communism.

While Mr. Average Citizen really knows little of the subject, its objectives and its purposes, he has heard of a terrible group of people generally referred to as "red-baiters." Depending on the current policy of the Communist Party, these "red-baiters" are the paid emissaries of a variety of devils. Most generally the masters of the "red-baiters" are exploiting capitalists and "reactionary" taskmasters. More recently these "red-baiters" are the propagandists of Fascism and the designing agents of Hitler's Fifth Column in America. Actually, however, Mr. Average Citizen really does not know what the term means. He dare not even plumb the depth of its horrible implications. If he happens to imagine himself a "liberal" or a "progressive" he will shy away from anyone who attacks Stalin's particular brand of Communism. He will avoid anyone who attacks Stalin's Sacred Cow. Anyone in America may attack the Socialists, the Trotskyites, the Nazis or the Fascists, with impunity but when Soviet Russia or the loyal comrades of Stalin's administration are attacked, they fall into that terrible category, that abyss of depravation, referred to as "red-baiters." A "liberal" or a "progressive" who falls into the sin of attacking Communism of the Stalin school, particularly if such "liberal" or "progressive" happens to be a sincere and sensitive soul, feels that he has sunk to the lowest depths of depravity; that he has betrayed his best friend and has lost caste over the face of the earth. It is as though a voodoo doctor had cast a spell over his mind; an enchantment of black magic suddenly conjured by name-calling. To sincere and sensitive individuals other Communist names such as "stool pigeon," "renegade liberal," "strike-breaker" and "social Fascist" are name-taboos soul-shattering and terrifying, but for devastation complete, "red-baiting" is in a class by itself. The strange efficacy of the term has closed and kept shut the mouths of many disillusioned ex-Communists. Fear of this stinging epithet holds the tongue and hands of many who might speak and write on the subject with authority. Politicians, in trembling fear of the appellation, avoid Communism in campaign speeches and in the exercise of the public offices to which they are elected. This strange, paralyzing fear of a name should engage the attention of psychiatrists and psychologists.

Our American history is full of occasions of biting and derisive name-calling but throughout its crowded pages there have always appeared men of courage who feared neither the names or the caller-of-names. But only a few men during the past several years have had the courage to stand up under the paralyzing accusation of being a "red-baiter." There is little wonder, then, that Mr. Average Citizen is confused and dismayed when confronted with what must appear to him to be a vague and unsubstantial thing—Communism.

Eugene Lyons, in his book on Stalinist penetration of America, "*The Red Decade*," has written brilliantly in defense of red-baiting. He sums it up as follows:

"There can be no clear thinking, no clear examination of the issues raised by the Kremlin's intrusion in American



life until the red-baiter taboo has been exorcised. A beginning, at least, can be made if those who expose Communist sculduggery walk up boldly to the terrible hobgoblin and, taking their courage in their hands, say, "Boo!" right in its face. After that, I can assure them, they will be able to wear the red-baiter tag with a flourish of pride, and their sleep will be as sweet as a healthy infant's. \* \* \* What is more, I challenge all intellectually honest liberals to break through their inhibitions by saying, "Boo!" They will not find it easy at first, of course, and may have to practice it before their mirrors with doors closed and blinds drawn. But after a while they will discover that neither thunder nor lightning will descend on their heads, but only a spatter of harmless sparks unloosed from Thirteenth Street, off Union Square in New York. In the end they will be cured, and will be able to examine the mythology of Stalinism as calmly as the folklore of capitalism or the mythology of Hitlerism."

The Committee investigating un-American activities in California has followed Mr. Lyons' advice and has not only said "Boo!" to the hobgoblin red-baiter-taboo but has actually found courage to subpoena the medicine men of Communist Voodooism and compel them to testify in public hearings. The jungle drums of the Communist press have roared and sent up a great turmoil. New names have been invented and hurled with special venom at the committee and its members; distorted news items and lying editorials have been generously indulged in, but the spell has been broken. The committee is happy to report that the citizenry of California and of the United States may successfully risk "red-baiting" and the terrible appellation of "red-baiters."

### 3

#### SOURCES OF COMMUNIST INFORMATION

No attempt has been made by the committee to include in this report the details and ramifications of the extremely complicated ideology of Communism. The committee has been more concerned with the activities and manifestations in California of the Communist Party than with the ideology that moves and disciplines its members. The problem, however, cannot be understood unless some knowledge of the theory of Communism, its history, development and strategies are explained. The members of your committee, its investigators and representatives, in addition to examining Communist witnesses, have given considerable time to the study of Communist documents, textbooks and literature. Whatever the theoretical grounds and basis of Communism may purport to be, the committee is prepared to state the practical approach to the attainment of Communism in the United States of America is vicious and subversive. The committee, after its study and examination of Communist Party literature, textbooks and the works of contemporary writers who lived in Soviet Russia, concludes that all that remains of Communism in Soviet Russia is the name.



Even Joseph E. Davies writing in *Mission to Moscow* indicates this fact. The committee is prepared to state that Soviet Russia since 1935 has been, in fact, a Fascist state.

The committee examined and interrogated many experts on the subject of Communism and on the subject of Communism in Russia. It has questioned many disillusioned former members of the Communist Party. The affidavits of John G. Honeycombe and Rena M. Vale are set forth in full in this report. Both of these affidavits are outstanding evidence of the morass of intrigue and the insidious plotting of the Communist Party. The affidavit of Rena M. Vale is of exceptional value in the opinion of the committee. This unusual document of Communist undercover machination in the State of California should be read by every Californian.

To those who may be interested in pursuing the complicated ideology of Communism, its activities and machinations, the committee recommends its 16 volumes containing the transcript of testimony taken through 1941 to 1943 together with their exhibits. In this connection, the committee recommends to the Legislature, that these transcripts together with their exhibits, be published in their entirety. The committee has studied and drawn heavily on the entire library of Communist literature. The following list is recommended to those who wish to pursue the subject in greater detail:

1. *Das Kapital*, by Karl Marx.
2. *Communist Manifesto*, by Karl Marx and Frederick Engels.
3. *Official History of the Communist Party of the Soviet Union*.
4. *The World Communist Movement*, by G. Manuilsky.
5. *Men and Politics*, by Louis Fischer.
6. *I Confess*, by Benjamin Gitlow.
7. *The Red Decade*, by Eugene Lyons.
8. *The People's Front*, by Earl Browder.
9. *Constitution of the Communist Party of the United States*.

The last named, *The Constitution of the Communist Party of the United States*, is revised from time to time, as the laws of the Federal Government are revised, and the foreign policy of Soviet Russia changes. All of the publications mentioned, with the exception of those by Fischer, Lyons and Gitlow, may be purchased at any Communist book store in any of the large cities in California. Most of these book stores are easily identified as they are known as "Progressive" or "Workers" book stores, or some such equivalent name. Your committee considers the works by Eugene Lyons as particularly illuminating and informative. In addition to Lyons' *Red Decade*, the committee also recommends Lyons' *Assignment in Utopia* and *Stalin, Czar of All the Russias*.

In addition to the foregoing, members of the committee and its representatives have carefully examined the reports and records of similar committees and have had access to the files of law-enforcing bodies of the State and similar agencies. Confidential sources of information have been of great assistance in the preparation of public hearings and

have been the background upon which considerable evidence has ultimately been established.

The use of the word "*Communism*" in this report should be clearly understood. The committee wishes clearly to distinguish between such terms as "Socialism," "Syndicalism," "Radicalism," "Anarchism," or general philosophies of political, economic or social change and "*Communism*." When "Communism" is used in this report, the committee is referring to the revolutionary radicalism and totalitarianism of Stalin and the Third or Communist International which has its headquarters in Moscow. The terms "Communism," "Stalinism," "Third International," "Communist International" and "Comintern" are intended to convey the same meaning in the pages of the committee's report. The use of these terms is not to be confused with Socialism or philosophies of governmental reform divorced from foreign domination and control, and force and violence.

In addition to the sources listed above the committee has gathered the following material:

1. Photostats of all of the signers to Communist Party nominating petitions in California, including the appointments of members to the State Central Committee of the Communist Party. The files of the committee contain complete lists of every individual who has officially run for public office on the Communist Party ticket together with the registered members of the Communist Party who signed their nominating petitions.

2. Lists of all individuals who registered as Communists in various parts of the State.

3. Full data of the background and activity of California Communists and Fellow Travelers.

4. Identities, background and activities of individuals who have, from time to time, been identified with Communist causes in California, either in the category of "dupes" and "innocents" or just Communist Party "window dressing."

5. Files of the Communist Party official publication on the West coast, the *People's Daily World*; current Communist magazines and Communist literature. From these publications the committee has been able to secure a rounded picture of Communist attempts to penetrate and capture the following:

- Home Defense groups.

- Labor Unions.

- Consumers groups.

- Language and racial groups.

- Migratory labor and agriculture groups.

- Schools and colleges.

- Motion picture industry.

- Theatre and radio.

- Charitable organizations.

- Art and music.

- All fields of writing.

These publications clearly reveal Communist Party attempts to influence women's organizations, churches, State and Federal Govern-

ments, the Army and Navy, educational institutions and all mass organizations.

6. A mass of documents, photostats, inflammatory pamphlets, periodicals, newspapers, reports and similar documentary evidence of the scope of the Communist Party's influence in propaganda fields.

## 4

## COMMUNIST THEORY AND PRACTICE

One of the stock questions asked by every American Communist and Communist Fellow Traveler when questioned as to his Communist affiliation is, "What is a Communist?" This is designed to leave the original questioner flabbergasted. The Communist or Communist Fellow Traveler, schooled in the art of oral fencing, readily falls back on the definition of "Communism" by John Mill. He is apt to counter, when definitely pinned down, to something, as follows: "If you mean by 'Communism,' an equality of the distribution of the physical means of life and the enjoyment thereof as a transition to a still higher standard of justice that all men and women should work according to their capacity and receive according to their needs, then I am a Communist." This economic delusion is supposed to leave its hearers fully convinced that the word "Communist" is a derogatory term for high-minded men and women who merely desire to make the world a better place in which to live.

Earl Browder has named the following as the basic texts of Communism: The *Manifesto*, by Marx and Engels; *Das Kapital*, by Karl Marx; *Fate and Revolution*, *Left Wing Communism*, and *What is to Be Done*, by Lenin; *Leninism*, by Stalin; *The United Front*, by Dimitrov, the Secretary of the Third International. Earl Browder, himself, has written the following books on the subject, which are accepted by the Communists as authoritative: *Communism in the United States* (1933-4); *What is Communism?* (1936); *The People's Front* (1937-8), and *Fighting for Peace* (1938-9).

Karl Marx and Frederick Engels are the authors of the modern version of Communism and Lenin and Stalin are the modern interpreters and prophets. All Communist authorities agree with this statement. The *Manifesto*, written by Marx and Engels in 1848, may be considered the bible of Communism. The Marxian theory of Communism is supplemented in its modern version as to sovereignty and tactics to be employed for its attainment.

The First Communist International was created September 28, 1864, and was organized in London, England. The Second Communist International was organized in Paris in 1889. Lenin organized the Third Communist International in Moscow in 1919. Trotsky headed the Fourth International. Only about 3,000,000 adherents of Russian Communism have any voice whatsoever out of the 180,000,000 or more Russians in the Soviet government. Only the "politically most conscious" of the Russians may join the Communist Party of Russia. (Constitution, 1936, Article 126.)

Article XI of the Constitution and By-Laws of the Communist Party of the United States adopted in New York May 27-31, 1938, provides:

"The Communist Party of the U. S. A. is affiliated with its fraternal Communist Parties of other lands through



the Communist International and participates in International Congresses, through its National Committee. Resolutions and decisions of International Congresses shall be considered and acted upon by the supreme authority of the Communist Party of the U. S. A., the National Convention, or between Conventions, by the National Committee."

#### LEGAL AND ILLEGAL METHODS

The program of the Communist International bluntly directs " \* \* \* legal methods must unfailingly be combined with *illegal methods* \* \* \*." One of the conditions laid down for admission to the Communist International, promulgated by O. Piatnitsky, is as follows:

"The obligation to spread Communist ideas include the particular necessity of persistent, systematic propaganda in the army. Wherever such propaganda is forbidden by exceptional laws, it must be carried on *illegally*. The abandonment of such work would be equivalent to the betrayal of revolutionary duty and is incompatible with membership in the Third International."

Section 36 of Part V of the Constitution of the Communist International provides:

"The Communist Parties must be prepared for transition to *illegal* conditions. The E. C. C. I. (Executive Committee of the Communist International) must render the Parties concerned assistance in their preparations for transition to *illegal* conditions."

Joseph Stalin, himself, writing in Volume 1 of *Leninism* throws aside all pretense and states:

"The revolutionary will accept a reform in order to use it as a means wherewith to link legal work with *illegal* work, in order to use it as a screen behind which his *illegal activities* for the revolutionary preparation of the masses for the overthrow of the Bourgeoisie may be intensified."

Methods and tactics of combining legal work with illegal work on the part of the Communists everywhere accounts, particularly in the United States, for the secret, conspiratorial, underground groups, who use fictitious names and deny their affiliation with the party. These tactics readily explain the shifting and deceit in the changing public declarations and documents of open Communist functionaries. Thus, it is, when the Congress of the United States enacts a statute providing for the registration of the members of groups dominated by foreign governments, that the open functionaries of the Communist Party acting for the protection of the secret and underground membership, revise their public constitution "as a screen behind which \* \* \* the *illegal activities* for the revolutionary preparation of the masses for the overthrow of the Bourgeoisie may be intensified."

The committee learned from William Schneiderman (Volume V, pp. 1260-1342) that the Communist Party did, in fact, call a special



National convention in New York on December 16, 1940 for the purpose of amending the Constitution to comply with the Voorhis Act—the Federal statute requiring the registration of subversive groups. In this connection Mr. Schneiderman stated that “revolution is one of the historical facts of the world \* \* \* we are part of it.” He admitted that changes in the Communist Party Line in America and California were the result of changes in world events.

He said that the Communist Party believed it a mistake for the United States to enter the war until the Soviet Union was attacked. He amplified this statement by adding: “Any attack on the Soviet Union is an attack on the interests of the workers throughout the world.” He stated that the use of the term “*Fatherland*,” referring to Soviet Russia, was merely symbolic and that William Z. Foster used this term in the symbolic sense when he stated that “Russia was the Fatherland of all workers and the Red Flag the flag to which the Communist Party owed allegiance.” He stated the slogan “The Yanks Are Not Coming” was the Communist Party slogan prior to the invasion of the Soviet Union by Hitler but after the invasion it became a “reactionary slogan,” and that after the Soviet Union was attacked the role of America was changed.

An understanding of this insidious method of combining legal with *illegal* methods on the part of the Communist Party in the United States explains many inconsistencies, mental maneuverings and actual perjuries on the part of many Communist witnesses who have testified before the committee.

#### FOREIGN CONTROL

The Honorable Charles Evans Hughes reporting to the United States Senate January 21, 1924 in his capacity as Secretary of State, said:

“It will be seen that the question of whether Communist programs contemplate the use of force and violence has been passed upon by every class of tribunal which would pass upon it, namely, Federal and State Courts, administrative tribunals and Legislative Committees of both Federal and State governments and in every case the result has been in support of the position that force and violence are inseparable from Communist programs.”

Mr. Hughes stated further, in the same report:

“It is believed that the evidence presented by the Department of State established the unity of the Soviet Government, and the Communist International, all of which are controlled by a small group of individuals, technically known as the political bureau of the Russian Communist Party. Second, the spiritual and organic connection between this Moscow group and its agents in this country—the American Communist Party and its legal counterpart, the Workers’ Party. Not only are these organizations the creation of Moscow, but the latter has also elaborated their program and controlled and supervised their activities. While there may have existed in the

United States individuals, and even groups imbued with the Marxist doctrines prior to the advent of the Communist International, the existence of a disciplined party equipped with a program aiming at the overthrow of the institutions of this country by force and violence is due to the intervention of the Bolshevik organizations into the domestic political life of the United States. The essential fact is the existence of an organization in the United States created by and completely subservient to a foreign organization striving to overthrow the existing social and political order of this country. Third, the subversive and pernicious activities of the American Communist Party and the Workers' Party and their subordinates and allied organs in the United States are activities resulting from and flowing out of the program elaborated for them by the Moscow group!"

Stalin told the American delegation to the Third Communist International in Moscow in 1927: "The Communist Party of America, as a section of the Third International must pay dues to the 'Kiminterne'."

William Z. Foster, three times a candidate for the President of the United States on the Communist ticket and an admitted member of the Third International, testified before a Congressional Committee of the United States Congress, as follows:

"\* \* \* The Communist International is a world party, based upon the mass parties in the respective countries. It works out its policy by the mass principles of these parties in all its deliberations. It is a party that conducts the most fundamental examination of all questions that come before it and, when a decision is arrived at in any given instance, this decision the workers, with their customary sense of proletarian discipline, accept and put into effect. \* \* \* The workers of this country and the workers of every country have only one flag and that is the red flag. \* \* \* The workers, the revolutionary workers, in all the capitalist countries are an oppressed class who are held in subjection by their respective capitalist governments and their attitude toward these governments is the abolition of these governments and the establishment of soviet governments. \* \* \* I stated very clearly the red flag is the flag of the revolutionary class, and we are part of the revolutionary class. \* \* \* And all capitalist flags are flags of the capitalist class, and we owe no allegiance to them."

William Z. Foster further testified:

"No Communist, no matter how many votes he should secure in a National election, could, even if he would, become president of the present government. When a Communist heads a government of the United States, and that will come just as surely as the sun rises, that gov-

ernment will not be a capitalistic government, but a soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat."

If anyone should believe that the testimony given by William Z. Foster, as quoted above, reflected a passing period of Communist policy, the recent testimony given by Mr. Foster before the Dies Committee on September 29, 1939, dissipates that idea. Mr. Foster virtually confirmed the testimony he had given before another congressional committee several years previous. Earl Browder testified before the Dies Committee in September of 1939 also, and stated: "The Communist Party of the United States is affiliated with the Communist International \* \* \*. We have participated in the International Congress; we have sent delegates to all the International Congresses since the third Congress \* \* \*. It was only an organizational question that there was any ignoring of the Constitution. *Politically, there has been the closest collaboration, the closest relationship \* \* \*. So far as the political essence of the problem is concerned, there is the closest harmony between the Communist Party of the United States and the Communist International*" In order that no doubt be left on the subject, Mr. Browder stated there is no "single instance where the Communist Party of the United States has ever disagreed with the Communist Line in Russia."

As will be shown later, the *foreign policy, need and ambition* of Soviet Russia itself determines the policies of its Communist branches throughout the countries of the world. The method promulgated by the Third International for the combining of legal and *illegal* tactics in the countries in which the branches are operating, permit the Communist Parties literally to "fly through the air with the greatest ease," leaping from one convenient trapeze to another. Thus, the enactment of Federal statutes, providing, in part, that all organizations controlled or dominated by a foreign power, register as such with the Department of State, saw a frantically-called special convention of the Communist Party of the United States November 16-17, 1940. Certain of the gullibility of Americans in their unquestioning acceptance at face value of the truthfulness and honesty of anything printed in a so-called constitution, this convention of the Communist Party amended its so-called constitution to conform to the new Federal statutes. Thus it was that the revised constitution emanating from this special convention of the Communist Party of the United States provided in Article VII, Section 1, as follows:

"The supreme authority in the Communist Party of the U. S. A., is the national convention. Regular national conventions shall be held every two years. Only national conventions are authorized to make political and organizational decisions binding upon the entire party and its membership, except as provided in Article VII, Section 6." (Section 6 provides that between conventions the highest authority of the party is the National Committee.)

As far as the new constitution is concerned, the Communist Party of the United States was divorced from the Third International. The



Communist Party press in the United States openly laughed at the subterfuge—this typical application of the method of combining legal with *illegal* tactics. Actually the Communist Party of the United States redoubled its efforts for the sabotaging of our defense efforts and continued to carry out the mandates of the Hitler-Stalin pact. Paid Communist functionaries, such as Jack Moore and William Schneiderman, when subpoenaed before the public hearings of the committee, were able to shout from the housetops that the Communist Party was a law-abiding political group “carrying forward the traditions of Jefferson, Payne, Jackson and Lincoln,” upholding “the achievements of Democracy, the right of ‘life, liberty and the pursuit of happiness,’ ” and that the Communist Party “defends the United States Constitution against its reactionary enemies who would destroy Democracy and all civil liberties.”

### FORCE AND VIOLENCE

The *Manifesto*, by Marx and Engels, states: “\* \* \* Communists scorn to hide their views and aims. They openly declare that their purpose can only be achieved by the forcible overthrow of the whole extant social order. Let the ruling classes tremble at the prospect of a Communist revolution. Proletarians have nothing to lose but their chains. They have a world to win. Proletarians of all lands, unite!”

Lenin stated: “The dictatorship of the proletariat is nothing else than power based upon force and limited by nothing \* \* \* by no kind of law and by absolutely no rule.”

Earl Browder, the foremost exponent of Communism in the United States has stated in his book, “*What is Communism?*”:

“It must be emphasized that capitalism will not simply come to an end; it can only be ended by the organized actions of the working class in collaboration with its allies from other sections of the population. \* \* \* After this first step of taking state power has been realized, the workers make use of the state power to take possession of the instruments of production. Then the new government, at the head of the masses, reorganizes the entire national economy of the country in an organized and planned manner, along socialist lines. \* \* \* All revolutions have been made with weapons which the overthrown rulers had relied on for their protection. \* \* \* History does not show a single example in which state power was transferred from one class to another by peaceful means, whether in the form of voting or some other method of formal democracy. \* \* \* If the productive forces and accumulated wealth of society are to be preserved and further developed the property rights of the capitalists and the institutions by which they are maintained must be abolished and the exploiting minority and its agents suppressed. *Thus, some form of violence is unavoidable. There is no possible choice between violence and non-violence. The only choice is between the two sides of the class struggle.*”



Stalin stated to the Communist Party of the United States of America in 1929: "I consider the Communist Party of the United States is one of the few Communist parties to which history has given decisive tasks from the point of view of the world revolutionary movement. It is necessary that the American Communist Party should be capable of meeting the moment of crisis fully equipped to take the direction of future class wars in the United States. You must forge real revolutionary cadres and leaders of the proletariat who will be capable of leading the millions of American workers toward the revolutionary class war."

William Z. Foster stated in 1928 when accepting the Communist Party nomination for President of the United States: "We must utilize this campaign to carry on a widespread and energetic propaganda to teach the workers that the capitalist class would never allow the working class *peaceably* to take control of the state. That is their strong right arm, and they will fight violently to the end to retain it. We working class must shatter the capitalistic state. We must build a new state, a new government, a workers' and farmers' government, *the Soviet Government of the United States*. \* \* \* In all our agitation around these demands we must emphasize the absolute necessity for the proletarian revolution. Our strategy is to utilize these immediate demands to educate and organize the masses in preparation for the final revolutionary struggle, which will abolish capitalism altogether. *Reliance upon immediate demands would lead us merely to reformism*. Our party is a revolutionary party. \* \* \*

Your committee might continue quoting from official Communist sources for many pages in reference to the program of force and violence advocated by the Communist Party for the overthrow of the Government of the United States, but it is felt the above quotations will suffice. It may be said without fear of contradiction that the Communist Party in America and the Communist Parties throughout the world, under the domination of the Third International, have, as their ultimate and long-range objective the destruction of all existing democracies and governments by force and violence and the establishment of soviet governments in their stead under the dictatorship of the proletariat.

The objective of world-wide revolution and the destruction of existing governments by force and violence, and the establishment of soviets, is the long range plan of the Stalinist Communist. It is an objective that can be postponed from time to time in view of the ever immediate objective of the Communist Parties of the world. Soviet Russia, itself, is the immediate consideration, and its protection, as the Fatherland of the proletariat, is ever present in the minds of Stalin's loyal comrades everywhere. An understanding of these two fundamental objectives of the Communist Party and the Third International is absolutely necessary in order intelligently to follow the apparently twisting policies and "Party Line" of the American Communist Party in California and in the United States.

#### DAY-TO-DAY STRUGGLES

"Softening-up processes" of "decadent" bourgeoisie democracy is known in Communist Party pig-Latin as the technique of the "day-to-day struggle" against the "bosses" and the "bosses' government."

Under the heading of "Immediate, and Partial Demands," the Communist Party hopes to move the non-Communist masses toward the blood-and-thunder era in which the government will be overthrown and the dictatorship of the proletariat established. No issue is too small or insignificant for Communist Party strategical utilization. The issue may be social, political or economic. Immediate issues such as wages, working conditions, hours, civil rights, liberties, and zoot-suit gangs all afford opportunities for agitation in the "day-to-day struggle." The whole purpose of the strategy is to arouse the masses, the non-Communist masses, against the "bosses" and to direct public resentment against the "bosses' " government. By this tactic the Communist Party believes that it extends its own influence with the people and, when public resentment is whipped to a white heat, will offer an opportunity to the Communists to lead the masses in civil war and armed revolt against the government.

Jack Stachel, writing in *The Communist* for November, 1934, under the title of "*Our Trade Union Policy, a Report to the Political Bureau of the Central Committee*," states: "Our basic task in trade union work, as Communists, is to organize and lead the masses in a struggle for their immediate economic and political needs, and, in the course of these struggles \* \* \* to revolutionize these masses, to mobilize them for the revolutionary struggle for the overthrow of capitalism."

V. Adoratsky writing in *The Communist* for May, 1932, states:

"\* \* \* Leninism does not limit the movement to any one particular form of struggle, but rather strives to master all forms. Various forms of proletarian struggle are the strike movement, demonstrations, parliamentary struggle, revolutionary utilization of parliament when the situation demands it, and also the higher forms of struggle: armed uprising, civil war, dictatorship of the proletariat. In the second place, Leninism approaches the problem as to what particular form of struggle is to be utilized, historically, in connection with and taking into consideration the entire concrete situation. In the choice of means it is necessary to show the greatest flexibility."

This particular technique of "Immediate and partial demands" in the so-called "day-to-day struggle" of the Communist Party, *must* be understood if the agitational techniques of the conspiracy are to be exposed and combated. Members of legislative bodies, public officials and the people generally should be warned carefully to distinguish between Communist Party agitation *per se* and *legitimate* issues of real public concern.

#### RELIGION

Modern Communism and its true believers abhor religion. Earl Browder has stated: "We Communists do not distinguish between good and bad religion, because we think they are all bad for the masses." William Z. Foster, testified before a congressional committee, that: "Our party considers religion to be the opium of the people."

Experts on Communist history, theory and the laws of Soviet Russia have stated to your committee that Communism is the most *intolerant* of all *isms*, in spite of the loud-mouthed boastings of the American Communist that the members of their party are "liberals" and "progressives." In connection with the subject of religious tolerance and freedom in Soviet Russia, which Communist apologists are now proclaiming to the unsuspecting citizenry of the United States in their drive to make Soviet Russia appear as a *Democracy* instead of the absolute totalitarian dictatorship that it is, the committee quotes Article 126 of the Constitution of the Union of Soviet Socialist Republics, now being sold two for a nickel, neatly bound and carefully printed in English by Ogiz, State Publishing House of Political Literature, Soviet Russia, 1938:

"Article 126. In conformity with the interest of the working people, and in order to develop the organizational initiative and political activities of the masses of the people, citizens of the U. S. S. R. are ensured the right to unite in public organizations—trade unions, cooperative associations, youth organizations, sport and defense organizations, cultural, technical and scientific societies; *and the most active and politically most conscious citizens* in the ranks of the working class and other sections of the working people *unite in the Communist Party of the Soviet Union*, (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state." (Italics are the committee's.)

Thus, the great "democratic," intolerant dictatorship of the proletariat as enunciated by its constitution permits its people to organize into particular and *specifically* named societies, thus excluding those not catalogued. This "tolerance" and "democracy" goes even further; it permits the most active and politically *most conscious* citizens actually to unite in the Communist Party of the Soviet Union. Thus, the constitution itself excludes and makes illegal organizations and societies based on any other school of thought than Communism.

Article 124 of the aforesaid Constitution of the Union of Soviet Socialist Republics provides:

"In order to ensure to citizens freedom of conscience, the church in the U. S. S. R. is separated from the state, and the school from the church. Freedom of religious worship and *freedom of anti-religious propaganda is recognized for all citizens.*" (Committee's italics.)

At first blush, and without further information, it would appear that this guarantee of both religious and anti-religious freedom was the acme of religious tolerance. Vladimir Gsovski, who was formerly a County Judge and lawyer in Russia, and who is presently Assistant in Foreign Law to the Law Librarian of Congress and a professor in Russian at Georgetown University in the School of Foreign Service,



has written on the legal status of the church in Soviet Russia in 8 Fordham Law Review, 1, January, 1939. Mr. Gsovski states:

"The Soviet laws directly dealing with religion and the church are not the only factors determining the status of the church in Soviet Russia. Inimical attitude toward religion in the Communist philosophy has contributed largely to the manner in which the laws were interpreted and applied. Stress is laid at one time upon propaganda, at another time upon direct persecution and suppression. To deprive the churches of any possibility of exercising influence upon the people even outside of politics is the real tenor of all the acts of the Soviet Government. To create conditions for replacement of religion by atheism is its real aim."

The committee, at this point, wishes to stress the alleged constitutional freedom of *religious worship* and the *freedom of anti-religious propaganda*. The freedom of *religious propaganda* is thereby prohibited. On this point, Mr. Gsovski writing on the legal status of the church in Soviet Russia, states:

"In 1929 the constitutions of the major soviet republics were amended to make clear the prohibition of religious propaganda and this modified text was incorporated into the 1936 constitution."

Mr. Gsovski's treatise on this subject may be summed up as follows: Soviet statutes do not recognize the church as an organized aggregation of parishes of a given denomination. All such units, if they exist at all, must be strictly local in character. All churches are completely deprived of any property rights. Even the ownership of vestments, utensils, chalices and other objects which are merely destined for purely liturgical and ceremonial use are denied to them. All objects of historical or artistic value are taken from the churches and removed to museums, if the objects do not have a material value. Any gift made to a church or religious organization, under Soviet law, automatically becomes the property of the Soviet state, and is subject to disposal by Soviet authority. Any establishment of regular membership fee is forbidden by Soviet law under a penalty.

The activities of a church or religious group, referred to in Soviet law as a "religious association," are strictly confined to what the Soviet law terms "performance of the cult," that is, to bare performance of ceremony. "Religious associations" is a term in Soviet law that has no remote relationship to the legal entities embodied in the Anglo-Saxon sense. Under Soviet law, no church may dispense charity, teach religious doctrines, even to its own members or their children. Religious ceremonies or the display of religious symbols are strictly prohibited under heavy penalty in any governmental, public, cooperative or private institution or enterprise or in commonly used premises of an apartment. Special permission of the government must be obtained two weeks in advance for the customary God services in the open air or in any other premises than the church. Christmas and Easter are *not* holidays in Soviet Russia. Any worker who attends



church on either of these days and who fails to put in an appearance at his place of work is summarily dismissed.

Soviet statutes strictly prohibit the teaching of religion or "any form of religious belief" by the church. These statutes go even further in prohibiting the teaching "of any form of religious belief" in any educational establishment and also in "teaching religious doctrine to persons under 18 years of age." Mr. Gsovski, in this connection, states: "Soviet regulations are not confined to a negative combat of religion, but a *positive program of atheistic education* is officially established for the Soviet schools."

In reference to the persecution of the clergy, Mr. Gsovski says: "For 18 years limitations and especially heavy financial burdens were imposed upon the clergy of all denominations and upon monks and nuns. From the first Soviet Constitution of July, 1918 to the Constitution of 1936 the laws deprived the clergy of franchise. The disfranchise not only affected the right to vote, and to be members of the trade unions and therefore be lawfully employed especially in governmental enterprises, but also imposed higher rents for their apartments. When food and other commodities were distributed by ration on cards, disfranchised persons were deprived of such cards. Their children were practically barred from education and employment. They were subject to specially high taxes."

A religious man is suspected by the Communists of being inimical to the Soviet Government and almost automatically involves the accusation of *counter-revolutionist*. Mr. Gsovski points out that the definition of "counter-revolutionary" crime is couched in very general terms which are much broader than that of political crimes. Moreover, the Soviet court has power to sentence for acts not expressly dealt with in the Penal Code. The law provides: "Propaganda or agitation containing an appeal to overthrow, undermine, or weaken the Soviet authority or to commit individual counter-revolutionary crimes, or the dissemination, preparation, or possession of literature containing such matter \* \* \* if done \* \* \* by utilizing religious or racial prejudices"—entails the death penalty. Set up, side by side with the courts, are special government departments that have broad power to inflict heavy penalties without any judicial procedure and without trial, and not bound by any substantive or adjective law. These special government departments are variously known as Cheka, GPU, OGPU and, since 1934, the Federal Commissariat of the Interior—Narkomvnutel (NKVD). Mr. Gsovski states that: "For several years it had first the actual power and later the right to put to death after secret procedure, or sentence to penal servitude (labor camps) or exile." Mr. Gsovski concludes with this statement:

"The entire set-up of the Soviet penal system does not offer any convincing evidence that the high number of prelates, priests, monks, and active parishioners were engaged in the counter-revolutionary activities for which they were prosecuted. Separation of state and church declared in Soviet decrees means actually the suppression of the church by an atheistic state. Soviet legislation on religion is a legislation of militant atheism which sought to eradicate religion from the human mind"

Much ado by American Communists was made over the new Constitution of December, 1936, above referred to and quoted, as to its guarantee of religious freedom. As a matter of fact, all information and evidence available, points to a marked increase in anti-religious activity on the part of the several agencies of the Soviet Government and certainly there has been no change in the religious outlook of American Communists. This anti-religious campaign is directed against all religions—Catholic, Protestant, Greek Orthodox, Mohammedan and Jewish. Corliss Lamont, formerly head of the Friends of Soviet Russia, wrote in *Soviet Russia and Religion*: "The truth is that the social roots of religion are well on the way towards being totally abolished in Soviet Russia." In this same work, Mr. Lamont states as follows:

"It now remains to be asked to what extent the anti-religious campaign has been successful. The most recent figures were announced at the meeting held in Moscow in February, 1936, to celebrate the tenth anniversary of the founding of the Union of Militant Atheists. The union now boasts a membership of more than 5,000,000 with 50,000 active local organizations. There is also the youth section, the Young Militant Atheists, who number over 2,000,000. During its existence the union has published more than 1,000 anti-religious titles, with the actual total of books and pamphlets issued running into several million \* \* \* Emelian Yaroslavsky, old Bolshevik and friend of Lenin's, who is President of the Union of Militant Atheists, claims that there are approximately 40,000,000 active atheists in the U. S. S. R. out of a population now close to 170,000,000."

Mr. Earl Browder, the American prophet of the dictatorship of the proletariat, states in *Religion and Communism*: "From this estimate of the social role of religion, it is quite clear that the Communist Party is the enemy of religion. We Communists try to do the opposite of what we hold religion does."

In a book, *Teachings of Marx for Boys and Girls*, by William Montgomery Brown, your Committee finds the following:

"Religion is a dangerous dope because it takes the people's mind off their misery and their poverty. Religion is dope like opium. Well, religion acts the same on the poor American as opium does on the Chinese coolie. Now you will understand one of the most famous sayings of the great Karl Marx. He said, 'Religion is the opium of the people.' It makes them dream of a heaven in which they will be rewarded forever, if they suffer patiently the hell they have on earth. The preacher dopes them with his sermon. Then they go home dreaming about the beautiful heaven which is no more real than the beautiful palace of a Chinaman's opium dream."

The committee believes that it is unnecessary to extend this part of its report any further. It is the definite and abiding conviction of the members of the committee that the Communist Party seeks, not

only to destroy our government, its Constitution and the American way of life, but to destroy our religion and religious institutions as well.

#### LEGAL POLITICAL COMMUNIST PARTY—A FICTION

The fourth period of Communist development and strategy in the United States, based on the parallel period of the *need, ambition* and *foreign policy* of Soviet Russia, saw the rise of Communism in the United States as a legally constituted political party. While beginnings had been made before this period the names selected had been more deceiving, such as the Communist Labor Party, Workers' Party, et cetera. It must be remembered that this fourth period, beginning in 1935, had seen the launching of the Trojan Horse Cavalry and the creation of "people's fronts," "popular fronts" and "collective security." Fascization of Soviet Russia had been under way for some time. Stalin had despaired of forming an advantageous pact with Hitler and Mussolini and was in growing fear of a German and Japanese war. The comrades of the Communist Parties of the world were ordered to sell Soviet Russia to their respective countries on the basis of "Democracy" and "anti-Fascism." In conformity with the new slogan "Communism is Twentieth Century Americanism" and the Communist-advertised agreements between Marx, Lenin, and Stalin and Washington, Jefferson and Lincoln, the Communist Party of the United States of America launched its *legal* political party in earnest. The revolutionary character of the party had not changed. It was merely in moth balls. What the Communist Party of America did, so reasoned the Kremlin strategists, reflected the character of the Soviet Government. So it was that selected comrades in the various states were ordered to register as members of a legally constituted Communist Party. Former members of the Communist Party have stated that at no time in the United States did more than 20 per cent of the membership of the Communist Party register openly as such. This strategy served two purposes. First, it helped the Red Fatherland in its current maneuvering and secondly, it permitted greater recruiting of unwary Americans into the party and gave an air of respectability to the odious appellation of "Communist."

It must be emphasized and remembered that the Communist Party is fundamentally and basically a secret, conspiratorial branch of a foreign government. Its members, for the greater part, in affiliating with this secret and conspiratorial group, do so under assumed and fictitious names. The committee has examined many Communist Party membership books and has in its files photostats of the applications for membership of many Communists. In nearly every case the applicant gives first his real name and then sets forth the fictitious name under which he desires to be known in Communist circles. The majority of Communist members are registered in other legal parties, and in recent years have concentrated in the Democratic Party. In the period under discussion, the Communists in California were able practically to capture the Young Democrats of this State, and had strong working fractions in nearly every official Democratic County Committee.

Your committee is in possession of a mass of evidence concerning many individuals throughout the State of California and their relationship with the official secret, conspiratorial Communist Party.



Where such an individual is of prominence, and therefore of great value to the Communist strategy, no record whatsoever is made of such an individual's affiliation. Among the Communists themselves such an individual is referred to as "a member at large." Because of his or her importance, no formal application for membership is ever demanded and no party-book or other indicia of membership is issued. For general purposes such individuals are generally listed as "fellow travelers." He or she is easily catalogued once the observer understands the policies of Soviet Russia and its agents in California and in the United States. The "fellow traveler" follows the party line without deviation. If his activities tally with the changing policies of the periods of Communist strategy outlined herein, there can be little doubt of his close association with the Communist Party of America. The real *liberal* or *progressive*, retaining intellectual independence and freedom of thought, is not for any great length of time a fellow traveler in this sense. The true fellow traveler is one who called Roosevelt a *war monger* from 1939 to June 22, 1941 and who subsequently took the breath taking flip-flop on June 22, 1941 when Hitler invaded Soviet Russia. The fellow traveler is never registered in the legally constituted Communist Party.

Typical of witnesses who deny affiliation with the Communist Party but whose activities and philosophy meticulously follow the Communist Party line was Laurence B. Smith (Volume VIII, pp. 2432-2437). Mr. Smith told the committee that he had never affiliated with the Communist Party but that he had attended many of their functions. He told of attending a function given for the benefit of the *People's Daily World*, Communist Party newspaper, in the C. I. O. Hall on Eighth Street, in San Diego, in April of 1941 and of attending a meeting in Los Angeles in November of 1941 to hear Robert Minor, National Chairman of the Communist Party of the United States. He admitted having made contributions for the defense of William Schneiderman. He had been a member of the *American Civil Liberties Union* for some seven or eight years. He frankly told the committee that he was against sending aid to Great Britain until they were "united to defeat Fascism." (Great Britain united, according to Communist reasoning, to "defeat Fascism" when Soviet Russia was invaded by Nazi-Germany.) Mr. Smith added: "If that's the party line, I agree with it."

The people of California should recall that practically every appellate court decision passing on Communism in California has adjudicated it to be a criminal conspiracy to destroy the government of the State and of the Nation and the property of the citizenry by force, violence, sabotage and treason. In the case of the *People vs. Taylor*, 187 Cal. 378, the court stated: "There seems to be no doubt that its aims, objectives and purposes were in full accord and in entire sympathy of that body (Communist Party of Russia) in Russia." The court went on to further state that: "Taylor disclaimed any hope of success of change through the ballot, and advocated getting results by force. He favored sabotage as a weapon of the working class against the employers and capitalists \* \* \*. During the time he was advocating all such measures, Taylor was active in the work of the Communist Labor Party."



The agitation-propaganda department of the Communist Party, known to the Communist as the "Agit-Prop" has laid down a policy of disloyalty to the United States. This has been confirmed by testimony of Earl Browder under oath. When questioned as to the attitude of the American Communist in event of war between the United States and Soviet Russia, Mr. Browder stated as follows: "The American workers, when called upon to go into this war against the Soviet Union, must refuse to fight against the Russian workers, *and go over on the side of the Red Army*. The American workers, like the Russian workers in 1917, *must turn the imperialist war into a civil war against the real enemies—the capitalist class of the United States which exploits and oppresses the American working class.*" Earl Browder further testified that if America made "an aggressive war against the Soviet Union, I would stand as absolutely opposed to such a war, and as doing everything possible to stop it. \* \* \* Even to turning such a war into a Civil war. \* \* \* I can only answer for myself personally, and I can not say 'My country, right or wrong.' If I thought my country was wrong, I would oppose its entrance into such a war and conduct of such a war, just as I opposed the entrance of America into the war in 1917, when I thought it was wrong."

We have heretofore quoted William Z. Foster, who was the Chairman of the Communist Party of the United States and three times its candidate for the presidency of our country in reference to the Communist use of the ballot. It will not be remiss again to quote this leading light of Communism in the United States. He said: "\* \* \* The Communist International is a world Party, based upon the mass parties in the respective countries. \* \* \* I stated very clearly the Red Flag is the flag of the revolutionary class, and we are part of the revolutionary class \* \* \* and all capitalist flags are flags of the capitalist class, and we owe no allegiance to them. *No Communist, no matter how many votes he should secure in a National election, could, even if he would, become President of the present government. When a Communist heads a government of the United States, and that will come just as surely as the sun rises, that government will not be a capitalistic government, but a Soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat.*"

The attempt of the Communist Party of America to appear as a legally constituted political party is purely a fiction in full conformance with other fictions developed from time to time during its existence in the United States. The California Legislature of 1940 outlawed the Communist Party of California by statute. This statute has been attacked in the courts of this State and through typical Communist maneuvering, the Communist Party was able to avoid the issue in a trial court and subsequently placed its candidates on the 1942 primary election ballot. Your committee recommends that steps be taken to strengthen the statute wherever necessary to the end that this fiction of legality and respectability of a foreign-controlled subversive organization in the State of California be forever ended.

## TROTSKYISM

Leon Trotsky was one of the group that signed the Manifesto launching the Comintern in March of 1919. Undoubtedly Lenin distrusted Stalin and preferred Trotsky as his successor. All contemporary writers of the time and evidence available now indicates this fact clearly. Certainly Leon Trotsky was Lenin's closest associate and confidant. Stalin had moved cautiously and it was apparent in 1926 or 1927 that Trotsky's pretensions to the dictatorship were doomed. Charles E. Ruthenberg, "the American Lenin," died suddenly early in 1927 and the American Bolsheviks started a mass scramble for power in the United States. Jay Lovestone, Benjamin Gitlow, William Z. Foster and other pretenders to the throne vacated by the "American Lenin," Charles E. Ruthenberg, dashed madly off to the Kremlin in their scramble for Ruthenberg's crown. Jay Lovestone and his group, being luckier guessers than the others, for the time, at least, took the lead in demanding Trotsky's ouster from the International. Lovestone and his followers, subsequently slated for the same fate, viciously attacked Trotsky and his adherents as Trotskyites, a sort of "left-wing" Communism. Those who had espoused the cause of Leon Trotsky were branded as Trotskyites and the first major purge in the Communist Party of America occurred in 1928 when James Cannon, Max Schachtman and other bad-guessers on the outcome of the Stalin-Trotsky contest in Russia, were expelled from the party. Jay Lovestone and his American group later guessed wrong in a contest that developed between Stalin and Nikolai Bukharin. Although Stalin was reported as ridiculing rumors of an impending break between himself and Bukharin, clever Stalinists veered away from Bukharin. Jay Lovestone, representing the great majority of Communists in the United States, was foolish enough to believe Stalin's protestations and maintained friendly relations with Bukharin. Intrigue and plotting inside the Communist Party of the United States soon culminated in a smear campaign directed against Jay Lovestone and his adherents because of their friendship with Bukharin and they were attacked as "Bukharin Right Deviators." A Comintern Commission was set up in Moscow under the supervision of Viacheslav Molotov and Lovestone and his followers, although representing the greatest number of American Communists, were charged with treachery, stupidity and unprincipled opportunism and were thrown out of the party. Hence, the second great American purge by the Communist Party occurred in America and the expelled members became known as Lovestoneites.

The so-called orthodox Communists—orthodox because they follow the Stalin school and Stalin is on the throne in Moscow—undoubtedly reserve their deepest hatred for the Lovestoneites and the Trotskyites—and in any choice between these two factions and capitalism—the Stalinists would unhesitatingly take the latter. A person who merely murders his grandmother is a nice fellow compared to a Trotskyite, from the Stalinist point of view.

Don Morton, a former Communist Party member, told your committee (Volume VI, pp. 1783-1794) that the Communist Party planted spies in the Socialist Party and in the Fourth International and that

these spies reported to the Stalinist group on the activities of the Trotskyites.

William Schneiderman (Vol. V, pp. 1260-1342), Secretary of the Communist Party in California, testified that the Communist Party regarded the Trotskyites as "agents of Fascism" and that they have held them in this light ever since they were expelled from the party. The Lovestoneites, according to Mr. Schneiderman, are viewed in the same category—"agents of Fascism." Illustrating the venom and bitterness with which the orthodox Stalinites look upon the Trotskyites, Mr. Schneiderman told the committee that Alexander Noral had denounced his sister, Norma Perry, for Trotskyite activities in San Francisco at a convention of the Communist Party in 1938.

Mr. William Schneiderman (Volume V, p. 1341) regarded the reading of Max Eastman "a waste of time." Mr. Eastman, he stated, belonged to the "Trotskyite element."

Mr. Bert Hanman, a self-admitted former member of both the Stalinist and Trotskyist variety of Communism in California, testified before your committee in San Francisco (Volume VI, pp. 1695-1727). Mr. Hanman testified that he had entered the University of California from Chowehilla in the Fall of 1925 and that he graduated from the College of Commerce in 1929 with a degree of B.S. He received his Masters Degree in Economics in 1930.

Returning to Chowehilla, Mr. Hanman took over his father's business and later decided to be a writer. He studied Marx, Lenin and Trotsky. About this time he met Norman Mini and William Gannon in Sacramento and also met Carl Patterson, the then State Organizer for the Communist Party. It was Mr. Patterson who started the *United Farmers' League* in California for small farmers. Mr. Hanman testified that this was a Communist Party front. Mr. Hanman stated that the movement began early in 1933 when most of California's small farmers were destitute. All of the members of the *United Farmers' League* were bona fide farmers except Patterson, the organizer. Mr. Hanman stated that he worked with the *United Farmers' League* and that he then joined the Communist Party, helping Patterson organize the farmers into a Communist Party Unit in Chowehilla. He stated that this became a unit of some 30 members.

Mr. Hanman was invited by Sam Darcy through Louise Todd to attend a district committee meeting of District 13 of the Communist Party in San Francisco. He told your committee that this meeting was held in a very secret manner in a garage. Among those present, Mr. Hanman named Lillian Monroe, Caroline Decker, Pat Chambers, Paul and Violet Orr, Elmer Hanoff, Sam Darcy, Louise Todd and Carl Patterson. Mr. Hanman stated that Elmer Hanoff was known at that time as the "Red Star Man," which term indicated a member of the Communist Party disciplinary body. Mr. Hanman testified that the vaunted and confusing term of Communist Party lingo, "Democratic centralism" really meant dictatorship. He stated that he had been led to believe that the Communist Party was a democratic organization but soon learned that it was built and functioned only on dictatorship lines. He testified that the Communist Party in California is completely controlled by a very small group sitting at the top.



He stated that party functionaries agreed with him that the Communist Party was not all that it should be.

One of the tactics used by the Communist Party in winning the farmers was by acting as the "Pied Piper" through the *United Farmers' League*. Through the activities of the *league* the county was induced to supply squirrel poison and the *United Farmers' League* members put it out helping the farmers thus rid themselves of a squirrel plague. Mr. Hanman said this tactic gave the farmers a feeling of unity and that it strengthened their morale. It was then easy enough for the Communist controlled *United Farmers' League* to lead them in requesting a reduction in power rates. Mr. Hanman testified that the *United Farmers' League* collapsed in 1934 after he moved from Chowchilla to Berkeley.

Mr. Hanman went to Salt Lake in 1934, at about the time Norman Mini and others were arrested and charged with criminal syndicalism. He stated that he was gone about three months and during this time he became interested in Trotsky's writings. He stated that he believed the Fourth International movement corrected many ills of the Third International. He discussed this matter with Norman Mini who agreed with him, mainly because criticism had become impossible in the Communist Third International.

Returning to Berkeley Mr. Hanman was reinstated in the Communist Party. Meanwhile Caroline Decker, Norman Mini and others were in jail in Sacramento on the Criminal Syndicalism charge and the Communist Party had made no attempt to bail them out. Mr. Hanman attended a joint county meeting of the East Bay Section of the Communist Party about this time and learned that the Communist Party was "disciplining" Caroline Decker and the others because of some trouble between a fraction of the *California Workers' Industrial Union* and the "Darcy Bureaucracy" over management of that organization. At this meeting, Mr. Hanman requested the Sacramento trial be placed on the agenda. This was refused. Mr. Hanman insisted on speaking of the Sacramento trial anyway. Miles Humphrey was the chairman of this meeting. Being unable to do anything for his comrades in Sacramento at the Communist East Bay Section meeting, he prepared a paper on the Sacramento cases and submitted same to Sam Darcy, sending a copy of the paper to Caroline Decker in Sacramento. Mr. Hanman testified that this action made Sam Darcy very angry. He was called before a general membership meeting of the Communist Party over which Elmer Hanoff, the "Red Star Man" presided. The witness told your committee that this was, indeed, bureaucracy "really at work." He testified that only members friendly to the bureaucracy were notified of the meeting and that he was not allowed to speak in his own behalf. He was charged with being a *Trotskyite* and the chief evidence in support of this charge was that he had had a cup of coffee with a known *Trotskyite*. Mr. Hanman testified that all rights of lower Communist Party organizational bodies were ignored. Despite the steam-roller methods used in expelling him, Hanman stated that there were several dissenting votes.

After his expulsion from the Communist Party Hanman immediately contacted a *Trotskyite* group in the bay area headed by one Barney Mayes. Mayes was at that time the editor of *The Voice of the*



*Federation of the Maritime Federation*. Hanman then joined the *Workers' Party*, the American section of the Fourth International, headed by Leon Trotsky. (Leon Trotsky was at that time in exile in Norway.) Hanman contacted the *Non-Partisan Labor Defense* (which is to the Fourth Communist International what the *International Labor Defense* is to the Communist Third International) on behalf of the Communist defendants charged with criminal syndicalism in Sacramento. He stated that the *Non-Partisan Labor Defense* raised money through the Socialist Party in New York and offered to put up bail for these defendants. When the Communist Party heard of this move on the part of the Trotskyist *Non-Partisan Labor Defense* it immediately ordered the Sacramento defendants to refuse "counter-revolutionary" bail. Hanman's activities for the defendants, however, caused the Communist Party immediately to busy itself in behalf of its "disciplined" members languishing in the Sacramento jail.

Mr. Hanman told your committee that after these events he acted as an organizer for the *Workers' Party* for a time and that he brought Lillian Monroe, Charles Cornell and a Joe Hanson of Salt Lake City into the Fourth International. Charles Cornell, the witness testified, later became a bodyguard for Leon Trotsky in Mexico and Joe Hanson became Trotsky's secretary.

The witness concluded his testimony by stating that after a time he began to run into the same sort of bureaucracy in the Fourth International as he had encountered in the Third; that he uncovered the same kind of double-dealing and the same lack of democracy under Trotsky that he found in the Stalin faction.

Mr. Hanman now looks upon himself as something of a "political derelict."

## 6

### SIX PERIODS OF COMMUNIST STRATEGY IN THE UNITED STATES

The average man can not be blamed for being confused by the Communist conspiracy in America. Distorted news items, lying editorials and articles profusely and generously scattered through Communist Party organs and the periodicals of front organizations and Innocent Clubs have carefully smudged and obscured the real objectives of these cheap conspirators in the American picture. This program of deceit and hypocrisy is part and parcel of Communist Party tactics. The greater part of the Communist press is disguised and for public consumption purports to be anything but what it really is. Front organizations, periodicals and magazines do most of the Trojan Horse work. Like its cowardly members, hiding their Communist Party affiliations under fictitious names, many of these disguised Communist periodicals and magazines find their way into the homes of unsuspecting and ordinarily patriotic Americans. There is little wonder that the average citizen is confused when confronted with Communism.

Although it is termed the Third or Communist International, the Communist International has never been international in the generally accepted sense of the term. The Bolshevik revolution which overthrew the Kerensky government under the leadership of Lenin and Trotsky culminated in what is now known as the Communist International (also known as the Comintern). It was founded in the Kremlin in Moscow

in March of 1919 by 35 delegates and 15 guests. It is significant, in considering the international aspects of the so-called Communist International, that all but one of the founders were Russian. From its beginning up to the present time it has been characterized by a greedy and stubborn nationalism. The Communist parties that later developed in the other countries of the world, including the United States, have, in fact, only been branch parties of the Russian Home Office of the Comintern and these parties scattered throughout the world reflect in every instance, from the very beginning down to the present time, the *foreign policy* and the *interest* of Soviet Russia. Thus it is, that the policies, purges, leadership and the "party line" of the Communist Party in the United States have always turned on *Soviet events, ambitions and needs*.

The key to the strange activities, machinations and twisting policies of the torturous "Party Line" of the American Communist is found in the unchanging Communist slogan "*Defend the Soviet Union*." It explains, also, the pitiful failures of the Communist Party in the United States to capture Yankee interest and support. Because its slogans and its policies were based on conditions existing in Soviet Russia and on the *foreign policy* of that country, the American people failed to respond to the ill-fitting and foreign-sounding slogans of a group of American lunatics concerned only with the protection of a foreign dictatorship. The turnover of membership in the Communist Party of the United States has been tremendous since its inception in 1919. The mortality rate in membership from year to year is significant of its failure to capture the American mind. Yankee practicality blinks unresponsively at slogans such as "Defend the Soviet Union" and "The Americanism of Lenin and Lincoln." But, year after year, many a tricked and duped American has become in actuality the agent-stooge of the foreign, totalitarian, dictatorship of Soviet Russia.

To understand clearly so-called American Communism, it is necessary to examine its history since its inception in Chicago in 1919. This can only be intelligently done by a parallel examination of the history of the Soviet Union for the same period. Eugene Lyons has roughly divided Communist development in the United States into five ages, each period turning on events in Soviet Russia and reflecting in each period the *needs, ambition and foreign policy, NOT* of the United States, its workers or its people, but of Soviet Russia. To the five ages of Eugene Lyons your committee has added a sixth, and prognosticates a seventh. In order better to clarify the findings of your committee in the field of Communism, we briefly outline these six periods of Communist conspiracy in the United States.

#### FIRST PERIOD (1919 TO 1921)

The Bolshevik Government found its territory invaded and besieged by foreign armies and effectually blockaded in 1919. It needed a militant internationalism in non-Bolshevik countries to break the strangle hold of the economic blockade and it sorely needed a pro-Bolshevik sentiment in non-Bolshevik countries to bring about the withdrawal of the armies that were invading its boundaries. Consequently the Communist parties throughout the world were ordered to be militantly revolutionary and to work in their respective countries for the succor of the

Soviet Union. Hence, in the United States, the Communist Party, emerging from its Chicago convention in 1919, was fanatically revolutionary and conspiratorial and openly rebellious, calling for the immediate overthrow by force and violence of the Government of the United States and the establishment of a dictatorship of the proletariat. It likewise propagandized for the Soviet Union and attempted to create pro-Bolshevik sympathies in America.

#### SECOND PERIOD (1921 TO 1928)

This period saw the launching of the New Economic Policy (NEP) in Russia. The new economic policy was, in fact, a compromise between state and private economy. The Soviet Union found itself in many economic difficulties and began to feel the need for exchange and traffic with other governments. To effectuate this it created the fiction of a separation between the Soviet Government and the Communist Party of Russia. This fiction was embellished and carried further by apparently effecting a separation between the Communist International and the Russian Communist Party. These fictions, it was believed, would soften the attitude of capitalistic governments and permit the Soviet Union to deal with them. As a result of this desperate need for exchange and traffic with other governments, the Communist Parties scattered throughout the world were ordered to retreat from their plotting and to soft-pedal their demand for open revolt and to do their propagandizing within the laws of their respective countries. A lull in world-wide revolutionary propaganda ensued and the comrades in the United States busied themselves with trapping and exploiting sympathetic liberals and progressives and in creating friends for Soviet Russia. The key phrases of this period were "United Front" and "Boring from Within."

#### THIRD PERIOD (1928 TO 1935)

This period saw the launching of the first "five-year plan" in Russia and the exiling of the so-called Communist Party "leftist," Leon Trotsky. NEP, the new economic policy, was violently wiped out. Private farming came to an end and the forcible socialization of farming began. The most brutal "speed-up" in the world's history began in Russian industry. Soviet Russia more and more turned to greedy nationalism. Workers' control in industry was completely abolished and Soviet Bureaucracy took over. History will undoubtedly reveal that the Fascization of Soviet Russia began in this era. Purges and official mass murders terrorized the entire country. The old Bolsheviks and the heroes of the revolution were slaughtered without compunction, sympathy or trial. Soviet Russia began to look for military alliances and started to woo Germany and Italy. A new revolutionary upsurge was ordained for the Communist Parties in the United States and throughout the world—a new revolutionary upsurge, not so much against capitalism, but more against socialists, conservative labor leaders and trade unionists, liberals and progressives—all lumped in one terrible category—"Social Fascists." This period of Soviet *need* and *ambition* undoubtedly cleared the way for Hitler and Mussolini.



## FOURTH PERIOD (1935 TO 1939)

Soviet Russia's unsuccessful wooing of Hitler and Mussolini led to the change of policy introduced to the world in 1935. The Seventh World Congress, held in Moscow in 1935, gave birth to the new Trojan Horse policy of Dimitrov and the subsequent creation of "Peoples" and "Popular" fronts. The fear of a German and Japanese invasion of Soviet Russia gave rise to a "collective security" policy and the Communist Parties in the United States and throughout the world were ordered to carry these new policies into effect. Despairing of any alliance with Germany or Italy, Soviet Russia decided to appear to be "democratic" and "anti-Fascist" and ordered the branches of the party throughout the world to propagandize and advertise Soviet Russia on this basis. The Communist Party in the United States became "Twentieth Century Americanism"—the real "friend" of democracy and the "guardian" of every tradition of freedom and civil liberty. The Communist Party of the United States went to great lengths to advertise Soviet Russia in this new "democratic" light. Soviet Russia, meanwhile, subscribed to the Kellogg Pact and made nonaggression pacts with her neighbors. Although Lenin had called the League of Nations the "League of Robber Nations," Stalin now entered the league. A phoney constitution for the Soviet Union was drawn but never put into effect and a short time later Stalin physically liquidated two-thirds of the members of the committee who drew the constitution. The threat of world-wide Communist revolution was laughed away and Stalin later lightly described it all as a "comic misunderstanding."

Anti-Nazi leagues flourished in the United States and the Anti-Nazi League of Hollywood grew to considerable proportions. The comrades in America and California exploited to the fullest the growing horror in the minds of all Americans of the brutality rampant in Hitler's Third Reich. The ruthless and barbarous persecution of the Jews by Hitler and his bloody minions, the unspeakable and unbelievable tortures inflicted on the innocent scapegoats of "Fuehrer Aryanism," stirred up a righteous indignation in the hearts of every liberty-loving American citizen. V. J. Jerome (whose true name is Isaac Romaine), personally supervised the organization of the Hollywood Anti-Nazi League. Mr. Jerome had been sent to Hollywood some time before by the Communist Party Central Committee to take over the duties of Stanley Lawrence in "improving cultural work" in California. It was V. J. Jerome who brought John Howard Lawson to Hollywood. He helped organize study clubs and coordinated Communist Party work between Hollywood groups and downtown Los Angeles sections. He was a member of the Central Committee of the Communist Party of the United States and co-editor of its magazine, *The Communist*, as well as being Chairman of the Cultural Commission of the Communist Party of the United States. The Anti-Nazi League banked some \$89,892.51 between May 14, 1935, and August 16, 1939.

In spite of this exploitation by the Communist Party of the emotional upsurge against Hitler and his regime, the American Communists regarded the war in Europe as purely an imperialistic struggle. The *party line* during this period was to heap abuse and



vilification upon, not only Nazi Germany and its Axis partners, but upon the victims of its aggression. Some 30 days before the amazing and abrupt termination of this fourth period of Communist strategy, Foreign Commissar V. M. Molotov stated:

“• • • there is nothing surprising in the fact that at the end of April the head of the German state in one speech scrapped two important international treaties—the naval agreement with Great Britain and the non-aggression pact between Germany and Poland. There was a time when great international significance was attached to these treaties. But Germany made short work of them, disregarding all formalities. Such was Germany's reply to the proposal of Mr. Roosevelt, President of the United States—a proposal permeated with the peace-loving spirit.” (*Soviet Union and the Peace Front*, by V. M. Molotov, International Publishers, Inc., page 5.)

#### FIFTH PERIOD (1939 TO JUNE 22, 1941)

The Soviet Union amazed the world and many of its deluded Communist members in the United States, by signing a pact with Nazi Germany, August 23, 1939. The Comintern immediately ordered its parties in the United States and throughout the world to renew their revolutionary character. “Collective Security” was immediately scuttled and the Communist parties everywhere became isolationists and belabored Great Britain and the “British Imperialist War.” In the United States, the Communists launched the slogan “The Yanks Are Not Coming” and attacked President Roosevelt viciously as a “warmonger.” Strikes in war and defense industries were fomented and viciously carried on by Communists throughout the United States. Meanwhile, Soviet Russia attacked Finland and partitioned Poland with her Nazi comrade-in-arms. Nazi Bundsters and American Communists joined hands in sabotaging United States aid to Great Britain. Members of both organizations began a penetration of the America First Committee. Conscription and lend-lease proposals were viciously and bitterly opposed. Anti-Nazi leagues in America were quickly abandoned for American Peace Mobilization fronts and new name-calling, including “warmonger” and “imperialist,” were shouted at anyone who decried Nazi brutality and aggression. The fifth period of Communist development in the United States will always be remembered for its sharp curve in 1939 with the signing of the Nazi-Soviet Pact and its breath-taking flip-flop June 22, 1941 when Hitler's hordes swept into the Ukraine.

About a week after the signing of the Stalin-Hitler nonaggression pact, Foreign Commissar Molotov wrote in *The Meaning of the Soviet-German Non-Aggression Pact*, Workers' Library Publishers, August 31, 1939, page 3:

“• • • the conclusion of a pact of non-aggression between the U. S. S. R. and Germany is of tremendous positive value, eliminating the danger of war between Germany and the Soviet Union.”

Commissar Molotov continued in the same article (page 8) :

"As you see, Stalin hit the nail on the head when he exposed the machinations of the Western Europe politicians who were trying to set Germany and the Soviet Union at loggerheads. It must be confessed that there were some short-sighted people in our own country who, carried away by over-simplified anti-fascist propaganda, forgot about this provocative work of our enemies. Mindful of this, Stalin even then suggested the possibility of other unhostile, good-neighborly relations between Germany and the U. S. S. R. It can now be seen that on the whole Germany correctly understood these statements of Stalin and drew practical conclusions from them. The conclusion of the Soviet-German Non-Aggression Pact shows that *Stalin's historic prevision has been brilliantly confirmed.*" (Committee's italics.)

In *Molotov's report to the Supreme Soviet, October 31, 1939, Workers' Library Publishers, Inc., page 5, the foreign commissar further solidified Soviet Russia's new policy toward Germany, in the following language:*

"\* \* \* Germany is in a position of a state which is striving for the earliest termination of war and for peace, while Britain and France, which only yesterday were declaiming against aggression, are in favor of continuing the war and are opposed to the conclusion of peace. The roles, as you see, are changing."

And further in the same report, page 8, Molotov continues:

"The relations between Germany and the other Western European Bourgeois states have in the past two decades been determined primarily by Germany's efforts to break the fetters of the Versailles Treaty, whose authors were Great Britain and France, with the active collaboration of the United States. This, in the long run, led to the present war in Europe \* \* \*. The relations between the Soviet Union and Germany have been based on a different foundation, which involved no interest whatever in perpetuating the post-war Versailles system. *We have always held that a strong Germany is an indispensable condition for a durable peace in Europe.*" (Committee's italics.)

On page 23 of his report to the Supreme Soviet, Foreign Commissar Molotov asks some questions about the United States:

"In any event, our country, as a neutral country, which is not interested in the spread of war, will take every measure to render this war less devastating, to weaken it and hasten its termination in the interests of peace. From this standpoint, the decision of the American Government to lift the embargo on the export of arms to

belligerent countries raises just misgivings. It can scarcely be doubted that the effect of this decision will not be to weaken the war and hasten its termination, but, on the contrary, to intensify, aggravate and protract it. Of course, the decision may insure big profits for American war industries. But, one asks, can this serve as any justification for lifting the embargo on the export of arms from America? Clearly, it can not."

Thus it was, in compliance with Soviet foreign policy, that the Communists in the United States and in California launched a campaign for isolation and nonintervention, joining hands with the America First Committee, The German-American Bund and many other anti-war, isolationist organizations. Harry Bridges' Union, the *Maritime Federation of the Pacific*, originated the slogan "The Yanks Are Not Coming!" and this defiant expression of nonintervention became the password in every Communist front organization. *Labor's Non-Partisan League* of California circulated thousands of paper book-matches bearing this slogan. It was heard from the rostrum of every Communist front organization, such as the *American Peace Mobilization* and the *American Student Union*.

So that no doubt be left in the minds of anyone, the Committee quotes the above-mentioned V. J. Jerome, the American Communist bellwether of the fellow-traveling cultural clique, in *Social Democracy and the War*. Workers' Library Publishers, Inc., 1940 (pages 45-46):

"Since the warmongering campaign opened, innumerable trade unions and other mass organizations have adopted resolutions against this country's involvement. A. F. of L. and C. I. O. State labor bodies and city councils, national unions and locals, the unemployed, church bodies, and the vital youth movement are saying, with the national convention of the C. I. O.: Labor wants no war or any part of it. \* \* \* The voice of militant labor rings forth in ever-swelling volume in the slogan first sounded by the Maritime Federation of the Pacific: 'The Yanks Are Not Coming!' The Communist Party of the United States declares: ' \* \* \* we Communists will continue the broadest collaboration with all elements in the labor movement to advance the struggle for working class unity by educating, rallying, and unifying the workers against capitalist reaction and exploitation and to keep America out of the imperialistic war'."

In April of 1941 circulars were being generously and copiously circulated throughout California, carrying to the uninformed and the innocent, the Americanized version of the foreign policy of Soviet Russia. Pamphlets demanding and proclaiming: "Get Out and Stay Out of the Imperialist War! No Convoys! No A. E. F.! The Yanks Are Not Coming! Friendship With the Soviet Union!" were distributed at the University of California at Berkeley and throughout the United States.



Your committee finds that the Communist Party in California, acting through unions which it dominated and controlled, launched an amazing epidemic of strikes in key defense industries and were successful in many cases in tying up production of armament, die-casting, steel, planes and ships.

Mr. Hugh Ben Inzer, who was president of Local 216 of the United Automobile Workers Union, C. I. O., testified under oath before your committee, October 16, 1941. Mr. Inzer stated that he had been an assemblyman for General Motors in South Gate since November 16, 1936. He stated that he was acquainted with Lew Michener, Wyndham Mortimer, Philip M. (Slim) Connelly and other leaders of the C. I. O. We quote Mr. Inzer's testimony verbatim from Volume IV of the committee's transcript, beginning at page 1215:

"A. (Inzer) When I was elected to the presidency of Local 216, I was asked by the Regional Director to take time off and come down to the Regional Office for a couple of days at the expense of the International. In other words, the International would pay my expenses. So that was around the 8th of May, 1940, and at that time I took this time off and went down and I reached the office about 9.30 in the morning and from that time until noon I was introduced to different people in the CIO Building, who worked in the offices and he stated those were the people I would now have to cooperate with—I was the new president of Local 216, and they were all in the CIO movement. So, then, we proceeded to go out for luncheon.

Q. Now, where are the headquarters you spoke of?

A. (Inzer) That's the Currier Building at Spring and Third, I believe.

Q. In this city?

A. (Inzer) In Los Angeles, yes, sir.

Q. All right, Mr. Inzer.

A. (Inzer) About twelve we went out to lunch and I went out to lunch with Michener and a person known as Slim Connelly.

Q. Now, is that Philip M. Connelly?

A. (Inzer) That's Philip M. Connelly.

Q. What position, if any, did he occupy in the C. I. O.?

A. (Inzer) He holds a position as President of State C. I. O.

Q. He is still?

A. (Inzer) Yes, he is—

Q. And—pardon me.

A. (Inzer)—he was also Secretary to the Council here in Los Angeles.

Q. Now, while you were there, did you have a conversation with Mr. Michener and Mr. Connelly relative to the general situation among the automobile workers?

A. (Inzer) I did, yes, sir.

Q. And the Union situation in the vicinity of Los Angeles in that industry?



A. (Inzer) That's right.

Q. And did that conversation occur while you were at lunch?

A. (Inzer) No, after lunch we went into the Regional Office and he said there were some more people coming in and we were going to get together on a program to follow for the next year and it took place after lunch in the Regional Office.

Q. And after you went back to the Currier Building, following your luncheon, did you go upstairs in the building or were you on the ground floor?

A. (Inzer) We went upstairs in the building. I believe the Regional Office at that time was on the fourth floor—I know it was on one of the floors above the first floor.

Q. Yes.

A. (Inzer) So we went up to the Regional Office and went into the Regional Director's Office and we were seated there.

Q. Did some other people come in?

A. (Inzer) Two men came in, other than Connelly, Mortimer and Michener and myself, two other men. One came in and was introduced to me as Mr. Diebel; another man came in and was introduced to me as Mr. Perry.

Q. Now, were you present here when Mr. Diebel testified before this Committee?

A. (Inzer) Yes, sir, I was.

Q. Did you have an opportunity to observe him?

A. (Inzer) No, other than his back walking up and from the witness stand.

Q. Were you able to tell whether or not that is the same Mr. Diebel you met at the Currier Building?

A. (Inzer) I am positive of it.

Q. You are sure it was?

A. (Inzer) I am sure it was.

Q. I hand you a photograph and ask you if that is a photograph of Mr. Diebel? (Handing to witness.)

A. (Inzer) That is.

Q. You recognize him as the same person who was present at the meeting you are now testifying about?

A. (Inzer) Yes, sir.

Q. Are you sure of that?

A. (Inzer) Yes, sir, I am positive.

Q. Who else came in?

A. (Inzer) There was a colored fellow came by the name of Perry. They introduced him as Mr. Perry.

Q. Was that Mr. Pettis Perry?

A. (Inzer) I found out later it was, I found out later it was Pettis Perry.

CHAIRMAN TENNEY: He is a Negro, is he not?

A. (Inzer) He is a Negro, yes, sir.

MR. COMBS: Go ahead.

A. (Inzer) These men came in and sat in. I didn't know who these people were any more than I know the people out in the audience, all I thought was they are some part of the Labor Movement. So Mr. Connelly and Mr. Michener began to tell me that we would have to set up an organization among all the Locals, that is, to have the Presidents of the Locals and the Executive Board of each Local to be ready to cooperate with the Regional Office at any time in case of an emergency, and what I gathered from the conversation of the meeting, the emergency was this: Any time they wanted to call a strike at any plant that has a C. I. O. contract that they could put so much pressure on the management by calling the other plants in Los Angeles out in sympathetic strike with the plant trying to get a contract, by so doing they could force the management of that company to sign the contract that the Union wanted. So they also stated that this man who they introduced as Mr. Diebel had cooperated with them in the past in putting out literature. They went ahead to state they cooperated in literature known as "The Yanks Are Not Coming" and he said also any time we needed any literature printed that this man had a print shop and would be glad to cooperate in putting out any literature that we needed.

Q. That was said in the presence of Mr. Diebel?

A. (Inzer) That was said in the presence of Mr. Diebel and the rest of the men in the meeting.

Q. When that portion of the conversation occurred, Mr. Inzer, were you seated any place in the room?

A. (Inzer) We were seated in the room in chairs (indicating).

Q. Around a table?

A. (Inzer) No, the chairs were just pulled out and seated in the room (indicating).

Q. The conversation was perfectly audible to all persons present?

A. (Inzer) Yes.

Q. All right, go ahead, and give us the substance of what occurred.

A. (Inzer) This statement in regards to putting out the literature and he agreed he would do that. Then they stated Mr. Perry was the head of an organization who could furnish us with men, with a lot of man power, and also furnish us with pickets, men to put out literature and men to do any kind of a job that we needed so long as our men were tied up on the picket line and by so getting that cooperation we would be able to force the management of the plants to sign an agreeable contract with the Union.

Q. Well, now,——

A. (Inzer) Mr. Perry agreed he was at the head of an organization and could supply any amount of men that were needed.

Q. Was that organization identified at that time or subsequently?

A. (Inzer) No, it was not.

Q. All right.

A. (Inzer) No, it was not.

Q. You did not know the organization they were referring to?

A. (Inzer) I did not know the organization, no, sir.

Q. Had you ever seen either Mr. Diebel or Mr. Perry before, to your knowledge?

A. (Inzer) No, sir, I had never seen them before in my life.

Q. All right, go ahead.

A. (Inzer) So after these two points were brought up these men disappeared, they got up and left the room.

Q. Did they leave the room together?

A. (Inzer) No, they didn't.

Q. Who left first?

A. (Inzer) I believe Mr. Diebel, and in five or ten minutes Mr. Perry followed out.

Q. All right.

A. (Inzer) So, then, we continued with our conversation and in the meantime though, I had been used to running into the Communist activities in the C. I. O. before that time, and I could see that this program was leading right up to the same thing, Communist C. I. O. on the Coast. So the next day,—after these fellows left we talked about ten or fifteen minutes, and I went back to my office. The next day I was supposed to go down again but I went back to my own office and called up the Regional Office and told them I was there in case they needed me. Mr. Michener wanted to know what was wrong and I told him I had investigated and found out who these men were and I, as President of Local 216, I would not be connected with the Regional Office, my rank and file would not cooperate,—by the way, our Local consists of 1800.

Q. They didn't approve of it?

A. (Inzer) They don't approve of that influence in the Union.

Q. They are aware the influence is there?

A. (Inzer) Absolutely, yes, sir.

Q. Now, Mr. Inzer, you say you did make an investigation following this meeting which you have testified about?

A. (Inzer) That's right.

Q. Did you find out what organization Mr. Perry spoke of when he mentioned that he had an organization through which he could furnish pickets, and so forth?

A. (Inzer) Yes, I went back to the Union and asked some of my Executive Board if they had heard of these men and they said they had heard of them and they

believed one was on the German-American Bund and the other the Communist Party. I had a friend who was very active in different work in Los Angeles and I knew he was well acquainted or would know of them, so I asked him and he was quite shocked to know that I had been to such a meeting, and he readily told me that this one, Hans Diebel, was at the head or active in the German-American Bund in Los Angeles and he did have a bookstore on 15th Street and also Perry was the head of the Communist Party and he took me down to the places and I looked in and satisfied myself as to who they were,—they were there.

Q. You went to both addresses?

A. (Inzer) I saw both persons.

Q. You conducted an investigation that satisfied you that the statements you had obtained concerning their activities were correct?

A. (Inzer) Absolutely, yes, sir.

Q. What happened to you then in your Local 216?

A. (Inzer) Well, as soon—

Q. Of course, there was the declaration of war between Russia and Germany?

A. (Inzer) That's right. As soon as the Regional Director mentioned or found out I was not going to cooperate with him and the reason he wanted me to cooperate with him was the Communist Party here in Los Angeles controls the C. I. O., and I don't mean partly, I mean they control it, they do what they want to with it. Any time they send a Communist out to my Local to sell the rank and file that all he wants to do is to have them work with him and help put it over, and after I would refuse any issue he'd attack me for not cooperating with the Regional Office and he also brought Mortimer out to do the same thing, and try to poison the minds of the rank and file, who I represented, so they'd not pay any attention to me and be against my act."

The committee has included the above excerpt from the testimony of Hugh Ben Inzer as proof of the collaboration and cooperation of the Communist Party and the German-American Bund with such Communist-dominated union organizations as the C. I. O. under the leadership of Philip M. Connelly and Lew Michener during the fifth period of Communist strategy. The identity and affiliation of Pettis Perry, then the Secretary of the Communist Party of Los Angeles County, and Hans Diebel, of the German-American Bund, in the City of Los Angeles, are well known.

#### SIXTH PERIOD (JUNE 22, 1941, TO ?)

The Sixth Period of Communism in the United States began with Hitler's invasion of Soviet Russia. The Communist press in the United States up to this event was still attacking President Roosevelt as a "warmonger" and belaboring the "British Imperialist War." Strikes



all over the country were instituted by Communist dominated unions. With the startling news that the "Fatherland" had been attacked by Hitler's hordes, the strikes stopped in defense and war industries throughout the United States. Peace mobilization fronts and leagues evaporated into thin air. "All Out Aid to Soviet Russia, Great Britain and China" replaced the former slogans of "Stop the British Imperialist War" and "The Yanks Are Not Coming." This latter slogan was soon considerably amended to read "The Yanks Are Not Coming *Too Late*." President Roosevelt became an overnight hero instead of being a "warmonger." Every Communist in California and throughout the United States became a chauvinistic patriot and "Unity Leagues" of this and that for "Victory" mushroomed throughout California and the United States. Although the anti-religious campaign of Soviet Russia was flourishing up to the violation of the Soviet-Nazi Pact and Soviet Russia's *League of the Militant Godless* was still vigorously functioning, the Communist Party of America began, in this period, to extol the religious tolerance of Communism. The American Communists were ordered to emphasize the "democracy" of Soviet Russia and its fervent championship of civil liberty.

Dictator Stalin's "historic prevision," as Foreign Commissar Molotov had hailed it, was thrown in the ash can as Hitler's panzer divisions went crashing over the Soviet frontiers and the non-aggression pact simultaneously. New slogans and proclamations appeared on the familiar mimeographed circulars and pamphlets of the Communist Party pamphleteers as soon as the comrades had caught their breath and determined the new foreign policy of the "Fatherland." On September 16, 1941, another circular appeared at the University of California at Berkeley, this time urging the students to: "Unite the campus to defeat Hitler and Hitlerism! Defend America by full and immediate aid to Great Britain and the Soviet Union! Aid China! Embargo Japan! Make the campus a fortress of Democracy! For unity and victory—Join the American Student Union!"

Your committee here wishes to point out that on June 22, 1941, it was Russia, and *NOT* the United States that was invaded by Germany. The news of this event, however, was attended with repercussions in the United States and in California which were immediate and profound. A strange and significant quiet prevailed over America's labor front. Overnight the *Imperialist War* of June 21, 1941, was changed by some strange, international magic, into a *people's war* which involved the Soviet Union. The American Communists would now take all the Yanks they could get. American Communists were now declaring that "Now . . . this is *OUR* war . . .," as did Rose Segure and other California Communists and fellow travelers. Foreign Commissar Molotov now ordained that it would be all right for America to lift the embargo on arms to belligerents; particularly to the Soviet Union and Britain.

Your committee wishes to emphasize the significant lesson to be learned from this period of Communist strategy. Americans everywhere should concern themselves seriously with the changes which came to California and the United States; changes which effected the release of defense industries from the strangle hold of Communist dominated unions, the sudden change in propagandizing in our State educational

institutions. It should carefully be noted by all students of these matters that these changes were caused, not by anything happening directly in or to the United States. Again they turned on the *need* and *foreign policy* of a foreign government thousands of miles away. Your committee wishes to emphasize the fact that there exists in the State of California an organized group of subversive individuals, completely dominated by a foreign power, which has sufficient influence in our American Labor movement to launch a strike epidemic in our defense or war industries when the purpose suits the foreign power, and to turn it off again like water from a tap when the foreign policy of the dominating foreign power commands. While the needs of the foreign power dominating this group in California and the United States may correspond presently with our own needs, it may well be, in the future, that the needs of the dominating force exerted on these American subversives may be detrimental in the extreme to our own needs and purposes. Your committee believes that it is high time for the people of this State thoroughly and completely to understand and realize that the members of the Communist Party are organized into an iron disciplined group and controlled, unquestionably, by a foreign power. Soviet Russia. These people should be regarded for what they actually are—agents of a foreign power, and should not be, in any way, looked upon as super-patriots and saviors of the working class of America and California, as they would like to lead us to believe.

The official mass murders of Soviet Russia's Fifth Period, together with its amazing trials in which every defendant attempted to out-confess the other; literally bubbling over with the admission of treasonable crimes against the Soviet Government, fantastically, eagerly and enthusiastically inviting the death penalty are now being sold to the American people by the Communists as far-visioned statesmanship on the part of Dictator Stalin. Ambassador Joseph E. Davies' book, *Mission to Moscow*, is now pounced on by the Communists of America as corroborating evidence of the statesmanship of Joseph Stalin in defending the "democracy" of Soviet Russia and the United Nations. This phase of Ambassador Davies' book, *Mission to Moscow*, should be read in conjunction with the report on the trials by Dr. John Dewey, *Men and Politics* by Louis Fisher and writers who were in actual attendance at the trials in Russia and who possessed a knowledge of Communist ideology and tactics.

Hewlett Johnson, the aged Dean of Canterbury, has written a book, *Soviet Power*, and this volume is now being given widespread circulation by the Communist Party of America. Eugene Lyons, who spent considerable time in Soviet Russia, calls this book of the Dean of Canterbury "a topsy-turvy book \* \* \* an Alice-in-Wonderland volume that can only be catalogued as literature of hallucination \* \* \*."

The members of your committee realized on the morning of June 23, 1941 that an era of Communist strategy had come to an end in California and in the United States. The committee had been preparing a series of hearings connected with the strikes at the North American Aircraft Company in Inglewood. This plant had been closed June 6, 1941 by the C. I. O. but had been reopened several weeks later by the United States Army acting under the direction of

the President of the United States. While the committee did not have an opportunity fully to investigate this strike it learned that its leaders in the C. I. O. were the same old Communist and fellow-traveling crowd. Wyndham Mortimer—whose Communist Party name was Baker—Lew Michener, Elmer Freitag—who was registered as a Communist in 1938—and lesser lights such as Jeff Kibre and Don Healy, were the Stalinist leaders of this piece of defense sabotage in America. It was all over, of course, when Hitler's panzer divisions drove into Russia June 22, 1941. Your committee knew that the Communist Party of the United States would receive new instructions; that the revolutionary character of the Communist Party of America would be disguised; that the communists of California would, as long as it assisted Soviet Russia, be the most enthusiastic patriots for the defeat of Hitler and the enemies of the Red Fatherland. What love of the United States, its Constitution, Flag, traditions and way of life could not accomplish in its appeal to men like Wyndham Mortimer and Lew Michener, invasion of a foreign totalitarian dictatorship accomplished overnight. The people of California and the United States should never forget that the defense efforts of our great Nation would have been ruthlessly sabotaged by what purported to be an American labor movement—the C. I. O.—had it not been for the *need* of a foreign dictatorship thousands of miles away.

Your committee reports, therefore, that, in this, the Sixth Period of Communist development and strategy in California and the United States, the war efforts of our State and Nation are presently safe from Communist interference and sabotage. Every real Communist in the United States will sacrifice, fight, and die if need be, just so long as the sacrificing, fighting and dying assists the Red Fatherland—Soviet Russia. Meanwhile, Americans should make no mistake about the true situation. The Communist Party of the United States of America is *NOT* willing to sacrifice, to fight or to die, to preserve American Democracy, its Constitution, its Flag, its tradition, or its way of life. The long range objective has not changed and *will not change*. The revolutionary spirit is temporarily on ice and the Seventh Period of Communist development in this country may see it in all its grim horror if the *needs, ambitions* and *foreign policy* of Soviet Russia so ordain.

Those who have read thus far are well capable of drawing their own conclusions. Your committee's investigators already report plans of the Communist Party in California for the formation of soldiers' and sailors' councils in the Army and the Navy, patterned after similar councils set up in the armies and navies of the Czar and the Kerensky government in Russia in 1917. Reports reaching your committee from closed meetings of Communist groups throughout California tell of plans for soviet governments throughout Europe upon the collapse of Hitlerism and the weakening of the Nazi-yoke. While it is not the province of your committee to prognosticate the future, the committee, must, nevertheless, state to you with all the emphasis at its command that this, the Sixth Period of Communist development and strategy, is not the last period. The committee warns the people of California and of the United States that there *WILL BE* a Seventh Period of Communist strategy in America. Only the vigilance of the American people and the devotion to the Constitution and traditions of the



United States on the part of public officials can successfully block the Seventh Period of Communism from being the *last* period of the American way of life.

Totalitarian rattlesnakes apparently find satisfaction in warning their prospective victims before striking. The democracies of the world can not complain that Hitler had not warned them of his world aggression ambitions in the pages of *Mein Kampf*. The purpose of the Third International, from the beginning and throughout its history, has been boldly stated as world domination and the destruction of all existing forms of government. Even the Japanese Imperialists, while not quite so blatant and open in their avowed objectives, have indicated the course that they would pursue at the proper moment. Similarly the Comintern today indicates the course of its next period of strategy. Manchester Boddy, writing in his column *Views of the News*, in the *Los Angeles Daily News* for Wednesday, February 24, 1943 brilliantly records an historical moment that may cast a dark and sinister shadow in the Seventh Communist era that is to come:

*"Views of the News*

*" 'Russia stands alone,' says Mr. Boddy.*

*"That is what Stalin said to his people.*

*"His speech delivered yesterday on the occasion of the twenty-fifth anniversary of the founding of the Red Army is perfectly clear. Russia stands alone. Russia is fighting for one and only one purpose: to defend the homeland.*

*"Nowhere in his long address does Stalin even acknowledge any help of any kind given Russia.*

*"Nowhere does he allude, by word or implication, to any sharing of the ideals we claim to be fighting for.*

*"There is no hint with respect to the 'Four Freedoms,' nor even the slightest hope for a world at peace.*

*"He does point out that there is no second front in Europe. But he implies no obligation on the part of his allies to create such a front. Nowhere does he state why a second front should be established.*

*"Stalin hammers again and again and again on one point only: Russia fights on Russian soil. Russia fights to drive out the invader. The Russian Army will liberate Russian land from the hated enemy.*

*"Beyond that—nothing. Stalin's speech is, however, consistent with the few but cogent statements he has made since the beginning of this war. Always the safety and security of Russia have been Stalin's sole concern.*

*"Back in 1939, he said:*

*" \* \* \* If we accept the Reich's offer of collaboration, the latter will not hesitate to crush Poland; England and France will thereupon be drawn fatally into war. There will result a thorough destruction of western Europe, and remaining outside the conflict we can advantageously await our hour. If Germany wins, she will emerge from the war too exhausted to dream of an armed conflict against us. We must accept the pact proposed*



by Germany and work to prolong the war the maximum possible • • •.

"But the war didn't work out this way, and in June, 1941 Joseph Stalin announced:

"In June 1931, Hitlerite Germany perfidiously attacked our country, rudely and foully violating the non-aggression agreement, and the Red Army found itself compelled to launch a campaign *to defend its native land against the German invader and to drive him from the borders of our country.*"

"Nothing could be clearer.

"Russia intended, just as official Pravda had previously explained, to sit tight while all Europe was being overrun. *Only* when Hitler actually invaded Russian soil did the Red Army find itself compelled to launch a campaign to defend its native land against the German invader and to drive him from the borders of Russia."

"Joseph Stalin devoted yesterday's speech to a reiteration of that single theme. He comes back to it again and again.

"Russia battles 'against the invasion of the German Fascist hordes.'

"The beginning of the massed drive of the enemy from Soviet lands has begun."

"It should not be considered an accident that the command of the Red Army is not only liberating Soviet soil from the enemy, but it is also not allowing the enemy to leave our soil alive by carrying out operations to surround and wipe out the enemy. • • •"

"Stalin merely mentions the absence of a second front. He does not chide his allies for their failure.

"The Red Army struggles *against the invasion of the German Fascist hordes*. Does Stalin hint that Russia is fighting against 'militarism' or dictatorship or on behalf of the 'four freedoms'? Not at all. Russia is fighting invaders. Nothing more. Nothing less.

"Stalin points out that the Red Army is bearing the whole weight of the war. Not half—not three-quarters—not 99 per cent. The *whole* weight. And how about the food and the machines and the munitions we have been sending to Russia? How about the men who have died in the icy waters of the North Sea while battling to get through to Murmansk? Are they no part of the weight of the war? No. Not from Stalin's viewpoint. We are not fighting for Russia. Russia is not fighting for us. *Russia stands alone bearing the whole weight of the war, to drive the enemy out of Russia!*

"The Red Army,' Stalin says, 'has only to pursue it (the German Army) *to the western frontiers of our country. It would be stupid to suppose the Germans will give up even one kilometer of our land without a struggle!*'"

"His order of the day is even more specific. His army will continue to fight 'for the sake of liberation of our country from the hated enemy, for the sake of final victory over the German Fascist invaders. \* \* \*'

"The theme and all its variations are clear and consistent:

"*Russia fights for the right to be let alone.*

"Russia did not enter the war—as a defense measure—when the Germans overran France and the low countries; nor when Great Britain stood alone with only a thin strip of water between her and total destruction. She entered the war only when Russian soil was invaded!

"Obviously we are disappointed in the Stalin speech. We know there are perfectly good reasons why American soldiers should invade Europe. We feel certain that Stalin, too, knows and understands those reasons. But our men are fighting many thousands of miles from home, while the Russian men are fighting to recover their homes from an invader.

"We can not talk to our armies about driving the enemy off our own soil as Joseph Stalin talks to his armies. So we must substitute other reasons: a United Nations cause, for example; a future world free from war and fear of war. Above all else we must talk about a common front between Russia, China, the United States and Great Britain. We had hoped Stalin might have had one little word for these ideals, and a nod of recognition to our soldiers who are fighting so far from home. Not because the enemy has invaded their homeland, but for an ideal.

"We must say, however, that Joseph Stalin talks straight from the shoulder and says what he means. For a leader reputed to be adept at propaganda he has proved himself to be exactly the opposite.

"What he says, boiled down to a few words, is that if he were an American he would stay in America. His speech will be exultantly accepted and used by our isolationists.

"It will make the Allied effort all the more difficult."

The *Los Angeles Examiner* for March 9, 1943, carries a news item by the *International News Service* under date of March 8, 1943, headlined, "U. S. Envoy Charges: 'Stalin Suppresses Facts on U. S. Aid'. Unlike former American Ambassador Davies, Ambassador Admiral William H. Standley looks beneath Soviet window-dressing. The news item is as follows:

"Moscow, March 8—(INS)—American Ambassador Admiral William H. Standley declared tonight he saw no evidence of official Soviet recognition of the aid Russia is receiving from the United States and indicated this silence might have an unfavorable effect on Congress.

"Inferentially urging that Russia acknowledge to her own people and the world the assistance extended to her from America, the 71-year-old ambassador made his blunt remarks to correspondents in Moscow even as renewal of the lease-lend program was up for consideration in Washington.

#### "Long Way to Enactment

"Pointing out that it is 'a long way from the foreign affairs committee to enactment' of the Lease-lend bill by Congress, Admiral Standley said:

'The United States Congress is rather sensitive. It is generous and big-hearted as long as it feels it is helping someone, but give it the idea that it is not helping and it might be a different story.'

"The white-haired ambassador, who returned to his post from Washington early in the year and who is scheduled to confer with Premier Josef Stalin shortly, asserted frankly that the Soviet Government seems to be keeping the Russian people in the dark concerning the aid . . . ."

An editorial from the *Los Angeles Examiner* for March 10, 1943, also indicates things to come in the Seventh period of Communist strategy:

#### "Stalin's Monstrous Double-Dealing Revealed

"The almost incredible story of the execution of Victor Alter and Hendryk Erlich, two Jewish Polish Socialist leaders in December, 1941, by the Russians, does not augur well for the 'Four Freedoms' and the principles of the Atlantic Charter, to which Joseph Stalin has given some lip-service.

"Although Alter and Erlich were, as Polish labor leaders, the foes of Naziism they were arrested nearly four years ago as 'Socialists' while Germany and Russia had a 10-year non-aggression pact in force and when Stalin had taken nearly half of Poland as his 'divvy' on the murder of Europe, which Hitler was systematically engaged in.

"Maxim Litvinoff, Soviet Ambassador in the United States, has officially informed William Green, President of the A. F. of L., that Erlich and Alter were executed in December, 1941, on Soviet soil.

"They were executed, said the Ambassador, because they had urged the Reds to make a separate peace with Germany.

"As these men were Poles, Jews and anti-Nazis, of course, this statement must be taken as one of those 'save-face' excuses in which Russia's ally, Japan, is so expert.

"The worst of the matter is that for four years American labor unions have been sending presents to these dead men and Messrs. Murray and Green of the C. I. O. and A. F. of L., have been abling pleas to the Kremlin for

their release—not knowing that the *men had been dead for a year.*

“This cowardly double-dealing on the part of one of our military allies is nothing short of monstrous.

“We are sending billions in money and material to Russia to aid her in her fight to get the Germans out of Russia while she has been making a perfect fool out of our labor leaders and out of the Jewish people, who were naturally interested in the fate of their fellow-religionists.

“The question of American and Russian postwar relations looms larger every day.

“The secret execution of Erlich and Alter and the duplicity and dishonesty in the matter of their deaths do not promise well for the future.”

## 7

### COMMUNIST ACTIVITIES IN CALIFORNIA

Your committee has been exceedingly careful in its selection of witnesses on the subject of Communism. During the two-year period of the committee's investigation, it has refrained from making accusations against anyone appearing before the committee and has been content to let the testimony of the witnesses speak for itself.

The Communist Party, by tactics formulated and cleverly carried into operation by the so-called “Antiseptic Squads,” attempts to discredit in every possible manner the testimony of any person who testifies concerning the intrigue and criminal machinations of the party. The mildest criticism of Communism on the part of *anyone*, is immediately hailed as “red-baiting” and the critics are immediately labeled “Social Fascists,” “red-baiters,” and agents of exploiting capitalism, Hearst and Hitler. The *Antiseptic Squads* of American Communism reserve their most vicious and bitter denunciation for ex-Communists who find the courage publicly to expose Communist Party objectives, activities and tactics. The Communist grapevine and its blatant press immediately proclaim such individuals as “stool pigeons,” “informers,” “degenerates” and “pathological liars.” All faithful Communist and fellow-traveling witnesses are heralded as “progressives” and “liberals” and the personification of veracity. A slight scanning of the pages of the committee's volumes of transcripts of the testimony of Communist Party functionaries reveals amazing lapses of memory on the part of such witnesses as to membership in the Communist Party and of events in connection with Communist Party activity that would be readily and easily remembered by an ordinarily truthful witness. There is hardly an instance in the testimony of self-admitted Communist members where they remember the identification of the person to whom they paid dues. Rare, indeed, is the testimony of a Communist member in which he clearly remembers the identity of those in attendance at important Communist meetings or functions. In cases where the person to be identified is a well-known Communist, and admittedly so, the Communist witness has little difficulty in remembering.



Your committee wishes to emphasize, in this connection, that the laws and ethics of capitalist society are not, in the least, held to be binding on members of the Communist Party. It likewise should be remembered that the Communist is not burdened with any sense of religion and suffers no compunction of conscience when falsely testifying under oath. To the iron disciplined, class-conscious Communist, "oaths" and "conscience" are superstitious capitalist fictions invented by capitalist exploiters for the purpose of oppressing and dominating the working class. Thus it is, that Communist witnesses will blandly deny ever having heard of the Communist movement, though it may well be (as has happened in several cases) that the committee is in possession of the Communist Party book or a photostat thereof, of the witness who sits before it brazenly prevaricating.

Illustrating the ease with which Communist Party members handle the truth is the case of Lee Gregovich testifying before the committee in San Diego, February 20, 1942 (Volume VIII, pages 2305-2319). Mr. Gregovich stated that he had never been affiliated with the *Young Communist League* or the Communist Party although he admitted knowing Stanley Hancock, Esco Richardson, Dan Taylor, La Verne Lym and Bert Leech as Communists. Your committee has in its files a photostatic copy taken from the office of the Secretary of State, bearing the name of Lee Gregovich sponsoring Nathaniel Griffin for the Communist Party nomination to the office of Assembly in the Seventy-eighth Assembly District in San Diego County. Also illustrative of the insidious tactics of these lying agents of the Comintern is the testimony of Lee Gregovich in attempting to smear a member of the Legislature from San Diego County by placing him, in his testimony, in suspected Communist meetings.

Every "iron disciplined" and thoroughly indoctrinated Communist is convinced that he is a soldier in a bitter and unrelenting war. He is thoroughly fired with fanatical hate of capitalism and capitalistic government and he believes that he is one of the heroes in the vanguard of the assault on the enemies of the "workers," one of the generals in the *class war*. Military objectives include industries employing wage labor, educational institutions, churches and all functions of government, municipal, State and National. One of the chief military objectives of the Communist Party is *Democracy—all Democracies*, because its members war against the state in *any* form. They have been taught that *all states* are merely instruments of capitalism and exploitation, and, therefore, a Democracy is just another *form* of the state.

Because he believes himself living in a state of war, the Communist has discarded all of the ways of peace. Each Communist in the United States and in California considers himself a spy in a hostile country, waging a desperate warfare with his bare hands, his wits—a spy in the land of the enemy—a secret agent living in constant jeopardy of his life. He considers himself in continual combat, surrounded by ruthless enemies who, if they could, would eliminate him. It is the duty of a soldier to kill his country's enemies, and if a Communist kills the enemies of Communism, he becomes one of the heroes in the vanguard of the proletariat. Among themselves they proudly admit that they lie—that they commit perjury—glorious deeds on the pages of the history of the *class war*. *Do capitalist presidents, premiers and diplomats hesi-*

*tate to lie and to commit perjury in the furtherance of their country's cause?* Of course not! Then, reasons the Communist, why should a soldier or a spy in the vanguard of the proletariat hesitate to do that which furthers *his* fanatical cause? Any good spy or secret agent caught in the toils of enemy courts or enemy investigating bodies would not be worth his salt if he hesitated to lie thereby to fool the enemy. Every Communist in a capitalist nation must protect the Red Fatherland—must protect his fellow conspirators and comrades; hide their identities, activities and objectives, at all cost to himself. Your committee is convinced that they believe their actions and conduct in this connection proper and completely orthodox. This fanatical belief of being a soldier and a spy *in an alien and hostile land* must be understood in evaluating and weighing the sworn testimony of known Communists and fellow travelers.

The witnesses subpoenaed to testify in public hearings before your committee on the subject of Communism in California may roughly be divided into two classes, hostile and friendly witnesses. Your committee does not wish to intimate that this classification is necessarily significant or that the hostile witnesses were, in fact, members of the Communist Party. It is merely a fact that they were unfriendly and in many cases defiant and impudent. The hostile witnesses on this subject, examined by your committee, are as follows:

Samuel Albert,  
Mischa Altman,  
Otto W. Benziger,  
George E. Bodle,  
Reuben W. Borough,  
Louise Bransten,  
Carl Brant,  
Wilmer Breeden,  
Archie Brown,  
James H. Burford,  
Manuel Cabral,  
Philip Connelly,  
Frances Decker,  
Judy Dunks,  
Julius Furman,  
Maxine Furman,  
Oscar Fuss,  
Philip Gardner,  
Kate Crane Gartz,  
B. S. Gorin,  
Jack Greenberg,  
Lee Gregovich,  
Aubrey Grossman,  
Carrol E. Hunnwell,  
Frieda Jasmagy,  
John A. Jones,

Frederick Langton,  
Bert Leech,  
Frances Lym,  
La Rue McCormick,  
Lucile McNeil,  
Frances Moore,  
Jack Moore,  
June Orr,  
Pearl Ossman,  
Pettis Perry,  
Max Radin,  
Mervyn Rathborne,  
Dorothy Ray,  
William Schneiderman,  
Laurance B. Smith,  
Herbert K. Sorrell,  
John F. St. Cyr,  
Vaughn A. K. Tashjian.  
James Toback,  
Clarence Vernon  
Wahlenmaier,  
Robert E. Warren  
John M. Weatherwax,  
Helen Wheeler,  
A. L. Wirin,  
B. Joseph Zukas.

Of the above group, Archie Brown, Philip Gardner, Bert Leech, Mrs. La Verne (Frances) Lym, Jack Moore, Pettis Perry, William Schneiderman, Dorothy Ray and Dr. Vaughn A. K. Tashjian all

admitted joining the Communist Party. To this list should be added the name of B. Joseph Zukas, who, though he denied ever being a member of the Communist Party, was proved by documentary evidence to be a member. In this category, also, should be placed the name of James H. Burford, who undoubtedly lied many times under the questioning of the committee.

Friendly witnesses testifying concerning Communist activities in California are as follows:

Charles G. Bakesy,  
Aubrey Blair,  
J. Frank Burke,  
J. W. Buzzell,  
Oliver Carlson,  
Tom Cavett,  
Matthew G. Guidera,  
Gene Hagberg,  
Bert Hanman,  
Edward Heim,  
L. C. Helm,  
John G. Honeycombe,  
Miles G. Humphrey,

Hugh Ben Inzer,  
Thomas Kirk,  
Floyd Matthews,  
Don Morton,  
John Mustak,  
Mrs. Edward Suchman,  
J. W. Thornton,  
Rena M. Vale,  
George Wallace,  
Earl Warren,  
A. H. Webber,  
Esther A. McCarthy,

Of this group Bert Hanman admitted having joined the Communist Party and having later joined the Trotskyites. His testimony is illuminating and informative on this internal fight between the Stalinist group of Communists and the Trotskyite group. Thomas Kirk, Don Morton, John G. Honeycombe and Rena M. Vale were all former members of the Communist Party.

Charles G. Bakesy had done considerable investigating as an undercover operator among the Communists in California and made a considerable amount of information available to the committee.

Aubrey Blair, J. W. Buzzell, Edward Heim and L. C. Helm are all A. F. of L. officials who have had a long experience fighting Communist infiltration into the *American Federation of Labor*.

J. Frank Burke is the owner and operator of Radio Stations KFVD and KPAS in Los Angeles County, a news-analyst and commentator noted for his American progressiveness, tolerance and liberalism. He testified concerning certain programs released over his radio station KFVD conducted by Ed Robbin of the *People's Daily World*. (Volume I, pp. 267-272.) It has been Mr. Burke's policy to make his radio stations available to everyone, believing thoroughly in the right of free speech and the right of individuals and groups to enjoy channels of public expression. He stated that Ed Robbin had begun to broadcast some time in 1938 and that the broadcasts were partly paid for by a tire company located at Twelfth and Main Streets in Los Angeles. When Hitler and Stalin joined hands in 1939 Burke noticed that Robbin followed along with the current Communist Party "line" and Burke stated that he came to the conclusion that he was not expressing his own opinions but merely echoing things he was ordered to say. It was no longer a matter of free speech. When Robbin defended Russia's invasion of Poland, Mr. Burke ordered him off of his station.



Oliver Carlson testified as an expert on Communist strategy, Communist history, activities and theory, and practical objectives. Mr. Carlson is a writer and a research associate of the University of Chicago in the Department of Political Science. He has traveled extensively in Europe. He translated a book from German into English by Chicherin, Foreign Minister for the Soviet Government. He studied at the University of Berlin and attended the London School of Economics. Mr. Carlson traced the history of the Communist International and explained its methods and ideology in detail to your committee. He outlined disciplinary methods and techniques of the Communist International. He elaborated on the Communist preparations to seize state power in all countries. He emphasized the intolerance of the Communist Party and its *il-liberality* and *non-progressiveness*, contrary to self-proclaimed and advertised virtues. He outlined the similarity between Naziism and Communism. He described the various so-called "Internationals" set up by the Communists for subtle indoctrination purposes, which included even an international philatelic society. He told the committee of the schisms within the Communist Party itself; of the Lovestonites and the Trotskyites. He elaborated on the so-called Communist "party line" and explained the causes and reasons for its changes. He testified of seeing the marriage bureaus and divorce bureaus maintained by the Soviet Government in Russia. He told the committee that over the door of the marriage bureau was the slogan, taken from the Communist *Manifesto*: "Workers of the World Unite." The slogan over the divorce bureau, also taken from the Communist *Manifesto*, was: "You Have Nothing to Lose but Your Chains."

Many persons were called throughout the State to testify generally on Communist Party activities in California and the committee's transcript of testimony presents a rounded picture of the insidious machinations and plottings of this underground group of conspirators. The committee's hearing briefs were designed in each case to draw out at least a fragment of the truth from each witness and, by planning the entire investigation to cover the State from San Diego to San Francisco, the pieces began to fit, and the jigsaw puzzle thus began to take shape and form. The general, overall scope of Communist activities in California is easily discernible through the mental fencing of many of these witnesses. For the greater part, this group represents the rank and file of Communist Party members and fellow travelers.

Mr. Carroll E. Hunnwell represents one of the missing pieces. He testified before your committee in San Diego. (Volume VIII, pp. 2449-2464.) He stated that he was a member of Post No. 6 of the *American Legion*. He is acquainted with Stanley Hancock, Vernon Wahlenmaier, La Verne Lym, Bert Leech and Bessie Keckler. He attended a number of functions for a drive to raise money for the Communist paper, the *People's Daily World*. He denied ever having affiliated with the Communist Party, but admitted that he had been approached twice, "maybe," with the proposition of joining. He does not think that the Communist Party is un-American. He stated that he felt that "we should have a change in system" and that "the main thing is to get something for the working class." In this connection, the witness testified that this would be "pretty hard to do" with the



ballot. He concluded his testimony by suggesting that the need for the Communist Party would disappear if the capitalist forces would give up.

Mr. John A. Jones represents another fragment. He testified that he became a member of the Communist Party in 1935 or 1936 but that he severed connections with it in about 1941. (Volume VIII, pp. 2421-2432.) He knew Stanley Hancock, the Communist Party organizer for San Diego County, Sol and Hermine Hilkowitz, Carroll Hunnwell and Clara Stevenson. He admitted having attended the Lenin Memorial Dinner in January, 1942, held either in the U. S. Grant Hotel or Fraternal Hall in San Diego. One of his reasons for leaving the party was that the work was too strenuous. He has continued to attend meetings of the party since his alleged severing of connections. Although he surrendered his party book he could not remember the identity of the person to whom he gave it.

J. W. Thornton came into the Communist Party through the *Industrial Workers of the World* (I.W.W.). He testified that he joined this organization in 1913. (Volume I, pp. 131-145.) He joined the Socialist Party in 1914 and remained a member until about 1921. In 1919 the I.W.W. sent delegates to a conference of the *Third International* of the Communist Party which was being held in Moscow. The result of the conference brought about the merging of the I.W.W. in the United States with the new *Comintern* organization, the *Red Trade Union International*. Thornton joined the Communist Party in Portland in 1921 and dropped out of its activities in 1924. In 1930 he again became active in the Communist Party and participated in the formation of *unemployed councils*. He cooperated with Communist Party fractions and groups in various activities, particularly in fund-raising campaigns for the *Tam Mooney Defense Committee*. In 1932 he met Sam Darcy and Elmer Hanoff and participated in the Communist Party meeting in Sacramento on the occasion of a plea to Governor Rolph for the unemployed through the *Cooperative Relief Association*. In 1933 Thornton was expelled from the Communist Party for collaboration with the Socialists.

Gene Hagberg, of Los Angeles, testified concerning both Nazi and Communist activities in Los Angeles County. He told your committee of beach parties in Santa Monica where white girls were used as lures in recruiting Negroes into the Communist Party. He told of the "prostitution squad" of Communist Party girls who acted as lures in this endeavor. He testified as to the method used by the *Young Communist League* in luring Filipinos into the Communist Party by the use of marijuana. He testified as to the activities of the Communists among the Japanese and of the Japanese Communist section known as the *Doho Jin Sha* and of a meeting held by this group May 23, 1941, in Los Angeles at which Ed Robbin, Communist radio commentator for the *People's Daily World*, was reported to have collected over \$1,000. He stated that Ed Robbin had donated \$25 to *Doho*, the Japanese-Communist newspaper in Los Angeles. Mr. Hagberg stated that the *Doho Jin Sha* group worked with the German-American Bund during the collaboration of Stalin and Hitler.

Mr. Thomas Kirk, a former member of the Communist Party, testified before your committee at its Los Angeles hearing, August 1, 1941.

(Volume II, pp. 560-589, 590-591.) He told the committee that he was an organizer for the *Friends of the Soviet Union* in 1930, and became interested in the Communist Party through the *American Civil Liberties Union*. He was active in the International Labor Defense and told your committee of their meetings. He outlined the activities of the Communist Party in the cotton strike at Pixley in 1933, of the activities of the *Hollywood Anti-Nazi League*, the *League Against War and Fascism* and the *Pen and Hammer Club*. He traced the activities of the Communist Party in the *Relief Workers' Protective Union* and other Communist front organizations such as the *Unemployed Councils*, the *Workers' Alliance*, *Labor's Non-Partisan League* and others.

### 8

#### ORGANIZATION AND OPERATION

The technique, the organization and the operation of the Communist Party in California and in the United States should be known to every American. Far too few of our loyal Americans realize the intricate and efficient organization of this subversive group. The success of the Communist Party in certain trade unions and other mass movements is directly attributable to the ignorance of responsible labor leaders and the rank-and-file of both labor and other mass movements of Communist organization, operation and tactics.

Your committee has studied the manuals of the Communist Party and its textbooks, minutely cross-examined paid Communist functionaries and through investigators working both inside the Communist Party and in many of its front organizations have been able to ferret out much of its intricate organization and operation.

The Communist Party itself has divided the United States into some 30 districts. California is designated in this division as District XIII. Each district is divided into some 250 sections and these sections are again divided into what they term shop, town, street, farm units and, in California, in and during periods of open development, into Congressional and Assembly districts. Each unit or division is known as a unit bureau and is governed by a committee under which it operates and organizes. Smaller subdivisions of the lesser units are called "fractions" and "cells." Fractions and cells are immediately created in trade unions and other mass organizations wherever three or more Communist members find themselves.

Communist fractions or cells are continually subdivided as recruits are added to each cell or fraction. It is seldom that a fraction or cell contains more than eight members. By this method the Communist Party is enabled to spread its network of propaganda and influence in factories, mines, on ships, in shops, and other mass organizations. It is mandatory on Communist Party members to join the union in the place where they work and cells and fractions must be organized immediately.

The Communist Party Manual provides that "Every party member \* \* \* must be a real organizer of mass struggles." This same manual provides that the "task" of each fraction, cell or shop unit is "to establish strong connections with all the workers in the factories" in order that these workers be mobilized for "quick action when the need arises." Every Communist member is mandated to prevent

exposure of comrades in their *illegal* work. For this purpose special groups of Communists are trained. A group of this type is known to the comrades themselves as the "Antiseptic Squad." The work of the Antiseptic Squad is to defend Communists and Communism. One of its most important jobs in recent years is the smearing and discrediting of such committees as the Dies Committee and your Committee Investigating Un-American Activities in the United States and California.

Don Morton, former Communist member, testified that during his membership in the party he had charge of the *League Against Yellow Journalism*. (Volume VI, pp. 1783-1794.) This activity of the Antiseptic Squad was particularly organized to propagandize against anti-Communist papers and magazines and, according to Mr. Morton, was particularly anti-Hearst because the Hearst papers were most consistent in their editorial attacks against Communism. Mr. Morton testified that part of his duty was contributing approximately 500 cards a week urging the people not to read the Hearst papers and that through his supervision some ten to twelve thousand cards were distributed between April and September of 1936.

Street fractions or cells are mandated to assist shop units in strikes, picketing, street demonstrations and in the collection of strike relief. To these fractions and cells is given the task of organizing people in the neighborhood for the purpose of carrying on "mass work (street meetings, house to house canvassing, etc.), and to win election votes for the Communist Party." (Communist Party Manual, pages 49, 65 and 66.)

The Communist Party Manual, on page 25, states:

" \* \* \* one of the organizations of the Communist Party is suitable for *legal* existence \* \* \* and the other for \* \* \* underground, *illegal* existence."

The manual mandates that Communist Party members organize and lead the other workers in order to safeguard the organization and prevent its members from being discharged in any shop or factory where they are caught agitating or propagandizing. It demands that party members "must submit to the *iron discipline* of the party." The manual commands that the Communist Party be "rooted in the factories, mines, ships, docks, offices, et cetera," and demands that its organization in these places be such that it will "best safeguard the party members and other militant workers from bosses, stool-pigeons and thugs." Shop units or cells are ordered to secure jobs for party members and the manual commands that all Communists work together in "a conspirative manner" to organize and lead the workers.

The above briefly outlines the underground, secret and conspiratorial organization and operation of the Communist Party in the United States and California. In addition to this organizational set-up, which is particularly designed for the *illegal* work of the party, there has existed for many years *The Young Pioneers*, the *Young Communist League*, and the Communist Party itself, which may be either open or secretive.



*The Young Pioneers* is a Communist youth organization for girls and boys of grade-school age. It is built along the same lines as the Boy Scout movement, but dedicated, instead, to hatred of American institutions and the American Flag. The *Young Spark* is one of the publications for the Communist *Young Pioneers*. We quote from one of its issues: "The Young Pioneers of America is a workers' children's organization, and the Red Flag is their Flag. \* \* \* We Pioneers are proud to stand by the Red Flag."

The following is an excerpt from *Who are the Young Pioneers?*, a Communist publication (pages 26 and 27):

"Then why do we say the workers' children should join the Pioneers or the Nature Friend Scouts or the I. W. O. Juniors instead of the Boy Scouts? For this reason: You can use all knowledge either for the working class and against the boss class, or for the boss class and against the working class. And the Boy Scouts teach you to use your knowledge for the boss class. They teach you to be 'patriotic.'

"And what does the 'patriotism' of the Boy Scouts and the bosses mean? It means that when the bosses of this country want markets for their goods and decide to go to war to get the markets from other countries, YOU should put on a uniform and go to war for those bosses and their profits. \* \* \*

"The 'patriotism' of the Boy Scouts and the bosses means defending the government and the property of rich and corrupt millionaires and their politicians and preventing the workers from getting a living from their labor by fighting against strikers and the unemployed who demonstrate for relief."

We quote a poem from the April, 1935, issue of the *New Pioneer*, one of the publications of the Young Communists (page 18):

*"Our Leader"*

"Lenin is leading the way  
He won't let the capitalists lead us astray  
'Away with Capitalism and the King!  
'Lenin and Soviet Russia!'  
The cry will ring.  
Workers stop your toil!  
Farmers, don't till the soil!  
We march today under the blood stained red  
We will fight to have our families fed.  
We march amid mothers' and fathers' applause;  
We will fight for a just cause.  
Lenin is our leader today—  
Under Lenin we can not lose the way.  
We will destroy the capitalists;  
They won't be able to resist,  
Because we march under blood stained red,  
And we have Lenin at our head."



This poem is not only interesting because of its revolutionary content but because it was written by a ten year old boy named Theodore Lerner of Brooklyn, New York. Sufficient has been shown thus far proving the foreign control of the Communist Party. Mr. Moore testified (Volume 1, p. 16) that he had joined the *Young Communist League* in 1934. He stated that the organization was an affiliate of the *Young Communist International* with headquarters in Moscow and that it was a training ground for Communists; that it participated in various non-Communist school and civic activities as well as in trade unions, unemployed organizations, etc., in order to spread Communism.

#### COMMUNIST FUNCTIONARIES

One of the most important witnesses on the subject of Communism with authority to speak was Jack Moore, the Secretary of the Communist Party for Los Angeles County in 1941. The committee subpoenaed Jack Moore at its first hearing held in the Assembly Chamber of the State Building in Los Angeles on July 28th of 1941. (Transcript Volume I, pages 3 to 113, inclusive.) He was attended by a stenographer and Leo Gallagher, whom he identified as his attorney.

Jack Moore is a paid functionary of the Communist Party with offices at the Communist Party headquarters, located at 124 W. Sixth Street, in the City of Los Angeles. His wife was formerly Marion Brooks, *Young Communist League* organizer, and one of the Communists utilized by the party in mobilizing the Communists in the Musicians' Union, Local 47, of Los Angeles. (Mrs. Marion Moore was subsequently expelled from the Musicians' Union in Los Angeles because of her Communist activities.) Jack Moore has a long Communist record. He sponsored Pettis Perry for the Communist Party nomination for the office of Lieutenant Governor of California in August of 1934 and sponsored Harold J. Ashe for the Communist Party nomination for Secretary of State at the same time. In 1936, he was a member of the *Young Communist League*. He joined the Communist Party in Los Angeles on October 23, 1936, and became a member of the *Relief Workers' Protective Union, International Labor Defense* and the *League Against War and Fascism*. He was a member of the board of directors of the Communist Party Workers' School in Los Angeles. In 1938 he sponsored Pettis Perry for the Communist Party nomination to the office of State Board of Equalization and Anita Whitney for the Communist Party nomination to the office of Controller. He was a candidate for the Communist Party nomination for the office of Assembly from the Sixty-fourth District in August of 1940. In this same year, he sponsored Anita Whitney for the Communist Party nomination for the office of United States Senate from California. He registered as a Communist in Los Angeles County June 15, 1940. He attended the Communist Party convention in San Francisco May 12, 1940. On February 19, 1941, he filed as a candidate for the City Council of Los Angeles from the Twelfth District. For some time he headed the Los Angeles branch of the *Young Communist League* and was the organizer of the Harbor Section for the Los Angeles Communist Party. In 1942, he was again a Communist candidate for the Assembly. For some time he handled Communist literature for

the Workers' Book Shop located at 224 South Soring Street in San Pedro. He was the secretary of the militant *Fish Cannery Workers' Union* in Long Beach. He has a police record.

The committee found Jack Moore, as the titular head of the Communist Party in the most populous county of the State, an unusually frank witness. His testimony as set forth in the first volume of the committee's transcripts is considered by many persons, not connected with the committee, to be of vital significance. He explained the physical structure and commented in detail on the doctrine and ideology of the Communist Party of the United States of America. He admitted the so-called "fraction" set up in unions and the Communist Party's general infiltration into the California trade union movement by such methods. He admitted the existence of Communist fractions in the *Workers' Alliance*. He admitted that he was familiar with the *Party Organizer* and familiar with plans set forth in this official Communist Party publication for recruiting members into the party and the technique used in penetrating trade unions.

He testified concerning the part played by the Communist Party in unionizing the Ford plant. He told the committee of the indoctrination of children as young as nine to 16 years of age; how they were taught the principles of world-revolution and class antagonism through the *Young Pioneers*, and thereafter how these children were further indoctrinated through the medium of the *Young Communist League*. He told the committee of his work as a member of the *Young Communist League* and his assistance in the organization of the *Relief Workers' Protective Union* in Los Angeles County. He related his work in organizing the A. F. of L. *Fish Canneries Union* and how he and an entire group of Communists in the Union were finally expelled, the charter of the Union being lifted by the Central Labor Council of Los Angeles. He stated that the Communists had been the moving force in organizing the C. I. O. *United Auto Workers' Union*.

He admitted that Communist front organizations, such as *Labor's Nonpartisan League*, *Federation for Political Unity*, the *Motion Picture Democratic Committee*, the *International Labor Defense* and the *International Workers' Order* took part in political elections. He testified that the Communists in California and in the United States firmly believe in the objectives of the party as enunciated by Lenin and Stalin.

Miles G. Humphrey, a former Communist Party functionary, told the committee under oath in San Francisco (Volume V, pp. 1616-1631) that he knew Aubrey Grossman when Grossman was very active in the *Young Communist League* and that he also knew him as a member of the Communist Party. Humphrey stated that he joined the Communist Party in Oakland in 1924 and attended several beginners classes in Communism in that city and later in New York City. He testified that he taught classes in Communism in Oakland and that he became a functionary of the party in San Jose in 1924 and that he was a unit organizer for about a year. He made a trip to Russia in 1926, the expenses of which were paid by the Soviet Union. He spent four months in Siberia and four months in Moscow doing industrial work. During his stay in Russia he contacted the Section Secretary of the Communist Party of the Soviet Union in Siberia to discuss conditions

in industry. Before going to Russia, Humphrey testified, he contacted an organization in New York called "Kugbas" which preceded "Intourist" and his trip to the Soviet Union was arranged through this organization. He met a man in connection with "Kugbas" by the name of Golos whom he later saw in Siberia. He was acquainted with Robert Minor, of the Communist Party of the United States and met him in Russia. He discussed with Minor his transfer from the Communist Party of the United States to the Communist Party of Soviet Russia which was arranged through the Comintern. During this time, Humphrey testified, Minor represented the Communist Party of the United States in Soviet Russia in the Communist International. Humphrey resided in New York City for some years after his return from Russia, during which time he helped organize the *International Labor Defense*, working through Communist Party channels. He was a member of the Bronx section of the Communist Party while in New York City.

Upon returning to Oakland, he became the secretary of the Communist Party for Alameda County and held this position for one year. He met John Leech, Secretary and organizer for the Communist Party in Los Angeles at that time. He knew Rudy Lambert as a party functionary in charge of the Communist Campus Unit at Berkeley. Humphrey stated that the Communist Party, during 1934, derived most of its funds from donations. The Campus Unit at the University of California paid its dues directly to a district or section organizer, rather than risk exposure of membership through following regular procedure. He knew Bert Hanman as a Communist Party member and admitted that he attended the meeting at which Hanman was expelled by the Communist Party Control Commission which then was composed of Elmer Hanoff, Walter Lambert and 10 others, on charges that Hanman had associated himself with the Trotskyites.

After this, Humphrey testified, he became a trade union organizer for the Communist Party, which position he held for some time. He met James Burford at Burford's apartment in Berkeley and attended the meeting at which Burford joined the party in 1934 or 1935. He testified that James Burford became a member of Unit Number 5 in Berkeley. It was Humphrey, according to his testimony, who took Burford's application for membership in the party.

Among others identified by Humphrey in his testimony were Dr. Samuel Twain, Examining Physician for the *International Workers' Order* in Oakland. Humphrey did not state that Dr. Twain was a member of the Communist Party but stated that he was very close to it. The *International Workers' Order*, testified Mr. Humphrey, was organized by the Communist Party to take over the members of a socialist organization known as the *Workmen's Circle*. He stated that Dr. Twain's brother is the Secretary of the *International Workers' Order* in Oakland. (Your committee should report, at this juncture, that Dr. Twain held a commission in the State Guard in 1942.) Humphrey knew Signa Ludlow as a member of the Communist Party in Berkeley and Roy Noftz as a member of the Communist Party in Oakland. He stated that Noftz later became active in the *Workers' Alliance*, the Communist Party having appointed him to a position in that front organization.



*People's Daily World*

The *People's Daily World* is the successor to the *Western Worker*. It is the official West Coast motor-drive for Communist Party transmission belts, although it has attempted to disguise its red character under the cloak of labor. In order that its identity be thoroughly established the committee has traced its genealogy. The hammer and sickle, together with the statement "Western Organ of the Communist Party, U. S. A., Section of the Communist International" appeared on the masthead of the *Western Worker* until Monday, March 8, 1937. The hammer and sickle disappeared from the masthead of the *Western Worker* with the issue of March 8, 1937, and instead of the statement "Western Organ of the Communist Party, U. S. A., Section of the Communist International," appeared the slogan "People's Champion of Liberty, Progress and Peace." In the notice of publication column, however, the hammer and sickle, together with the statement "Western Organ of the Communist Party, U. S. A.," was carried. The hammer and sickle still appeared in the official notice of publication column until the issue of April 5, 1937.

The last edition of the *Western Worker* appeared December 30, 1937. It was still listed as the "Western Organ of the Communist Party, U. S. A.," however, and page 2 of this issue contained a full-page advertisement announcing the "*People's Daily World*," the new paper. The first paragraph entitled "Farewell" is as follows: "This is the final edition of the *Western Worker*, as it makes way for the *People's World*, its successor, which will make its first appearance on January 1st."

The first issue of the *People's Daily World* appeared January 1, 1938. At the head of its official notice of publication column, the name "*People's Daily World*" is followed by the following slogan and statement: "For Security, Democracy and Peace. Formerly *Western Worker*, founded 1932."

On this same page appeared a group of greetings to the *People's Daily World*. We quote the "greetings" "From the Communist Party":

"This historic occasion, the publishing of the first issue of the daily 'People's World,' marks the sixth anniversary of the founding of the *Western Worker* in 1932. It took six years of struggle since that first mimeographed edition grew into a mighty people's organ which will speak not only for the Communist Party but for all those progressive forces that will constitute the American people's front.

"The Communist Party could not have done it alone. It took tens of thousands of workers, farmers, and middle class people on the Pacific Coast to build a daily people's voice. They have participated in a great historic event; the inauguration of a new type of daily press, which will serve the people of the West and all America. Together with the 'Daily Worker' of New York and the 'Mid-West Daily Record' of Chicago, the *People's World* will be a part of a powerful chain of people's daily papers that will



*Communist League.* Although he lived in Oakland, he did not belong to the Berkeley unit of the party. His memory was very faulty as to members of the Communist Party and the *Young Communist League*. He could not remember the approximate number of members of the *Young Communist League* in Berkeley; where he bought his Communist Party dues-stamps or the name of the person from whom he purchased them. Although Brown admitted attending Communist Party meetings about every two weeks, he could not remember where the meetings were held or who attended them. His recollection of *Young Communist League* and Communist Party activities in Oakland were very vague. While he admitted going to 37 Grove Street and 121 Haight Street in San Francisco, he could not determine at which place he bought his dues-stamps. Being pinned down he finally remembered purchasing stamps at William Schneiderman's office but couldn't remember the name of the girl from whom he purchased them. He finally stated that he merely knew her as "Comrade."

Being an open Communist Party functionary, running from time to time on the Communist ticket for public office and with Communist Party endorsements, Brown had no hesitancy in admitting his present Communist Party affiliation. He admitted having spoken at a campus meeting at Sather Gate of the University of California at Berkeley in either 1932 or 1933. Although he had been a literature agent for the Communist Party at one time his memory failed him in reference to his duties in this position, and he claimed that, although he was the agent for the literature of the party, he did not know very much about the literature itself.

He has been a member of the *International Longshoremen and Warehousemen's Union*, Local 110, of San Francisco for about six years. Although he attended various conferences held at the Communist Party headquarters at 121 Haight Street in the City of San Francisco, he does not yet know the exact purpose of the conferences. He is acquainted with Jack Moore, Pettis Perry, Anita Whitney, William Schneiderman, James Burford, but suffered lapses of memory in reference to other individuals.

He went to Spain with a man by the name of Yocum from California and enlisted in the *Abraham Lincoln Brigade* at Mar se Mont Blanc, Spain. He referred to John Gordon Honeycombe as a "rat" for not "fighting and dying with his comrades" in Spain. He admitted that he had looked upon the present world conflict, prior to June 22, 1941, as a "British Imperialist War" and had felt that President Roosevelt was a "warmonger" but, at the time of testifying (December 3, 1941) he had revised his entire opinion and ideas on the subject.

Archie Brown was a candidate for supervisor for the City and County of San Francisco in 1941. The Communist Party's West Coast newspaper, the *People's Daily World* of October 4, 1941, lists the sponsors for Brown's candidacy for the office of supervisor. Among these sponsors the committee finds Tim Kelly, C. I. O. *Inland Boatman's Union*; Paul Orr, A. F. of L. *Cook's Union*, Local 44; Owen Kiernan, *Marine Cooks and Stewards*; Andy Harris, A. F. of L. *Culinary Miscellaneous Employees Union*, Local 110; Clair Aderer, C. I. O. *Office and Professional Workers Union*; Homer Mulligan, C. I. O. *American Communications Association*, Local 9; Emile Rabin, A. F. of L. *Cleaners and*

Dyers; Walter Stack, *Marine Firemen*; Jack Smith, *Marine Cooks and Stewards*; Walter Lambert, Grace Partridge and Anita Whitney. The *People's Daily World* of October 29, 1941, mentions three additional alleged trade union leaders supporting Archie Brown for supervisor. These supporters are named as Frank Dunn, president of the *American Can Local, Steel Workers' Organizing Committee*; George Lee, secretary of the same organization, and Max Weitzner, a member of the *Furriers' Union* Executive Board and a delegate to the C. I. O. *Industrial Union Council*. Carmelo Zito, the editor of *Corriere del Popolo*, is also reported as publicly supporting the candidacy of Archie Brown. Henry Schmidt, the former president of the C. I. O. *Longshoremen's Union*, Local 10; Alden Clark, president of the *Industrially Unemployed Workers' Union*, and Wayne Canut, business agent of the A. F. of L. *Culinary Employees Union*, Local 110, are reported in the *People's Daily World* of October 31, 1941, as supporting Brown for supervisor. He received a total vote in the election of 26,456 or 12.5 per cent of the total votes cast.

## 9

## LABOR ORGANIZATIONS

Trade unions are particularly susceptible to Communist infiltration. Small fractions are sometimes very successful in large and unwieldy organizations. Because of the keen and fervent revolutionary spirit indoctrinated into the members of the Communist Party, and because most legitimate trade unionists are interested in their jobs and their homes to the exclusion of other considerations, the small Communist unit is enabled to dominate and control many large trade unions in California and in America.

In this connection the committee wishes to observe that legitimate trade unions will never be free of Communist domination and control, or the menace of it, until they amend their constitutions and by-laws in such a manner as will give *every* member of the union an opportunity to pass on important questions that come before their respective organizations. The committee has observed that where the membership is large and unwieldy and the quorum is small in comparison to the membership of the union itself, the Communist Party fraction is easily able to dominate the policies of the organization. While it is not within the province of this committee to recommend constitutional and by-law changes to the trade union movement of California, it, nevertheless, suggests that elections and important proposals should be submitted by secret ballot to each and every member of the union by mail, rather than permit bare quorums in weekly or monthly meetings to determine policies and permit the election of officers by small active groups which come to union headquarters on election day. The American Labor movement might well protect itself from the Communist menace of domination and control by providing that no important policy be adopted or any officer thereof elected except by a majority vote of the *entire membership* and not, as is done in many local unions throughout California at this time, by those who merely attend meetings or who cast their vote at the union headquarters, between designated hours on a designated election day.

The Communist Party conducts schools in the principal cities of the State. These schools are known as *Workers' Schools*, but their Communist Party character is readily recognized by their leaflets and pamphlets setting forth the subjects taught and the names of the instructors, as well as by the advertisements for the schools which appear in the Communist Party press. These schools teach Marxism, the history of Communism, labor tactics, and kindred subjects. The names of prominent educators, as well as the names of individuals high in State political circles, appear as lecturers in the courses offered by these schools from time to time. The committee has collected many of these circulars and pamphlets in which the classes and courses are displayed together with the names of the lecturers and teachers.

Matthew G. Guidera (Volume V, pp. 1429-1447) testified that Dr. Aaron Rosanoff was a lecturer for the Communist Party Workers' School in Los Angeles in 1933. The committee is in possession of photostats of the pamphlets of the Communist Party Workers' School in Los Angeles advertising this fact.

Jack Moore, Southern California Communist functionary, shed considerable light on Communist Party tactics in capturing the labor movement. As an illustration of some of the tactics used your committee quotes from the testimony of Jack Moore beginning on page 31 of Volume I of the committee's transcript:

"Q. I am going to read into the record a statement from the Party Organizer, March and April, 1937, page 21, and ask you if these things discussed in this paragraph would comprise a part of your duties:

"'As our first step, we communicated with every County and Section and proposed the immediate establishment of recruiting committees, suggested that special discussions be held in the Units, Branches and Fractions on recruiting, on adoption of a plan of work, and a plan for retaining new members.'

"Does that generally constitute a part of your activities?"

"A. (Moore) Yes, I think that is a pretty fair statement of it."

"Q. I would also like to read another article, page 33, entitled 'From Secret to Open Work,' by Vera Sanders, and I quote:

"'We decided to build up secret union groups of the workers, functioning independently of one another, and, of course, without the knowledge of the company. We selected a number of workers as initial contacts. The basis for this selection was their strategic positions in the plant, their personal qualifications for leadership, and their influence with the men. Three such men were picked in the beginning, the comrades in the unit discussed the matter of union organization with these men, and arranged for the union organizer to visit them.

"'These men, together with the party's comrades in the shop, set to work lining up for the union's picked individ-



uals. Meetings of the union groups were held in private homes of the workers once a week where needed, and once every two weeks when found more desirable. The comrades in the units attended the various group meetings to assure the leadership of the party.

"At the union group meeting which resulted, the comrades took leadership in discussing the necessity of building the union, and after the union organizer had given his report, the comrades would go into the details of whom to recruit to the union groups and how to recruit them. General discussion was also initiated by the comrades on the labor movement as a whole, and we began to have regular discussion periods at each of the union group meetings, actively involving the workers with such questions as the C. I. O., the American Labor Party, Industrial Unionism, et cetera. It was constantly pointed out that ours was an industrial type of union. We had to overcome the result of an A. F. of L. sell-out some years ago, and point out that we believed in practiced trade union democracy."

Q. "Did you engage in such activities as are generally set forth in this excerpt, Mr. Moore, in your fraction?"

A. (Moore) "In my experience in the fish canneries in San Pedro, I and one other member of the Young Communists' League were instrumental in organizing some 1,500 workers into a Fish Cannery Workers' Union. We conducted a number of successful strikes and the consequence was that within a period of one year, the pay of the fish cannery workers was increased about \$250,000."

In 1934 a considerable sum of money was sent from the then Soviet Commissar for heavy industries to a Communist in Hollywood. This sum was to be used for the purpose of creating an entering wedge into the motion picture industry. No immediate effort was made at that time to recruit movie stars into the party, and the entire attention of the Hollywood Comrade was concentrated on capturing key trade unions in the industry. This was the then mandated procedure laid down by the Comintern and later set forth in the textbooks of the Communist Party. Strong Communist fractions were planted and maintained in nearly every Hollywood trade union that had jurisdiction over anything in the motion picture studios. The Communist Party working in Hollywood wanted control over everything that moved on wheels, sound trucks, camera platforms, transportation of equipment and personnel to and from location, and even the tray-dollys in the cafeterias. They soon moved Communist fractions into the unions having jurisdiction over carpenters, painters, musicians, grips, and electricians. To control these trade unions was to control the motion picture studios.

Next in importance to the Hollywood trade unions working in the motion picture industry, were the writers, script men and other professionals having to do with the actual story writing and production of motion picture plays. Representatives of your committee visited the motion picture studios in Hollywood, conferred with studio man-



agers; with the heads of most of the important Hollywood trade unions. Many of the leaders of these organizations were keenly aware of the infiltration into their locals and in many cases felt themselves powerless to stop it. The committee found most of these labor leaders loyal Americans. J. W. Buzzell, secretary of the Los Angeles Labor Council, Lew Blix, business representative for Local 495 of the *International Brotherhood of Teamsters*, Aubrey Blair, an organizer for the *American Federation of Labor*, associated with the Teamsters' Union and formerly a secretary of the *Screen Actors' Guild* in Hollywood and many other A. F. of L. labor leaders were extremely helpful to the committee in this phase of its investigation.

Representatives of the committee viewed and analyzed motion pictures which had been allegedly treated with Communist propaganda. Many individuals who were once highly paid technicians of unquestioned ability in the motion picture industry, were interviewed. We learned that the Communist dominated unions and organizations had a system of effective "black-lists" for members who had openly opposed Communism or the Communist cliques, in the various unions. We learned that many of these highly skilled individuals were unable to secure employment because of this "black-list."

In this connection the committee reports that the Communist Party, through both its control of certain trade unions and its systematic method of "smearing" individuals who oppose them and who attempt to expose them, have in the past, and are maintaining at the present, the most effective "black-listing" in the history of the State. Opposition to Communism and to its comrades carries a persuasive economic penalty in certain quarters in California, and particularly in some phases of the motion picture industry.

Many fellow travelers working in close harmony with Communist Party fractions in labor unions when called before the committee blandly denied being members of the Communist Party, or of knowing anything, whatever, about Communism and posed as "trade union Progressives." Among this group were such witnesses as Samuel Albert, Mischa Altman, Lee Gregovich, James Burford, Phillip M. Connelly, Osear Fuss, Jack Greenberg (not to be confused with *Jack Carl Greenburg*), Frederick Langton, Herbert K. Sorrell and B. Joseph Zukas. Although these witnesses suffered from sudden lapses of memory and indicated little knowledge of the subject-matter of Communism, they were well acquainted with organizations such as *Labor's Non-Partisan League*, *Musicians' Democratic Committee*, *Motion Picture Democratic Committee*, *The People's Daily World* and other Communist Party front organizations and party literature, and in many cases had a close working relationship with known Communists and fellow travelers such as Don Healy, John Howard Lawson, Paul Cline, James Burford, William Schneiderman, Pettis Perry, Dorothy Ray, Herb Sorrell, Jack Moore, Bert Leech, Elaine Black, Oscar Fuss, Aubrey Grossman, Leo Gallagher, Larue McCormick, and many others.

The committee has gathered voluminous evidence proving that the Communist Party of California and in the United States is now taking every advantage of the war and our concentration in winning it, to infiltrate, not only into labor unions, but also the strategic positions in Government. The committee reports that the Communists are making

great strides in this endeavor. In their own secret councils they are frankly preparing for the time when the armed forces of our country will be demobilized and economic and social readjustments will be presenting a fertile field for furthering the revolutionary cause of the Comintern. The Communist Party is making great headway in many of California's trade unions. The top leadership in the *Congress for Industrial Organization* in California is practically in the hands of the Communist Party. Testimony under oath before the committee unequivocally places Phillip M. Connelly, the State President of the C. I. O., in the Communist Party. Connelly, when he appeared before the committee in December of 1942, denied that he had ever joined the Communist Party, in spite of the sworn affidavit of Rena M. Vale and the sworn testimony of others. It is rather significant that this same Phillip M. Connelly, less than 30 days later, was attending a Communist Party rally at the Philharmonic Auditorium in the City of Los Angeles, listening to a speech by America's Number One Communist, Earl Browder.

In the latter part of the Third Period of Communist strategy in the United States the Communists turned their attention to the lush field for financial contributions to party causes and the powerful medium for the moulding of public opinion which existed in Hollywood. The effectiveness of Communist technique in such matters here manifested itself. The story is told in full in the committee's transcripts and in the correspondence that passed between Roy Hudson, a high Communist Party functionary in New York City and Jeff Kibre who led the invasion into the Hollywood unions. The committee is in possession of photostatic copies of this correspondence.

Early in 1937 the pattern of Communist intrigue began to be discernible (had there been anyone around who was familiar with the pattern) in many trade unions connected with Hollywood's motion picture industry. Communist fractions in key unions such as the *International Alliance of Theatrical and Stage Employees* (IATSE), *Studio Carpenters*, *Musicians' Union*, *Studio Teamsters*, *Studio Painters* and others began to function in earnest and in the approved Communist method indicated by the testimony of Jack Moore. Fractions and cells, disciplined and agendized with resolutions, motions and steering-committees in secret caucuses expanded into meetings including carefully selected non-Communist union members and proceeded to offer their prepared agendas, resolutions and motions, all of which were promptly and unanimously adopted by the unsuspecting non-Communists present. In many cases the Communist members pushed non-Communists members forward in such meetings so that the deluded trade-unionist actually believed that he had cleverly originated many of the motions and resolutions which, as a matter of fact, were carefully worked out months before by the Communist Labor Commission itself. The members of Communists fractions in trade-unions made their selection of the non-Communist members invited to the union's "progressive" caucuses generally on the basis of such individual's personal grievance against some officer of the organization, fancied or real. Through flattery and comradely back-slapping, praise and admiration, the non-Communist "progressive" was induced to lead the general onslaught on his own labor-union. This pernicious technique has

created "fellow-travelers" of a unique character. Many an ordinarily decent loyal American trade-unionist, outraged at the racketeering tactics of some labor leader, fired with a resolve to "clean up his own union," flattered and ego-flated by the admiring urges of Comintern comrades, whom he looked upon as good trade-unionists, has found himself suddenly referred to as a "commie" and an agitator. Not knowing anything about Communism and having never met a self-admitted Communist, the uninformed, but otherwise loyal trade-unionist finds himself dismayed and confused. The Communist fraction in the enlarged caucuses make great capital out of such a situation. When the appellation is properly applied to actual Communist Party members of the group all of the non-Communist members are quickly convinced of their staunch Americanism when it is pointed out that "good old dumb John who always voted the Republican ticket" was also called a "Communist."

Enlarged caucuses, Communist steered and organized, began to function in Hollywood in 1937. Closed Communist fraction meetings always preceded the meetings of the larger groups. Each Communist member of the fraction was assigned 20 or more non-Communist members of the trade-union and were held strictly accountable for the conduct and attitude of the people assigned to them. The matters to be discussed in the enlarged and mixed caucuses were carefully outlined ahead of time in closed fraction meetings and the action to be taken by the expanded group meticulously planned. Thus, the "progressive" caucuses, as they were ultimately called, appeared to make decisions in a democratic manner and the non-Communist members rarely suspected that their decisions had been planned, in some cases, months ahead for them. The average rank-and-file member of a labor organization has little experience in public speaking or in parliamentary procedure and his "meeting" activities are usually confined to voting in the approved manner of his union's by-laws. The Communists, on the other hand, have usually been trained in the Communist Party's Workers' Schools, and have considerable knowledge of parliamentary procedure and can talk extemporaneously for hours.

The decisions thus "democratically" reached in the "progressive" caucuses are then carried to the floor of union meetings. A non-Communist stooge has usually been selected at the "progressive" caucus to present the planned resolutions and motions. The Communist steering committee sees to it that the stooge is supported by proper seconds and the comrades themselves arise to speak if things appear to be going badly. Many trade-unions require comparatively small quorums and, where the membership of the organization is large, meetings are poorly attended. Generally the membership of the "progressive" group is an overwhelming majority in any such meeting and the decisions of the "progressive caucus" which had been planned for them by the Communist fraction, becomes the official policy or action of the union itself.

Several such enlarged caucuses, Communist dominated and controlled, came into being in Hollywood in 1937. The first of importance was the "I. A. Progressives" made up of members of the *International Alliance of Theatrical and Stage Employees* (IATSE), an *American Federation of Labor* affiliate. Another was the so-called "progressive"



group in the Los Angeles "*Musicians' Union*, Local 47, of the *American Federation of Musicians*. This group, after the union organization increased its quorum from 75 to 300, organized itself into the *Musicians' Democratic Committee*, and affiliated with the Hollywood Communist front organization *The Motion Picture Democratic Committee*. The "*I. A. Progressives*," failing in capturing the Hollywood locals of the IATSE, ultimately became the nucleus of the *United Studio Technicians Guild* (USTG), financed by Harry Bridges. This organization, completely dominated and controlled by the Communist Party, petitioned the *National Labor Relations Board* for an election to determine the collective bargaining agency for the motion picture industry. Had the Communists been successful in this election they would have controlled Hollywood.

Among those examined in reference to the C. I. O. Communist-dominated *United Studio Technicians Guild*, the "*I. A. Progressives*" and the IATSE were Aubrey Blair, Lew C. G. Blix, George E. Bodle, Edward Heim, L. C. Helm, Herbert K. Sorrell and A. H. Webber.

Lew C. G. Blix, business representative for Local 495 of the *International Brotherhood of Teamsters* in the City of Los Angeles, told the committee of his acquaintance with Jeff Kibre during the time that Blix was secretary-treasurer of Local 37 of the *International Alliance of Theatrical Stage Employees* in Hollywood. Blix identified Jeff Kibre's handwriting and signature on various documents which had been introduced in the record in connection with the Communist plot to capture the Hollywood unions. He gave the committee the history of the so-called "*I. A. Progressives*," headed by Kibre in 1937. He also testified of having seen a photostat of Jeff Kibre's application to join the Communist Party under the name of "Barry Wood." In this connection, it should be stated, that the committee read into its transcript the minutes of the Third Annual Convention of the Communist Party of Los Angeles, which was held April 29, 30, and May 1 of 1938. The minutes of this convention revealed that "Barry Wood" was elected to the county executive committee of the Communist Party. An affidavit of Ezra Chase, former Communist Party member, was also read into the committee's record, in which Chase identified Jeff Kibre as a member of the Communist Party.

Aubrey Blair, organizer for the *American Federation of Labor*, testified before the committee, detailing the attempt on the part of the Communist Party to capture the motion picture industry. Photostatic copies of letters of Jeff Kibre were introduced in connection with the testimony of Blair, showing the background of an organization known as the *Conference of Motion Picture Arts and Crafts* and generally referred to as COMPAC. Blair also corroborated the testimony of Blix in further detailing the Communist plot to capture the IATSE. He told the committee of the Communist Party fraction work in the "*I. A. Progressives*" and the creation of the *United Studio Technicians Guild* (USTG).

Edward Heim, a member of Local 728, of the IATSE and formerly a member of Local 37 of the IATSE, testified concerning the *United Studio Technicians Guild* (Volume II, pp. 514-520). Heim had left the IATSE and joined the *United Studio Technicians Guild* and for a time acted as the office manager of that group. He saw bundles of the



*People's Daily World*, the Communist Party periodical on the West Coast, in the office of the *United Studio Technicians Guild* which were used for free distribution. He told of conferences in the office of the organization between Jeff Kibre, Sam Goldblatt, Herb Sorrell and others and stated that he knew Sam Goldblatt to be a member of the Communist Party.

L. C. Helm, business representative of the *Studio Utility Employees'*, Local 742 (IATSE), also testified regarding the "I. A. Progressives" and the activities of the *United Studio Technicians Guild*. (Volume II, pp. 506-514.) He stated that this infiltration of Hollywood motion picture unions began with the *Studio Unemployment Conference* in 1938 to which the IATSE and the *Studio Painters* affiliated. Jeff Kibre spearheaded this organization and Herbert Biberman and Frank Tuttle attended several of the Conference meetings. Helm testified that the *Conference of Motion Picture Arts and Crafts* (COMPAC) grew out of the *Studio Unemployment Conference* and that Jeff Kibre continued as its guiding spirit, although Herbert Sorrell was influential in it. He stated that COMPAC later became the *United Studio Technicians Guild* under C. I. O. charter. Helm withdrew because of the Communist influence in COMPAC.

Similar situations were existing in other Hollywood unions. Organizing had been going on in the recording industry and in radio. Many of the early attempts at organization were undoubtedly legitimate and as the Communist element more and more forged to the front for their own particular purposes, many sincere American labor men were carried along. A strike finally developed at Columbia, conducted by the *United Electrical, Radio and Machine Workers of America*, C. I. O. (UERMWA). The witnesses examined by your committee in reference to this organization were Carl Brant, James H. Burford, Gene Hagberg and A. H. Webber.

Carl Brant, organizer for the *United Electrical, Radio and Machine Workers of America*, C. I. O. (UERMWA), admitted having been a member of the Communist Party for "about two or three years." Brant admitted being familiar with a play *Formation Left* by Jeff Kibre and Mildred Ashe and another left-wing play *Waiting for Lefty* by Clifford Odets and *Peace on Earth* by Albert Maltz. Although Carl Brant was listed in circulars advertising a Communist Party Workers' School as an instructor, he denied that he had ever served in such capacity.

The committee knew that Brant was in fact a member of the Communist Party and that he was an educational director in one of Los Angeles County's Communist units. He did a great deal of organizing work in the *Workers' Alliance* and in so-called Communist Cultural Projects. He was a delegate to the *California Federation of Government Employees' Convention* in 1937 in company with such well-known Communists as Fred Franchi, Leona McGenty and Rena Vale.

A. H. Webber related to your committee his difficulties with Local 1421 of the *United Electrical, Radio and Machine Workers of America*. (Volume II, pp. 357-387.) Webber had been employed for five years at the Columbia Recording Studio in Los Angeles and had been dismissed about seven weeks before testifying, July 30, 1941. He stated that he had assisted in organizing the union in the Columbia Recording

Studio and had applied for an A. F. of L. charter which was refused by Harold Smith, of the IATSE. He stated that a C. I. O. charter was accepted and that the union became known as Local 1421 of the UERMWA. In his capacity as a member of the shop committee, Webber always insisted on efficient workmen but the Communists endeavored to run in their members regardless of ability. Because of his protest against this tactic, charges were preferred against him and he was finally expelled from the union and ousted from his position in the Columbia Recording Studio. He has since been branded as "anti-union" and a "red-baiter" and has not been permitted to obtain another position where the C. I. O. influence is strong.

James H. Burford was subpoenaed. There is no doubt that this witness deliberately lied on many occasions under examination by the members of the committee and its interrogator. The committee unanimously passed a resolution referring the matter to the district attorney of Los Angeles County recommending that Burford be charged and tried for perjury. In this connection, it must be said, that this was the only recommendation made during the existence of the committee in which a prosecution was not instituted.

Burford has been a consistent worker in Communist infiltration activities for many years. As the secretary of the Young Democratic fraction, which was composed of allegedly Young Democratic leaders who were secret members of the Communist Party, Burford materially assisted in the disruption and destruction of the organization of the *Young Democrats of California*. Running the gamut of the usual occupational shifts and changes, Burford was, at the time of testifying, affiliated with the *United Electrical, Radio and Machine Workers of America*, C. I. O. He admitted knowing and associating with notorious Communists and Communist fellow travelers in California, such as Velda Johnston, James Toback, Paul Johnson, Paul Cline, Jack Moore, Rose Segure, Aubrey Grossman, William J. Plunkert, and William Elconin.

Burford testified (Volume II, pp. 316-344, July 30, 1941) that he had studied the *Communist Manifesto* in 1931 in San Diego State College. He stated that he was opposed to the Federal Bureau of Investigation (F. B. I.) because they took "scabs" through a picket line of the C. I. O. *United Mine, Mill and Smelter Workers' Union* (UMMSWU). He admitted that he had supported the Communist candidate, Celeste Strack, running for Congress in the Thirteenth Congressional District against the incumbent, Congressman Kramer, in 1940.

Don Morton, who joined the Communist Party in 1936 in Berkeley, identified pictures of James Burford, and stated that he knew Burford as a Communist Party member during his affiliation with the party. (Volume VI, pp. 1783-1794.) Morton further testified that he attended closed Communist Party meetings in Burford's home and that these meetings were gatherings of Unit Number 5, generally referred to as the "Campus Unit."

Coordinating the general plan of the Communist Party for the capture of Hollywood unions, the Communist fraction of Local 47, Los Angeles *Musicians' Union* extended its closed fraction meetings to selected non-Communist members of the association in the Fall of 1937.

These enlarged and mixed meetings soon became known as "progressive caucuses" and the individuals as "47 Progressives." The committee and its representatives have carefully examined the minutes of the steering committees of this group. The minutes of the board of directors of Local 47 for January 9, 1940, contains several hundred pages of the compiled activities of this group, together with photostatic copies of the minutes of the Communist dominated expanded caucuses. It is significant that, although the laws of the *Musicians' Union* in Los Angeles provide for the publication of the minutes of the board of directors in the official organ of the association, *The Overture*, the minutes of the board for January 9, 1940, have never been published.

The coordination of the over-all plan of the Communist Party for its Hollywood offensive by the Communists within Local 47 of the *Musicians' Union* of Los Angeles is clearly discernible in the resolutions, motions and activities outlined in the official pages of the minutes of the board of directors for January 9, 1940. Affiliation with many front organizations was carried to the general meetings of the association, such as *Labor's Non-Partisan League*, unemployed councils, etc. Ambulances for Spain and participation in many Communist activities are clearly revealed. The election of Miriam Brooks or Moore, the wife of Jack Moore, Los Angeles County Communist functionary, after but a few months membership, as a delegate to the State Federation of Labor's convention in Oakland in 1939 is one of the amazing achievements of the Communist element within this trade union association. (The membership of the Los Angeles *Musicians' Union* is between seven and eight thousand.) The trials and expulsion of Communist members such as Miriam Moore and Saul Posner are included in the minutes of the board above referred to, and the order of dissolution of the Communist front, *The Musicians' Democratic Committee*, is set forth, indicating the attempts of a beleaguered group of officers fighting for the American maintenance of the union.

Julius Furman of Local 47 of the *Musicians' Union* testified July 29, 1941, regarding his previously sworn testimony contained in the minutes of the board of directors of that association above mentioned. (Volume I, pp. 199-216.) Among those identified by Furman as working secretly with Communist Party members for the control and domination of Local 47 of the *American Federation of Musicians* were: Mischa Altman, Sam Albert, Haakon Bergh, Gerald Caylor, Lina Di Fiore, Louis Kaufman, Stephen Mougin, Herbert Offner, Wayne Ronka and Paul Robyn, all of whom were listed on photostatic copies of the minutes of the *Musicians' Union's* board of directors of January 9, 1940. Furman named Mischa Altman as the leader of the Communist faction in the association and gave an account of a pro-Communist meeting held at the home of George Bassman, a member of the union.

Floyd Mathews, also a member of the *Musicians' Union*, testified as to Communist intrigue and plotting in the association. (Volume I, pp. 123-131.) He stated that one Eddie Gruen and Mischa Altman, both members of the union, invited him to attend a Communist Party school and that other members of Local 47, including Emerson Haraden, Eddie Gruen and Bernice Frazier, attended the Communist Party School. Mathews testified that Gruen and Altman told him that they were members of the Communist Party. Altman appeared to be the



"big fish" of the Marxist school. Mathews stated that Altman had told him that the Communist Party desired to place members of the party in the police department and in the Army.

The *Musicians' Union* of Los Angeles may be definitely said to be under the control and domination of the Communist Party and is presently being used to carry out certain parts of the Communist Party program.

Your committee called and examined many witnesses in reference to Communist activities in the agrarian districts of the State. This field is an important one in Communist strategy. It has not been overlooked in the past by Communist agitators and will not be neglected in the future, although large industrial centers are the chief and ever-present targets. The *Simon J. Lubin Society* and UCAPAWA are the Communist fronts in California agrarian penetration. The testimony of Dorothy Ray, now Mrs. Don Healy, is typical of the activities of Communist Party functionaries in this field. Miss Ray, by her own admission, has been very active in Communist Party agitation in the agricultural districts of California. She testified before the committee December 2, 1941, in San Francisco. (Volume V, pp. 1639-1641, 1795-1806, and Volume VI, pp. 1818-1864.) She admitted knowing many Communists and Communist fellow travelers, such as James Burford, Archie Brown, Lillian Monroe, Ted Rasmussen, Stanley Hancock and others. She testified that she was born in Denver, Colorado, in 1914 and that her maiden name was Rosenblum.

The agricultural red fronts must first be examined. The *Simon J. Lubin Society* was organized in the Fall of 1936. It took its name from the late Simon J. Lubin who formerly headed the California Division of Immigration and Housing. He was admittedly a member of the I. W. W.

The organization was the work of Unit 104 of the Professional Section of the Communist Party. This unit had been doing research work for the agricultural activities of the party and Helen Horn (Hosmer) and Dr. Soule, members of Unit 104, conceived the idea of forming a club or society that would include non-party members. They persuaded the Lubin family to allow them to name the organization after Simon J. Lubin. The Lubins did not know the real purpose behind the organization or that it was controlled by the Communist Party. (Dies Reports, Volume 3, pp. 1997-8.)

After Unit 104 had organized the society, the leader of the professional section of the Communist Party widened its scope in 1936. With the aid of Donald Henderson, National President of the *United Cannery, Agricultural, Packing and Allied Workers of America* (UCAPAWA), who was visiting in San Francisco at the time, the future activities of the society were worked out. It became the channel through which the Communist Party conducts its fight against the farming industry.

Aubrey Grossman represented the society in a legal action against the Salinas Lettuce Growers.

The society appeared with the *American League Against War and Fascism* as a joint sponsor for a meeting held in San Francisco on May 7, 1937, to discuss the cannery workers' strike in the San Joaquin area.



For a short time in 1937 the society occupied joint offices with the *Conference for Repeal of the Criminal Syndicalism Act*.

On July 9, 10, 11 and 12, 1937, a National convention of agricultural organizations was held in Denver, Colorado, presided over by Donald Henderson. Henderson had formerly been on the faculty of Columbia University but had been removed due to radical and Communist activities. UCAPAWA (*United Cannery, Agricultural, Packing and Allied Workers of America*) came out of this convention and affiliated with the C. I. O. with Donald Henderson as its National president. Pat Callahan and Dorothy Ray, both known Communists, became president and vice president, respectively, of the organization in California.

Under Communist direction UCAPAWA gradually made itself known in agricultural districts of California. Labor agitation and disturbances were gradually accelerated.

Lauretta Adams, section organizer of the Communist Party in Kern County, together with Clyde Champion, Communist candidate for public offices, were organizers for UCAPAWA, as well as for the *Workers' Alliance* and the Communist Party.

In February of 1940 a Field Workers' School, sponsored by UCAPAWA, was held at Chino, California for the purpose of training organizers. Revels Cayton, Negro Communist secretary of the San Francisco local of the *Maritime Federation of the Pacific*, Amy Schechter, formerly a student at the Lenin School in Moscow in 1939 and a writer for *New Masses*, Communist magazine, and Carey McWilliams, Chief of the California Division of Immigration and Housing, were the instructors at the Field Workers' School.

Miss Ray's Communist activities carried her into many agricultural unions. She stated that she had worked with independent and A. F. of L. unions which preceded the *United Cannery, Agricultural, Packing and Allied Workers of America*, C. I. O., (UCAPAWA), *Compañinos*, a Mexican workers' organization and the *Cannery and Agricultural Workers' Union*. She was the international representative of UCAPAWA until 1938 or 1939.

Miss Ray described her difficulties in Imperial Valley and admitted having served six months in the Imperial County jail as the result of the lettuce strike in 1933-1934. Although she had been an active Communist continuously for over 10 years, she stated that she had never registered as a voter in the Communist Party. She stated that she dropped out of the Communist Party and the *Young Communist League* work because she had become practically exhausted from her 10 years' strenuous labors. She stated that she had never subscribed to the *Western Worker* or the *People's Daily World* but that she read the *Monthly Communist* faithfully.

She identified a picture of herself taken on the fire escape of the Communist Party headquarters in Oakland on Franklin Street in which she held two placards, one carrying the slogan "Join the Communist Party" and the other "Stop Police Brutality."

Your committee found Miss Ray an exceedingly clever witness. She frankly stated that she would not indulge in "Communist-baiting" and spoke from time to time of "We Internationalists." (P. 1842.) She asserted that the Soviet Union had abolished the exploitation of man by man and had set up a classless society. She believed that it was in

the interest of the United States to defend the Soviet Union. She stated that she did not believe the testimony of the "stool pigeons who appear before these committees," and believes them to be pathological liars. In speaking of the dictatorship exercised in Russia by Stalin, she stated that "there is a distinction between *good* dictatorship and *bad* dictatorship." She told the committee that she thought the committee desired her to "red-bait" but that she would protect the others in the Communist Party with her. She did so meticulously.

In October of 1938 Miss Ray was sent to Bakersfield by the International of UCAPAWA to handle the cotton strike in progress there at that time. She spoke in Arvin, Palmo, Shafter, Button Willow and other places. She was county organizer of *Laborers' Non-Partisan League* in Los Angeles County in 1939 though, paradoxically, she stated that she was never a member of the league. As a further paradox, she testified, that she attended the Third Annual Convention of *Laborers' Non-Partisan League* held June 22, 1940, as an executive board member. She spoke to the membership of Local 78, of the Orange Pickers Local, in Orange County in July of 1940. She was in Orange County on the vegetable strike in 1938 for UCAPAWA. She admitted having participated in citrus strikes in Orange County in August, 1938, for UCAPAWA.

Miss Ray is a Deputy Labor Commissioner in San Francisco under H. C. Carrasco. The head of this department is George C. Kidwell, an Olson appointee. The committee learned that Miss Ray had secured this position through a civil service examination. A quotation of hers from the oral examination held for the position of Deputy Labor Commissioner, February 10, 1940, by the State Personnel Board was read to Miss Ray, as follows: "Particularly in those years, 1934, Imperial Valley was well known for lawlessness. I'm not ashamed of having served a jail sentence. I didn't violate any law that I would recognize as a law." Miss Ray examined this statement and said that she did not recall testifying before the Personnel Board in such a manner. She concluded her testimony by stating that her husband, Don Healy, was now "organizing for a union."

It is quite evident, even from the foregoing brief outline of typical examples, that the *Congress of Industrial Organization* is much more susceptible to Communist Party penetration and control than is the *American Federation of Labor*. Several reasons may be advanced to account for this fact. First, the *American Federation of Labor*, led for many years by loyal American working-men fully convinced of the greatness of American democracy and its institutions, successfully withstood the early shocks of the Communist assault. Experienced in labor matters, the *American Federation of Labor's* leadership has gone forward steadily along legal and democratic lines. Its broad objectives are in accord with Constitutional Government and the traditions of the United States. While it seeks better working conditions and a higher standard of living it is vitally concerned with the preservation of the Government and the American system which has, in fact, established the best working conditions and the highest standard of living in the history of the world. The *Congress for Industrial Organization*, on the other hand, created by John L. Lewis in the midst of the Nation's greatest economic depression, is young and inexperienced.

Lewis, while lambasting Communism and its attempts to capture labor prior to 1935, did not hesitate to use Communist agitators and the Communist Party in organizing his rival organization after his split with the *American Federation of Labor*. The growth of the C. I. O. was an unhealthy one in its first few years of existence and largely was a paper organization. Few of its recruits actually paid dues or assessments. Being loosely-knit and arbitrarily thrown together in the beginning, it was an easy matter for the Communists to control many of its locals and councils.

The committee would not want anyone to believe that the rank-and-file members of the *Congress for Industrial Organization* are Communists or sympathetic to Communism. It is well known that the great majority of the members of the C. I. O. in California deeply resent the Communist domination of the organization and that they would like to correct the situation. This is a much more difficult task than would be imagined at first glance. The C. I. O. has many bargaining contracts and the members are, in many cases, economically silenced. Many illustrations might be given here of attempted "house cleanings" in which the daring leaders of such a movement were rewarded by expulsion from the union and their jobs. The cases of Hugh Ben Inzer and A. H. Webber are set forth in detail in the committee's transcripts of testimony and touched upon in this report.

In spite of the firm stand taken by *American Federation of Labor* leaders in the past, your committee believes that the Communist Party is making considerable progress in its penetration of certain of its federations, its labor councils and its local unions. Certain staunch old-time leaders still block the battered drawbridges of their trade union citadels but the Trojan Horse is awaiting the moment when the heavy guns of disguised Communist batteries blast them aside.

## 10

### FRONT ORGANIZATIONS AND TRANSMISSION BELTS

We have detailed at some length the operation and organization of Communist Party fractions in labor organizations and the clever technique used in expanding closed Communist fraction-caucuses into larger meetings to which carefully selected non-Communist Party union members are invited. Such mixed meetings, carefully planned and controlled, are usually called "Progressive Trade Union" meetings. The non-Communist members, of course, are entirely unaware of the fact that the decisions made by them in these "Progressive" meetings were planned beforehand and cleverly "democratically" executed in the so-called "Progressive" meetings. This same technique is used in the creation of "front" organizations, or "transmission belts," as they are referred to by the Communists themselves. In order to thoroughly to understand this technique, we outline the approved method of the Communist Party in setting up a typical "transmission belt" or front organization.

1. The Comintern strategists chart certain targets in capitalist economy and orders are issued for their destruction.

2. The strategy committees of the Communist Party scattered throughout the world, acting on orders from the Comintern, search



about for a popular prejudice, a real or fancied abuse of the broadest possible magnitude. Having once settled on a popular prejudice or abuse behind which their real purposes may be screened, Communist Party members everywhere are instructed to form appropriate organizations. The popular prejudice, fear or economic condition readily presents a variety of organizations purportedly designed to "remedy" the particular situation. It may be fear of a world war, rise of dictators, an economic depression with attendant distress and unemployment or it may be a rising cost-of-living.

3. Closed Communist fractions all over the country discuss the orders from the executive committee. The National executive committee has usually set up a National organization, so that little is left to local comrades, other than forming a chapter of the National organization in order to give the entire movement the appearance of spontaneous demand on the part of all the people. Resolutions, motions, proclamations and activities are all ready-made for the comrades in the closed Communist caucuses. Fellow-travelers, innocents, ambitious labor leaders and politicians are contacted as petition-signers to call mass meetings for the consideration of the formation of the movement. Real Communist Party members meticulously refrain from affixing their signatures as sponsoring the new movement.

4. A call for the first meeting is issued, signed by many fellow-travelers, innocents and political-climbers.

5. The meeting is called to order at the specified hour and place, usually by some well known person whose Americanism has never been questioned, and who probably is, in fact, unconscious that he is being used by a subversive group. He has been sold a bill of goods on the movement.

6. Each member of the Communist Party caucus charged with the responsibility of launching the organization, has been assigned a list of non-Communist individuals whom he has invited to the meeting. The Communist Party members spread themselves throughout the meeting-hall and prompt non-Communist members with whom they have struck up a friendship to make right motions and offer prepared resolutions at the proper time. The most prominent non-Communist person present is usually selected beforehand as the one who will be the chairman of the organization. The selection of the secretary, however, is a very different matter. Only a trusted and disciplined Communist may have this position. A Communist Party member is *always* selected.

Thus, a new "transmission belt front organization" is launched. The non-Communist members feel that they have contributed something toward the general welfare of the community and the people by their participation in the new organization. They are out to fight Fascism; they are on record against war and they are determined to preserve democracy. Perhaps they have taken an active step toward combating Nazism and Hitler. It may be that they feel they have taken an important step in drawing the divergent branches of labor into one great organization for the betterment of *all* labor. Whatever the non-Communist may believe and feel when he leaves such a meeting, the result is always much the same. He makes financial contributions



from time to time to the organization and receives its bulletins, periodicals and newspapers and more or less forgets about the whole thing. He is too busy making a living to attend many of the subsequent meetings. The officers and the board of directors take care of the details. The board of directors is soon completely in the hands of the Communist Party and the agitation is then carried on from that point for the purposes of the Comintern.

With the invasion of Hollywood by the Communist Party came the inevitable myriad front organizations, utterly controlled and dominated by the Communist Party, but, in most cases, drawing into their membership lists pseudo liberals, parlor pinks, innocents and a great many people who just simply did not know any better. We have elsewhere related the history of the *Hollywood Anti-Nazi League* and its ubiquitous V. J. Jerome. In addition, were the *Pen and Hammer Club*, the *Hollywood League for Democratic Action*, the *Hollywood League for Women Shoppers*, the *Old John Reed Club*, the *Hollywood Theatre Alliance*, the *Hollywood Mooney Defense Committee*, the *American Writers' Congress*, *Hollywood Unit of the League Against War and Fascism*, *Spanish Relief Committee*, the *League for Peace and Democracy* and many, many others. Pulling the strings and setting the policy of all of these organizations were Communist individuals well known to your committee as members of the Trojan Horse Cavalry. These organizations, and many others, are listed and analyzed in detail in the files of the committee, together with personnel, leaders and activities.

Hollywood is a veritable mecca for the Communist cultural clique. Your committee has gathered voluminous information on this phase of Communist infiltration.

"Our party members are to be found in the widest variety of mass organizations," declared Earl Browder. "In the trade unions of the A. F. of L., C. I. O. \* \* \* the *National Negro Congress*; in the farm, cultural, fraternal, religious, professional and other organizations, and those of National groups." (*The Democratic Front*, a report by Earl Browder to the Tenth National Convention of the Communist Party of the United States of America on May 28, 1938, page 69.)

The testimony and record of activities of Reuben W. Borough, left no doubt in the minds of the members of your committee as to his close Communist fellow-traveling proclivities. He may be termed an ardent "Anti-Red-Baiter." He has been active in most Communist front organizations in California. In 1937 he was vice chairman for the Southern District of the *California Committee for Political Unity*. In 1938, he sponsored a \$60,000 drive for the *People's Daily World*, Communist Party publication in California. In 1939, he was a sponsor of the *Second Annual California Model Legislature* to be held in Sacramento. This Model Legislature was a Communist-inspired youth movement. He appeared, in 1939, on the list of subscribers to the *People's Daily World*. In 1940, he was a sponsor of the *Conference for Democratic Action* which was held in Fresno. This organization is reported as one to replace the former Communist dominated and controlled *American League for Peace and Democracy*. He is presently commissioner of public works, appointed by Mayor Fletcher Bowron in the City of Los Angeles.

Borough admits having been a member of the Socialist Party and having carried a "red card" in Chicago. He admits being a member of the *American Civil Liberties Union*, and other Communist dominated front organizations. He stated that he did not know and *did not care* whether certain individuals were Communists or not and he denied that the Communist Party had any purpose in the overthrowing of the Government of the United States. He admitted knowing many prominent Communists in Los Angeles and stated that they were not a danger to our Democracy and more or less looked upon Communism and the "labor movement" as synonymous. He knew William Schneiderman, State Secretary of the Communist Party, and admitted attending a testimonial dinner for the Communist attorney, Leo Gallagher, in 1941. He told the committee that he had the "highest respect" for the *State, County and Municipal Workers of America*, C. I. O., a Communist controlled C. I. O. union for infiltration into governmental positions.

When questioned as to a so called "emergency conference to halt the blackout of civil liberties in California" held Saturday, April 5, 1941 at the Embassy Auditorium in Los Angeles, Borough at first denied that he had acted as substitute chairman in place of Carey McWilliams, who had been previously advertised as the chairman for that meeting. (The so-called "Blackout of Civil Liberties" was a protest meeting against Assembly Bill 271 then pending in the Assembly, introduced by Assemblyman Lee T. Bashore, Assemblyman James H. Phillips, and Assemblyman Jack B. Tenney, subsequently enacted into the law and under which Robert Noble and Ellis O. Jones and others were convicted in Sacramento.) Returning to the witness stand later, Borough admitted having acted as substitute chairman for Carey McWilliams at the time and place above stated. He admitted knowing Jack Moore, secretary of the Communist Party of Los Angeles County, Louis Goldblatt, of the C. I. O., Carey McWilliams, James Burford and Ramon Welch of the *Spanish Speaking Congress*.

The *American Civil Liberties Union* may be definitely classed as a Communist front or "transmission belt" organization. At least 90 per cent of its efforts are expended on behalf of Communists who come into conflict with the law. While it professes to stand for free speech, a free press and free assembly, it is quite obvious that its main function is to protect Communists in their activities of force and violence in their program to overthrow the government.

Ellis O. Jones admitted being a member of the executive board of the *American Civil Liberties Union*. (Volume III, pp. 744-760.) He stated that he became a director of this organization in either 1933 or 1934. He did not know, at the time of testifying (Volume X, pp. 2489-2528), whether or not he still was a member of the *Schneiderman-Darey Defense Committee*, although he admitted having been a member at one time. He believes that the civil liberties of Schneiderman and Darey have been violated. He testified that he had never met with the committee but that he had seen several pieces of publicity of the *American Civil Liberties Union* containing his name. He stated that he had never received a communication from William Schneiderman in reference to removing him from the *Schneiderman-Darey Defense Committee*. He could not recall an occasion on which the *American*

*Civil Liberties Union* interested itself in the civil liberties of members of the *German-American Bund* or the organization itself.

The *Communist International* magazine for January of 1934 at page 78, declares: "Our most successful application of the United Front has been in the anti-war and anti-Fascism movement. We led a highly successful U. S. Congress Against War. \* \* \* which brought together 2,616 delegates from all over the country. \* \* \* The Congress from the beginning was led by our party quite openly. \* \* \* The Congress set up a permanent organization on 'federative basis called the *American League Against War and Fascism*.'" Naturally, the anti-war aspect of the organization has been its greatest bait to peace-loving Americans. It has permitted the representatives of the organization to penetrate churches and fraternal groups and thus to align them with the Communist Party. The usual technique of Communist caucuses expanded into front organizations, constituting the transmission belt for Communist Party indoctrination is used in this organization as in all others.

In November of 1937, the *American League Against War and Fascism* suddenly was changed to the *American League for Peace and Democracy*. It is significant that the *Canadian League Against War and Fascism* almost simultaneously became the *Canadian League for Peace and Democracy*. Out of the Comintern in 1932 came the Amsterdam World Congress. The *World Committee Against War* came out of the Amsterdam World Congress. In 1933 the *World Committee Against War* gave birth to the *American Committee for the Struggle Against War*. In September of 1933, the *American Committee for the Struggle Against War* created a *National Organizing Committee for the First United States Congress Against War*. In October of 1933, the *American League Against War and Fascism* blossomed out of the *First United States Congress Against War*.

The *American Peace Crusade* was organized during the Stalin-Hitler collaboration, in June of 1940. The Los Angeles meeting was called by the *Los Angeles C. I. O. Industrial Union Council*, the *California Youth Legislature* and the *Hollywood Peace Forum* and was supported by *Labors Non-Partisan League*. (*People's Daily World*, June 6, 1940.) The sponsors of this organization included the *National Legal Conference*, *Workers Alliance*, *Labors Non-Partisan League*, *California Youth Legislature*, Joseph Curran of the *National Maritime Union*, Theodore Dreiser, Jack McMichael of the *American Youth Congress*, Louis Goldblatt, Secretary of the *California State C. I. O. Industrial Union Council*, Herbert Biberman, and numerous other organizations and individuals. (*People's Daily World*, July 5, 1940.) A Nation-wide conference of the *American Peace Crusade* was held in Chicago on August 31, to September 1, 1940. At this time a new organization was created which became known as the *American Peace Mobilization*. It was then announced that the *American Peace Mobilization* would take the place of the defunct *American League for Peace and Democracy*.

The *International Workers' Order* is an important Communist front organization. Philip Gardner, the executive secretary of the *Los Angeles Council* of this transmission belt, testified before the committee February 24, 1942. (Volume IX, pages 2774-2790.) Gardner admitted that he was a member of the Communist Party and that he



had been connected with the *International Workers' Order* since 1932. He admitted knowing Max Bedacht, National secretary of the *International Workers' Order* and one time editor of the *Monthly Communist* magazine. Gardner stated that there are 30 lodges of the *International Workers' Order* in the southern California district and that most of the lodges meet in public halls and hold benefits from time to time for the *People's Daily World*, the official Communist Party organ on the West Coast. He stated that the *International Workers' Order* is headed by a general executive board and that Herbert Benjamin is a member of this board. The requirements laid down for eligibility to become a member of the *International Workers' Order*, Gardner told the committee, were principally that the applicant be sympathetic to labor; that anti-labor individuals, "scabs," "strike-breakers" or "Fascists" were not eligible. Membership in a labor union, however, Gardner stated, was not necessary. The "International" designation of the *Workers' Order*, Gardner testified, had no relationship to other countries and only referred to races. He stated that the *International Workers' Order* had about 3,500 members in southern California. He admitted, under examination, that he had joined the Communist Party in Seattle in 1937 but had not belonged to the *Young Communist League*. He admitted having received a Communist Party book but stated that he had not received his 1939 book and, like all Communist Party functionaries and *front men*, he could not remember the person from whom he received his book. The committee reports that there is no doubt whatsoever of the Communist domination and control of the *International Workers' Order*.

Undercover information in possession of the committee indicates that Philip Gardner is the president or chairman of the Los Angeles County branch of the Communist Party.

George E. Bodle may be classed as one of California's so-called labor attorneys. (Volume IX, pp. 2799-2808.) He is a graduate of Stanford University Law School and was admitted to the California Bar in 1934. His wife is Alice Ingraham. Bodle was not certain whether or not his wife had taught in the Workers' School in Los Angeles, although he did not believe that she had. Bodle had been associated with Henry Melnikow in the *Pacific Labor Bureau*, San Francisco, from 1937 until November of 1939. He met Melnikow through a San Francisco attorney by the name of Robert Littler. The purported work of the *Pacific Labor Bureau* was the gathering of economic and statistical information for trade unions and representing them in negotiations. Bodle is acquainted with Jeff Kibre and met him while he was associated with the *Pacific Labor Bureau*. He also is acquainted with Norval Crutcher, Sam Goldblatt, Carey McWilliams and he was associated with Charles Katz in a trial in 1938. He has known Leo Gallagher since about 1938.

Bodle, at the time of testifying, stated that he was the attorney for the *Union Guild Council* which had been formed from independent Hollywood unions in 1940 or 1941. His work, in this connection, was not for the council as such but as the legal representative for certain of the Guilds which form the council. He is also the attorney for the *Screen Office Employees Guild*, now a local of the *Brotherhood of Painters, Decorators and Paperhangers of America*. Local 644 is also a Local of this Brotherhood. Bodle stated that he had known Herbert



Sorrell, business agent for Local 644, for two years. He was familiar with the *Screen Readers Guild*, *Screen Publicists Guild* and the *Screen Writers' Guild*. He admitted knowing Don Gordon, Ella Winter, Guy Endore, Herbert Biberman and Viola Brothers Shore. He admitted knowing Kenneth McGowan of the *Screen Directors' Guild*. He met Frank Tuttle in 1938 when the *Unemployment Conference of Craft Unions* was being set up in Hollywood. In the *Screen Actors Guild* he knew Gale Sondergaard. He admitted knowing Dave Hilperman and Charlotte Darling in the *Screen Cartoonists Guild*. He concluded his testimony by stating that he had never noticed or observed any Communist influence in any of the unions he represented.

Indicative of collaboration with the Communist Party and the faithful fellow-traveling of certain alleged labor leaders, is Herbert K. Sorrell, who testified in Los Angeles July 31, 1941. (Volume II, pp. 452-474.) He testified that he was the business representative of the *Motion Picture Painters*, Local 644, of the *American Federation of Labor*. The committee is in possession of a photostatic copy of Sorrell's application to join the Communist Party in which he used the name *Stewart*. Sorrell denied that he had ever used such name, although under close examination, he admitted that his mother's maiden name was Daisy Frances Stewart. He denied that he was a member of the Communist Party and stated that he knew nothing of the Communist Party Convention held in Los Angeles in April-May, 1938. He freely admitted that he followed the Communist Party Line when he thought it was "all right," although he stated that Paul Cline and Jack Moore came to him at a time when he was trying to raise the per capita tax of his union and told him that he was "going against the Communist Party Line." (p. 471.)

The activities of Sorrell over a period of years is well known to the committee. He has served as A. F. of L. "window dressing" for most of Southern California Communist front organizations, such as *California Conference for Democratic Action*, *Labors' Non-Partisan League*, *Motion Picture Democratic Committee* and the *American Peace Mobilization*. He has been a consistent subscriber to the *People's Daily World*. His name is carried on the letterhead of the *Harry Bridges' Defense Committee*. In 1940 he was the State President of *Labors' Non-Partisan League*. The letterhead of the *Schneiderman-Darcy Defense Committee* contained his name in January of 1940. In July of 1940 he appeared as an officer in the *American Peace Crusade*. On November 2, 1942, he headed a committee of alleged Democrats endorsing and supporting Mrs. La Rue McCormick, Communist Party candidate for State Senate from the Thirty-eighth Senatorial District. There is no doubt in the minds of the members of the committee of the close association and fellow-traveler status in the Communist Party of Herbert K. Sorrell.

Helen Wheeler was elected a delegate from Local 91 of the *State, County and Municipal Workers of America (SCMWA)* to the advisory committee of the *California Youth Legislature* in 1937. (Volume VI, pp. 1875-1882.) At that time, Miss Wheeler was a case aide in the State Relief Administration in Oakland. She was acquainted with James Burford and knew that he presided over the sessions of the *California Youth Legislature*. Miss Wheeler has held

three positions in the *California Youth Legislature*, State Financial Director, Legislative Chairman and finally the Northern California Chairman. When testifying she was still holding the position of Northern California Chairman. She told the committee that the purpose of the *California Youth Legislature* was to bring together all types of youth for the discussion of mutual problems. She admitted that the *American Students Union* was a participating organization in the *California Youth Legislature*. She admitted knowing Herbert Biberman, Philip Connelly, Louis Goldblatt, Carey McWilliams, Hubert Phillips and Wyndham Mortimer. She denied ever having been affiliated with the Communist Party but admitted that she knew that the *Young Communist League* was represented in the *California Youth Legislature* and that there were some 12 delegates from the *Young Communist League* at the 1940 Convention of the *Youth Legislature* held in Los Angeles.

The *People's Daily World* of August 30, 1941, carried a story to the effect that Helen Wheeler was one of the sponsors for a State-wide conference on civil rights to be held in San Francisco, September 27, 1941, for the purpose of protesting the "Tenney Committee and the Tenney Bill Outlawing the Communist Party." In the issue of August 10, 1940, the *People's Daily World* stated that William Plunkert had shifted Miss Wheeler from the *California Youth Legislature* to the *Peace Mobilization*, California Unit, for special work.

The *American Peace Mobilization* was a Communist front organization created shortly after the signing of the Hitler-Stalin pact. About this time the *Anti-Nazi League of Hollywood* and other anti-Fascist front organizations of the Communist Party went out of business and Peace Congresses throughout the country generally, and the *American Peace Mobilization* in California particularly, came into being practically over night. Among the witnesses called to testify in reference to the *American Peace Mobilization* were Reuben W. Borough, Frederick Langton, Bert Leech, Jack Moore, William Schneiderman and Helen Wheeler.

Mrs. Edward Suchman testified in Los Angeles July 29, 1941. (Volume I, pp. 222-232.) Mrs. Suchman stated that Reuben Borough had been elected the first president of the *American Federation for Political Unity*, a Communist front organization, and that the Communists in this group masqueraded as "progressives." She stated that Don Healy, of *Labors' Non-Partisan League* and Rube Borough were the controlling elements in this front organization. Mrs. Suchman flatly named the *American Peace Mobilization* as another Communist front, completely following the Communist Party Line in the Spring of 1941. She stated that Professor Norman Byrne, of Los Angeles City College, was active in this group. She concluded her testimony concerning Reuben Borough by stating that she had told him that he had been taken over "boots and britches" by the Communists.

Strange as it may seem, the committee discovered that Ellis O. Jones, co-editor of the *Friends of Progress*, was also a member of the *American Civil Liberties Union* together with William Schneiderman and A. L. Wirin, Los Angeles attorney.

Louise R. Bransten of San Francisco was subpoenaed before the committee. She testified that she was a secretary of the *Civil Rights*

*Council for Northern California.* Prior to the calling of Louise R. Bransten before the committee in San Francisco a pamphlet had been distributed throughout the State by various mediums and particularly with the distribution of the Communist Party's Pacific Coast organ, *The People's Daily World*. The title of this pamphlet was *Your Rights Before the Tenney Committee*. Louise R. Bransten admitted having written part of this pamphlet with the assistance of members of the *Civil Rights Council*, members of the *Lawyers' Guild* and George Olshausen. The pamphlet was printed with donations collected from members of the *Civil Rights Council* and similar front organizations. Miss Bransten stated that the purpose of the pamphlet was to protect the unions, intimating that the committee was concerned with breaking up trade unionism in California. The testimony of Louise R. Bransten left no doubt in the minds of the members of your committee as to her Communist Party relationship and of the Communist domination of the so-called *Civil Rights Council for Northern California*.

Miss Bransten testified that the *Civil Rights Council for Northern California* was a branch of the *National Federation for Constitutional Liberties* with headquarters in Washington, D. C. She stated that the purpose of the National organization branches was to protest against and to bring pressure against the curtailment of civil liberties and violation of the Bill of Rights. She stated that the organization, in defending violations of civil liberties and the Bill of Rights, selected those cases which it considered the most important.

She further testified that the organization was founded in 1936 and was called, at that time, the *Academic and Civil Rights Council of California*. It was started by Edward Gallagher and a group of people in San Francisco to combat vigilantism such as existed, she alleged, on the San Francisco waterfront in 1934. The *Academic and Civil Rights Council of California* died out in 1937 and in 1938 Gallagher and others attempted to revive it. In 1939 or early in 1940 initial meetings were held to create the present organization, *Civil Rights Council of Northern California*, and Gallagher was elected chairman and Miss Bransten, secretary. Its first activities were directed toward combating the passage of a bill in the Legislature outlawing the Communist Party. It was in behalf of this activity that Miss Bransten first appeared in Sacramento before the committees of the Legislature deliberating on the outlawing of the Communist Party.

Miss Bransten's maiden name was Rosenberg and under this name she went to Russia in 1933.

William Schneiderman, secretary of the Communist Party of California, testified (Volume V, pp. 1260-1342) that he did not believe that the *American Civil Liberties Union* should rush to the defense of "enemies."

The *Schneiderman-Darcy Defense Committee* was created early in 1940 for the defense of William Schneiderman, California State Secretary of the Communist Party, and Sam Darcy, the former district organizer of the Communist Party in California.

Schneiderman became a naturalized citizen at the age of 21. At the time of his naturalization, he was a member of the Communist



Party and concealed this fact in his application and examination. Subsequently his citizenship was revoked and he has appealed the case to the Supreme Court of the United States. Senator Robert W. Kenny acted as his counsel in California and Wendell Willkie volunteered his legal services for Schneiderman before the Supreme Court of the United States.

Sam Darcy was a candidate for Governor of California on the Communist ticket in 1934. At that time he swore that Sam Darcy was his true name and that his place of birth was New York. Subsequently Darcy was named a delegate to the Comintern Congress in Moscow and when he applied for a passport, he made an affidavit to the effect that he had been born in the Ukraine, Russia. His true name was Samuel Dardeck. He was ultimately indicted for perjury by a San Francisco grand jury and was sought throughout the United States for several years. In 1938 he was an organizer for the Communist Party in the State of Minnesota and was later located in Pennsylvania as the district organizer for the Communist Party in that area. Extradition proceedings were instituted and he was returned to California for trial. His case is also on appeal.

Among the sponsors of the *Schneiderman-Darcy Defense Committee* are George Andersen and Leo Gallagher, attorneys for the Communist Party, Carey McWilliams, A. L. Wirin and other attorneys of similar reputation.

The committee launched a drive for funds and sought to sell "Civil Liberty Bonds" in denominations of \$1, \$5, \$10, and \$25.

The *National Student League*, the *Farm Labor Party*, *American Youth Congress*, *Anti-War Committee*, *Anti-R.O.T.C. Committee*, *International Labor Defense* and the *National Lawyers' Guild* are all Communist front organizations. Many witnesses were examined concerning these organizations, their officers and members, their ostensible purposes and hidden objectives. Nearly every witness connected even remotely with any of these organizations was closely questioned and committee representatives secured much documentary material, pamphlets and circulars issued by these, and similar organizations.

The *National Lawyers' Guild* came into being early in 1937 and was reportedly a lawyers' group in opposition to the *American Bar Association*. Many Communist attorneys in California and in the United States assisted in the formation of this group and the *American Civil Liberties Union* is also represented. Carol Weiss King, a former stockholder in the *Daily Worker*, the official Communist publication for the East Coast, Leo Gallagher, who has represented the Communist Party of California as well as many Communist defendants, Charles J. Katz, sponsor of the *Harry Bridges Defense Committee* and the *Hollywood Anti-Nazi League*, Loren Miller, Negro Communist and former staff editor of *New Masses*, a magazine published by the Communist Party, Aubrey Grossman and others are California members of the *National Lawyers' Guild*.

On June 5, 1940, A. A. Berle, Jr., Assistant Secretary of State, resigned from the *National Lawyers' Guild*, charging that the leadership of the organization is not prepared "to take any stand which conflicts with the Communist Party Line." Many other attorneys have resigned from the *National Lawyers' Guild* because of its Communist



domination and control. The Attorney General of California, Robert W. Kenny, is serving his second term as the president of the *National Lawyers' Guild*.

Among those subpoenaed and carefully examined on these organizations, their origin, activities, expressed objectives and hidden motives was Aubrey Grossman of the San Francisco law firm of Gladstein, Grossman, Margolis and Sawyer. (Volume VII, pp. 2039-2043.) Grossman testified that he had graduated from the law school of the University of California in 1935 and from the University of California, Los Angeles, in the Winter of 1932. He stated he was admitted to the practice of law in May, 1936. He denied that he had ever affiliated with the *Young Communist League* or the Communist Party or that he had attended a Communist Party State convention at its headquarters in San Francisco or at any other place. He admitted knowing Miles Humphrey, James Burford and Leo Gallagher.

On May 3, 1941, Aubrey Grossman signed a petition addressed to President Roosevelt and to the members of Congress urging them to exercise their influence and authority in defense of the constitutional rights of the Communist Party. Aubrey Grossman is a member of the *National Lawyers' Guild*, a Communist front organization. He is one of Harry Bridges' attorneys. He has been known by the aliases of Aubrey Whitney Grossman and Aubrey Gross.

Grossman's record is a long and interesting one. In 1934 he attended an anti-R.O.T.C. meeting at the University. He appeared as the speaker at protest meetings held at Sather Gate at the University in Berkeley. He was active in the so-called Students Strike at the University, a strike which was sponsored and promoted by the Communist Party working at that time, through the Communist *National Student League*. On July 3, 1935, he participated in a meeting at Sather Gate called to induce the students to proceed to San Francisco to take part in the "Bloody Thursday" parade. John Delaney Shoemaker, a well known Communist, was also a speaker at this meeting. The parade was held July 5, 1935. In 1936, Grossman was active in the *Farm Labor Party*, sponsored, if not actually organized, by the Communist Party of the United States and actively supported by all Communist publications, including the *Daily Worker* and the *Western Worker*. He was actively associated with most of the meetings sponsored by the *National Student League*, *Student Rights Association*, *Social Problems Club*, *American Youth Congress*, *Anti-War Committee*, and the *Anti-R.O.T.C. Committee Youth Section*, all of which organizations are well known Communist fronts. When Grossman applied for admission to the State Bar of California, the American Legion filed an official protest. The *Western Worker*, Communist West Coast publication (predecessor of the *People's Daily World*), of July 6, 1936, announced Grossman as a member of the *International Labor Defense*, a typical Communist front. He was one of the defense committees for Earl King later convicted in Alameda County in connection with the ship murder of Chief Engineer George Alberts. The minutes of the Communist Party convention held in San Francisco May 14-15, 1937, report that Grossman was elected a member of the State committee of the Communist Party and that he pledged himself to recruit 10 new members into the party.

Both Miles G. Humphrey (Vol. V, pp. 1616-1631) and Don Morton (Vol. VI, pp. 1783-1794), former members of the Communist Party, testified that Aubrey Grossman was a member of the Communist Party.

The Communist character of the *American Youth Congress* is well established by the following authoritative quotations:

"Comrades of Young Communist League of the U. S., headed by Comrade Green, went to the American Youth Congress and achieved a great success. The Congress was 'transformed' into a great united front of radical youth. And when, somewhat later, a second general Youth Congress was held, our young comrades already enjoyed a position of authority in it. The Communists alone have been able to foster the radicalization of the youth in the Bourgeois organization." (Otto Kuusinen, president of Red Government of Finland, in address to Seventh World Congress of the Comintern at Moscow.)

"Before 3,000 delegates and visitors to the Second American Youth Congress, Clarence Hathaway, Editor of the *Daily Worker* and representative of the Communist Party, declared that the Communist Party stands behind the Congress, will do everything in its power to build its support and hailed the progress toward unity achieved by the Y.C.L. and young Socialist leagues." (*Daily Worker*, July 8, 1935.)

## 11

### CONSUMER FRONT ORGANIZATIONS

The *People's Front* was inaugurated by the Communist International (Comintern) in 1934 and was later ratified in 1935 by the Seventh World Congress which was held in Moscow. The *People's Front* was a technique designed to secure mass participation from the so-called middle classes. As part and parcel of the *People's Front* movement came organizations designated as *Consumer Leagues*, *Consumer Councils*, *Consumer Guilds*, et cetera.

The first of these consumer organizations, Communist inspired and therefore Communist dominated and controlled, was the so-called *League of Women Shoppers*. While the *League of Women Shoppers* was concerned with the consumer movement, its chief purpose was to create mass feminine support in labor disputes. The former editor of the *New Pioneer*, an official publication of the Communist Party for children, Miss Helen Kay was the first secretary of the *League of Women Shoppers*. She was assigned to the *League of Women Shoppers in Hollywood*.

Among those identified with the Communist Party's *Consumers' Unions and Leagues* are Arthur Kallet, Colston Warne, Susan Jenkins, Walter Trumbull, Robert Brady, Jerome Davis, A. J. Isserman, Kathryn McInerney, Adelaide Schulkind, Goodwin Watson and A. Phillip Randolph. Harry Bridges was among the sponsors of the West Coast section of the *Consumers' Union* when it was organized in 1938.

The consumer movement undoubtedly had its roots in legitimate dissatisfaction, and developed during the last decade from the rather vague interest of a few scattered women's groups. During the years of its early growth, the movement was primarily a medium of information for the consumer. Nearly all of the original bona fide organizations,

long interested in consumer problems, continue in their sincere effort to march toward goals originally set. With the establishment of Communist *People's Fronts* the consumer movement presented an ideal set-up for Stalin's agents. It was therefore an easy matter for these conniving propaganda experts to carry the authority, the prestige and the sanction of the respectable, legitimate and thoroughly American consumer movement over to Communist design and purpose, thus making Communist design and purpose respectable and acceptable. The sudden growth and increase of "consumer organizations" gave the entire consumer problem the impetus of a "movement." While the Communist Party Consumer Fronts are ostensibly for the purpose of serving the interest of the consumer, they are, like all kindred fronts, designed to further the Communist Party in its attack upon the Government and the present economy. Under the cloak of a legitimate consumer movement the Communist Party consumer front organizations are attempting to discredit and smear American business. The legitimate consumer movement in the United States is a set-up for the Trojan Horse Cavalrymen.

The Communist Party loudly proclaims its interest in collective bargaining in order to expand its influence and to control trade unions. In the United States the Communist Party hypocritically professes an interest in peace and in democracy for the purpose of bringing members of the middle class under the influence of the Comintern. By use of these same tactics, the Communist Party expresses concern for the consumer for the purpose of tearing down the institutions of capitalist society and establishing in their places the dictatorship of the Proletariat. All front organizations, as has been amply demonstrated by evidence before the committee, and heretofore detailed in length in this report, are composed of Communist and non-Communist members. In most cases the majority of the members of a front organization are not members of the Communist Party nor are they even Communist sympathizers. We have heretofore detailed the technique used in guiding and dominating the front organizations by Communist Party fractions. The same technique is used in all front organizations. The non-Communist members are drawn into such groups by the *professed* aims of the organization and then directed by the Communist nucleus creating and guiding the organization into Communist Party activity and purposes. The front organizations are referred to by the Communists themselves as "transmission belts" and this term thoroughly describes the purposes behind such organizations. Consumer groups particularly attract women of the great middle class who are interested in the cost and quality of the things they buy. Hence it is, particularly in these groups, that the majority of the members are not members of the Communist Party or even Communist sympathizers. They are attracted to the movement by *professed aims*.

One of the now proved standard tactics of the Communist Party in "transmission belt" front organizations is to place one of their most trusted members in the office of the secretary of the organization. The committee has learned that wherever the secretary of an organization is a member of the Communist Party, or sympathetic to it, then the organization readily falls into the category of "transmission belt."



All such secretaries are, of course, under the discipline of the Communist Party.

The committee finds that the *League of Women Shoppers* in California is a Communist front organization. It has been associated in many meetings and demonstrations with such well known Communist "transmission belts" as the *American League for Peace and Democracy*, the *American Friends of the Chinese People*, and the *Progressive Women's Council*. Among the directors and sponsors of the *League of Women Shoppers* have been such well known Communist Party members and fellow-travelers as Clarine Michelson, Louise Thompson, Leane Zugsmigh and Tess Slesinger.

Prior to 1935 the Communist Party did not believe that the protest of consumers against various abuses of the capitalist system was a true revolutionary force, but, on the contrary, that it was merely a middle-class movement of a wholly *reformist* character. Arthur Kallet stated the matter very clearly: "Cooperation does provide a splendid escape from participation in the day-to-day struggles against the capitalist system; it permits a great many people to express their resentment by 'playing store.' But the emphasis is not on 'tomorrow a new society' but 'tomorrow maybe we'll be able to begin paying dividends.' As Consumer-Cooperatives are generally run they are a business, not a revolution."

The *Consumers' Union* was set up by Susan Jenkins, Arthur Kallet and Walter Trumbull. Miss Jenkins was formerly an employee of the *Daily Worker*, Communist publication. Walter Trumbull was court-martialed and sentenced to a term of 26 years as a Communist attempting to bore from within the United States Army, in 1925. He served three years of this term. From the beginning, Arthur Kallet has been the director of *Consumers' Union*. Other individuals connected with the *Consumers' Union* are Leroy Bowman, Winifred Chappell, Malcolm Cowley, Robert Dunn, Kate Crane Gartz, Elizabeth Gilman, Quincy Howe, Mathew Josephson, Horace M. Kallen, Rose Schneiderman, Anna Louise Strong, Osmond Fraenkel, John C. Packard, Louis Weinstock, Michael Quill and Ben Gold.

The *Consumers' Union* has used numerous publications of the Communist Party as a medium for advertising its *reports* and has always worked through its other "transmission belt" organizations. The *International Workers' Order's* official publication has carried articles by some members of the *Consumers' Union*.

The *Consumers' National Federation* is an apparently harmless group but it acts as a clearing house for the Communist interests in the consumer movement. It is a paper organization created by the Communist Party and used for the purpose of spreading propaganda in schools and through women's clubs. It was first known as the *Emergency Council* and was established as the *Consumers' National Federation*, 1937. No less a person than Earl Browder has named the *Consumers' National Federation* as one of the Communist Party's important "transmission belts." Miss Susan Jenkins is listed as a member of the executive committee of the *Consumers' National Federation*. The *Consumers' Emergency Council* no longer exists, having been taken over by the *Consumers' National Federation*, which emerged from it. Among the organizations sponsoring the early conferences of the *Consumers'*



*National Federation* were the *Consumers' Union*, *American Youth Congress*, *League of Women Shoppers*, *Progressive Women's Council* and the *Workers' Alliance*, all well known Communist Party "transmission belts." Miss Susan Jenkins is also the chairman for the *Milk Consumers' Protective Committee* and Meyer Parodneck is vice chairman of this committee. Rose Nelson, an avowed member of the Communist Party, was one of the organizers of the *Consumers' Protective Committee*. Susan Jenkins and Meyer Parodneck are among the most active leaders of the *Consumer-Farmer Milk Cooperatives*. Among the directors of this organization are seven representatives of the *Consumers' National Federation*. Meyer Parodneck is president of this cooperative. James P. Reid, *International Workers' Order*, Max Bedacht, general secretary of the *International Workers' Order*, and Michael Quill, were among the sponsors of the *Consumer-Farmer Milk Cooperative*. The *City Action Committee Against the High Cost of Living* is another Communist front "transmission belt" in Los Angeles.

The American Communist has as his ultimate aim in the consumer movement the sabotage and destruction of advertising in America. He believes that through the destruction of advertising the party will be able to undermine and destroy the capitalist system of free-enterprise. Anti-advertising agitation is an important part of the frontal attack of the Communist on free-enterprise. This influence has been more and more reflected in Government circles as well as in large sections of the population which are wholly unconscious of any influence of Communist propaganda.

An investigation made by the Advertising Club of Los Angeles in collaboration with the Pacific Advertising Association in reference to certain "consumer books" revealed an amazing spread of Communist propaganda in this field, either wittingly or unwittingly. As a result of this investigation an effort was made to call the attention of the librarians and teachers organizations to the fact of Communist propaganda in this field. These works include such books as *One Hundred Million Guinea Pigs*, *Skin Deep*, *Counterfeit*, *Eat, Drink, and be Wary*, *Guinea Pigs No More*, etc. The Advertising Club of Los Angeles points out that business has certainly done many things subject to criticism and that no one is more aware of that than legitimate business interests. Better Business Bureaus have been created by legitimate business for the purpose of fighting fraudulent and misleading advertising and all legitimate business stands for truth in advertising, and has succeeded in placing statutes on the books of some 27 States in order to protect the consumer against fraudulent and illegitimate advertising. Of these books the Advertising Club of Los Angeles states:

"The temptation to exaggerate one's own point of view and to mislead is a human frailty, however, and is not limited to members of the advertising profession. Quack doctors disgrace the medical profession. The Bar Association has to take action against shyster lawyers. Nevertheless, the action of certain individual members is not a justification for an attack on the medical profession or the legal fraternity. Nor is there any validity in an attack on all business because of the derelictions of the few.

"The guinea pig books have in themselves committed the same sin of which they accuse advertisers—they have misled the people, magnified small fragments of truth until they were all out of proportion to the true picture, deliberately misleading readers by statements which imply that things *did* happen, although only stating that something *might* have happened—making it very difficult, if not impossible, for advertisers to attain proper redress."

The Advertisers Club of Los Angeles points out that it is an almost impossible task to expose the many exaggerations and untruths that abound in these books. *One Hundred Million Guinea Pigs*, by Kallet-Schlink is typical of this type of propaganda and is undoubtedly the most widely read of all. The American Medical Association states: "The misconception of the authors relative to antiseptics are obvious to any medically-experienced reader." Not only the material contained in these books demands questioning but the motives which lie behind their authorship must also be scrutinized. Fulton Oursler says: "What is important to me is the real cause behind all this attack on advertising. To put it very plainly, I believe it is only a camouflage for the real objective—which is control of the means of production and distribution in the United States. When I think of advertising in relation to this whole picture, I see it as only one battlefield in an enveloping movement. It is an important battlefield because the elimination of advertising would result in the collapse of our entire system of competition, and would end the existence of the unsubsidized press in America." The Advertising Club of Los Angeles further points out that J. B. Matthews, who wrote the book *Partners in Plunder*, is a confessed Communist, and that Arthur Kallet, author of *Counterfeit* and co-author of *One Hundred Million Guinea Pigs* is also the executive director of *Consumers' Union* and has been labeled by Dies as a "professional Communist."

#### COMMUNIST PARTY CONSUMERS COUNCIL

Early in 1942 your committee became aware of the public manifestation of Communist work in the creation of Consumers' Councils and Leagues. Investigators of your committee had gathered considerable evidence indicating that this particular move of the Communist Party was under way. As an illustration of this plan of the Communist Party, we herewith quote from the *Communist*, a monthly publication of the Communist Party setting forth current *Lines and Policy* and the tactical steps to be taken for the practical application of same. We quote:

"While it is true that spontaneous movements against the high cost of living are developing here and there, under the initiative of women's organizations, the immediate problem before our party is to launch a powerful campaign that will mobilize the toiling people of the city and countryside—a campaign that must be developed on a local and State scale, at the same time that forces are set in motion nationally.

"The main issues and demands in the campaign must be made clear, and the broadest actions developed around them. These are, principally:

"1. That the purchasing power of the masses be increased through adequate wages and hours legislation by the Federal Government.

"2. That Federal and State administrations investigate the sharks controlling the most essential articles of consumption; that a legislative investigation be ordered of the meat packers, of the bread and milk trusts; that there be Federal regulation of high prices of food stuffs.

"3. That the municipalities be pressed to establish municipal milk stations, buying milk directly from the farmers and selling it to the consumer.

"Such a campaign against the high cost of living in every city should be brought to the workers in the shops, in the trade unions, to the people in all neighborhood communities. Such a campaign should unite for common action workers and various middle class elements. It should stimulate activity in rural areas.

"This places a great responsibility upon all party organizations—in particular, the branches, shop and industrial units. A drive against the high cost of living, to be effective, requires the mobilization of the party membership for concrete activity. The lower party organizations therefore become a major instrument for party leadership in the campaign.

"What can our branches and units actually do? How can our comrades participate?

"1. Call mass meetings in the neighborhood, special meetings of housewives, to rally the people generally.

"2. Contact community organizations for the purpose of calling community conferences or in other ways setting up community consumers' committees to lead the fight against the high cost of living. This issue affects every one so vitally that it can become a most effective instrument for united action.

"3. Issue leaflets, special appeals to the population.

"4. The street branches can issue neighborhood papers and bulletins. The shop and industrial units should take up this problem in their shop papers.

"5. Mobilize mass organizations for independent as well as collective activity.

"6. Spread the Daily Worker and Sunday Worker, and other party papers. Follow their lead in organizing activity for they will guide the campaign through editorials, through articles that will examine the effect of the increase of prices upon the standard of living of the masses, that will expose the vicious aims of the reactionary forces and the increasing profits of the trusts.



"How can the campaign be developed? What methods shall be followed?

"It is essential that the city, State, and Federal officials be impressed strongly and boldly with the demands of the people that immediate action be taken against the rise in living costs, and to raise the purchasing power of the masses. The trusts that sap the very life out of the people by steadily increasing prices must be made to understand that the people will resist their unrestrained profiteering.

"All of these proposals can be carried through; none of them are too difficult to realize. It is up to our party to take the lead! It is up to our party members to be in the forefront of this campaign. It is up to our branches and units to take up this issue immediately with energy and concrete activities.

"The campaign against the high cost of living gives us the opportunity to bring the party to the forefront. The masses will see again and again that our party has the welfare of the masses at heart. It will give us an opportunity to connect the campaign against the high cost of living with other vital issues. It will help to develop the political consciousness of the people. In this way we will win new supporters, and will have greater opportunities to increase the membership of our party."

Pursuant to the instructions above quoted, certain Los Angeles Communists, working through an organization had been instrumental in electing Judge Fletcher Bowron mayor of the City of Los Angeles, were enabled to bring sufficient influence on the mayor so that he permitted his name to be used as "window dressing" for the creation of a "Consumers' Council" in connection with the Los Angeles Council of Defense. Your committee was aware, of course, that the mayor was acting in incontrovertible good faith and that he probably had no knowledge whatsoever of the fact that his office, name, and position as Director of Civilian Defense, were being used by the Communist Party for their own nefarious purposes. When the committee's investigators learned that John M. Weatherwax was connected with this movement, the situation received attention. The files of your committee revealed that said Weatherwax was long an active member in the Communist Party. Possibly no other investigation so clearly revealed, by the incontrovertible evidence produced, the subtle tactics of the Communist Party in organizing a mass group over which they would be able to assume complete dominance and direction.

Communist Party fractions had been prepared for the launching of the movement. The calling of the first meeting under the auspices of the mayor of the City of Los Angeles, coupled with what was made to appear "Civilian Defense" was the signal to the comrades to carry coordinated support for the movement into trade unions and other mass organizations. Communist fraction meetings were immediately expanded into these organizations under the screen of war needs, and the creation of consumers' divisions of this and that "defense committee" were to be given the character of spontaneous "common people" upsurge.



Typical of the technique used is a notice appearing in the *Overture*, the official publication of Local 47 of the *Musicians' Union* of Los Angeles, under date of March 19, 1942, entitled "Consumer Problems":

"Today, when war has been brought closer to the home of every American than ever before in history, and when we are faced with the task of defending America against the Axis aggression and all it implies, everything that impedes our defense effort, everything that threatens the health and morale of our people—and thereby threatens production—must be pushed aside.

"Everything we have been talking about must be put into action faster and better, keeping in mind that the living standards of the American people must be protected in order that we may all do our job to the best of our ability. Hitler slogans of '*Guns Instead of Butter*' cannot be subscribed to by the American people—our slogan will be '*Butter for the Sake of Guns!*'

"How to buy, how and what to use, how to conserve, how to deal with monopolists who, greedily seeking greater and greater profit, would use the war as an excuse to escape their share of the war burden, by endangering our American standard of living—all these things we must know, in order to help ourselves and our country to achieve victory.

"Mayor Bowron, as Director of Civilian Defense, in Los Angeles, called a conference which was held on February 15th. Delegates from women's groups, educational organizations, and Labor Unions (in the majority) attended. 'These people should not be told what to do,' Mayor Bowron said. 'They should do it themselves.'

"As a large and important Union, Local 47 will follow Mayor Bowron's advice—we will do it ourselves.

"The *Consumer Council* of the *Union Defense Committee*, will hold a meeting in the near future to discuss these matters, which are vital to the defense of our country. Members and their families are urged to attend, and to put good intentions into action.

LINA DE FIORE,  
Chairman,  
Consumers Division,  
Union Defense Committee"

The committee's files showed that John M. Weatherwax served as a member of the Communist State Central Committee in 1936, having been appointed to that office by Lloyd L. Harris, Communist Party nominee to the office of Representative in Congress from the Sixth District, Alameda County. He had signed the petition of Lloyd L. Harris to this office on August 25, 1936. On October 30, 1936, Weatherwax was a special speaker in Berkeley at a Communist Party rally, and the *Western Worker* of October 14, 1937 reported that John M.

Weatherwax was the Membership Director for the Alameda County Committee of the Communist Party. The records of the committee reveal that he was a subscriber to the *People's Daily World* in 1938. He registered as a Communist in Alameda County in 1936. So it was, that your committee had no doubt of Weatherwax's affiliation with the Communist Party. He testified that he had registered as a Communist in the City of Oakland in 1934 or 1936 but claimed that his registry was merely a "protest."

He testified that the *Consumers' Council* is a local organization and admitted that he was a member of it. He named Thomas L. Pitts, of the A. F. of L. *Teamsters' Union*, as chairman pro tempore of the organization and Ernest Chamberlain (an employee of Clifford Clinton) as secretary. The *Office of the Consumers' Council*, Weatherwax stated, was located in the 800 block on Union Street in the Teamsters' Hall in the City of Los Angeles and that another office was located at 618 South Olive Street (Clifton's Cafeteria) also in the City of Los Angeles. He stated that the membership records of the *Consumers' Council* were kept at the latter address. He indicated that he had considerable contact with the *Motion Picture Cooperative Buyers' Guild* and that he was a member of this organization. It had been established for about two years and was a buyers' pool-cooperative. He stated that two delegates from the *Motion Picture Cooperative Buyers' Guild* were sent to the *Consumers' Council*. These delegates were Rita Weir and Haskell Gleichman, the latter individual being the husband of Viola Brothers Shore. He admitted knowing George Hellgren, the husband of Nora Hellgren, and a member of the *Motion Picture Cooperative Buyers' Guild*. He admitted being acquainted with the publication known as *Buy Ways* and as being familiar with a plan for a cooperative nursery school for the children of working mothers.

The case of John M. Weatherwax (Volume X, pp. 3072-3088; 3098-3115) was an interesting one. He testified that he was a writer and had lived in Los Angeles for some four or five years. He had come to Los Angeles from Oakland and had lived in Aberdeen, Washington, previous to that time. He stated that he was the brother of Clara Weatherwax (Strang), who won a prize from the *John Day Company* and *The New Masses* in 1937 for a novel, *Marching, Marching*. He knew John Broman, Miles G. Humphrey, William Schneiderman, Elmer Hanoff, Samuel Darcy, Jack Moore, Elaine Black, Oleta O'Connor, Lucille Ball, Tassia Freed, Leo Bigelman, Anita Whitney, Rudy Lambert, Earl Browder, Clarence Hathaway, James Toback, John Leech, Nora Hellgren, George Hellgren, Hankon Chevalier, Paul Radin, Ella Winter, Donald Ogden Stewart, Albert Rhys Williams, Emil Freed, Aubrey Grossman, A. L. Wirin, Titiana Tuttle, Frank Tuttle, Oscar Fuss, Philip M. Connelly, Alexander Noral and Roy Noftz.

He claimed that he had never joined the official Communist Party. He admitted having been to Communist Party headquarters at 121 Haight Street, in the City of San Francisco, and that he subscribed to the *People's Daily World*. He read the magazine, *The Communist*, and was familiar with the Communist textbook *Official History of the Communist Party of the Soviet Union*. He was acquainted with the works of Karl Marx, Frederick Engels and others. He gave his particular

interpretation of the difference between the Trotskyists and the "orthodox" Communist. He stated that he considered the Trotskyists a group who occupied themselves in fighting the leadership of the Soviet Union. He denied any knowledge of the Communist Party's attempts to get control of labor unions and the motion picture industry, adding that it was outside his "sphere of knowledge."

He told the committee that he had attended some of the classes of the *League of American Writers* but did not know whether he was a member or not.

Mayor Fletcher Bowron appeared before the committee March 26, 1942. (Volume X, pp. 3088-3097.) He told the committee that he had met John Weatherwax several times and had first made his acquaintance about six weeks prior to giving his testimony. Weatherwax came to the office of the mayor in connection with the work of the Council of Defense. The mayor stated that Weatherwax was particularly concerned with consumer interests. The mayor later received a petition signed by 12 or 15 persons complaining that the consumer interest work in the Council of Defense was not sufficiently broad. The mayor later talked to a delegation of the persons who signed the petition and stated that Weatherwax took the most prominent part in the discussion. Unfortunately the mayor was unable to locate the petition above referred to. He was later induced to call a meeting at the Polytechnic High School for February 15, 1942. John Weatherwax presided over this meeting. The mayor estimated the number of people in attendance at the meeting at about 200. The mayor appeared at the meeting and made a statement which he described as being "largely in the nature of a disclaimer" because the entire movement had taken on an aspect that had not been anticipated by him. He explained this statement by pointing out that the demand that was being made was to force the Council of Defense to include representation from consumers' organizations and that the persons making the demand claimed they were doing so for the "rank and file of the people." The mayor stated that he detected at the meeting in the Polytechnic High School a tendency of certain persons or groups to dominate the consumer work. The mayor personally called the meeting to order, made his statement and outlined a plan to permit the general public's participation, but not as a meeting of the Council of Defense. He then turned the meeting over to Weatherwax and left the school. He has had no connection with this particular group since that time. He did not know of Weatherwax's connection with the Communist Party at the time of calling the meeting but later heard about it through newspaper reports. He recalled that Weatherwax had claimed to represent a group known as Consumers' United. The mayor denied the statement which had appeared in the *People's Daily World* of February 17th, which had stated that the City Council of Defense was the organization calling the meeting in the Polytechnic High School and stated emphatically that the City Council of Defense had no part in calling the meeting.

Thomas L. Pitts, who was the chairman pro tempore of the *Consumer Council* resigned that position as soon as he learned of the Communist affiliation of John M. Weatherwax. Ernest R. Chamberlain, the



secretary, of the group, did everything possible to keep the organization together. He issued a large four-page double-column pamphlet under the title, *He Who Gets Gyped*, which purported to be "An Answer and a Challenge to the Assembly Fact-finding Committee on Un-American Activities in California of which Assemblyman Jack Tenney is chairman." On the bottom of the front page appeared the following, in large boldface type: "Are You Interested? Read and Decide Whether—Assemblyman Jack Tenney, the Consumer's Council or the Better Business Bureau is Promoting 'Better Business' For You, The Consumer." Mr. Chamberlain then went on to point out his astonishment that the committee should even indicate the Communist background of the *Consumers' Council*. He uses the time-worn tactic of stating "you might remember that thousands of Californians have been branded as 'Communists' or 'Communist sympathizers' in the past decade." To cinch the argument, he then points out that the chairman of the committee has also been referred to in the past as "a Communist." Chamberlain traces the origin of the *Consumers' Council*, which outline, as a matter of fact, fitted in perfectly with the steps laid down in the *Communist Monthly*, heretofore quoted. The use of Mayor Fletcher Bowron, as "window dressing," together with the names of perfectly honest and loyal citizens, tricked by Trojan Horse tactics, rounded out the picture. Chamberlain manifested his ignorance of Communist Party tactics, or his disregard of them, in his pamphlet. The preparations taken for the meeting the mayor was induced to call at the Polytechnic High School was typical in every respect of the formation of other "transmission belts" of the Communist Party. There is no doubt in the minds of the members of the committee that the majority of people drawn to this meeting and to activities of this character, are sincere and loyal American citizens, little realizing that the entire project has been planned for many years and that the particular organization was the result of Communist caucuses expanded to trap non-Communist members and innocents with the important question of consumer interest. Thereafter, Mr. Chamberlain launched upon an attack of the *Better Business Bureau* of Los Angeles and Mr. Robert Bauer. In his pamphlet attacking the committee, Mr. Chamberlain hid behind the prestige of Mayor Fletcher Bowron wherever and whenever it was convenient or possible.

Ernest R. Chamberlain has been connected with the Clifford Clinton organization and the CIVIC Committee of Los Angeles for some time. It is the considered opinion of the committee that Mr. Chamberlain, in his attack on the committee, was sincere and that he honestly believed that the committee's investigation of the *Consumer Council* was a reactionary attack on a group of loyal citizens who merely desired to be of service to the buying public. Chamberlain represents a large cross-section of American men and women who are readily used as "fronts" for Communist Party machinations. A citizen, such as Mr. Chamberlain, deploring certain obvious activities on the part of fraudulent advertisers is honestly desirous of remedying the situation. Such a person actually falls into the Communist Party's contemptuous category of "reformer." A "reformer" is one who desires to remedy and cure existing ills. To the Communist, such a person is an obstacle



to the revolution, but as Stalin pointed out in Volume I of *Leninism*: "The revolutionary will accept a *reform* in order to use it as a means wherewith to link legal work with *illegal* work, in order to use it as a screen behind which his *illegal activities* for the revolutionary preparation of the masses for the overthrow of the Bourgeoisie may be intensified." A crusading reformist like Mr. Chamberlain affords an effective *screen* for Communist Party illegal activities. Mr. Chamberlain desires to protect the buying public and to remedy abuses he has observed, or has imagined he has observed. The Communist Party desires to destroy our entire competitive system and to smash the press as important military objectives on the road to the dictatorship of the proletariat.

## 12

## STATE GOVERNMENT

Characteristic of the Communist Party policy of infiltrating those media through which access can be gained to a group of antisocial or embittered and distressed people, such as the unemployed, those on relief, manual laborers, racial minorities and even the inmates of penal institutions, your committee has found much evidence of such infiltration into the Department of Labor, the Department of Welfare, the Department of Institutions, the Immigration and Housing Commission and into one, at least, of the State penal institutions.

In the Department of Labor, your committee found Dorothy Ray, a lifelong member of the Communist Party who had her Communist training in the *Young Communist League*. Dorothy Ray testified that she had been married to Lou Schneiderman, the brother of William Schneiderman, and that she had later married Don Healey, whose record as a Communist and agitator in California is well known. Dorothy Ray (or Mrs. Healey) is employed as a Deputy State Labor Commissioner in the City of San Francisco. She joined the *Young Communist League* the instant she attained the age of admission. She admitted having a police record, having been arrested as an agitator in Imperial County and having served a term in jail there. She had been employed, for a time, by the *Works Progress Administration* in Los Angeles, where she associated with known members of the Communist Party. Miss Ray's former brother-in-law, William Schneiderman, secretary of the Communist Party in California, is now facing revocation of citizenship because of his Communist affiliation. The current husband of Miss Ray, as above stated, is Don Healey, who registered as a Communist for a time and who was the guiding light and power of Los Angeles County's *Labor's Non-Partisan League*.

Your committee learned that Mrs. Frances Moore Plunkert was also employed in the same department with Dorothy Ray in San Francisco, under the name of Frances Moore. She is the wife of William Plunkert, former Assistant Relief Administrator for California's State Relief Administration. There is no doubt of the Communist affiliation and activities of Mr. William Plunkert. She testified that she was a Research Technician on Economics and Statistics on Labor, Division of the State Labor Commission under H. C. Carrasco and that she was employed under the name of Frances Moore. (Volume

VI, pp. 1870-1875.) She testified that she had met Dorothy Ray when she came to work for the division and that Albert A. Shanks was working in the law enforcement section of the same office together with Irving Shore and Robert Muir. She testified that she had met Samuel Kalish, who was employed in the Los Angeles office. She denied ever having been affiliated with the *Young Communist League* or the Communist Party.

The maneuvering and machinations of the Communists in California's State Relief Administration is a black page in the social history of the State and it is liberally smeared with red. A report has been made on the activities of the Communists in the State Relief Administration and in the Communist controlled and dominated Workers' Alliance by an Assembly Committee of 1940 under the chairmanship of Assemblyman Samuel W. Yorty. Your present committee subpoenaed certain people who had been connected with the State Relief Administration during 1940 and caught up the loose ends of the former investigation. Among those called was Branislaus Joseph Zukas, who had denied his Communist affiliations when the Yorty Committee questioned him in Visalia in 1940. The Communist affiliation of Zukas was established by documentary evidence.

Branislaus Joseph Zukas and some 23 others were convicted of contempt of the committee in Visalia and Stockton. The then Governor, Olson, interfered in the penalties imposed by the court in these cases and before going out of office in 1942, pardoned all of these individuals, even though they had been convicted of a misdemeanor.

Mr. Clinton T. Duffy, Warden of San Quentin Penitentiary, was present in the Advisory Pardon Board meeting when pardons for Zukas, and the other defendants convicted of contempt of the Yorty Committee, were recommended by the vote of the board. (Volume VI, pp. 1806-1818.) This occurred on or about June 30, 1941, and Mr. Duffy stated that he voted in favor of the pardons. (It must be remembered that Zukas and the others had been convicted of a misdemeanor.) Duffy stated that the reason he voted for the pardon of these defendants was that "they were county jail cases and had served a portion of their time in jail." He did not, however, recall recommending a full pardon for Zukas on October 30, 1941.

The committee made a long and thorough investigation of the activities of B. Joseph Zukas. He was an exceedingly impudent and hostile witness. (Volume I, pp. 145-164.) He came to California from Jamaica, New York, having been employed in that city in some capacity. Soon after arriving in California in December of 1937, he organized the *State, County and Municipal Workers of America, C. I. O.*, at the Los Angeles General Hospital. In November of 1938 he became affiliated with the State Relief Administration in Stockton and was sent to Tulare in December of 1939 where he was instrumental in organizing Local 204 for SCMWA in the State Relief Administration in Tulare County. He became the secretary of Local 204.

In March of 1940, Zukas was subpoenaed at Visalia before an Assembly Committee investigating un-American activities in the State Relief Administration. He refused to bring in certain documents of the SCMWA Communist front organization and was finally convicted of contempt of the Assembly Committee. He was defended in this

case by A. L. Wirin, of the law firm of Gallagher, Wirin and Johnson. Selma Michael assisted Wirin in the contempt trial. The decision of the Visalia court was appealed to the District Court of Appeals and the decision was upheld. Zukas resigned from the State Relief Administration and applied for a position as junior custodian at McNeil Island. He did not secure this position. He then went to Tacoma and from there to New York City where he remained for a brief time.

A photostatic copy of a letter received from Zukas' cousin, Frank Detke, addressing Zukas as "Dear Tovarich" (which means "Comrade" in Russian) was introduced into the record after Zukas had denied ever having received such a letter. (Volume I, pp. 151-152.)

From September, 1940, to May, 1941, Zukas worked for the Brooks Walker family in Piedmont. In May of 1941, he received a civil service position as junior interviewer with the State Department of Employment at \$130 per month in the Business and Professional Department of that State agency in the City of San Francisco. He later resigned from this position to become the organizer for Local 246 of the *State, County and Municipal Workers of America* in Los Angeles.

Frederick Langton was called before the committee October 14, 1941. (Volume I, pp. 277-284.) He testified that he was an addressograph operator in the Accounting Division of the Department of Public Works in the City of Los Angeles. He admitted being a member of *Labors' Non-Partisan League* since 1938 or 1939 and stated that he was a member of Local 246, of the *State, County and Municipal Workers of America*, a C. I. O. Communist front labor organization. He admitted being present when Herbert Biberman spoke for the *American Peace Mobilization* on the Los Angeles City Hall steps Decoration Day in 1941. He admitted subscribing to the Communist Party paper, the *People's Daily World*, but denied being affiliated with the *Young Communist League* or the Communist Party.

Miss Pearl Ossman, employed as a typist-clerk in the State Department of Employment and a member of Local 246 of the *State, County and Municipal Workers of America*, C. I. O. (SCMWA) typified the hostile Communist fellow-traveling witness. (Volume I, pp. 272-277.) Although she admitted attending *People's World Forums* conducted by Ed Robbin, Communist radio-commentator for the *People's Daily World*, and attending Communist Party Workers' Schools in 1939, subscribed to the *People's Daily World* and was a member of *Labors' Non-Partisan League*, she emphatically denied that she was a member of either the *Young Communist League* or of the Communist Party and stated that she had no acquaintance whatsoever with Communists.

### 13

#### STATE SCHOOLS, COLLEGES AND UNIVERSITIES

In its study and investigation of Communism in our State public school system, its colleges and universities, your committee has enjoyed the fullest cooperation of university administration and is especially indebted to Mr. James Corley, comptroller, and Captain Walter Lee, in charge of campus police at the University of California at Berkeley.



Most of this investigation has been conducted quietly, as indeed, has been the major part of the committee's investigation in the Communist field since June of 1941. Many witnesses were interrogated and a great volume of documentary evidence has been examined. As a result of this investigation, your committee is convinced that Communism is not being *taught* in the universities, or in any of our public schools throughout California. Your committee, however, is convinced, that although Communism is not taught in our public school system, its colleges or universities, there are a considerable number of instructors and faculty members who are either active members of the Communist Party or whose positions relegate them to the role of "fellow traveler." We have heretofore explained the distinction, if any, between a Communist Party member and a fellow traveler. A "fellow traveler" may be more dangerous in an educational institution than an out-and-out Communist Party member. Your committee found that there is a Communist book store operating within a block of Sather Gate of the University of California in Berkeley. We also found that there exists at the University of California in Berkeley what is known as the *Campus Branch* of the *Young Communist League*. A number of typical Communist front organizations are also active in and around the University. Your committee found a similar condition existing at Stanford University and at the University of California in Los Angeles and at some of the smaller colleges scattered throughout the State. The situation, in the opinion of your committee, is one that can be best handled by the Legislature rather than directly by the University itself.

William Schneiderman admitted that the Campus Branch of the Communist Party was located in Berkeley. He likewise stated that he had met Haakon Chevalier and his wife at a banquet held in the Whitecomb Hotel, in San Francisco, for Theodore Dreiser, by the *Civil Liberties Union*. (Vol. V, pp. 1260-1342.)

The committee has gathered considerable evidence and information in connection with the Communist infiltration into the student groups at the University of California at Berkeley. A meeting of students at Sather Gate at the University was called early in July of 1935 to stimulate interest in a San Francisco parade to be held in commemoration of "Bloody Thursday," July 5th, of that year. This meeting was called under the auspices of the *American Student Union*, a Communist youth organization. John Delaney Shoemaker, a member of the *International Longshoremen's Union* and a Communist Party member, was one of the speakers.

The Communist infiltration into the University of California at Berkeley probably began late in 1930. The first Communist group was organized in January, 1931, and was called the *Social Problems Club*. It held its first meeting in Stiles Hall, Y. M. C. A. Whatever its actual origin, it was soon taken over by the Young Communist League and such speakers as Louis Goldblatt, Communist secretary of the San Francisco C. I. O. Council, James Branche, Canadian Communist, since deported, Sam Darcy, now facing cancellation of citizenship and deportation because of his Communist affiliation, and many other comrades, were invited to speak. In the Spring of 1932, the *Social Problems Club* became a chapter of the *National Student League* and this



organization, in due course, became the *American Student Union*. Aubrey Grossman was active in this group through its history. In 1936 the *American Student Union* sponsored a meeting at Sather Gate of the university at which James W. Ford, Communist candidate for Vice President, was the main speaker. This meeting prominently displayed the slogan "Communism is Twentieth Century Americanism" and also displayed the Soviet flag bearing the hammer and sickle.

Mr. Miles G. Humphrey (Volume V, pp. 1616-1631) testified before your committee that in 1934 he accompanied Rudy Lambert, whom Humphrey knew as a Communist Party functionary in charge of the Campus Unit at Berkeley, to the home of Professor Haakon Chevalier where a Communist Party meeting was being held. Humphrey stated that Chevalier was the Unit Organizer and the secretary of the University unit which was composed of professors and teachers at the University of California. Mr. Humphrey testified that Aubrey Grossman was then very active in the Young Communist League and that he was also a member of the Communist Party. Mr. Humphrey testified that Mr. Grossman, then a student of law in the University, held unit meetings of the Communist Party in the law library on the campus and that they used the law department mimeographing machine to get out leaflets for Communist Party propaganda.

Don Morton, a former member of the Communist Party, testified that Aubrey Grossman was a member of a Communist committee for the defense of King, Conner and Ramsey, Alameda ship murder defendants, which grew out of Communist Unit 5, known as the "Campus Unit" in the late Summer of 1936. (Volume VI, pp. 1783-1794.) Morton told your committee that Grossman contacted the faculty members of the University of California for legal assistance and collected funds for the defense of the defendants in this case. Morton also testified that he assisted in fighting the American Legion's attempt to block Aubrey Grossman's admission to the California State Bar and that, in conjunction with the Communist Party, he helped carry on an intensive propaganda campaign in Grossman's behalf, contacting members of the faculty at the University of California, prominent attorneys, Congressmen and Senators.

There can be little doubt in the mind of any person familiar at all with any of the facts that the *American Student Union* is a Communist Party front organization for the indoctrination of American students in colleges and universities in the United States. The *American Federation of Teachers* is likewise a Communist front organization for the teachers of America. *The Communist* for May of 1937 states: "The American Student Union and American Federation of Teachers, as well as other teacher and student groups, must be led to undertake joint activities. The American Student Union should advance slogans and undertake struggles in the interest of teachers and the American Federation of Teachers, in the interest of students \* \* \* the task of the Communist Party must be first and foremost to arouse the teachers to class consciousness and to organize them into the American Federation of Teachers, which is the main current of the American labor movement."

*The Communist* for February, 1937, pp. 144-145 states: "The one year's existence of the American Student Union has fully justified its

founding. During that year it led a student's peace strike of half a million students. It played an important part in mobilizing student's support for the American Youth Act, and in winning the continuation and extension of the National Youth Administration. It has begun serious work to organize high school students."

Dr. Max Radin is a professor of law at the University of California in Berkeley. In 1935, Dr. Radin was a sponsor of the *American League Against War and Fascism*. In January of 1936 he spoke on the same platform with Lorine Norman in San Francisco. In November of the same year he attended the *Western Writers' Congress* in the City of San Francisco. He was a member of the advisory committee of the *San Francisco Theatre Union* in 1939 and sponsored the *San Francisco League of Women Shoppers*.

Dr. Max Radin testified before your committee December 3, 1941, in San Francisco. (Volume VI, pp. 1768-1783.) The professor stated that he was born in Kempten, Poland, and that he came to the United States in 1884 and has derivative citizenship as his father was naturalized in 1889. He has been teaching at the University of California since 1919. He was aware of some *Young Communist League* activity at the University but the only man connected with the Communist Party that he had ever known was Kenneth May. His recollection of *Young Communist League* work was "very inaccurate." *Young Communist League* meetings were frequently announced by posters to be held at Sather Gate. The professor told your committee that he did not know what a "front organization" was but did recall the *Social Problems Club* in which Communists and non-Communists gathered to study the problems of society. There are a number of *Young Communist League* members at the University as students and he stated that this fact was not at all concealed. The professor concluded by denying that he had ever been a member of the Communist Party and claimed that he had no sympathy with the Communist Party.

## 14

### CONCLUSIONS

From the evidence, exhibits and material in possession of the committee plus the reports of its investigators up and down the State of California, your committee concludes that the Communist problem in the State of California is far more serious than any member of the committee might have believed at the outset of the investigation. The committee is convinced that the Communist Party in California and the United States is directly controlled by the Comintern in Russia. The facts herewith reported show an amazing infiltration of the Communist Party into the Trade and Industrial Unions in the State of California. There are Communist units operating in our State Penal Institutions and many Communists are still being carried on the pay rolls of the State of California. These individuals should immediately be dismissed.

The most cursory reading of Communist literature demonstrates incontrovertibly that the American Communist has two objectives. The first and ever-present objective activating Communists in California and the United States is the *defense of Soviet Russia*. The

second is its basic objective and upon which premise the entire superstructure of Communism rests—world-wide revolution against all capitalist governments. Although this basic objective of world-wide revolution against capitalist governments is soft-pedaled and postponed from time to time, as the foreign policy of the Comintern directs, it is always present and ultimately menacing. The ruthless, forcible and utter destruction of *all* States, clearing the way for the Soviet dictatorship of the proletariat is ultimately ordained.

Your committee believes, and therefore recommends to the Legislature, that only the continuation of a committee authorized and empowered continually to investigate the changing policies and activities of the Communist Party in California can effectively block the maneuverings and conspiratorial plottings of this subversive group of people for the destruction of our Government and the American way of life.

## 15

## AFFIDAVIT OF JOHN G. HONEYCOMBE

**BEFORE THE ASSEMBLY FACT-FINDING COMMITTEE ON  
UNAMERICAN ACTIVITIES IN CALIFORNIA****AFFIDAVIT**

STATE OF CALIFORNIA }  
County of Los Angeles } ss.

John G. Honeycombe being first duly sworn on oath does say: That he is a citizen of the United States of America and a resident of the City of Los Angeles, County of Los Angeles, State of California. He joined the Los Angeles section of the California Division of the Communist Party of the United States, an affiliated branch of the Communist International, known as the Third International of Communist Parties of the World whose headquarters, presidium, executive committee and general secretary maintain headquarters in Moscow, Union of Socialist Soviet Republics. He was accepted as a member of the Communist Party of the United States on or about June, 1934, and received his party membership book therein commencing as of that date. That following his acceptance as a member he was assigned to the Worker's School, located at the Cultural Center, No. 224 S. Spring Street, Los Angeles, California in a building which housed the headquarters of the Los Angeles section of the Communist Party of California, southern division. That affiant attended the classes held in Marxism, Leninism, Stalinism, and agitation and propaganda and revolutionary tactics; that the purposes of the schooling therein were as follows: Training and adaptation in applying the Marxian theories of economics to the relationships of the existing capitalistic economy of the United States for the purpose of exposing and contradicting the theories existing under the exploitative objectives of the system of economy prevailing in the United States; training for the purposes of advocating the theory of the Socialistic economy of abundance as practiced in the U. S. S. R., that is the theory of equality of production,



distribution, consumption, according to the ability of each in methods of production and to each according to their needs; training in the science of agitation among labor unions and members of organized labor by demands for a greater share in the profits of production in the form of wages and wage increases; by demands for better working conditions; by demands for the control of the hiring and firing of employees under the sole jurisdiction of the labor unions; by the exposure of collaborationist union leaders who fail to go along with the above demands upon the employers; by compelling the employer in self-protection to call out law enforcement agencies, the police, militia, in order to point out the use of such police powers by the employers against the workers, thereby creating and fomenting bitterness and disrespect for both employers and law enforcement; by training the members of the Communist Party in the art of subtle penetration into the unions and the taking of an active part in the initiative policies of unions in employers' affairs with respect to employer competitors; by carrying out the directives of the Communist Party line with relations to unionism and their political direction and affiliations; by pointing out to the members of the unions that in the Soviet Union (the U. S. S. R.) that the unions own and control the machines of production, regulate its production, and distributes that production on an equitable basis among the producers, that is the workers and operators of the machines of production; by pointing out the role of the agents of industry here in the United States, that is, the elected representatives of American big business, the Members of the Congress of the United States, the House of Representatives and the Senate, as being the mouthpieces of the exploiting capitalists, industrialists, landlords of the owning classes; by pointing out the usages of the militia against the workers by the employers under the orders and directions of State Governors, who under the State regime operate in the interests of the employers and owners of the machines of production and the large landowning combinations known as the Associated Farmers an association of absentee landlords; by directing the workers and members of unions to form defense squads to protect their interests against the arrayed forces of the State and Nation who are created to protect the system of exploitation maintained by the employers to protect the ownership of private property, the capitalistic economy of the profit system, and preserve the continuation thereof; by training the members in the tactics of the revolution as exemplified by Lenin in his successful overthrow of the Kerensky Regime of Russia during the year 1919 after the desolation of the Russian forces as a result of World War I; by requiring a thorough study of the writings of John Reed's book under the title of "*Ten Days That Shook the World*"; by quoting excerpts of John Strachey's book, "*The Coming Struggle for Power*"; by discussing and analyzing R. Palm Dutt's book, "*Fascism and Social Revolution*"; by reviewing the current struggles of the Communist Party of the Soviet Union against the capitalistic world; by pointing out the role that the Communist Party of the United States and all Communist parties must follow in order to secure the safety and security of the Soviet Union, *the Fatherland of Socialism and Communism*, in that through the preservation of the Soviet Union we could look forward with greater confidence in the eventual liberation from and overthrow of our own



capitalist classes and landlords, the bosses and their agents; by bringing before the American workers and the people generally the rapid strides made by the people of the U. S. S. R. under the leadership of Lenin and Stalin and the vanguard of the working classes, the Communist Party in order to condition the minds of the American working class and the people for the eventual overthrow of the existing order of society and establish the dictatorship of the proletariat under the direction of and control of the Communist Party of the United States. By our training we were prepared to enter under instructions from the Communist Party every occupation where we could carry on our task of agitation and propaganda to further the revolutionary development of the American working classes and the organized unions; by joining all occupational associations, organizations, unions, which represented the various occupations in which we fitted by either training or experience; that on or about July, 1934, I became actively attached to the organization set up by the Communist Party of the United States known as the "*Friends of the Soviet Union*," an organization organized for the purpose of agitating the American people living under a capitalistic economy by pointing out the merits and social well being of the people who lived under the economy of socialism under the dictatorship of the Communist Party of the Soviet Union as against the impoverishment of millions of the American people living under and through the ruling class capitalistic depression, who resorted to their capitalistic Messiah Franklin D. Roosevelt, the demagogue, who was to lead them out of the economic jungle of capitalism during the year of 1934; that the Friends of the Soviet Union, a mass organization created by the Communist Party of the United States for the purpose of obtaining recognition of the Soviet Union by the Roosevelt Administration, realizing fully the impossibility of accomplishing this under the open and avowed leadership of the Communist Party of the United States, who at that time were eyed with a great deal of suspicion by the American people; that on or about October, 1934, under the directives of the Communist Party fraction which formed the Executive Committee of the F. S. U. we received instructions from the National Executive Committee of the Communist Party through a member of the National committee of the F. S. U. to arrange for the publication of the Anti-Hearst Examiner, with which to reply to and combat the editorials of the Los Angeles Examiner in which they continued their attacks on the Soviet Union; that at or about this time we organized a picket line before the offices of the Los Angeles Examiner with the aid and direction of the Los Angeles Section of the Communist Party in order to intimidate and boycott the issues of the Los Angeles Examiner which agitated for public expression in disapproval of any form of recognition of the Soviet Union by the American Government; that your affiant together with the representative of the National Executive Committee of the Friends of the Soviet Union, one *Theodore Bayer*, by name, and *Dr. James C. Coleman*, district organizer and others whom I can not at this time recall, arranged and ordered printed 300,000 copies of the Anti-Hearst Examiner for distribution to the following organizations and societies: Utopian Society; End Poverty in California organization headed by Upton Sinclair; Humanist Society of Friends; Unitarian Church society; all labor organizations and old age pension groups;

that the organizer and director of the F. S. U., Los Angeles branch, *Dr. James C. Coleman*, was at that time a member of the Los Angeles Section of the Communist Party; that *Theodore Bayer*, member of the National Committee of the F. S. U., was at that time a member of the Communist Party of the United States; that on or about June, July and August, 1934, your affiant and others of the F. S. U. and members of the Communist Party assisted in the raising of money through organized meetings to support the strike of Longshoremen at San Pedro and San Francisco as well as the Seaman's Tanker strike of that period; that on or about 10 days after the settlement of said strike, your affiant joined the Sailors Union of the Pacific, a branch of the International Seaman's Union of the American Federation of Labor; that on or about October 14, 1934, affiant sailed for the Orient on the *S. S. President Coolidge*, completing two round trips to Manila, P. I., and return via Japan and Shanghai, China; that on the first trip your affiant visited the Russian Embassy at Shanghai, on or about November 7, 1934, located at Broadway and Wangpoo Road opposite the Astor Hotel; that after presenting my credentials I was entertained cordially by the staff and treated in a comradely and revolutionary manner, by an exchange of views concerning events in our respective countries and their revolutionary problems; that during the period consumed on two voyages to the Orient commencing on October 14, 1934, and ending January 15, 1935, your affiant carried on both agitation and propaganda activities among both the union and other crew members, licensed and unlicensed personnel; that on or about December, 1936, affiant turned in his Communist Party membership book to the Unit Organizer of Unit A I Los Angeles Subsection of the Communist Party of the District of California; that on or about August 1, 1937, affiant volunteered his services to the recruiting agent of the Communist Party, Los Angeles Section, for service with the American Section of the International Brigades for the Republic of Spain; that the offer of service was accepted; that the recruiting organization was the Communist controlled and directed committee known as the North American Committee to Aid Spanish Democracy; that he arrived in Spain on or about September 7, 1937, via France; that on or about September 15, 1937, at Albecete, Spain, he among many others, volunteers of many nationalities, were addressed as follows: "Comrades, you are here as the vanguard of your revolutionary working class brothers and comrades, of the unions, and the oppressed of all races. Your first duty here is to defeat Fascism; to smash the forces of the landlords and their agents, the Church of Rome and their puppet Franco. Comrades, your second duty is to prepare yourselves here under revolutionary and civil war conditions, for the coming struggle back home against our own oppressors, our own landlords and the capitalist classes of America. You will be the cadres of the revolution in America when the time is ripe for the assault of the oppressed against the exploiters of the working classes. We must win here in Spain, as eventually we must win in the revolution to come back home in America." \* \* \* (end quote); that on or about November 7, 1937, at Albarez, Spain, following action of the Lincoln-Washington Battalion at Fuentes de Ebro and during a reorganization period we received orders from the Brigade Commissar, Dave Doran, instructing all party members to carry out

the directives of the Communist Party of Spain, under the Leadership of Jose Diaz, General Secretary of the Communist Party of Spain, as recommended by the Political Bureau of the War Commissariat of Moscow, from the offices of the General Secretary of the Comintern, the Third Communist International, Georgi Dimitroff; that orders of the day concerning these wishes of the Comintern were carried out to the letter by command; that they automatically provided for the transfer of membership from the Communist Party of the United States to the Communist Party of Spain, compelling attendance to directives and obedience thereof; that the political commissariat, of which group, your affiant was elected to the political post of Political Commissar of the Battalion Staff; that your affiant was instructed in meetings to relay to the members of the battalion through their company commissars, all directives and instructions of the Spanish Communist Party with respect to the direction and aims of the civil war and the carrying out of the Comintern Party line in our propaganda and agitation in our communications with organizations, friends and relatives at home in America; that the following named men composed the International Control Committee; all representatives of the Comintern; Andre Marty, representing the Republic of France and the French section of the Communist Party of France; Jose Diaz, representing the Spanish section of the Communist Party of Spain; Gen. Rubiao, representing the U. S. S. R. and the contingent of instructors of the Red Army of the Soviet Union; Robert Minor, representing the Communist Party of the United States; Gen. Gomez, Chief of the Russian Secret Police, commonly known as the OGPU, with headquarters at Albeoste, Spain; that on or about February 27, 1938, Earl Browder, General Secretary of the Communist Party of the United States, appeared before the members of the Fifteenth International Brigade, in the vicinity of Moro Station, following our relief from action at Teruel, Spain, and addressed the men as follows: "That they were free to leave Spain if they were no longer able to fight or were physically incapacitated and therefor were of no use to the cause of the people of Spain. He further stated that no further repatriations would be permitted until the end of the war and the victory had been won for the Spanish people's cause, which he likened to our own cause which we would face in America. He explained the lack of fighting equipment to the failure of the State Department of the United States and the Foreign Office of both Britain and France for the continuation of the Non-Intervention Committee and for the prevention of the lifting of the Embargo on arms to the Republic of Spain; he stated that many thousands of Americans were donating both their time and money to assist us in our struggle to win victory for the Spanish people. That the Communist Party of the United States and throughout the world were directing every effort to the end that the cause of the working classes of Spain might be victorious. He explained that only the Soviet Union under the leadership of the Communist Party and Joseph Stalin had come to the aid of the Spanish working classes. That victory for the working class of Spain would be the signal for revolt of the working classes throughout the world to overthrow their oppressors and establish the dictatorship of the proletariat. That we of America must set an example of revolutionary discipline and courage for the workers of Spain,



as well as for our own working class at home in America. That the day would surely come when we would be the cadres of the revolution, the leading vanguard of the working class in their struggle to overthrow the capitalists and capitalistic system and establish the dictatorship of the proletariat. That we must emulate our heroic leaders of the revolution, Lenin, and Stalin \* \* \*'' (end quote). That on or about March 13, 1938, at Barcelona, Spain, affiant visited the offices of the Ministry of War and was informed by the aide-de-campe to the minister, that under no circumstances could he or would he authorize any repatriations of the American members of the International Brigades without the consent of the International Control Committee named previously herein;

Affiant further herein states that the Communist Party of the United States is a branch of the Communist Third International, is accredited and delegated and affiliated to and with the Comintern, subscribes to, conforms to and obeys the decisions of the Communist Third International, as do all affiliated Communist Parties throughout the world. That membership in the Comintern (Communist Third International), is predicated on subscription to and conformity with Comintern directives.

[SEAL]

JOHN G. HONEYCOMBE.

Subscribed and sworn to before me this thirtieth day of September, 1942.

EARL BLODGETT,

Notary Public in and for the County of  
Los Angeles, State of California.

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#### AFFIDAVIT OF RENA M. VALE

#### BEFORE THE ASSEMBLY FACT-FINDING COMMITTEE ON UNAMERICAN ACTIVITIES IN CALIFORNIA—AR 277

#### AFFIDAVIT

STATE OF CALIFORNIA }  
County of Los Angeles } ss.

Rena M. Vale being first duly sworn deposes and says:

That my full name is Rena Marie Vale; that I presently reside at 1247½ Huntley Drive, Los Angeles, California; that I was born in Arizona in the year 1898; that I graduated from the Northern Arizona Normal School in Flagstaff, Arizona, in the year 1918; that I taught school in Arizona two years; that I have lived almost continuously in California since 1920 and in Los Angeles since 1924; that since 1924 I have followed the writing profession, doing "free-lance" work for various newspapers and journals as well as reporting, short story writing, motion picture scenario writing, radio writing and publicity writing; that in 1928 I won a prize of \$5,000 in a scenario writing



contest staged by Paramount Studios and Photoplay Magazine; that in 1929 I was director of publicity for Pickwick Airways, and for several years following, I engaged in aviation writing; that my present occupation is that of writer;

That since 1913 I have followed very closely the developments of labor, Socialist and Communist organizations;

That since 1924 I have read the literature of the Communist Party, that is the *Masses*, the *New Masses*, the *Communist* magazine, the *Communist International* magazine, together with the *International Press Correspondence* INPRECOR, and many brochures, pamphlets, speeches and books published both in the United States and in the Soviet Union; that I discussed the policies and purposes of the Communist Party from time to time with persons who identified themselves to me as Communist Party members;

That although familiar with the so-called Communist International and Communist Party "line," I was in disagreement with it from 1924 until 1935; that the reason for my attitude toward the Communist Party "line" was that I disagreed with the idea of violent revolution in any country and in particular in the United States; that I disagreed with the idea of offending the majority of the people of United States by attempting to impose upon them a form of government and a culture which was totally foreign to the political and cultural trends of United States; that, in other words, I believed that whatever changes and improvements were to be made in the United States political, economic and cultural affairs, should spring from the needs of the people in this country and should be made according to the democratic traditions of United States;

That when I read the speech of Georgi Dimitroff given to the Seventh World Congress of the Communist International in August, 1935, and the discussions of it in the various Communist Party publications I have heretofore mentioned, I formed the opinion, which I now know to have been erroneous, that the Communist International intended to permit each and every country to work out its own salvation by democratic processes and that the Communist International would assist, encourage and lead in such processes of democratic reform as sprang up in every country; that, in other words, the Communist International had abandoned the old policies of Lenin and Trotsky of creating world revolution, and had decided to cooperate with, instead of oppose, the democratic organizations and governments of the world;

That because of this misconception of the Communist International intentions, due to the Oriental subtleties used by said Georgi Dimitroff, I felt I was willing to work with the Communist Party;

That at that time, in 1935, I was working in Universal Studios in the capacity of secretary to various writers; that I discussed my changed attitude toward the Communist Party with such writers as Samuel Ornitz, Aben Kandel and Boris Ingster, with whom I had contact in my work; Samuel Ornitz identified himself to me as a Communist Party member and discussed at considerable length the intentions of the Communist Party in Hollywood and especially in relation to the motion picture industry;

That in the latter part of 1935 I was working on the motion picture, "*Show Boat*," and in that work met the Negro singer, Paul Robeson

and his wife, Essie Robeson; that said Paul Robeson identified himself to me as a Communist Party member and urged me to affiliate with the Communist Party;

That in the early spring of 1936 I made contact through Hugh MacBeth, Negro attorney, with Dr. Fabian Garcia, a former attache to the Cuban Embassy in Washington, D. C., and that said Dr. Garcia identified himself to me as a Communist Party member and stated he was working within United States toward the end of overthrowing the government of Cuba, which he labeled "Fascist"; that I worked with said Dr. Garcia in the Cuban Committee, and attended several meetings of that group where I heard the fact mentioned that the Communist Party guided the policies of said Cuban Committee;

That in these meetings of said Cuban Committee, I met with such persons as Clifford Odets, the playwright who had become the darling of the Communist Party for writing the play, "*Waiting for Lefty*," used by said party as a propaganda medium; Lionel Stander, who had recently come to Hollywood from the New York stage; Rose Dreher and her husband, Dave Dreher, who was employed in the Sound Department of R. K. O. Studios; and Herbert Biberman, who called himself a motion picture director; that in these aforementioned meetings I heard all these people discuss the matter in which the Cuban Committee could serve the general interests of the Communist Party in Southern California;

That in the summer of 1936 I was unemployed and Etta Durning, member of the Utopian Society and of the Women's Committee of the American League Against War and Fascism, referred me to a Mrs. Nora Helgren, whom Mrs. Durning said could help me obtain employment;

#### LEAGUE OF WOMEN SHOPPERS

That I called on Mrs. Helgren at her home in a bungalow court, at 1757½ North Ivar, Hollywood, and after several discussions, Mrs. Helgren informed me that she was a Communist Party functionary, and that she had been given the job by the Communist Party in New York of organizing in Southern California the League of Women Shoppers, which Mrs. Helgren informed me was under the complete control of the Communist Party. Mrs. Helgren urged me to join the Communist Party and stated that providing I did so she would put me in charge of the Los Angeles office of said League of Women Shoppers; in the meantime, while I was considering the matter of affiliation with the Communist Party, Mrs. Helgren gave me some preliminary organization work to do for the League of Women Shoppers. She gave me a list of names and instructed me to contact these persons, saying I had been sent by her; she informed me that these persons were sympathetic to the Communist Party and thought I could obtain from them donations to begin the work in Los Angeles of the League of Women Shoppers. The names she gave me were:

Gale Sondergaard, screen actress and wife of Herbert Biberman;

Tess Slesinger Davis, screen writer and wife of motion picture producer, Frank Davis;

Katherine Kilbourne (later an official in State Relief Administration);

That I made contact with Tess Slesinger Davis over the telephone, but did not call on her; however, I discussed the purpose of the League of Women Shoppers and she expressed herself as sympathetic;

That I called on Mrs. Katherine Kilbourne in her home on Los Feliz Boulevard and discussed the purpose of the League of Women Shoppers with her, and she said she would think over the matter of making a donation;

That about that time—the fall of 1936—I met a woman at the home of Mrs. Helgren whose name was Mrs. Nan Tolins, wife of I. Bibb Tolins, and who was also known as Nan Golden, who informed me that she was a Communist Party member of long standing and that she was going to take the position as paid secretary in the office of the League of Women Shoppers in Los Angeles; therefore, I turned over my literature and my contacts to Mrs. Tolins, who, as she stated, became the secretary in the Los Angeles office of the League of Women Shoppers;

That by that time I had extended my efforts as a Communist fellow traveler, and was working in an office in the American Bank Building on the same floor as the offices of Gallagher and Johnson on the Committee to Prevent the Disbarment of Leo Gallagher; that this committee was made up of attorneys who were endeavoring to prevent the disbarment of Leo Gallagher by the California State Bar; that on this committee were: J. Allen Frankel, Spencer Austrian, Saul Klein, Grover Johnson;

That J. Allen Frankel and Spencer Austrian informed me they were Communist Party members and Grover Johnson stated he was not a member of the Communist Party but that he followed all suggestions by the Communist Party;

That it was through this said Committee to Prevent the Disbarment of Leo Gallagher that I came in contact with the International Labor Defense, 127 South Broadway, Los Angeles; Rose Chernin was in charge of the office of the International Labor Defense; Miss Chernin informed me that the International Labor Defense, for which Leo Gallagher was attorney, was a branch of the Communist Party, and that all persons who worked in confidential capacities in or for that organization must be members of the Communist Party and under its discipline;

That through Julia Walsh, a typist in Leo Gallagher's office, and who made frequent trips to the office of the International Labor Defense, I made application to join the Communist Party; that I saw my application card pass into the hands of Rudy Lambert, a Communist Party functionary whom I met in the International Labor Defense office; Mr. Lambert informed me that my application would be checked by the Communist Party and that I would be notified if I was accepted;

That after several weeks, and after the hearing of Leo Gallagher before the State Bar Board, I had not heard from my application for membership in the Communist Party, and assumed that I had been rejected because of my previous opposition to that party, particularly in the unemployed cooperative organization where I had frequently taken the floor and denounced those I thought to be Communists;

That I again contacted Mrs. Nora Helgren and informed her of the opinion that my past opposition to the Communist Party had caused



my rejection for membership; she urged me to sign another application card and assured me it would go through; that I did so and saw Mrs. Helgren hand that card to Nan Tolins to be sent through regular channels;

That Mrs. Helgren then made another effort to get employment for me through Communist Party channels; that she introduced me to Albert Keene, whom she informed me had been an official in the office of Intourist, Soviet travel bureau, in Los Angeles, and that he was establishing an office in the Consolidated Building, Los Angeles, where he would book travel for the Soviet Union;

That on a number of occasions I discussed the relationship of the Communist Party members in Los Angeles with the Soviet Union with Albert Keene, Mrs. Helgren and her husband, George Helgren, their opinion being that Communist Party members in Los Angeles, as elsewhere, must look to the Soviet Union as their "fatherland";

That on several occasions I called on Albert Keene in his office in the Consolidated Building, but that I never obtained employment in his office. I have since heard that Albert Keene's differences with officials of the Intourist Bureau resulted in his expulsion from the Communist Party and from all contact with the Communist Party;

That I was in quite desperate financial straits and confided my plight to a social worker, Faiga Fram, whom I had known for some time; Miss Fram informed me that she was a member of the Communist Party, and stated that if I joined the Communist Party she would arrange through other Communist Party members working in the State Emergency Relief Association for that organization to certify me for relief; I informed Miss Fram that I had applied for membership in the Communist Party, and she instructed me to call Eve Solatoy, a supervisor on the State Emergency Relief Administration, and to use her name; I did this and was certified almost immediately. I later discovered that the social worker whom Miss Solatoy sent to investigate my case, Eva Lubell, was a member of the Communist Party; that is, I encountered her in a closed meeting of the Professional Section of the Communist Party sometime in 1937;

That on or about November 7, 1936, I attended a celebration of the founding of the Soviet Union, and there encountered Faiga Fram again, as well as Rose Chernin, Rudy Lambert, and a number of other persons whose names I have forgotten; after the meeting, I went with Miss Fram and several other persons to Ernest Dawson's book store, and found Ernest Dawson in the process of making out reports to Booknaga, the Soviet publishing concern, which he stated he represented in Los Angeles; we discussed Communist Party affairs informally for a time, and I was given to understand that I had been "accepted" by the Communist Party social set;

#### WPA HISTORICAL RECORDS SURVEY

That on or about the twenty-third of December, 1936, R. Frederick Sparks, Supervisor of the WPA Historical Records Survey, a subdivision of the Federal Writers Project, in Los Angeles, requisitioned me from the State Emergency Relief Administration, and put me on the WPA pay roll as his secretary;



That immediately after January 1, 1937, when project workers returned from a vacation (through which I had worked in Mr. Sparks' office), Velda Johnston, one of the workers on the Historical Records Survey, approached me and asked me if I belonged to the Communist Party. She used the term "church," and after some difficulty I understood her to mean the Communist Party, and I explained that I had made application twice. Here I wish to explain that the method used by Miss Johnston in sounding me out on the matter of the Communist Party is general usage in the Communist Party; because of the pervading air of conspiracy and secrecy within the Communist Party no member would think of being direct in his approach to another person; certain esoteric Communist Party terms are used, as for instance, "the church," to mean the Communist Party, or a term like "directive," meaning an order, or "org" meaning "organization"; thus a Communist Party member can ascertain another person's affiliation or sympathy without exposing himself as a member of the Communist Party;

That Miss Johnston informed me that the Communist Party had a special interest in the WPA Historical Records Survey, and that Communist Party members in control of that program requested that those in key positions be members of the Communist Party, and that in order to retain my position as secretary to the supervisor of the project, I would have to get my membership in the Communist Party straightened out;

That I therefore contacted the aforementioned Nan Tolins, whom I knew had taken charge of my second application for membership in the Communist Party, and requested that she assist me; Mrs. Tolins invited me to attend a meeting of her Communist Party unit and there make application; I attended a meeting of a Communist Party unit of the Hollywood Section; about 10 persons were present, but the only person other than Mrs. Tolins whose name I remember is that of Dr. M. H. Braden, a Hollywood chiropractor;

That at that meeting I signed the third application for membership into the Communist Party, and used the name Irene Wood as a party name;

That the strain of unemployment and uncertainty had caused my health to begin to fail, and I mentioned this matter to Mrs. Helgren, whom I continued to contact; Mrs. Helgren advised me to consult Dr. Leo Bigelman, which I did, and in the course of the examination, Dr. Bigelman discussed the matter of the Communist Party with me, and when I told him I had joined it, he revealed himself to me as a Communist Party member; later I saw Dr. Bigelman at general membership meetings of the Communist Party;

That within a few days after my third application to join the Communist Party was made, I received a notice to attend a meeting on North Ogden Drive, Hollywood; although it was a typed, unsigned note, merely requesting my presence at the address at 8 o'clock in the evening on a given day, I knew it was the long-awaited notice to attend Communist Party new members classes;

That on arrival at this address I found several others present; an elderly man informed us that we were the guests of the screen actress, Lucile Ball, and showed us various pictures, books and other objects to

establish that fact, and stated she was glad to loan her home for a Communist Party new members class;

That the instructor introduced himself as Sidney Martin, but I later knew him by the name of Sidney Davidson, which he stated was his true name;

That there were about seven or eight other members of this class, but the only names I recall are those of Herb Harris, an actor, whom I encountered from time to time within the Communist Party, and who took part in the play "*The Blackguard*," which ran for several years in Los Angeles around 1938 and 1939; and Libby Jacobson, who, in 1939, was active in consumer cooperatives in Los Angeles;

That in this new members class, which continued for eight weeks, meeting weekly, we were taught the fundamentals of Stalinist-Leninism-Marxism, that is, Lenin had "interpreted" Marx to suit the conditions of Russia between the years 1900 and 1917, and Stalin had "interpreted" Lenin to suit the political and diplomatic needs of the Soviet Union after the expulsion of Trotsky from the Communist International Executive Committee (called E. C. C. I.—Executive Committee, Communist International) in about 1927; therefore, what we actually learned in the new members class was Stalinism, but we were told it was Marxism; we were given a heavy course of reading on the history of the Communist Party in the Soviet Union, of Lenin's works as well as a study manual dealing with a simplified course in economics, which explained wars as the outgrowth of imperialism, and "Fascism" as the last stage of imperialism;

That I began to have misgivings about the genuineness of Georgi Dimitroff's "Popular Front" speech as I listened to these patently false teachings—everything was oversimplified and slightly warped—but I felt I should give the Communist Party apparatus time to adjust to the new policy;

That during the time I was attending these new members classes, I was accepted on the Historical Records Survey and Federal Writers Projects (which were housed together at 751 South Figueroa Street) as a Communist Party member, and met in fraction meetings with these other Communist Party members to plan Communist Party control of both projects; other members of this Communist Party fraction were:

Walter McElroy, who later became supervisor of the WPA Federal Writers Project in San Francisco;

Robert Herrick, on the Historical Records Survey;

Velda Johnston, mentioned previously;

Paul Johnson, assistant supervisor on the Federal Writers Project, later (prior to McElroy) supervisor of the Federal Writers Project in San Francisco;

Tillie Lerner, who came to the Federal Writers Project soon afterward, and whose employment on that project was regarded as a Communist Party "victory";

#### AMERICAN WRITERS' UNION

That the first business of this Communist Party fraction on the Federal Writers and Historical Records Survey Projects, to which I belonged, was to attempt to resuscitate the dying American Writers Union, a Communist Party-controlled organization on a Nation-wide

basis, but which was not accomplishing the purposes for which the Communist Party had set up the local chapter of it in Los Angeles; it was supposed to attract non-Communist writers, free-lance fiction writers as well as motion picture writers; but beside the Communist Party leadership in the Los Angeles chapter, there were only a few apathetic stragglers; I was urged to join this union and take part in its activities; this also meant meeting with the Communist Party fraction thereof; we met two or three times in the home of William B. Holther and George Bertholon, on North Toluca Street in Los Angeles, and that fraction consisted of the aforementioned persons belonging to the Communist Party on the Federal Writers and Historical Records Survey, and William B. Holther, who stated he was a member of the Young Communist League; he since broke away from that organization and has given testimony against it;

That other persons who took part in affairs of this aforementioned American Writers Union were Carey McWilliams, who gave an impassioned speech at one of the meetings held in the Unitarian Church, corner of Eighth and Vermont, Los Angeles, and which was generously sprinkled with words and phrases that were pleasing to Communist ears, but which did not serve the purpose of reviving the moribund organization; Beryl La Cava, chairman of the Women's Committee of the American League Against War and Fascism, who spoke at one of the meetings, and Edna Silverton, who accompanied Mrs. La Cava, and who, in turn, made a plea to this weak-kneed organization to help her establish a "progressive" book store in Hollywood. She later opened the Twentieth Century Book Store on Western Avenue near Melrose and handled only Communist Party and Communist approved literature;

That on one occasion the Communist Party fraction of the American Writers Union met jointly with the Communist Party fraction of the American Artists Union, and at which meeting, held in a small room in the Unitarian Church, Los Angeles, we laid down the program of joint action between Communist Party members on various WPA cultural projects toward forming a union which would encompass all these cultural projects; besides the aforementioned Communist Party fraction of the American Writers Union, there were, representing the American Artists Union, likewise Communist controlled:

Grace Clement, employed on the WPA Federal Art Project;

Fred Franchi, who had been employed on the Federal Art Project and whose only claim to "art" was his membership in the Communist Party;

Hugh Mason, a worker on the WPA Federal Theatre Project, who spoke in the name of the moribund Contemporary Theatre, likewise a Communist-controlled organization;

Edward Biberman, brother of Herbert Biberman, an artist and leader in the American Artists Union;

Walter Herrick, employed on the Federal Art Project;

That some time in February, 1937, Walter McElroy called together members of the Communist Party on the Federal Writers Project and Historical Records Survey for a week-end meeting in his home, 120 North Douglas Street, Los Angeles, for the purpose of meeting



with Percival (Pete) Fry, a Communist Party member from San Francisco;

That those who attended that meeting besides Fry and McElroy, were myself, Paul Johnson and Robert Herrick, aforementioned. Mr. Fry stated that the State Executive Committee of the Communist Party had worked out a program for the unionization of white collar WPA projects, said program to be initiated by the Communist Party, and that he, Mr. Fry, was sent to Los Angeles by Frank Spector, Communist Party functionary on the said State Executive Committee, to meet with various Communist Party fractions and individuals to get this union project under way; he stated that the Communist Party officials had decided that the American Writers Union was to be discarded as a possible union for the Communist Party to use to control the Federal Writers Projects; likewise, the American Artists Union and the Contemporary Theatre were to be discarded as respective rallying points for the Federal Art and Federal Theatre Projects; that we Communist Party members must set up on the aforementioned, and all other cultural and professional projects in Los Angeles, the American Federation of Government Employees, and that when organized, the California chapters would apply for a National charter in this, an American Federation of Labor, organization; that even if the charter wasn't granted by the National headquarters, we would have a Communist-controlled organization which had derived sufficient benefit from the respectable name of the American Federation of Labor to give it an organizational impetus, and that gradually we Communists would lead this organization through various stages into the Workers Alliance, but that it was decided by the Communist Party officials that the Workers Alliance, whose Communist control was well known, did not have sufficient prestige among professional and white collar workers to gain membership at that time; in other words, he laid down a program of deception by which the Communist Party hoped to gain control of non-Communist members on the WPA professional projects in California; that plan was followed as laid down at that time by Fry, but by the time the WPA workers had been led through the necessary organizational changes, they had dwindled to Communist Party members and sympathizers;

#### AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

That several Communist Party fraction meetings were held to lay plans to start the American Federation of Government Employees in Los Angeles; I recall one that was held in the home of Betty Arden, a worker on the WPA Federal Theatre Project and one of the guiding lights in the Contemporary Theatre in Los Angeles; present at that meeting were, besides myself and Betty Arden:

Eli Jacobson, a member of the County Committee of the Communist Party in Los Angeles;

Fred Franchi, aforementioned;

Al Lane (Lewis), then organizer of the Professional Section of the Communist Party in Los Angeles, and several others whose names I do not know;

That at that meeting we laid plans for the graceful demise of the American Writers Union, the American Artists Union and the Con-



temporary Theatre; we were to announce to the project workers who had been faithful to these organizations that they were "just as important as ever" and that they would continue, but that the American Federation of Government Employees would fill a "long-felt need"; then we Communists were to withdraw from active work in the aforementioned doomed organization, and we knew that the non-Communists could not continue their existence;

That I thus learned, before my graduation from the new members class, that Communist Party leadership in American organizations depended solely upon deception; had it not been for the job control which I discovered the Communist Party exercised over the WPA projects, I would have dropped out of the Communist Party at that point;

#### COMMUNIST UNIT 131 PROFESSIONAL SECTION

That upon my graduation from the new members class, I was assigned to Unit 131, Professional Section, which was newly organized; it was comprised of Communist Party members on the Federal Writers, Federal Art and Historical Records Survey, and was split off from Unit 130 (to which it again went); since it was necessary for a unit in the Communist Party to consist of six or more persons, this unit could not begin to function until I was ready for unit work, that is, until graduation from new members class; at that point the Communist Party book is issued;

That members of Unit 131 were as follows:

Walter McElroy, organizer;

Robert Herrick, educational literature director;

Myself, membership director and dues secretary;

Velda Johnston, aforementioned;

Walter Herrick, aforementioned;

Chandler Weston, a photographer on the Federal Art Project, who graduated from another new members class about that time;

That the three first mentioned comprised the "Buro" of this unit, we had special duties and special contacts within other divisions of the Communist Party; for instance, Walter McElroy was a delegate to the Section Committee (Professional Section), and I was, by virtue of the fact that I collected dues in the unit, a member of the Dues Secretaries Commission of the Professional Section, which body met about once a month to devise methods of raising money within the Communist Party;

That in accordance with Communist Party rules of procedure, each unit or branch, when organized, had to make a pledge to the party promising certain accomplishments, and it must also designate a "concentration point," or field of operation—this for the purpose of preventing conflict of Communist Party units in any given field; Unit 130, the parent unit, was pledged to concentrate on organization and cultural guidance in the WPA white collar projects in Los Angeles; Unit 131, our new unit, took this same pledge for the Federal Writers, Federal Art and Educational Projects, leaving the Federal Theatre and Federal Music Projects to Unit 130;

That, in keeping with the unit pledge to guide the policies of the WPA projects in which the members thereof worked, the unit decided that R. Frederick Sparks must be removed from the Historical Records Survey in order that he might be replaced by a Communist Party member; in order to accomplish this purpose Velda Johnston communicated with Communist Party contacts in San Francisco, urging that Communist Party leadership in the Historical Records Survey send someone to Los Angeles; thereupon Sven Skaar, Field Supervisor of the Historical Records Survey in California, arrived in Los Angeles; Velda Johnston introduced him to me as a Communist Party member; Mr. Skaar informed me that the Historical Records Survey was in a position to perform a very vital work for the Communist Party; that workers on that project, in line with the requirements of the project, catalogued Federal, State, county, city, church and labor union records, and that much highly valuable information could thus be obtained for the Communist Party; in addition, workers, if they were Communist Party members, could obtain vital information on the functions of various cities and other branches of government, pending the time the Communist Party took over the reins of government in United States; also these workers had contact with various officials, some of whom might be won over to the Communist Party; he stated that Mr. Sparks was not sympathetic to the Communist Party and must be removed; he instructed me to keep careful note of all Mr. Sparks' activities and also to make extra carbons of all letters he wrote and to forward these reports to him in San Francisco; This I did, and before long Mr. Sparks was called to San Francisco and discharged by Thelma Ziemer, State Director of the Historical Records Survey, who later revealed to me that she was a Communist Party member;

That Sparks was replaced by James Toback, a Communist Party member who had been on the Historical Records Survey in San Diego, and whose transfer I handled within the Communist Party, making him a member of Unit 131; this was in the Spring of 1937;

That shortly thereafter, Mr. Toback employed Seema Matlin, a Communist Party member of long standing, and put her in charge of Historical Records Survey work in Huntington Library, much to the evidenced displeasure of the officials of that library;

That about that time, in the Spring of 1937, Unit 131 was increased by the graduation from new members class of Bee Burke (mother of Katherine Burke, a motion picture actress), who worked on the Federal Art Project; Fred Franchi also came into our Unit 131, in order to work more closely with other members of the Communist Party fraction of the American Federation of Government Employees;

That during this time my Communist Party assignments by no means ended with (1) Unit Buro work; (2) membership in the Communist Party fraction of the American Federation of Government Employees; (3) member of the Professional Section Dues Secretaries Commission; and (4) member of the Communist Party fraction of the combined Federal Writers Project and Historical Records Survey; I was requested also to assist the (5) Communist Party fraction in the League of Women Shoppers;

That in regard to that latter assignment, I met in closed Communist Party fraction meetings with—

Nan Tolins (Nan Golden), executive secretary;

Davida Corey Franchi (Mrs. Fred Franchi);

Libby Jacobson, mentioned in new members class; and

Elf Scharlan, an attorney;

That it developed that the League of Women Shoppers had taken in a number of liberal and labor-minded women in the community who understood the organization was for the benefit of Los Angeles, and who wished to have a say in the affairs of the organization; from a Communist Party standpoint these women presented a serious problem, because the organization was designed, organized and operated exclusively for the benefit of the Communist Party; these aforementioned fraction meetings were called for the purpose of devising means to meet this problem without isolating the enthusiastic women who did not understand the true purpose of the organization;

That Elf Scharlan stood alone in this fraction against Davida Corey Franchi and Nan Tolins, with Libby Jacobson and myself following the lead of the Franchi and Tolins women; Elf Scharlan was "put straight" on the true purpose of the organization and instructed not to permit any democratic expression within the organization, even if it caused membership to drop away;

That I was shocked at this high-handed and autocratic rulership of an organization which I understood came within the scope of the so-called Popular Front which the Seventh World Congress of the Communist International had instituted by accepting the speech of Georgi Dimitroff in August, 1935; I realized that to deceive and to dictate to the public was no proper means of bringing about world betterment; but I was too puzzled and frightened to protest; I suddenly found myself in the midst of exactly the opposite from what I had desired and expected when I joined the Communist Party, but I did not know how to turn back;

That I cautiously discussed some of my misgivings with my comrade Walter McElroy, and he assured me that things would straighten themselves out as soon as older comrades within the party understood the true meaning of the Popular Front; and he explained away the actions of others by saying they were "undeveloped";

#### DUES SECRETARIES COMMISSION

That in the Dues Secretaries Commission of the Professional Section there were the dues secretaries of all the Professional Section, comprising two units of school teachers, one of newspaper workers, one of doctors, one of lawyers, two of social workers, one of pharmacy workers, one unit of architects and engineers, one of WPA Theatre Project (and Music Project) workers, one so-called "hash" unit comprised of a "hash" of professions, our Unit 131 comprised of WPA Federal Writers and Federal Art Projects workers; that this commission met once a month, never with full membership present, in the home of Ann Howe, Dues Secretary of the Professional Section to whom we turned over our moneys, at 3224 Beverly Boulevard, a house which had been rented by the Communist Party for the moribund



Contemporary Theatre; Jay Moss, a Negro Communist Party member in the Los Angeles Newspaper Guild, also lived at that address;

That, besides persons whose names I did not know, Ann Howe, and myself, this commission comprised:

Martin Irons, (husband of Urcel Daniel of the Los Angeles Newspaper Guild), Dues Secretary for, I believe, a social workers unit;

Sid Burke, Dues Secretary for the Newspaper Guild Unit;

Luba Fox, Dues Secretary for the Federal Theatre Project Unit;

Marcia ———, a Negro school teacher, for one of the teachers' units;

Marge Comey (she had another name also which I do not know);

That aforementioned Martin Irons generally drove me home from the meeting, and on one occasion told me he was leaving the Dues Secretaries Commission to take a job organizing in the CIO in Douglas Aircraft, and then outlined to me the Communist Party program in relation to aircraft plants, pointing out that they occupied a strategic position in war industry and that in order to gain control of the country the Communist Party must control such bottlenecks of war industry; that his success in that field is unknown to me, because the next I heard of Martin Irons, he occupied an important position in the California State Department of Motor Vehicles;

That on one occasion my comrade and coworker Seema Matlin invited me to sit in on a Communist Party fraction meeting of the Women's Committee of the American League Against War and Fascism, which about that time was changing its name on Communist Party order to the American League for Peace and Democracy; that this order was the main topic of discussion at the aforementioned meeting, and likewise the subjects of coordinating so-called "mass organization" work of the Communist Party was discussed; present at this meeting, besides several whose names I do not know, were:

Seema Matlin, one-time paid secretary in the office of the American League Against War and Fascism;

Beryl La Cava, chairman of the women's committee of said organization;

Rose Dreher, mentioned previously in relation to the Cuban Committee, and with whom Seema Matlin was at that time living; and

Davida Corey Franchi, who was known to the general membership of the American League Against War and Fascism as "Davida Corey," while she used "Davida Franchi" for her work in the League of Women Shoppers, thereby, as she explained to me, avoiding the likelihood of detection as a Communist Party member (though I must say this line of reasoning did not convince me);

#### COMMUNIST PARTY FRACTION

That the Communist Party effort to organize the American Federation of Government Employees was proceeding apace with all the other aforementioned work during the spring of 1937; the Communist Party fraction of this organization which acted as a "steering committee," met weekly at my home, 1323 W. Fourth Street, Los Angeles, and was made up of Communist Party members and Young Communist League members of the various cultural and professional WPA projects



in Los Angeles; the work of this fraction consisted not only in organizing and controlling said union for the WPA projects, but in coordinating this work with the Communist Party's work in the Los Angeles Newspaper Guild, in the local chapter of the American Federation of Teachers, with the CIO Federation of Architects, Engineers and Technicians, and even with the CIO Industrial Union Council in Los Angeles; also we had to consider the eventuality of merging with the Workers Alliance, and coordinate our work with that organization, which was completely under Communist Party control; also consideration was given to Communist Party work in such mass organizations as the National Negro Congress, the aforementioned American League for Peace and Democracy and its Siamese-twin organization in Hollywood, the Hollywood Anti-Nazi League;

That while it is impossible to describe the vast network of interlocking Communist Party fractions, commissions, committees and special committees which harmonized and coordinated the extensive undertakings of the Communist Party and so directed the work that the energy of one person could be as effective as the energy of one hundred or more uncoordinated individuals, this aforementioned example of one small and relatively insignificant Communist Party fraction might serve to illustrate the extensive and intricately balanced machinery of the secret Communist Party in United States;

That while this aforementioned fraction fluctuated, those in regular attendance were, as I recall them:

Carl Brant, organizer of a dying organization on the WPA Federal Theatre which must be replaced by the aforementioned American Federation of Government Employees; (This is the same Carl Brant who is at this writing a representative of the CIO United Radio, Electrical and Machine Workers of America on the War Manpower Commission in Oakland);

Mary Virginia Farmer, supervisor of the Southwest Unit of the WPA Federal Theatre Project, a personal friend from Vassar College days of Hallie Flanagan, National Director of the Federal Theatre Project;

Ben Goodman, a singer on the WPA Federal Music Project;

Fred Franchi, then employed on a WPA Educational Project;

Walter McElroy;

Robert Herrick;

Walter Herrick; brother of Robert;

Martha Herrick; sister of Robert and Walter;

Another Herrick sister, twin—both these girls were on the WPA Music Project;

Betty Arden, who left early in 1937 for the Northwest;

Donald Murray, member of the Southwest Unit, Federal Theatre;

Dorothy Rodin, sister of Emil Freed, organizer of the Hollywood Section, Communist Party; an actress on Federal Theatre;

Leona McGenty, a teacher on the Federal Theatre Project;

Howland Chamberlain, an actor on the Federal Theatre Project (he has since become the manager of the Communist Party's Progressive Book Store on W. Sixth Street, Los Angeles);

James Toback, aforementioned;

Seema Matlin, aforementioned;

Velda Johnston, aforementioned;

That among those who were invited to sit in for one or more conferences in order to coordinate special work in other branches of Communist Party endeavor, were:

Samuel Kalish, teacher, then trying to hold together a dying Teacher's Union, in opposition to the American Federation of Teachers, into which I understand he later went—and who at present writing is an examiner in the California Labor Commission in Los Angeles;

Eli Jacobson, leader of some underground cultural work in Hollywood, active in the Hollywood Anti-Nazi League, and paramour of Beryl La Cava, former wife of the motion picture director, Gregory La Cava;

Sid Burke, of the Los Angeles Newspaper Guild and a member of the staff of the publication for the *Hollywood Anti-Nazi League*, N. O. W.;

That the plan for establishment of a Communist controlled union to lead WPA cultural and professional project workers into the Workers Alliance by a series of deceptive processes was successful; the Communist Party fraction aforementioned established the American Federation of Government Employees on the WPA cultural and professional projects in Los Angeles; Fred Franchi was president; Walter McElroy was secretary, I was treasurer, and several non-Communists were drawn in for other, less important union positions;

#### COMMUNIST CONTROL OF UNIONS

That before continuing with the progress of this union development I wish to cite an instance typical of the manner in which the Communist Party retains control of unions; Florence Artman, a member of the publicity staff of the Federal Theatre Project, took an active part in the organization of this union, but she opposed the election of Fred Franchi as president. Inasmuch as he was the Communist Party choice it was necessary for every Communist to put forth all effort to elect him and to elevate him in prestige with the project workers, therefore Florence Artman's opposition was given serious consideration by the Communist Party fraction, aforementioned; it was the fraction decision, and therefore binding upon every Communist Party member in that union, to utilize a process of discrediting her in the eyes of all project coworkers and the community at large; the Communists announced, by decision of said fraction, that they would "isolate, expose and expel" Florence Artman, as an "enemy of the working class"; with Leona McGenty and Fred Franchi as the mental geniuses in this program, a plan of malicious gossip was devised; we Communists were to tell everyone who would listen that Florence Artman was "mentally and emotionally unstable," that she was a sexual pervert and that she was "in the pay of the Merchants and Manufacturers' Association." As planned, our gossip brought her near the point of nervous collapse; other Communist forces caused her dismissal from her position on the project, and with each outbreak of hers against what she felt to be injustice, we derided her for "hysteria"; until at last, few project workers would listen to her stories against Fred Franchi; and as an offshoot of that campaign, a friend and coworker of Florence Artman at that time, Louise Young, committed suicide;

That this fiendish calculation to destroy the reputation, the mind and the ability of a person to make a living revolted me and preyed upon my mind, and I remonstrated privately with Leona McGenty for instigating, sanctioning and even compelling other Communist Party members to indulge in that inhuman practice; Mrs. McGenty merely laughed at me and stated, "We must destroy our enemies by whatever method we can; we must regard a *lie* as a tactical maneuver." She went on to state that, according to official teachings of the Communist Party, that Communist work was to be conducted as a war, and that "all was fair" in war;

That our union, the American Federation of Government Employees, was denied a charter by the International headquarters of that organization, which was an old American Federation of Labor union for government workers, on the grounds that WPA workers were not eligible for membership in that union; that this was foreseen was evident from the mention by Percival Fry when he brought our Communist Party fraction word to start organizing this union; he had made it clear the Communist Party had chosen this particular union *because* it was a foregone conclusion they would not accept WPA workers, therefore, the membership would be satisfied to accept "the next best thing," which would be a step nearer the Workers' Alliance; we put up a sham battle in order to impress our membership, then recommended as a "next best thing" that we call ourselves the California Federation of Government Employees; the next step was to apply for a C. I. O. charter, which Communist Party contacts through Fred Franchi and Al Lane (Lewis) informed us was not coming through, on Communist Party orders to and through C. I. O. channels; when the C. I. O. turned down a charter, we led our membership, still unsuspecting of our trickery, into a State-wide organization of WPA white collar workers, and the name was changed to conform to the name used in San Francisco, to The Cultural and Professional Projects Association; this name change took place in June, 1937, convention in San Francisco which I attended; at the next State-wide convention, held in 1938, this group became the white collar section of the Workers' Alliance, officially, but as stated before the membership had dwindled by that time;

#### SAN FRANCISCO CULTURAL AND PROFESSIONAL FRACTION

That the Communist Party fraction of the San Francisco Cultural and Professional Projects Association, to the best of my recollection, with whom I met in that city at the time of the aforementioned convention, were:

Percival (Pete) Fry, elected president of the State-wide organization; from Federal Writers Project;

Dorothy Sawvelle, who had been Secretary of the San Francisco American Federation of Government Employees, and who had been dismissed from the Federal Writers Project;

Herbert Nugent, Federal Writers Project;

Lawrence Estavan, Federal Writers Project;

Helen Cross, Federal Theatre Project;

Ada Clement, from Oakland;

Dr. Henry Scholtz, Historical Records Survey, San Francisco;



Walter Matlin, brother of Seema Matlin, and a worker in a State Relief Administration project;

That this is less than half the number of Communist Party members with whom I met at that time, but I do not recall the other names;

That also, on the occasion of that trip to San Francisco, I met in Communist Party fraction meetings with members on the San Francisco Historical Records Survey, who were:

Thelma Ziemer, State Director;

Sven Skaar, State Field Supervisor;

Dr. Henry Scholtz, aforementioned;

Norah Follman, Secretary of the Project in San Francisco; and two or three others whose names I have forgotten;

That on that occasion I called on Paul Johnson who had been transferred from Los Angeles to the San Francisco Federal Writers Project in a supervisory capacity; he introduced me to another Federal Writers Project supervisor, Robert Muir, informing me in the introduction that Muir was "a comrade"; I discussed Communist Party affairs with Muir at that time, and later he called on me in Los Angeles (sometime in the Spring of 1938) and informed me that he had been sent to Los Angeles as an official of the National Labor Relations Board; I read in the newspapers that Muir handled the balloting of the United Studio Technicians' Guild (C. I. O.) against the International Alliance of Theatrical Stage Employees (A. F. L.) for collective bargaining rights in the motion picture studios in 1939;

That while I was in San Francisco at that time, namely, in June, 1937, I contacted persons with whom I had had correspondence in the New Theatre League on Green Street in San Francisco, and in discussing theatre matters with the secretary, Frances Burge, discovered it was a Communist Party project; I made my membership known, and was invited to sit in on the Communist Party unit meeting of this group; there were about 10 members of that unit, all active in the production, "*Bury the Dead*," an antiwar play by Irwin Shaw; and I learned from the business of the unit that the play was selected because it expressed the current Communist Party line; when the curtain rose, I encountered Robert Muir in the audience, and again spoke with him; Helen Cross, aforementioned, was a member of this theatre group and director of the play, "*Bury the Dead*," although she was an employee on the Federal Theatre Project at that time;

That, returning to the affairs of the Historical Records Survey and Federal Writers Project in Los Angeles in the Spring and Summer of 1937, James Burford was employed on the Federal Writers Project early in the spring of 1937 and met with our Communist Party fraction of the combined Federal Writers Project and Historical Records Survey, of which I had been elected secretary; said James Burford, by reason of his employment on the Federal Writers Project, was eligible for membership in our Unit 131 for Communist Party members of that project, but he neglected to attend unit meetings; however, he purchased Communist Party dues stamps from me, as dues secretary of the unit;

That an event which stands out in my mind was the furtive planning in which our Communist Party fraction of the Federal Writers Project



and Historical Records Survey engaged in order for said James Burford to get a leave of absence from the Federal Writers Project in order to attend the May 1, 1937 National Convention of the Young Communist League in New York; we arranged alibis so that he could pretend to be "ill," and when he returned around the middle of May, we Communists jokingly urged him to "look as pale as possible";

#### REMOVING NON-COMMUNISTS

That the Los Angeles director of the Federal Writers Project, Hugh Harlan, was not sympathetic in any way with the Communist Party, and one of the main orders of business of our aforementioned fraction was to effect his removal from that project;

That every possible complaint was launched against him with Henry G. Alsberg, National Director of the Federal Writers Project and whom, we were informed through Communist Party channels, was friendly to Communists;

That eventually said Henry G. Alsberg sent one of his national field representatives, Claire Laning, to Los Angeles to investigate conditions on the Federal Writers Project, and that our Communist Party fraction, composed of Walter McElroy, Robert Herriek, Tillie Lerner and myself, called on said Claire Laning, as "representatives of the union," and after a certain amount of parrying, found him sympathetic to Communists; we then proceeded to fill his ears with grievances against said Hugh Harlan, most of which were about his "reactionary" attitude;

That our efforts were successful was proven when Harlan was dismissed from the Los Angeles Federal Writers Project by the National office in the latter part of 1937, and he was replaced by a regime friendly to the Communist Party (of which there will be more later);

That some time in the early Spring of 1937, Dr. Paul Radin, of University of California and one of the State sponsors for the Historical Records Survey, dropped in at the Los Angeles office; Sven Skaar was present, and introduced me to Dr. Radin as "a comrade"; Dr. Radin launched into a long discussion of the possibilities of the Historical Records Survey for doing useful work for the Communist Party, of which he readily admitted himself to be a member;

That Dr. Paul Radin stated he was planning to leave very soon for China and other points in the Orient ostensibly to do anthropology research, but that he was going to attend to certain matters (which he did not elaborate on) for the Communist Party; at that time he made the statement there should be an Historical Records Survey Project in Manila, operated, of course, by Communist Party members, in order to provide certain facilities for coordinating Communist Party work in the Orient with that in the United States;

That several months later and without any reference to Dr. Radin's remarks, Thelma Ziemer, State Director of the Historical Records Survey, on one of her trips to Los Angeles, informed me she planned to establish branches of the California Historical Records Survey in both Honolulu and Manila, and that she was counting on me for the Manila project; this plan did not bear fruit, to which fact I probably owe my life;

**"LOYALIST" SPAIN**

That in the Summer of 1937 the Communist Party was carrying on an extensive campaign to assist the Loyalist government of Spain in its war against Francisco Franco; all Communist Party members were required not only to read a vast amount of literature giving the Communist Party version of this war, but to take part in the campaign of raising money, recruiting volunteers to go to Spain to fight, and to proselyte the public about the cause of Loyalist Spain; in my capacity as Dues Secretary of Unit 131, I was instructed to make certain collections from the unit members for this cause, which moneys I turned over to Ann Howe, Professional Section Dues Secretary;

That there was general recognition within the Communist Party that the North American Committee to Aid Spanish Democracy and the Medical and Technical Aid to Spain were Communist Party organizations; in fact, I received a letter from Beulah Kashins (Kay), a secretary in the National headquarters in New York for the Medical and Technical Aid to Spain in which she mentioned her Communist Party membership and the fact that the organization was under Communist Party direction; I had known Beulah Kashins (Kay) at Universal Studios, prior to the time either one of us had joined the Communist Party;

That in keeping with that program to aid the Loyalists in Spain, I interceded on behalf of Alpheus Prowell, a Negro Communist Party member who belonged to Unit 130, Federal Theatre Project Unit of the Professional Section with Communist Party officials in the Los Angeles County headquarters requesting that they speed up the transfer of said Alpheus Prowell from the Communist Party of United States of America to the Communist Party of Spain so that he might join the International Brigade in Spain; said Alpheus Prowell left some time in the Summer of 1937, and has since returned to California; it is my understanding he fought in the Abraham Lincoln Brigade, the American section of the International Brigades of Spain;

**NEGRO COMMISSION OF THE COMMUNIST PARTY**

That I was "co-opted" (a Communist Party term meaning drafted) for duty in the Negro Commission of the Communist Party in Los Angeles some time in the Summer of 1937, and attended one meeting of said Negro Commission, held in the home of Al Bryan (Ryan), a county functionary of the Communist Party and teacher in the Workers School;

That those present at that meeting besides Al Ryan and his wife, Maureen Ryan, were:

Leona McGenty, previously mentioned;

Olga Kreuger, an actress on the Federal Theatre Project and member of Unit 130, Professional Section;

Jay Moss, Negro, who spoke in behalf of the Hollywood Anti-Nazi League, and two or three others whose names I have forgotten;

That the purpose of this Negro Commission was to coordinate agitation among the Negroes and for the Negroes within various mass organizations controlled by or influenced by the Communist Party; as an illustration: Jay Moss would take decisions of this Commission to

the Communist Party fraction of the Hollywood Anti-Nazi League, resolutions and proposals would be drafted by that fraction and introduced at regular meetings of that organization; then, when passed—as all Communist-controlled organizations always pass the fraction resolution—these resolutions would be given publicity in the Hollywood Anti-Nazi League publication, *N. O. W.*, and in turn picked up as “vital news” by other Communist-controlled publications to attempt to delude the public into believing that this resolution was a spontaneous matter with the Hollywood Anti-Nazi League, and so on, all the way through the organizations which the Communists influenced, until after a few weeks the proposals drafted by our Negro Commission, which of course must hew to the current Communist Party line on Negro work, would fan out to look like they were the wishes of many thousands of people; such is the power of Communist Party coordination;

#### COMMUNIST PARTY TRADE UNION SCHOOL

That I attended a Communist Party Trade Union week-end school in the Summer of 1937, which combined the work of unions within the Professional Section to which I belonged, and the Harbor Section; unions of the Professional Section represented were: Los Angeles Newspaper Guild, with Jay Moss and Sid Burke as representatives; the Social Workers' Guild, which at that time was transforming itself into the State, County and Municipal Workers of America, C. I. O., represented by two young women whose names I have forgotten; the Teachers' Union, referred to previously as in a dying condition, represented by Marge Comey; the California Federation of Government Employees, represented by Fred Franchi and myself; from the Harbor Section the International Longshoremen's Association was represented by a man whose name I do not remember, and the American Communications Association was represented by another man whose name I do not recall; the Harbor Section of the Communist Party was represented by Jack Moore, Organizer; the Trade Union Commission of the Los Angeles County Communist Party, the official body set up to coordinate all trade union fraction work, was represented by John Sargent, business agent for the A. F. L. Culinary Workers and Bartenders' Union; and Communist Party officials who conducted these coordinated classes were Al Bryan (Ryan), County Educational Director for the Communist Party and Al Lane (Lewis), organizer for the Professional Section;

The purpose of the aforementioned week-end school was to instruct the white collar unions, through the Communist leaders thereof, in the ways and means of conducting labor struggles along true Communist lines, as exemplified by the strikes conducted on the Pacific Coast by the Maritime Federation of the Pacific; the strikes of 1934 and of 1936 conducted by that organization and its component unions were regarded officially by the Communist Party leadership as perfect samples of “class struggle” activities, and there were no punches pulled as to the revolutionary goal of strikes of that sort; they were designed to lead to revolution, and revolution along Marxist-Leninist Stalinist lines, with the Communist Party in the “vanguard”; our



white collar unions were important to the unions in production and transportation bottlenecks in that said white collar unions could allay the fears of the populace by propaganda, assist in organizing sympathy strikes, and paralyze resistance against Communist-led general strikes;

That in these classes at said week-end Trade Union School no mention was made of the rosy promises of "collaboration" with non-Communist labor and liberal organizations, as given by Georgi Dimitroff in his speech to the Seventh World Congress; and it was therefore not difficult for me to ascertain that these promises which I had mistaken for sincere desire were naught but camouflage to conceal the Communist International intentions to create world revolution;

#### MEANING OF "POPULAR FRONT"

That it troubled me sorely that I had so completely deceived myself about the Communist Party; I was chagrined and baffled, and cautiously discussed the Popular Front policies with various Communist leaders such as John Sargent, Fred Franchi, Walter McElroy, Al Lane (Lewis), Leona McGenty and others, and gained from them the information that the Popular Front tactic was "a means to an end," and along the lines of revolutionary strategy laid down by Lenin, and the ethics of such deception were summed up in Lenin's words that "the end justifies the means";

That I then understood that the abandonment by the Communist International in the Seventh World Congress of 1935 of the old policy of "world revolution" by violence, "rum, riot and rebellion," as voiced by Communist orators in United States, was merely suppressed in propaganda and oratory in order to deceive, and that it existed in a much more deadly form in the secret teachings of the Communist Party;

That this shame and disillusionment caused me to lose interest in Communist endeavors, and I began looking for a way to get untangled from the Communist network; and that from that point on, my Communist Party work was half-hearted, as I vacillated between a desire to "make the best of a bad bargain" and to find a means of escape;

That at this point I wish to describe the method by which an innocent person is trapped within the Communist Party; in the first place when he joins, he is instructed to "burn his bridges behind him"; he must cease relationship with former friends and even family unless they are sympathetic or susceptible to Communist teachings; he is given a course of training which is designed to cause him to discard all his beliefs in morals and ethics; he is taught to regard persons only from the standpoint of their usefulness to the Communist Party; that there is no wrong except a wrong to the Communist Party, be it deception, robbery or even murder; that the democratic form of government, as it exists in United States, was but an expression of capitalist exploitation and therefore must be abolished with capitalism; that religion was but an opiate of the people; that there was no truth except that voiced by Joseph Stalin and the Communist International;

That I had disregarded these teachings in the New Members Class because I regarded them as silly hangovers from the "Third Period," or that period of Communist history which preceded the Popular Front, and felt they would be abandoned when the Popular Front theories seeped through the world Communist apparatus; but I found



they were basic and that they must be revered as orthodox teachings, and to doubt them would be to reveal heresy;

That it was the prevailing fanaticism, the religious fervor and unreasoning devotion of my comrades that alarmed me as much as the diabolical network of espionage which is woven around a Communist Party member; I knew that to break from the Communist Party would bring down upon one's head the most fiendish sort of punishment that could be devised by these fanatics—and in which they dared to indulge;

That a Communist Party member is pledged to carry out all orders of the party in a military manner; that he is given occupation for all his leisure hours, meetings almost daily, and thousands of other tasks, that he is in constant, even hourly touch with his squad leader, and therefore has no opportunity to slip away and think things out; that wherever possible, persons who are losing faith in the Communist Party are forced to live with faithful members, or a member of their family or close circle is assigned to spy on the suspect's every movement, to report all persons he contacts, and especially to note all his reading matter and the manner in which he spent any scraps of leisure time;

That there is also the matter of involvement in illegal activities; the Communist Party member is constantly reminded, by word and deed, that he is engaged in illegal work and that if he doesn't want to go through with his bargain he can be turned over to authorities. Undoubtedly many members are assigned to illegal tasks, but these who are engaged in routine work which is entirely legal from any standpoint, are made to believe they are engaged in "dangerous underground work," and therefore kept in fear of betraying Communist Party secrets; and also Communist Party members are constantly hammered with the idea that all agents and agencies of government, from police officers to the Supreme Court, are "enemies," and are to be treated as such; the Communist Party member is impressed with the idea that agencies of government are to be held in contempt; that he need have no respect for an oath or a law; that no law is sacred but that of the Communist International;

That, therefore, few Communist Party members have the ingenuity or the courage to break out of the trap;

#### COMMUNIST PARTY MEMBERSHIP COMMISSION

That at the point where I was becoming aware of these things, my comrades devised schemes to involve me in new work; in the first place I was invited by the Professional Section Membership Director, Jane Howe (no relation to Ann Howe) to attend the Membership Commission meetings, which were held in the quarters of Ethel Holmstock in the Pacific Art Institute Building, now torn down, on the corner of Vermont and Wilshire; this commission was composed of, besides Jane Howe and Ethel Holmstock, the following:

Dr. Samuel Marcus, Communist Party "psychiatrist," who is at present a member of the Los Angeles County Board of Alienists and a superior court psychiatrist;

Dr. Leo Bigelman, aforementioned;

Joseph Aidlin and his wife,

Mary Aidlin;

Donald Murray, from Unit 130, and

Norman Byrne from a teachers' unit; this is the same Norman Byrne who became so active in the American Peace Mobilization in Los Angeles; he is an instructor at Los Angeles City College;

Others whose names I do not recall;

That in the meetings of said Membership Commission, we discussed the psychology to use on new members in the Communist Party, whom and how to recruit members from the so-called "bourgeoisie," or general society which had not been indoctrinated by Marxism, Socialism or Communism; in fact, the Membership Commission composed an essay which was incorporated into a pamphlet and sold throughout the Communist Party in California entitled "Whom and How to Recruit," most of which dealt with the methods of deceiving ordinary Americans into thinking "Communism is Twentieth Century Americanism," and how to hold them in the party once they began to lose their illusions—though of course such frank terms were not used in the discussion;

That after several discussions with Dr. Samuel Marcus about the psychology of Stalinism-Leninism-Marxism I came to a much fuller understanding of the profound depths of intrigue, conspiracy and treachery to which the Communist International descended in its struggle for world power, and I owe a great deal to Dr. Marcus for giving me a basic understanding of this apparatus, which understanding I am using, and intend to continue to use, to expose this sinister and inhuman political machine; that needless to say, however, Dr. Marcus gave me this instruction apparently in the hope I would wax enthusiastic over this thorough and scientifically exact method of conquest;

#### WORKERS' ALLIANCE FRACTION

That at this period of which I speak, around July, 1937, our Unit 131 lost its organizer, Walter McElroy when he was transferred to San Francisco by the WPA and Unit 131 then merged with Unit 130, thus bringing together in one unit the entire fraction of the California Federation of Government Employees; and that said fraction had established contact with the fraction of the Workers Alliance in order to better coordinate Communist Party work within the unions on WPA, and that at various times I met in fraction meetings with such Workers Alliance leaders as:

Alexander Noral, State President of the Workers Alliance;

Pat Calahan, Los Angeles Organizer of that organization who soon left it to take up work in the C. I. O. United Cannery Agricultural, Packing & Allied Workers of America (UCAPAWA);

John Clifton, who had emerged from jail for some Communist Party work and therefore had to be "taken care of" by the Communist Party (which discussion I sat in on);

Al Heltness, who turned over the reins of organizational work to Oscar Fuss, whom I heard referred to as a member of the Communist Party, but with whom I did not meet;

That the aforementioned Unit 130 was composed of the following persons, some of whom were transferred and some of whom came in at a later date:

Leona McGenty, Organizer;

Donald Murray, Membership Director;

Carl Brant, Educational Director;

Dorothy Rodin, sister of Emil Freed, Organizer of the Hollywood Section; Dues Secretary;

Theodore Pezman, Press Director (*People's Daily World.*);

Howland Chamberlain, Literature Director;

That this was the Bureau of said unit at the time of merger, but the composition of which changed shortly thereafter;

Sharley Simpson, an actress on the Federal Theatre Project;

Hugh Mason, who was soon transferred to the Hollywood Section to work with Jeff Kibre in the International Alliance of Theatrical Stage Employees, Local 37;

Alfred Grant, Negro; now a screen actor;

Beatrice Newport, actress on the Federal Theatre Project;

Darby Jones, Negro dancer, then on Federal Theatre Project, now in motion pictures;

Evelyn Jones, wife of Darby Jones, who claimed to be a maid in the home of Marion Davies;

Barney Brown, actor on the Federal Theatre Project;

Earl Faullin, actor on the Federal Theatre Project;

Pearl Greenbaum, actress on the Federal Theatre Project, who used the name Katherine Allen;

Loren Gage (Loren Finch Gage, also Loren Gage Eigenmann), actor, who, I have been told recently, is now a commissioned officer in the United States Army;

Bee Burke, aforementioned;

Fred Franchi, aforementioned;

Roth Reynolds, Federal Art Project;

Seema Matlin, aforementioned;

James Toback, aforementioned;

Velda Johnston, aforementioned;

Mary Virginia Farmer, aforementioned;

William Gordon, Negro, singer, Federal Theatre Project;

Kenneth Patterson, actor, who was later featured in the Hollywood Theatre Alliance production, "*Meet the People*";

Walter Worden, actor, who, in 1941, was employed at Douglas Aircraft in Santa Monica;

Betty Falawn, common-law wife of Earl Faullin;

Olga Kreuger, aforementioned;

Walter Herrick, aforementioned;

Charles Maddox, Federal Art Project;

Luba Fox, dancer;

Bella Lewwitski, dancer;

Nathan Kirkpatrick, dancer, who, I have been told, is an officer in the United States Air Corps in Hawaii;

Ben Goodman, aforementioned; frequently his wife, Betty Elwell, who did office work in Communist Party headquarters, sat in Unit meetings;

That not long after this merger the dancers formed a separate unit with other Communist Party dancers in Los Angeles County, some of whom were said to compose the Horton Dance Group, among whom were Letitia Innes, wife of Sid Burke, whom I met as a Communist



comrade; also Jacobina Caro, wife of Sid Martin (Davidson), belonged to the Communist Party fraction on the Federal Theatre Project but joined the Dancers' Unit instead of 130;

That with respect to said Jacobina Caro, the Communist Party fraction on the WPA cultural projects, aforementioned, conspired to get said Jacobina Caro on WPA by faking qualifications; she was instructed to use the address of Ann Howe, aforementioned, 3224 Beverly Blvd., to pretend to be destitute and thus to pass through State Relief Administration for WPA;

#### COMMUNIST PARTY MEMBERSHIP DRIVES

That at that time, Summer of 1937, Paul Cline had taken office as Secretary of the Communist Party in Los Angeles County, and in keeping with the Popular Front tactics, endeavored to widen the scope of Communist Party activity in Los Angeles County; recruiting drives were organized, new members were taken into the party who would not have been considered qualified a few months previous; general membership meetings were held, and activity was extended in every manner;

That I had several meetings with the wife of Paul Cline, whose name I believe was Clara Stevens (now, 1942, said to be the common-law wife of Dr. V. A. K. Tashjian); and that said Clara Stevens outlined to me and others present, among whom I recall Leona McGenty, plans for a women's commission within the Communist Party to coordinate work of such organizations as the League of Women Shoppers, the fractions of the women's auxiliaries in various trade unions, the Women's Committee of the American League for Peace and Democracy and in general to attempt to reach the housewives of Los Angeles with Communist influence;

That Al Lane (Lewis) was sent East by the Communist Party and his place as organizer of the Professional Section was taken by Robert Cole (Cohn), a former social worker, and whom I have been reliably informed had been a functionary in the Communist Party in Alameda County;

#### COLLECTIVE PLAYWRITING

That Mary Virginia Farmer reported to said Unit 130 that the National fraction of the Federal Theatre Project, of which she was a member, had decided that in order to advance Communist Party cultural endeavors, the Federal Theatre Project in each locality over the Nation would set up a unit to deal with history, as interpreted by the Communist Party, of that particular locality; Miss Farmer informed us that the National Director of the Federal Theatres, Hallie Flanagan, was a Communist Party member and was in agreement with that Communist Party decision; be that as it may, the Communist Party fraction of the Federal Theatre Project in Los Angeles organized the Southwest Unit of the Federal Theatres composed entirely of Communist Party members and sympathizers, with the exception of the secretary thereof, who, I have since learned, was keeping a very careful record of Communist activities in the Southwest Unit at that time; correspondence with National officials of the Federal Theatre Project, which I saw, indicated that Hallie Flanagan was in complete agreement with the idea of the Southwest Unit of the Federal Theatre; later, in the



late Fall of 1937, Miss Flanagan together with Mrs. Ellen Woodward, National Director of Women's and Professional Work in the WPA, called on the Southwest Unit and voiced perfect satisfaction with its work, despite the fact said unit was not only writing Communist propaganda into the play it was preparing, but also rehearsing and conducting schools of the theatre along the accepted Communist Party lines, that is, the Stanislavsky method, which originated in Moscow;

That in August, 1937, said Mary Virginia Farmer requested me to join the Southwest Unit in order to assist in the writing of a play about migratory workers which was to give dramatic expression to the current Communist Party line on the floods of "Okies" who were over-running California;

That, in accordance to Communist Party decision, upon which I acted, I requested transfer from the Historical Records Survey to the Federal Theatre Project of the WPA, and overcame protests of Thelma Ziemer, aforementioned, who had plans of sending me to Manila for the Communist Party;

That from August 25, 1937, to July, 1938, I was involved in writing Communist Party propaganda into play form, and the result, "Sun Rises in the West," which was produced by the Federal Theatres at the Mayan Theatre and later at the Greek Theatre, was by no means worth the effort;

That the birth and upbringing of the Southwest Unit of the Federal Theatres was a tremendous Communist Party ceremony in that it was the first of its kind in United States, namely a government theatre in the hands of the Communist Party; Robert Cole, Paul Cline and other Communist Party functionaries envisioned a vast network of such theatres, like there was in Russia; Mary Virginia Farmer, Donald Murray, Theodore Pezman, Carl Brant, Kenneth Patterson, Howland Chamberlain, Loren Gage, (Eisenmann); Leona McGenty and others envisioned themselves becoming famous theatre personalities decorated with the American Communist Party equivalent of the Order of Lenin;

That in fact everyone was so dazzled by the possibilities of this great future Communist Party state theatre, that they couldn't get down to the humdrum task of writing and producing a play; the greatest part of the time was taken up in "discussing theory," which was a neat way of saying "collective pipe dreaming"; after the first bubbling enthusiasm subsided, the Communist Party fraction of the said Southwest Unit of the Federal Theatre, and which was the ruling force in that government project, were:

Mary Virginia Farmer, Director;  
Donald Murray, Assistant Director, and writer;  
Theodore Pezman, writer and Publicity Director;  
Myself, writer;  
Barney Brown, actor;  
Earl Faullin, actor;  
Howland Chamberlain, actor;  
Betty Falawn, actress;  
Walter Worden, actor;  
Carl Brant, actor;  
Dorothy Rodin, actress;

Lillian Sidery, actress, a fellow traveler who didn't join the Communist Party until around 1938;

Beatrice Newport, actress, who came into the Communist Party in the latter part of 1937;

Sharley Simpson, who found herself counted out of parts in the play, "*Sun Rises in the West*";

Kenneth Patterson, and

Loren Gage (Eisenmann) met with the fraction, but were unable to retain their WPA status because WPA authorities discovered they were not in financial need;

That in the throes of playwriting, John Howard Lawson, and a Professor Lewis met with our fraction to assist in the problems of converting Communist propaganda into play form; that these so-called experts in the dramatic field offered no concrete suggestions in so far as I could see; they merely ranted about our responsibilities as Communist Party members;

That the fraction secretary of the Southwest Unit, Theodore Pezman, was instructed by Robert Cole (Cohn) to communicate with the fraction secretary of the Simon J. Lubin Society in San Francisco to obtain research material which that organization had turned over to John Steinbeck for his book (then unnamed) "*Grapes of Wrath*," and which material Steinbeck had returned; it was tacitly understood that the Simon J. Lubin Society was completely under the domination of the Communist Party; when this aforementioned material arrived, I examined it carefully and found notes in handwriting signed by John Steinbeck which appeared to be field notes on migratory workers;

That the writing team consisted of Theodore Pezman, Donald A. Murray and myself, although Mary Virginia Farmer quibbled over every line; then the entire Communist Party fraction had to arrive at a decision by discussion and vote; then the said fraction had to present its decision before a meeting of the Southwest Unit in order to convince the few non-Communists therein; and the entire process was complicated by the fact the actors had to choose their own parts and "improvise" them, according to the best Stanislavsky methods; and that somewhere in the process I became so disgusted I failed to record the silly antics of my comrades,

That a screen actor, J. Edward Bromberg, who was called "Joe," appeared at rehearsal hall several times to "assist," and who met as a Communist Party member with our aforesaid fraction; from conversation I learned that said J. Edward Bromberg had been associated with Mary Virginia Farmer in the New York theatre, and he frankly stated he regarded the Stanislavsky method, for writing a play, as stupid;

That from time to time Mary Virginia Farmer had me telephone Viola Brothers Shore to arrange Communist Party fraction meetings, and that I discussed with both Miss Shore and Miss Farmer other members of that fraction as Tatiana Tuttle and her husband, Frank Tuttle, the motion picture director; that Mary Virginia Farmer reported to our Southwest Unit fraction that she belonged to the Hollywood Cultural Commission, of which the aforesaid persons were members, and that she was "coordinating" the work of the Federal Theatres with that of the motion picture colony;

That Margarete Clark, then a member of the Los Angeles Board of Education, since appointed head of the Women's Division of the Industrial Welfare Commission of California by Governor Olson, called several times to see Mary Virginia Farmer and expressed an interest in the work of the said Southwest Unit and otherwise indicated her sympathy for Communist Party work; Miss Farmer referred to her as a Communist fellow traveler;

That during the time I was involved in writing the play, "*Sun Rises in the West*," my other Communist Party work was somewhat reduced, in that the Communist Party officially recognized the composition of that play as Communist Party work; however, I remained active in the California Federation of Government Employees which had been transformed into the Cultural and Professional Projects Association (some times called Clerical and Professional Projects Association);

That also those of us who were recognized by the Communist Party as writers were requested to join the Western Writers Congress of which Harry Carlisle was the head in San Francisco, and which organization soon evolved into the League of American Writers;

That the League of American Writers sent out form letters sometime in 1937 requesting "members" (I had never joined the organization, but had filed an application with the Western Writers Congress to give a summary of why they believed in the cause of Loyalist Spain; I failed to reply, in the press of my playwriting duties; later, I was presented with a booklet, "*Writers Take Sides*" through Unit 130 of the Communist Party, which met at the Twentieth Century Book Store (founded by Edna Silverton) on Melrose near Western Avenue, which booklet was included in unit literature;

That much to my surprise, I discovered my name listed among a hundred or more writers as having written a favorable letter to the League of American Writers on the matter of Loyalist Spain; I was informed by Jane Wallace (Wilson), then organizer of the Professional Section, that all Communist Party writers' names had been submitted to the League of American Writers by the Communist Party, and that my name would have been included as replying "favorably" even though I had written any other sort of letter; I noted that among the other names in that list were those of

Carey McWilliams; Harold J. Salemon; Samuel Ornitz; Paula Walling—all of whom I had met within the Communist Party as Communist Party members;

That, while on the subject of Loyalist Spain, I am reminded of an incident that took place sometime in December, 1937; I was browsing around in the Twentieth Century Book Store aforementioned, waiting for the meeting of Unit 130 to be called to order, when I encountered William Colfax ("Bill") Miller, whom I had known for several years and who had been connected with the Film and Photo League in Hollywood and who had revealed his membership in the Communist Party to me; said Miller and I discussed Communist Party affairs a few moments, then he told me he was leaving soon for Spain, but cautioned me not to repeat that information even to other Communist Party comrades, saying he was going on a very "special" mission for the Communist Party; I later heard through Hank Bazazowsky, who returned from Spain disillusioned, that this same W. Colfax Miller



was attached to the G. P. U., or Communist International special police, in Spain; in 1940 I read in the New York *New Leader* that W. Colfax Miller was sought by Mexican authorities for complicity in machine-gunning the home of Leon Trotsky, prior to Trotsky's murder;

That here I might add that within the outer realms of the Communist Party such as I belonged to, there was no discussion on the use of assassination as a Communist Party tactic, but I noted that persons assassinated by what appeared to be the G. P. U., such as Sedov Bronsten, son of Leon Trotsky, who met his death mysteriously in a Paris hospital, were piteously excoriated by the Communist Party press, and thus their death made to appear a "blessing"; likewise, such convicted killers as Earl King, Ernest G. Ramsay and Frank Conner, who had been convicted of complicity in the murder of George Alberts, were referred to, both in the Communist Party press and in meetings, as "labor martyrs";

#### DISILLUSIONMENT

That by around March 1, 1938, I was so disillusioned, disgusted and weary of Communist Party bickering, especially over the play, "*Sun Rises in the West*," that I was near physical collapse; that I arranged with the Buro of Unit 130, namely Leona McGenty, Howland Chamberlain, Theodore Pezman and Donald A. Murray that I would continue my work as a Communist Party duty on the play, "*Sun Rises in the West*," but that I must be relieved of full time work on said play;

That I arranged, through Communist Party contacts, to transfer from the Federal Theatre Project to the Federal Writers Project, which was at that time headed by Leon Dorais, who had replaced Hugh Harlan; Robert Brownell, a Communist Party fellow traveler whom I had known since 1935 and who had formerly contributed to the publication "*Pacific Weekly*" published in Carmel by Ella Winter and W. K. Bassett, was Dorais' assistant; said Brownell informed me that he would be glad to have a Communist Party member to assist him in getting out the History Essay for the Los Angeles "Guide," which was the purpose of the Los Angeles Federal Writers' Project; I transferred to the Federal Writers' Project and took up my duties as editorial assistant to said Robert Brownell, and devoted my after-work time to the play, "*Sun Rises in the West*";

That this transfer involved me in a new line of Communist Party work; at a meeting held at the home of Mary Virginia Farmer, 1350 Montana Street, and attended by Leona McGenty, Jacobina Caro, Howland Chamberlain and myself, plans were laid to form another Cultural Commission to better coordinate the work of the aforementioned Hollywood Cultural Commission and other Communist Party cultural work in Los Angeles County; at this meeting Leona McGenty requested me, in the name of the Professional Section Executive Committee to which she belonged, to prepare a full report of personnel on the Federal Writers' Project, that is, those who were friendly to the Communist Party, those who might be won over and any who were outspokenly unfriendly; also she requested me to make a report of union activities on that project, since there were no members there who belonged to either the Workers' Alliance or the Clerical (or Cultural) and Professional Projects Association, and to make a recom-



mentation as to what course the Communist Party should follow to unionize the Federal Writers' Project—of course said union to be controlled by the Communist Party;

That by that time the "defection" virus had taken hold of me and I was looking forward to the day when I could escape from the Communist Party toils, and in that state of mind, which might be termed "semi-Communist," I made a very un-Communist type of report and recommendation; I reported that the Workers' Alliance was in complete disfavor with workers on the Federal Writers Project because of its Communist taint, and that no one on that project was in the least interested in the Cultural and Professional Projects Association, which was indeed the truth; that the majority of workers on that project because of their writing backgrounds wanted to consider themselves a part of the writing world and that they favored the American Newspaper Guild (Los Angeles Newspaper Guild), but that the unit of that organization was small on the project because members were restricted to professional newspaper workers, I recommended that the Communist Party control over the Los Angeles Newspaper Guild, which I knew to be a fact, permit the workers on the Federal Writers Project to join that organization, despite constitutional restrictions, and in that way the Communist Party could control the workers on the Federal Writers Project;

That much to my surprise, my recommendation was accepted by the Professional Section Committee; Charles H. Garrigues, known as "Brick" Garrigues, whom I had known for a number of years, and who was at that time executive secretary of the Los Angeles Newspaper Guild, arranged to meet me; he informed me that he was a member of the Communist Party Professional Section Committee, and that he had persuaded the said section committee executive board to accept my recommendation; that I was authorized by said section committee to inform the Chairman of the Los Angeles Newspaper Guild Unit on the Federal Writers Project, a fellow traveler, Hubert Kotterman, that constitutional restrictions were to be waived and that all project workers were to be accepted into the Los Angeles Newspaper Guild;

That I duly informed said Kotterman of this decision by the Communist Party with respect to the Los Angeles Newspaper Guild, and informed him whence it came, and he agreed to take all comers into the project unit of the Guild;

That Guild organization boomed for a time on the Federal Writers Project, and the unit grew from about six members to over 30 within two or three weeks;

That the only other Communist Party member on the Federal Writers Project at that time beside myself was Velda Johnston, aforementioned; that soon Dolph Winebrenner joined the project for a short time before he became the editor of "*Light*" Young Democrat publication financed by J. Frank Burke; that Philander Street requested to join the Communist Party and I signed him up; thus we had a Communist Party fraction on the Federal Writers Project (the requirement is that three Communist Party members must be present on a job or in an organization to form a "fraction"); that because of Velda Johnston's indolent nature and Philander Street's lack of development within the Communist Party, I was in charge of said

fraction, and I was rapidly growing anti-Communist; therefore, our fraction decisions emerged as strange hybrids;

That likewise my advice to Robert Brownell, who had stated to me he wished to follow Communist Party suggestions and who relied on me to make those suggestions, was of a nature not in keeping with Communist Party program; I advised him to hire persons whom I knew to be enemies of the Communist Party, namely one Theodor Robinson, who had been excluded from the Federal Theatre Project by the Communist fraction thereof because of so-called "Trotskyist" leanings; (I later learned this was merely a Communist Party slander on him; he was not a Trotskyist); nevertheless, Kenneth Patchen and Harvey Breit were members of the Trotskyist Socialist Workers Party, and I assisted them not only to get onto the project but also into the Newspaper Guild Unit on the project (which act, if discovered, would have been grounds for expulsion from the Communist Party);

That my "sins" of sabotaging the Communist Party from within soon caught up with me (but my expulsion did not follow until some time later); I assisted Ward Moore and Joseph Rabinowitch to obtain employment on the Federal Writers Project; Ward Moore was an outspoken Trotskyist, sold pamphlets and books by Leon Trotsky on the project and sneered partisanship criticism at the "Stalinists," as he called those of us who were members of the Stalinist faction of the Communist Party; said Joseph Rabinowitch was the son-in-law of Rabbi Mayer Winkler who had consistently fought the Communist Party in Hollywood, and who had been assisted frequently by said Joseph Rabinowitch; it happened that Harold J. Salemsen, member of the Communist Party fraction of the Los Angeles Newspaper Guild (with whom I later met in fraction meetings), discovered that said Joseph Rabinowitch was not only on the Federal Writers Project but was making application to join the Los Angeles Newspaper Guild; he sounded the warning within the Los Angeles Newspaper Guild fraction, and the resultant Communist Party decisions in relation to the Los Angeles Newspaper Guild can best be described as a "free-for-all";

#### LOS ANGELES NEWSPAPER GUILD

That applications of 26 Federal Writers Project workers for membership in the Los Angeles Newspaper Guild, two of which turned out to be those of Communist Party members, namely, John Sherman and Allan Woodward, were summarily turned down by the Los Angeles Executive Board without so much as an excuse; that these applicants were even more eligible under the Guild Constitution than the 25 or 30 project workers who were previously accepted under my recommendation; this threw the Federal Writers Project into an uproar;

That two Communist Party "faithfuls" were assigned to work on the Federal Writers Project, namely Rose Boyd (Busch) (Vissechner), former secretary to Earl Browder and one of the charter members of the Communist Party of United States, who had been business manager for the C. I. O. *Industrial Unionist*, publication of the Los Angeles C. I. O. Council, and Hyman Elliot Wax, member of the C. I. O. International Longshoremen's and Warehousemen's Union in Los Angeles (1942, he is now a paid organizer in that union); these two aforesaid

members of the Communist Party began a strict supervision of my activities and gave me orders from higher Communist Party bodies; I was whipped back into line, temporarily;

That also aforementioned John Sherman, who I discovered was a Communist Party member when Donald A. Murray of the Federal Theatre Project communicated with me and asked me to assist him in facilitating Sherman's transfer to the Los Angeles Communist Party from the New York branch of the party; Allan Woodward, Negro, and Jay Moss, Negro, who had been employed on the Federal Writers Project, as well as said Velda Johnston and Dolph Winebrenner all assisted in keeping me from committing further un-Communist acts; later, John Henry Reese joined the project and became friendly with the Communist fraction thereon, but did not reveal himself to be a Communist Party member until several months later when he identified himself to me as a member of the disciplinary group of the Communist Party associated with Dr. V. A. K. Tashjian; thus I was surrounded and spied upon;

That after my transfer to the Federal Writers Project from the Federal Theatre Project, I was also transferred from Unit 130 to Unit 140 of the Professional Section; said Unit 140 being made up of Communist Party members of the Los Angeles Newspaper Guild, as follows:

Herbert Klein, Organizer, (he called himself a screen writer, claimed to have worked at Paramount Studios, and in 1941 was listed as Los Angeles correspondent for PM of New York);

Morrie Smolan, Membership Director; (he was, the last I knew of him, 1941, Circulation Manager for the *People's Daily World* in San Francisco);

Charles Judson, Assistant Membership Director; he was then and still is (1942) an editor on the *Los Angeles Daily News*; he lived at 717 Maltman Avenue, Los Angeles, and several unit meetings were held in his home while I was in the unit;

Marvin Carter, Dues Secretary; he was then on the *Los Angeles Daily News*, then went to the "Ham and Eggs" publication in Hollywood, then back to the *Daily News*;

George Shaeffer, Press Director; he is now, as then, with the *People's Daily World* in Los Angeles;

Tom Cullen, Literature Agent; at that time he was working on the C. I. O. *Industrial Unionist*; later he became Secretary of the American Peace Mobilization in Los Angeles, and is now (1942) employed on the *People's Daily World*;

Charles H. ("Brick") Garrigues, Political Campaign Director; this is the same Charles H. Garrigues who was at that time Executive Secretary of the Los Angeles Newspaper Guild; he was formerly in charge of publicity in San Francisco for the King-Ramsay-Conner Defense Committee;

Urcel Daniel, Fraction Secretary, for the fraction of the Los Angeles Newspaper Guild, which was composed of the membership of Unit 140 with a few exceptions;

The foregoing comprised the Buro of Unit 140, and the following, besides myself, were members:

Marion Shire, former employee of the *Los Angeles Examiner*;



Rose Boyd (Busch-Visschner), aforementioned;

Lou Seligson, *People's Daily World* employee;

Ed Robbin, Los Angeles Editor of the *People's Daily World*;

Lou Amster, member of the so-called "Free-Lance Unit" of the Los Angeles Newspaper Guild;

Sid Burke, former editorial staff member of the Hollywood Anti-Nazi League publication, *N. O. W.*;

Minna Klein, wife of Herb Klein who was Professional Section Membership Director;

Dolph Winebrenner, aforementioned editor of "*Light*," Young Democratic Club publication which followed the Communist Party line as religiously as does the *People's World*; he was, for a time, editor of *The Voice of the Federation*, publication of the Maritime Federation of the Pacific, which publication merged with the *Pilot*, of the National Maritime Union (C. I. O.);

Shugi Fujii, Japanese, Editor of *Doho*, Japanese language so-called "labor" publication; last heard of at Santa Anita Japanese internment center;

Two other Japanese whose names I do not know;

Karl Schlichter, former employee on the *Hollywood Citizen-News*;

William E. Oliver, Dramatic Editor of the *Los Angeles Herald-Express*;

And belonging to the Los Angeles Newspaper Guild Communist Party fraction, but not to said Unit 140, were:

Harold J. Salemsen, correspondent in Hollywood for *Paris-Soir*, in Paris;

Elliot Wax, aforementioned;

Jay Moss, aforementioned; Moss was said to be on leave of absence from the unit at that time;

Lillian Jones, Negro, worker on the Federal Writers' Project;

That during the time I was attached to Unit 140 the principal business of that unit and of the Communist Party fraction of the Los Angeles Newspaper Guild was to conduct the strike of said Guild against the *Hollywood Citizen-News* along Communist Party lines; to elect Communist Party delegates to the International Convention of the American Newspaper Guild in Toronto, Canada, and to establish proper Communist Party connections for them with Communist National leaders of said Guild;

That during the aforementioned strike against the *Hollywood Citizen-News*, two new members were signed up for the Communist Party, their application cards presented by Morrie Smolan, membership director, to Unit 140, and they were voted into said unit as of the time their training in the Communist Party would be completed; they were:

Roger Johnson, formerly employed on the *Hollywood Citizen-News*, later on State Relief Administration, staff member, and at present an appointee on the Los Angeles City Housing Commission; and

Philip M. (Slim) Connelly, then President of the Los Angeles Chapter of the Newspaper Guild, now President of the California C. I. O.;

That members of the Los Angeles Newspaper Guild who were referred to as Communist sympathizers and on whom the Communist Party fraction placed its confidence, were:



Tom O'Connor, now of *PM* in New York;

Mel Scott, who also became a State Relief Administration staff member;

Andy Barrigan of the *Los Angeles Daily News*;

H. R. (Hubert) Kotterman, Chairman of the Guild Unit on the Los Angeles Federal Writers' Project; and

John Cohee of the *Los Angeles Daily News*;

James Francis Crow, Dramatic Editor of the *Hollywood Citizen-News*, and who later criticized the Communists severely; however, during his period of favor with the Communists he became President of the Los Angeles Newspaper Guild;

That, in short, I discovered that the Communist Party exercised complete control over the Los Angeles Newspaper Guild, and only those high in Communist Party favor or Communist Party members could hold office in it;

That Morgan Hull, International Representative of the American Newspaper Guild, who left Los Angeles to take that position in either 1935 or 1936, had informed me, when I was a fellow traveler, that he was a member of the Communist Party, and that after the Guild victory in the *Hollywood Citizen-News* strike, I again encountered Morgan Hull, and he congratulated me on joining the Communist Party and discussed Communist Party affairs with me;

That because the Communist Party had branded aforementioned Theodor Robinson as a "Trotskyite" that the Communist Party fraction of the Los Angeles Newspaper Guild determined to oust him from Guild membership, no matter what the cost to the union; he had joined at a time when the Communist Party fraction was in the heat of the *Hollywood Citizen-News* strike; my comrade, Rose Boyd (Buseh-Vischner) stated to me that said Robinson was not to be allowed to function in the union and said in anger, "Go and see Dr. Parker and ask him how far Robinson is to be allowed to go in the Guild!";

That this clearly revealed to me that the Communist Party was operating the Los Angeles Newspaper Guild instead of its membership;

That I did consult said Dr. Parker (Dr. V. A. K. Tashjian) on several occasions, but each time I was either sent or called into his office; he was then chairman of the Los Angeles County Control Commission of the Communist Party; that said Dr. Tashjian stated to me in reference to Robinson's membership in the Los Angeles Newspaper Guild, "It is better for 85 workers (the number then on the Los Angeles Federal Writers' Project) to be without union representation than to allow ONE Trotskyite to remain in the union.";

That I learned that this attitude toward the so-called "Trotskyites"—mostly a bugaboo term used by the Communists to designate those who intelligently oppose Communist Party domination of unions or mass organizations—was caused by the pervading sense of guilt from which all Communists individually and collectively suffer; they are constantly in fear of being exposed for what they are, and anyone who calls them by their right names is designated a "Trotskyite" and fought with blind, fanatical fury;

That as a result of this domination by the Communist Party of the Los Angeles Newspaper Guild, and because of my rift with the Communist Party, 11 members of the Guild Unit on the Federal Writers

Project, including myself, were expelled from the Los Angeles Newspaper Guild, and our expulsion was upheld by each successively higher body of the American Newspaper Guild, including the last court of appeal, the International Convention; and that all along the line, during our trial in Los Angeles, during our appeals, and throughout the entire affair, the dominance of the Communist Party of that organization became more and more evident; that the attitude of the members of the American Newspaper Guild who were likewise Communist Party members was well expressed by Charles H. ("Brick") Garrigues when he was discussing with me my differences of opinion with the Communist leadership of the Los Angeles Newspaper Guild; he stated, "It is not the Guild that's important; it's the Communist Party.";

That long before my rift with the Communist Party widened into an open break, Communist Party members around me, as I have stated before, sought to counsel me, intimidate me, wheedle me, bribe me and lure me back into the fold; when one method failed, they would try another; that during the early Summer of 1938, a Communist Party member sought and obtained employment on the Federal Writers' Project, whose presence there I have never been able to satisfactorily explain; he was Eugene Schachner, former *Daily Worker* correspondent in Spain, who, according to his accounts, shuttled around over the world on Communist Party orders; he was a repulsive, over-bearing, prize-fighter type, and immediately started to become friendly with me; he invited me to go out with him socially, and I accepted once, then in the company of Velda Johnston and Dolph Winebrenner; as soon as the opportunity arose, he began to bully me about my association with aforementioned Theodor Robinson, the so-called "Trotskyite"; he implied darkly that I would be in for a terrible time, friendless, jobless, hounded from place to place, ridiculed and persecuted, if I persisted in my opposition to the wishes of the Communist Party; my answer was to throw a glass of water in his face and tell him to "do his damndest"; shortly thereafter, he departed from the Federal Writers' Project, saying he was returning to Spain; I next heard of him in Mexico City early in 1942;

That among the Communist Party fraction decisions made in meetings I attended which I recall at this time was one to "skip" a payment of \$100 to "Comrade Carey McWilliams" for legal services, because, as a Communist Party member, McWilliams would be willing to let the fraction use this money to send delegates to the Toronto convention of the Los Angeles Newspaper Guild; another was a decision to bring the aforementioned Communist Party member, Sam Kalish, into the Guild to teach non-Communist Guildsmen parliamentary law; this was done, and I attended some of the Guild meetings at which Kalish held forth;

That I attended a meeting of the Los Angeles Newspaper Guild held at the Hollywood Roosevelt Hotel in September, 1938, and had an opportunity to observe the manner in which the Communist Party fraction of that organization ruled it completely; the matter of an appeal to the Executive Board on the acceptance of the aforementioned 26 project workers into the Guild was one order of business, and in accordance with the Communist Party fraction decision, of which I

had been officially apprised, the Executive Board ruling, which ruling was presented by the Chairman, James Francis Crow, was to the effect that the project workers were not eligible for Guild membership in accordance with the Constitution; at that same meeting the matter of acceptance of the managing editor of the Hollywood Reporter came before the meeting; according to the Constitution of the American Newspaper Guild, of which I possessed a copy, a clause specifically stated that no person in position to hire and fire workers would be eligible for membership; however, the Communist Party fraction has discussed the usefulness of this particular person, Jack Cartwright, to the Communist Party at meetings I had attended, in view of the fact he was either a fellow traveler or Communist Party member and in view of the fact that he was to be used by the Communist Party to organize the Screen Publicists Guild in Hollywood, which organization was planned to be launched as an offshoot of the American Newspaper Guild; at the aforementioned meeting, the Executive Board ruling in relation to Jack Cartwright's membership was that he was eligible in spite of the Constitution "because he was sympathetic to labor"; and the membership, apathetic and dazed by the tactics of the Communist Party fraction, duly voted to reject 26 workers on the grounds of ineligibility and to accept one man who hired and fired workers "because he was sympathetic to labor"; in exactly that manner the Communist Party mocks the basic principles of labor unionism;

#### COMMUNIST PARTY POLITICAL COMMISSION

That during the Spring of 1938 while I was in the throes of severing my connections with the Communist Party, all manner of inducements were held out to me in order to entice me to remain within it; Charles H. ("Brick") Garrigues, whom I had known for a number of years, took special interest in my case and sought to iron out my grievances and to keep me in the Communist Party; he knew of my interest in local politics, and, as a member of the Professional Section Committee, "co-opted" me for work on the Professional Section Political Commission of which he was chairman; it might be explained here that the word "co-opted" is derived from a Russian word meaning to draft, or to command, and has become accepted in the Communist Party of United States; I discovered that all important positions are filled in the Communist Party by "co-option" rather than by election;

That membership in said Professional Section Political Commission was (beside myself):

Charles H. ("Brick") Garrigues, Chairman;

Miriam Holtz, Secretary (she later became one of the correspondence secretaries for Governor Culbert L. Olson in Sacramento, and I have seen her signature on letters for the Governor);

Norman Byrne, aforementioned professor of anthropology at Los Angeles City College and American Peace Mobilization leader in 1940 and 1941;

Naomi Childress, common-law wife of said C. H. Garrigues;

Dr. Simson Marcus, brother of aforementioned Dr. Samuel Marcus; his present business address is 314 North Fairfax, Los Angeles;

Dolph Winebrenner, aforementioned editor of "*Light*," Young Democrat publication;



Jane Wallace (Wilson), then organizer of the Professional Section;

That the purpose of said commission was to educate the membership of the Professional Section to carry on work in the various "bourgeois" political institutions of California without being detected as Communists; for instance, those Communists sent into the Young Democrats and into the Democratic Party proper, could not afford to risk detection by using Communist vocabulary in speech, the use of such a term as "functionary" for "official," for instance, might expose them; therefore this Commission prepared educational papers to be used as a manual within the Professional Section; also Garrigues, Byrne and myself arranged to appear before each unit of the Professional Section, each one taking several units, and to conduct this "educational" on methods of camouflage, as it were;

That, for instance, I recall that Garrigues conducted the sample educational first for said Professional Section Political Commission, then again in Unit 140; I obtained a list of names of Unit organizers from Jane Wallace (Wilson) and from Jane Howe, then understudy organizer of the Professional Section, and made arrangements to attend the unit meeting to give the educational; the units I attended were the "Hash" Unit, of which Grace Brown was organizer (she was at that time the common-law wife of Sven Skaar, who had left the Historical Records Survey); the Architects and Engineers Unit, of which members of the CIO Federation of Architects, Engineers and Technicians, who were Communist Party members, belonged; besides several whose names I do not recall, I remember the following persons as members of that Unit:

Jules Kievits, later a Regional Director for the State Relief Administration;

Paul Williams, Negro architect;

Dr. Lao Selfrid, then an instructor in chemistry on WPA said to have gone to Mexico; Dr. Selfrid informed me that he was from Austria originally and that he had spent much time in Mexico working in oil refineries;

Paul Pinsky, now CIO State Research Director;

That I also attended the meetings of the two social workers' units, but in view of the fact the Communist Party policy is to conceal, rather than to reveal names, I did not learn the names of those persons; NEVER are comrades within the Communist Party introduced to each other with last names; occasionally party names are used even for first names; only when the comrades are apt to meet in the non-Communist world, which was the case with those mentioned above, are true names used; I might interject that this air of stifling secrecy lends to the Communist Party the atmosphere of dark, devious, underground illegality; it appeals to the infantile romantics whose egos are bolstered by lawbreaking, but I found that most persons of American background and training were disgusted with it;

That in addition, I contacted Carey McWilliams, whose name was given me by Jane Howe as organizer of the Lawyers' Unit (and to which, I was told, Communist Party members of the National Lawyers' Guild belonged); and, after I explained the nature of my business, he informed me that their unit meeting would be held on a certain night in the home of J. Allen Frankel on South Orange Drive, Los



Angeles; however, I was unable to attend, and called Leo Gallagher asking him to give the "political educational," which he agreed to do; it is almost needless to say that this is the same Carey McWilliams who is now California Immigration and Housing Director and a leader in the National Lawyers' Guild;

That another order of business before said Professional Section Political Commission was to endeavor to correct the organization status of Oliver Thornton and his common-law wife, Elenore Bogigian within the Communist Party; it appeared that Paul Cline, Los Angeles County Organizer of the Communist Party at that time, was consulting Oliver Thornton on political matters, and that other functionaries of the party did not feel Thornton was sufficiently disciplined as a Communist to merit such trust; our commission therefore obtained his Communist Party Book (in what manner I do not know, as it was brought to the meeting by Garrigues) and, upon inspecting it, noted he was behind in dues; the Commission therefore decided I was to present this book to Paul Cline and urge Cline to speak to Thornton about getting his dues paid up, and other technical organizational matters; that this would serve as a double rebuke, impressing upon Cline the matter of his own laxness as a Communist, and of getting Thornton back into the Communist Party disciplinary range; it is my recollection that I sidestepped this assignment, however; I do not recall discussing the matter with Cline;

That at a period a few weeks later than the organization of aforesaid Professional Section Political Commission, the Los Angeles County Political Commission was set up by the Communist Party; Emma Cutler was the first chairman of this commission, but she soon left Los Angeles for the San Joaquin Valley, and this chairmanship was turned over to Al Lane (Lewis); both the foregoing were "co-opted" by the Los Angeles County Executive Board of the Communist Party; I was designated as the representative of said County Commission for the Professional Section Political Commission;

That other members of said Los Angeles County Political Commission, which met in the home of Al Lane (Lewis) at 3989 Denker Avenue, Los Angeles, were (beside Lane and myself);

Jane Wallace (Wilson), Professional Section Organizer (here I might say that she admitted to me she was the sister of John Broman (Wilson), columnist on the *People's Daily World*);

James Burford, then employed by the Los Angeles Community Chest and active in the Young Democrats, Inc.;

Joseph Ayeroff, likewise active in the Young Democrats, Inc.;

Dr. Lao Selfrid, aforementioned;

Lou Baron, representative of the Trade Union Commission;

Al Bryan (Ryan), County Educational Director for the Communist Party;

Barney Brown, representative of the County Cultural Commission of the Communist Party;

Allan Mathews, active in the Democratic Party;

Jules Kievits, aforementioned, also active in the Democratic Party;

Emil Freed, organizer of the Hollywood Section of the Communist Party;

Philip Dunne, screen writer and representative of the Motion Picture Democratic Committee, sat in one meeting, and

Robert Tasker, screen writer, partner and brother-in-law of John Bright, attended another meeting as the representative of the Motion Picture Democratic Committee;

That this aforesaid commission assumed responsibility for the Communist Party participation in the recall of Mayor Frank L. Shaw and the election of a "Popular Front" candidate to replace him;

That this commission also assumed the responsibility for the much greater task of electing a "Popular Front" slate to State offices, and indorsed Culbert L. Olson for Governor, Ellis E. Patterson for Lieutenant Governor and various other candidates for lesser offices;

That said commission assumed responsibility for the conduct of the campaigns of such persons, designated as Communist Party members, as: LaRue McCormick, then Secretary of the International Labor Defense in Los Angeles, which office she still holds;

Rose Segure, who was running for an Assembly seat; later she became a high official in the State Relief Administration;

Ellis E. Patterson, designated as a "comrade," but whose campaign this commission endeavored to make appear as non-Communist (in fact, one order was transmitted from this commission through Communist Party channels as follows: "Tell the comrades to stay out of Comrade Patterson's campaign headquarters, as it may expose him if we congregate there."——);

Emil Freed, member of the commission who was running for office on the Communist Party ticket;

That said commission decided on Communist Party "plants" to be installed in the campaign headquarters of various Democrats; I recall in particular the decision to send Larry Buchanan, whom I had met as a Communist Party member on several occasions, into the office of Frank Scully in order to insure Communist Party domination of that campaign;

That one of the main orders of business of said commission was to manipulate the Young Democrats, Inc., throughout California by giving directives on strategy to James Burford and Joseph Ayeroff, fractional leaders of the Young Democrats, Inc. This organization and its publication, "*Light*," which was in Communist Party hands through the editorship of Dolph Winebrenner, were used by the Communist Party to "carry the load," as it were, of Communist Party program in the 1938 elections in California;

That along that line, said commission transmitted through Communist Party channels various decisions in regard to the Young Democrats, Inc., to Claudia Williams, said to be the Communist Party fractional secretary of that organization in San Francisco;

That also similar directives were directed to Charles Saphirstein (whom I had also met through James Burford as a Communist Party comrade), and who at that time was active in the Young Democrats, Inc., somewhere in the San Joaquin Valley area; likewise, directive was sent to Al Shanks, also in the Young Democrats, Inc.;

That along that line it was interesting to me to note that after the pact between Russia and Germany and hence the Communist Party line changed, persons with whom I had had contact in the Communist

Party and who belonged to the Young Democrats, Inc., withdrew from that organization and formed the Democratic Youth Federation in California, which organization turned back to the Young Democrats after Germany attacked Russia, thus changing the Communist Party line back to collaboration with democratic forces; in that manner, the direction of all organizations under the domination of the Communist Party indicates that they serve as foreign agencies for the Soviet Union;

That the aforesaid Los Angeles County Political Commission had full control of the policies of the Motion Picture Democratic Committee of which aforementioned Philip Dunne was Chairman, and Melvyn Douglas another prominent official; our commission made all decisions on policy and direction of this organization, planned resolutions for it and transmitted same to that organization through either the representative present or through Communist Party channels, directed, it was announced in meeting, to Maurice Murphy, a "comrade," who was Executive Secretary of the Motion Picture Democratic Committee; it is worthy of note that said Maurice Murphy later became the Executive Secretary of the aforementioned League of American Writers, Hollywood Chapter, which I know of my own knowledge to be a Communist Party-controlled organization;

That our said commission discussed ways and means of influencing various prominent persons in the Democratic Party—I recall in particular Walter Ballou—and frankly discussed the past record, weaknesses and stupidities of such persons with a view toward controlling them; one of the tactics most frequently planned as a method of controlling a political figure was to invite him to a Communist Party fraction meeting, planning on revealing to him after he had been lured into the meeting, that he was sitting in an "open" fraction meeting, and giving him to understand that this fact would be used against him unless he did the bidding of the Communist Party;

That at that time I realized that few Americans who had been reared to believe the best in their fellowman could withstand such Machiavellian cynicism in politics, and realized full well that such scheming, unprincipled political manipulators would be very successful in politics; at that moment I realized the true meaning of Georgi Dimitroff's "Popular Front" speech; he MEANT that the Communists could accomplish more by devious indirection than they could by standing on a soap box and shouting for revolution, as they had in the past; but by that time I also realized that there was no hope of finding honesty or frankness within the Communist Party; heretofore I had put down much of the things with which I was dissatisfied to "lack of development" and to the "wrong interpretation of the Communist Party line"; now I knew that the higher one went, the worse the corruption;

That the fates of many political figures were decided at meetings of aforesaid commission, in view of the fact the Young Democrats, the C. I. O., a large bloc of the motion picture colony as well as of the Democratic Party itself could be manipulated by these Communist schemers; our commission had the facilities to reach every one of the supposed 3,000 Communist Party members in Los Angeles County with directives—"musts"—and these individuals, in turn, because each



one of them was as active or more so than myself, influential in several organizations, could multiply his influence by several hundred; thus our Los Angeles County Political Commission of the Communist Party was determining a large part of the policies of Los Angeles City and County and the State of California;

That we sent suggestions and directives to Robert W. Kenny who was running for State Senator and he was regarded as one amenable to suggestions, that is, either a Communist Party member or a close fellow traveler;

That we sent directives to William ("Bill") Mason, chairman of a large Democratic Club in Santa Monica, who was referred to as a Communist Party comrade;

That we sent directives to Don R. Healy, Secretary of Labor's Non-Partisan League of Los Angeles County, which, in turn, influenced a large bloc of votes in the C. I. O.; and through Lou Baron and the facilities of the Los Angeles County Trade Union Commission of the Communist Party, we designated the best possible means for Communist Party members within the A. F. of L. to present Communist Party program within their unions; Herb Sorrell, Business Agent for the Studio Painters' Union, was regarded as the only Communist Party comrade in an A. F. of L. Union in Los Angeles who could put over the entire "Party line" in his union;

That the Unemployed Conference of Studio Unions which later became known as the "COMPAC" was referred to by our said Commission as an organization which could be "counted on" to put over Communist Party program; said Herb Sorrell, as well as the aforementioned Frank Tuttle were active in that organization;

That individuals who were "liberal" merely because of their humanitarian impulses could be brought under the Communist Party political influence through such organizations as the United China Relief and the Friends of the Abraham Lincoln Brigade; that Jewish people could be influenced through their hatred of Nazis through the Hollywood Anti-Nazi League; that Mexicans could be influenced through the Spanish Speaking People's Congress; that Negroes could be influenced through the National Negro Congress and the Japanese-American voters through the publication, DOHO; women, especially housewives, could be reached through the League of Women Shoppers; and so on, to say nothing of the 21-year-old youth which the Communist Party tried to reach through the youth assemblies, which later became the California Youth Legislature, member of the National Communist controlled American Youth Congress; that I know from Communist literature and from official Communist statements that all the foregoing organizations were at that time controlled by the Communist Party;

That we discussed some briefly, some at length, the role, in relation to Communist Party program, the Los Angeles Newspaper Guild, the National Lawyers Guild, the Screen Writers Guild, the Screen Actors Guild, the Screen Directors Guild, the Teachers Union, the International Alliance of Theatrical Stage Employees Progressive Caucus headed by Jeff Kibre; the C. I. O. Council, the Musicians Union, the Culinary Workers Union, as well as the Workers Alliance and the new-born Communist coordinating body for WPA, the Arts Unions Council;



That those were our implements; our methods were described previously as basely cynical; the coating of idealism which was wrapped around Communist Party plans when they were handed down to the more tender comrades with whom I had previously associated was now left off; without so much as a reference to the Communist Party "enabling act," that is, Lenin's statement that "the end justifies the means," this commission plunged into the California political field to build a secret, camouflaged, efficient political machine;

That we probably had less than a thousand active Communist *cadres* (a Communist Party term to indicate a human unit, which is a "thing," not a being, in Communist thought) in the entire southern California area who were adept enough in parliamentary tricks, smooth enough to camouflage the Communist Party line, daring enough to face and bluff out attacks, cynical enough to proceed on orders without idealistic justification, and who were tied, hand, brain and hide, to the Communist Party. We had to juggle them around, give each many roles to play, coordinate all work in order to make the Communist Party camouflaged machine sound like a million votes. It required more than training or even long experience in even the cleverest and slipperiest of American type political maneuvering. We had access to, and drew from, the Communist Party's Asiatic form of intrigue: the use of teamwork in a combination of brazen effrontery and sly, psychological tricks. Al Lane (Lewis) claimed he spent a number of years in Moscow, and he laid claim to knowing how to maneuver "scientifically"; I believe he does, and the history of California during the Olson regime has proven that Al Lane and others of his kind were successful;

That beside those persons previously mentioned as having obtained State appointments, others whom I knew to be Communists or fellow travelers who received appointments from Olson were:

William J. Plunkert, in the State Relief Administration;

Alice Orans, of whom I heard in the Social Service Units of the Communist Party;

Allen Metcalfe, "Young Democrat" to whom the Communist Party members referred as "comrade";

Esther Sapiro, whom I met on one occasion within the Communist Party;

Frank Taylor, who identified himself to me as a Communist Party member;

Al Shanks, aforementioned;

Sam Kalish, aforementioned;

James Burford, aforementioned;

Jules Kievits, aforementioned;

Miriam Holtz, aforementioned;

Katherine Kilbourne, aforementioned;

Rose Segure, aforementioned;

Carey McWilliams, aforementioned;

Martin Irons, aforementioned;

Marguerite Clark, aforementioned;

Elenore Bogigian, who received an appointment to an administrative position on WPA as Herbert Legg's secretary;

Claudia Williams, aforementioned;

That undoubtedly there were many other Communist Party members who received important California State positions with whom I had contact, but whose real names I did not learn;

That it should be mentioned here that spreading over all like a protective canopy was the Communist Party press, the *People's Daily World*, in California; all Communist Party members must subscribe to it; all must donate a day's pay to it; all must read it and believe it; and all must take part in compiling information for its "news" columns; it was looked upon as the "voice" of the camouflaged Communists in California, and like the Communists, it denied its Communism;

#### COMMUNIST PARTY CULTURAL COMMISSION

That simultaneous with my membership in the aforementioned said political commission, I was drawn into the Los Angeles County Cultural Commission as a representative from the political commission; that this commission was organized to fill the need expressed by Mary Virginia Farmer, mentioned previously: To coordinate the work of the Los Angeles County apparatus of the Communist Party with that of the underground, darkly secret Hollywood Cultural Commission, which in turn was part of the Communist Party apparatus in Hollywood, which, according to Communist knowledge generally, dealt directly with the Central Committee of the Communist Party of the United States rather than with the local apparatus; therefore, this form of coordination was highly necessary from an organizational point of view;

That members of said Los Angeles County Cultural Commission, beside myself, were:

Miriam Brooks, now wife of Jack Moore, 1941 Los Angeles county secretary of the Communist Party; she was then a member of the Musicians Union, A. F. of L., and worked on the WPA Music Project in Los Angeles; meetings were held in her home on North Coronado;

Leona McGenty, aforementioned, who represented the Communist Party fraction on the Federal Theatre Project;

Howland Chamberlain, member of Actors Equity;

Darby Jones, member of Screen Actors Guild;

Barney Brown, in charge of Communist Party theatrical work; also co-representative with me from the political commission;

Charles Maddox, member of the Artists Congress and a worker on the WPA Federal Art Project;

Roth Reynolds, Artists Congress, unemployed, who has since become chairman of a downtown "Forum" in Los Angeles;

Kenneth Patterson, actor;

Dr. Lao Selfrid, aforementioned;

Sid Davidson (Martin), member of the Los Angeles County Educational Commission;

Marvin Carter, member of the Los Angeles Newspaper Guild;

Sonora Babb (who also used another name), member of the League of American Writers;

Several others whose names I do not know;

That the tasks of this commission were to devise means of coordinating Communist Party work in the "arts"; to assist with theatrical entertainment containing Communist Party propaganda for labor

unions, for meetings of various mass organizations and for political rallies;

That this commission organized the Arts Unions Council, supposed to act as a coordinating body for various WPA unions; in other words, it was a Communist prop to bolster the failing Cultural and Professional Projects Association which had now reached its goal and was part of the Workers Alliance; since project workers on the cultural projects rejected this union, the Communist Party devised the Arts Unions Council, supposedly a delegated body, and took in delegates, which in most cases were the Communist Party fraction members from the Los Angeles Newspaper Guild, Federal Writers Project unit; the A. F. of L. Musicians Union of which a number of members were on the music project; Actors Equity, of which a number of members were on the Federal Theatre Project; the Artists Congress of which members were on the Federal Art Project, and of course, the Workers Alliance; said Arts Unions Council later became the nucleus of a Nation-wide organization to "Save the Federal Theatre Project" after exposures of Communist Party manipulation of said project made it necessary for Congress to abolish it;

That this said cultural commission also coordinated work of the League of American Writers, both in Hollywood and among free-lance writers throughout Los Angeles; I do not know if any non Communists belonged to this organization. I never knew a member of it who was not active in Communist Party work;

That there was considerable time spent in said cultural commission plotting a method whereby the Communist Party fraction within the Musicians Union in Los Angeles, of which said Miriam Brooks was a member, could gain control of that organization;

That also considerable discussion dealt with setting up a Communist-controlled art center in Los Angeles to offset the so-called "reactionary art" sponsored by the late General Otis and Harry Chandler;

That, inasmuch as this said commission was composed solely of Communist Party members, a great deal of time was spent speculating on the bugaboo, Trotskyism; I gathered from the childish, frightened statements of my comrades that they feared the influence of Leon Trotsky would envelop the field of art; and that a great part of said fear apparently was engendered by the fact that I was collaborating on a play with aforementioned Theodor Robinson, whom the Communist Party had branded a "Trotskyite";

That I recall in particular one two-hour lecture by Sid Davidson (Martin) which reminded me of the children's scare phrase, "The goblins will get you, if you don't watch out!"; this was all done to impress and frighten me and to cause me to cease work with Robinson, but it had the opposite effect; I laughed at my comrades, who were frightened white by the "scare tale" of what Trotskyists do to "art," and after that I was "too busy" to attend said Cultural Commission meetings;

That I was by that time violating Communist Party discipline without regard for consequences; in fact, I hoped I would be expelled;



that would be a way out; however, my comrades continued to pull me into other Communist Party work, evidently in the hope I would "see the light" and wax enthusiastic once more;

#### TROTSKYISM IN WRITING

That one such meeting which may or may not have been staged for my benefit, but which had for its main topic of discussion "Trotskyism in Writing" was called by the aforementioned Sonora Babb, though she was not present, and held in her home in Hollywood; the avowed purpose of that meeting was to stimulate interest in the League of American Writers in Los Angeles; those present beside myself were:

Theodore Pezman, aforementioned writer on the play, "*Sun Rises in the West*" and present employee in the United States Employment Service;

Harry Tarnoff, who called himself a writer, but who showed no ability at that meeting;

George Shaftel, who is well known in Los Angeles for his membership in writers' organizations, but whose writings are unknown;

Betty Rosenhouse, who laid no claim to writing ability but who frankly stated she intended to become an official in the League of American Writers;

Several women whose names I do not know;

That as stated previously, the entire topic of discussion was the cataclysm of "Trotskyism" in writing; I gathered that this meant exposure of the Communist Party in writing, and I believe it was on that occasion I decided to use what ability I had as a writer to do just that;

That the foregoing is an example of the Communist Party member's approach to art, writing and the theater; they are mediums through which to express Communist Party propaganda; they are fields to monopolize, nothing more;

That by this time, Summer of 1938, the matter of layoffs on WPA which always hit at the end of the fiscal year, June 30th, had the Federal Writers Project in a broil; due to the fact that so many project members had been rejected by the Los Angeles Newspaper Guild and because the Cultural and Professional Projects Association had no hold on the Federal Writers Project, workers turned to another form of union expression and eventually evolved an independent union, the Federal Writers Project Union, but in the throes of its organization the Communist Party fraction on said project created much to-do; for one thing aforementioned Elliot Wax and Lillian Jones attended the organizational meeting of the aforementioned Arts Unions Council as representatives of the Federal Writers Project (without the knowledge or consent of anyone on the Federal Writers Project except the Communist Party fraction thereof), then attempted to force upon the Federal Writers Project the commitments they had made in this organization; needless to say, there was much fuss over that point;

That about that time Rose Boyd (Busch-Vissehn) who had set herself up as dictator of the Federal Writers Project, called meetings of said project into which outside Communists would be called; I recall Leona McGenty was called into one; another time Mrs. McGenty, then organizer for the Workers Alliance on the Federal Theatre



Project, sent Al Haieg, a new recruit into the Communist Party, as her representative; another time aforementioned Paul Pinsky was inveigled to take a bow; another time Lew Michener, who attended our Communist Party fraction meeting, and who was then C. I. O. Council Secretary in Los Angeles, participated; that all I recall this accomplished was to make non-Communist project workers very bitter against the Communist Party;

#### COMMUNIST PARTY COMMISSIONS

That before passing to a more personal phase of this account, I wish to make the point that the aforementioned COMMISSIONS, of which there were many, were used as a superstructure, coordinating apparatus to by-pass the more ponderous process of so-called "Democratic Centralism," which was nothing more than a process of dictatorship; by this process, orders from Moscow were supposed to come to the Communist Party National Central Committee in New York where they would be interpreted and policy for the Nation worked out in accordance; then they proceeded down the line to the unit, the basic structure of the Communist International, then the unit was supposed to evolve means of implementing the orders (never on whether or not it would accept the order), and pass this decision on to the fractions which this unit controlled, and then the fractions would take the decision into unions or other organizations as "individual" opinion; the aforesaid COMMISSION cut much of this red tape, enabled the Communist Party fractions to get orders from the Commission to which the secretaries thereof were attached without waiting for a unit meeting; there were many other ways the COMMISSIONS cut red tape of the old Peters Manual (a manual of organization of the Communist Party);

That I attended the Professional Section Convention and also the Los Angeles County Convention of the Communist Party, the latter being held around May 1, 1938, the other about two weeks earlier; that I recall at the Professional Section Convention it was brought out there were two hundred ten (210) members of that section; work of the section has been outlined previously and unions under its control indicated;

That at the Los Angeles County Convention of the Communist Party, held at 121 W. Eighteenth Street, Los Angeles, I encountered a number of comrades who have been mentioned previously: I recall that Herb Sorrell was doorman at the session I attended, and accepted my credentials; that the membership of the Communist Party was estimated at around 3,000 at that time; that plans were discussed for developing a more efficient political pressure machine, on which subject Paul Cline spoke;

That some time during the Summer of 1938 I met aforementioned Hugh Mason at a Communist Party social gathering; he informed me that he was a member of the Communist Party fraction of the aforementioned Conference of Studio Unions which was at that time called "COMPAC," and that Charlotte Darling, a worker at Disney's Studio, was the secretary of said fraction; that he advised me to get in touch with said Charlotte Darling in order to establish a closer contact between aforementioned Los Angeles County Political Commission of the Communist Party and the Communist Party fraction of COMPAC;

I telephoned Miss Darling and on several occasions discussed Communist Party affairs with her, and noted that decisions from aforementioned Political Commission were very quickly transformed into action within COMPAC, according to news reports of same;

#### CONTROL COMMISSION

That during the time I was in disagreement with the Communist Party's line and tactics, that is, from the Spring of 1938 through the Summer, Dr. V. A. K. Tashjian telephoned me many times commanding my appearance at his office; the first time I went before Dr. Tashjian (Dr. Parker) in his official capacity as chairman of the Los Angeles County Control Commission of the Communist Party, was when Howland Chamberlain, then Membership Director of Unit 130, to which I was attached until about March, 1938, escorted me to Communist Party headquarters at 124 W. Sixth Street, Los Angeles, to interview "Dr. Parker" about the so-called "Trotskyite," Theodor Robinson; on that occasion Dr. Tashjian, whom I instinctively distrusted, informed me that Robinson had been branded officially by the Communist Party as a "Trotskyite" and that I was to break off all relations with him; that from that moment forward I had no respect whatsoever for the decisions or impassioned ravings of my comrades with respect to said Robinson; that I ascertained to my own satisfaction, after examining correspondence and documents, some of which were signed by said Dr. V. A. K. Tashjian, that said Robinson, who stated that he had been friendly to the Communist Party in 1933 when he was in college at Los Angeles, had loaned to said Dr. V. A. K. Tashjian the sum of \$500, for which said Dr. Tashjian had given his personal note, which note I saw; that said Robinson informed me that when he attempted to collect that sum of money, Dr. Tashjian had screamed that it was a donation; that Robinson had pressed the claim unsuccessfully, from Chicago, where he then lived, and that thereafter the members of the Communist Party to whom he had been friendly began to shun him; that I had in my possession at one time a letter on the stationery of the Communist Party of Illinois to Theodore Pezman, fractional secretary of the aforementioned Southwest Unit of the Federal Theatres, signed by the Illinois State Secretary of the Communist Party, saying that Theodor Robinson was to be prevented from obtaining employment in Los Angeles because he was a "Trotskyite"; Pezman presented me with that letter ordering me to show it to Robert Brownell, aforementioned supervisor on the Federal Writers Project, in an effort to dislodge said Robinson from his position on said project; this command I disobeyed, and the letter was finally turned over to Federal authorities; that then and there I learned how "Trotskyites" are manufactured by the Communist Party;

That in about July of 1938, by which time I had grown completely contemptuous of Communist Party commands, that a Mollie Prager, of whom I had heard much in the Communist Party, appeared at the Federal Writers and stated flatly that she was ready to move into my flat at 1323 W. Fourth Street and that she would live with me; my only response was, "Like hell you are, and if you want to run into a hornet's nest, just try it.";

That I had heard much discussion within the Communist Party of that method of whipping recalcitrant members back into line; that I had heard that not infrequently members of the opposite sex were ordered to make love to the backsliding member and to report intimate conversations to the Control Commission; that after I had resisted the advances of aforementioned Eugene Schachner, I came to the conclusion that the Control Commission had resorted to the next best thing by sending said Mollie Prager to me;

That the last I heard of said Mollie Prager was in 1939 when she was a stenographer in the office of the Los Angeles Board of Education;

That the aforementioned John Henry Reese, who had appeared at the Federal Writers Project under peculiar circumstances, in that he had not gone through regular WPA channels to obtain his employment, pretended to be a Communist Party fellow traveler, and constantly flitted around the vicinity in which I was working on the project; he became very friendly with Velda Johnston, who, in turn, remained an associate of mine, and frequently said Reese invited me to go out socially with Velda Johnston and himself, which I did;

That on the morning of August 4, 1938, said John Henry Reese entered the office I shared with Robert Brownell, and with an apologetic laugh, stated: "The time has come when you must choose between your comrades and that Trotskyite, Ted Robinson."

That I asked, "What do you mean?" and he began, "Dr. Parker says——"

That he got no further. I interrupted, saying, "Go back and tell Dr. Tashjian that my Communist Party book will be in the mail tonight." That in accordance with that threat, I mailed my Communist Party book, which was in the name of Irene Wood, and which dues were paid up through June, 1938, to the Professional Section Membership Director, the aforementioned Minna Klein, at the Professional Section post-office box in the Hollywood Substation Post Office;

That said John Henry Reese departed from said Federal Writers Project very soon thereafter, and I heard he was working in the office of Ellis E. Patterson; that I encountered him some time in the fall of 1938 on the street, when he ordered me to accompany him to Dr. Tashjian's office; I refused; that this same John Henry Reese is now employed in the United States Department of Internal Revenue, which fact I established some time in January, 1942, by calling that department on the telephone; said Reese answered and attempted to discuss the matter of my 1941 income tax with me; that the last time I saw said John Henry Reese was at noon on February 24, 1942, when the Assembly Fact-Finding Committee on Un-American Activities recessed for lunch, and immediately after hearing the testimony of Dr. V. A. K. Tashjian, aforementioned;

That said John Henry Reese was standing alone in the corridor outside the hearing room in the State Building, Los Angeles; I left the room ahead of the crowd and evidently surprised him at his post; he carried papers of the Internal Revenue Department in his hand; he asked me what Tashjian had said, but I did not reply;

That shortly after I returned my Communist Party membership book to Minna Klein, the aforementioned C. H. ("Brick") Garrigues called



on me at my residence, then 1247 Huntley Drive, Los Angeles, and pleaded with me to return to the Communist Party; he informed me that it was the decision of the Professional Section Committee that I could continue my writing collaboration with said Theodor Robinson, if I wished, and that I could have any assignment in the Communist Party which I might want; I informed him I wanted no assignment within the Communist Party; that I wanted to forget my association with it;

That the aforementioned Walter McElroy, who was then Supervisor of the Federal Writers Project in San Francisco, came to Los Angeles and called on me at 1247 Huntley Drive, and stated he could arrange my transfer in WPA to San Francisco if I desired, that he could put me in touch with William Z. Foster, General Chairman of the Communist Party of United States, who was resting in California, and that I could arrange to work directly with Foster if I desired; I told McElroy that I had no desire to meet William Z. Foster or any other Communist Party official; that I wanted to be let alone to go my own way;

That shortly after I returned my membership book in the Communist Party, Dr. V. A. K. Tashjian called me by telephone and commanded me to come to his office in the Hillstreet Theatre Building (2d Floor, 815 South Hill Street), which I did; he escorted me into his dentist chambers and there alternately cajoled and threatened me and endeavored to discover how much I knew of Communist Party secrets; he stated that I could take an assignment in the Communist Party to report direct to him, if I wished, which assignment would be spying on other Communist Party members; he stated that if I persisted in my hostile attitude to the Communist Party that I would be expelled from the Los Angeles Newspaper Guild (which expulsion process had not yet started) and that I would be deprived of an opportunity to make a living in Los Angeles; my arguments came to naught with him, he would not listen to my criticism of the Communist Party;

That said Dr. Tashjian formed the habit of calling me by telephone at such hours as two or three o'clock in the morning, and would say in a voice full of mystery, "I want to see you, comrade." That on every occasion he telephoned me I agreed to talk to him in his office after working hours, but that each interview was a repetition of the last one; on one occasion I recall that we were discussing the dishonesty of the "Popular Front" program of the Communist Party, and Dr. Tashjian replied that "We trained revolutionaries know that bourgeois governments must be overthrown by force"; that I knew he meant also the Government of United States because it is always mentioned in Communist Party literature as a "bourgeois" government; that I then and there ceased argument with Dr. Tashjian;

That some time in October, 1938, said Dr. Tashjian requested my appearance in his office; I went, and he informed me that my activities in the Los Angeles Newspaper Guild in opposition to the desires of the Communist Party fraction therein indicated that I was a "Trotskyite"; he did not inform me that I would be, or was, expelled from the Communist Party, but I later heard him testify under oath that he had expelled me from the Communist Party for "Trotskyite" activities;

That shortly thereafter, Robert Brownell, who had been extremely friendly and deferential to me during my membership in the Communist Party, informed me that I was no longer his editorial assistant on



the History Essay of the Los Angeles Guide, and that I must move my desk out of his office, which I did; that I was put on the most menial sort of research work; that my research notes were frequently "lost" at the project, and that all manner of obstacles were thrown in my path at work; that my salary was reduced from \$94 monthly to \$85 monthly by Brownell, and that I was assigned to work under the Negro woman, Lillian Jones, a former Communist Party comrade; that during my association with said Brownell he informed me that he had acted as Secretary to Harry R. Bridges in San Francisco;

That Communist Party members whom I had known within the party hounded my footsteps, both at work and during my leisure time; wherever I went, I would look up and there would be a former comrade staring at me; sometimes it would be Donald A. Murray, sometimes Theodore Pezman, sometimes Leona McGenty, but more frequently, as I worked at research in the Los Angeles Public Library, I would see Eugene Linder, former member of Leo Gallagher's office staff, watching me from a corner in the room; this childish form of hide-and-seek did not particularly annoy me, although I knew it was intended to do so;

That one Ramon Welch obtained employment on the Federal Writers Project and attempted to draw me out on my opinion of the Communist Party, but I noticed that he made contact with Leona McGenty and other Communist Party members who frequented the Los Angeles Public Library, and therefore I did not become friendly with said Welch; this is the same Ramon Welch who is now Secretary of the Spanish Speaking People's Congress in Los Angeles, which I know to be a Communist organization;

That some time in the Spring of 1939, one Maurice ("Jerry") Kaplan, sports writer on the *People's Daily World*, whom I had known slightly within the Communist Party, approached me at my work in the Los Angeles Public Library; he first made a reference to my opposition to the Communist Party fraction of the Los Angeles Newspaper Guild, then stated that he would "hate to see anything happen to me"; I drew him out, and he stated he meant he would hate to see me meet with a fatal accident, but that such might be the case if I persisted in my opposition to the Communist Party;

That I was somewhat taken aback, mainly because this death threat followed so closely the pattern used by the underworld during the days of bootleggers, not because Kaplan was threatening my life; it then dawned on me suddenly that the Communist Party bore many striking resemblances to the gangs of Al Capone, "Bugs" Moran and others, and that many Communist Party members were true "gangster" types, including Maurice ("Jerry") Kaplan; that realization probably shaped my reply;

That I said to Kaplan: "You've got a powerful mob, pal, thousands of devoted mobsters, hundreds of venal politicians who'll play your game, a powerful press, and a hold on a lot of unions——"

That he agreed with me gleefully, apparently under the impression that I realized I could not combat such a force, then I shot at him: "Well, roll out your artillery, boy, there's going to be a war!";

That there was a war between myself and the Communist Party, and that my slogan is "never surrender";

That the so-called "party line" is taught to members of the Communist Party in new members class in such a way as to instill in the novitiate Communist a mystical awe of the "word from Moscow" and in such a way that the Communist Party member will never dare to question its wisdom; for instance, the new member is told immediately, as soon as he signs the application card to join the Communist Party, by the person who recruits him, that he is placing himself in the hands of the Communist Party, that he must accept its judgments and rely on its wisdom, that he must obey Communist Party orders as he would military command, for he is entering an army that is in a war, that he is dedicating himself, his brain as well as his hands, to a cause for which he must be willing to give his life if necessary; that there are special Communist Party terms to convey these meanings, but which terms are incomprehensible to the uninitiate;

#### COMMUNIST SCHOOLS

That in the first new members class I attended, aforementioned Sid Davidson (Martin) explained the foregoing matters to the assembled class, whose names are mentioned previously, that is, he informed us we had joined the Communist Party and that meant we had dedicated our lives to the cause of said party; that we were subject to the discipline of said party and that we must obey all party decisions as conveyed to us through official party channels without question, and that we must put implicit faith in the decisions of said party leaders because they were better informed than we on what our activities should be;

That in said new members class we novitiate Communists learned from our official manual and from our teacher, Sid Davidson (Martin) that the Communist Party of United States of America is an integral part of the Communist International with headquarters in Moscow; that all major decisions, that is those pertaining to world policy, are made by the Central Committee of said Communist International (COMINTERN) and that said decisions are relayed through official channels to each Communist Party of each country throughout the world, and that in the instance of United States, the National Central Committee in New York met and decided on how to apply the particular mandate within United States, and that this National decision was passed to the State committee of each State (or District) of the Communist Party of United States, and that the process of determining the most efficient manner of putting such mandate into practice was decided upon by said State Committee, which decision was passed to the next lower body, that is the various county committees throughout California, and that the process was there repeated, and that such decisions of the county committee as were made therein were passed on to the various sections in Los Angeles County, such as the Professional Section, the Harbor Section, the Industrial Section, the Goodyear Section, the Pasadena Subsection, the Hollywood Section and Santa Monica Subsection thereof and so on; that then the process was repeated and that decisions of the section were in turn passed on to the units of said section where again the process was repeated; that is, since the unit is the basic structure of the Communist Party to which each and every member of the Communist Party must belong, in the unit each member of the Communist Party had an opportunity to "discuss democratically" the

means which members of that unit should use in order to put said Communist Party decisions into practice, and that this was the extent of Communist Party democracy, because members had no right to question the decision of a higher body, and that once a unit as a whole arrived at a decision this must be carried out without further discussion by each and every member thereof even though he had disapproved of said decision; that each member had a right to appeal a decision to the next higher body of the Communist Party, but that during such appeal he must carry out the mandate;

That said Sid Davidson (Martin) informed the aforementioned new members class that the Communist International arrived at its conclusions by studying digests of reports from all over the world, and that whatever decision it made, was made with a view toward benefiting the Communist Party on a world-wide basis; that in order to compile these reports each member of the Communist Party must turn over all information of the nature he was instructed by his unit to gather to said unit, which turned it over to the next higher body and so on up to the Comintern; that each body digested such material as was submitted to it and sent its report to the next higher body, and so on;

That, after I went out into general Communist Party work I learned from official mandates that much espionage was carried on by the entire membership of the Communist Party; that material desired by the Communist Party officially was: (1) All available information on labor unions and the members thereof, especially with respect to their attitudes, individually, toward the Communist Party and members thereof; (2) all possible information on enemies of the Communist Party, especially those who had obtained secrets about the Communist Party; (3) any possible information that could be obtained about the operation of industrial plants, such as processes, machinery and transportation facilities to and from said plant; (4) any possible information that could be obtained about government bureaus and personnel thereof; (5) any possible information that could be obtained about political figures, preferably that which could be used to "bring them to terms." as it were;

That during the time I was in the Communist Party and from my official party contacts, I never learned the exact operation of this espionage system; that no specific instructions were given, that while reports were made within the units to which I belonged, I do not know of the progress of these reports to or within higher bodies; that I formed the conclusion that this so-called "mass espionage" was conducted more for the purpose of "activating" members, that is, giving them something to do in which they felt a sense of importance, rather than for the purpose of obtaining a mass of detail on, for instance, the operation of the Works Progress Administration;

That during the time I was in the Communist Party and attached to official units thereof, the so-called "party line" was transmitted to unit members through what was termed an "Org" letter, or a mimeographed letter supposedly compiled in the county headquarters of the Communist Party in Los Angeles and sent to all the unit organizers thereof;

That during my attendance, such "Org" letters were read to Unit 131 at each meeting thereof by Walter McElroy, the organizer of that Unit, to Unit 130 at each meeting thereof by Leona McGenty, the



organizer thereof, and to Unit 140 by Herbert Klein, the organizer thereof;

That during the time I was in the Communist Party as a full-fledged member, that is, from January, 1937, to August, 1938, that the general "party line" for the world was "collective security," that is, the collaboration of all governments and agencies within countries who could be persuaded to enter such an arrangement, against Nazi Germany and Fascist Italy;

That within United States, according to official Communist Party literature which I read and according to the aforementioned "Org" letters, the application of the "collective security" line meant: (1) Boycotting German-made merchandise as well as, for a while, boycotting Japanese-made goods, especially silk stocks; (2) any and all possible assistance to Loyalist Spain in its fight against Franco; (3) all possible propaganda vituperation against these aforementioned indicated enemies at any and all times by all members of the Communist Party, in writings, in speeches, in conversations with individuals; that these "smear" terms were handed down to us as official terminology by which to refer to not only the aforementioned governments but also to other enemies of the Communist Party whom the Communist Party officially wished to link with these governments and ideologies; for instance, to apply the term "Fascist" to an individual did not mean to a Communist Party member that the person so titled was a member of the Fascist Party of Italy, but that he was a person who was to be "isolated" from general society and that the use of that term, which had been officially smeared by the Communist International would mean the social destruction of the individual; that the same was true of the term "Nazi" or "Hitlerite";

That there were many, many ramifications of the application of said "collective security" line of the Communist Party, but that this serves to illustrate the manner in which the Communist Party operates within;

#### COMMUNIST OATH

That at the time I took the oath of membership into the Communist Party said oath was very vague in terminology and that I had no idea of what would be required of me by my signature to it; that as I recall it I agreed merely to abide by the discipline of the Communist Party and to accept its decisions;

That at a later date during which time I was a member of the Communist Party, I attended a general membership meeting of the Communist Party of Los Angeles County at the Embassy Auditorium in Los Angeles and heard about 200 new members take the oath, and that in said ritual these new members swore with upraised fists (in the Communist salute) that they would consider the Soviet Union their country and that they swore full allegiance to said Soviet Union;

That throughout the time I was in the Communist Party all teachings were slanted in such a way that a member could not possibly believe the allegiance of the Communist Party officially was to any country or government other than the Soviet Union; that the aforementioned Soviet Union, as a government, as the headquarters of the Communist International, as the originator of both political and cultural ideology.



was the sacred country of the world; that all other governments were criticized, labelled as "Fascist," "imperialist" or "bourgeois"; that the latter term was most frequently applied to the Government of United States;

That in New Members Class Sid Davidson (Martin) gave us the explanation that all "capitalist" governments must be overthrown eventually before a world Soviet government could be established; that his wording was vague and his meaning unclear, and that only after I became aware of the operations and the terminology of the Communist Party did I understand his meaning; that he explained that within United States the "progressive" forces were in a position to capture key Government positions during the Roosevelt regime, and that such "progressive" forces must defend their "progressive" government against "reaction," by arms if necessary; that it was not until my aforementioned conversation with Dr. V. A. K. Tashjian with reference to the aims of the Popular Front and at which time he informed me that Communist Party members of long standing understood the Government of United States must be overthrown, that I fully comprehended the meaning of the terms used in New Members Class by Sid Davidson (Martin);

That I have formed many conclusions about the nature of the Communist Party, none of which are favorable to it; but that I realize from observation that it is a powerful force within the United States for the reason that it attracts not only the social misfits of the "gangster" type, but a large per cent of unassimilated Europeans and Asiatics for which people in the United States have the deepest sympathy and respect, and also that it so cleverly couches its propaganda that it wins the devotion of many honest Americans who have not the educational background and mental balance to think for themselves; that it attracts opportunists, satellites and sycophants because of its strength, and that it presents one of the major problems of the United States today.

Dated this twenty-third day of November, 1942.

RENA M. VALE

[SEAL]

Subscribed and sworn to before me this twenty-third day of November, 1942.

J. H. GOSLING

Notary Public in and for the County of Los Angeles, State of California.

## PART II

**THE KING, CONNER, RAMSAY CASE**

On November 28, 1941 three men, who were serving a minimum sentence set by the California Prison Board of Terms and Paroles, of 20 years, were suddenly and unexpectedly paroled from San Quentin Prison. These men were Earl King, Frank Conner and E. G. Ramsay. On the day the men were released, a statement by the Attorney General, Earl Warren, appeared in most of the daily newspapers in California. The statement of the Attorney General is as follows:

"The release of King, Ramsay and Conner is an outrage to public decency and a blow against the security of human life in California. These men initiated the brutal murder of a law abiding citizen without provocation and while he was peaceably engaged in earning a living for his wife and three babies. They didn't give him a chance for his life. He was beaten with blunt instruments and hacked with knives until he was dead in his own living quarters on the Steamship *Point Lobos* where the assassins laid in wait for him. King, Ramsay and Conner were fairly convicted by a jury, sentenced by the judge, their conviction affirmed by the appellate courts and now their guilt is vouched for by the very parole board that today released them after only four years and some months of imprisonment. Human life has indeed been cheapened! The murderers are free today, not because they are rehabilitated criminals, but because they are politically powerful Communist radicals. Their parole is the culmination of a sinister program of subversive politics, attempted bribery, terrorism and intimidation which has evidenced itself in so many ways during the past three years."

This statement by the Attorney General of the State of California, emphatic and certain, brought the matter under the jurisdiction of the committee. Public hearings were immediately opened in the Civic Auditorium in the City of San Francisco December 1, 1941, and ended with the examination of certain prisoners at San Quentin Prison, December 6, 1941.

Witnesses subpoenaed and examined in this investigation are as follows:

George E. Bodle  
Louise R. Bransten  
Archie Brown  
Manuel Cabral  
John E. Chadwick  
C. L. Doose

Clinton T. Duffy  
Frank P. Foisie  
Booth B. Goodman  
Aubrey Grossman  
Matthew G. Guidera  
Ralph E. Hoyt

Miles G. Humphrey  
Don Morton  
John Mustak  
Victor Nelson  
W. D. Nelson  
Mervyn Rathborne  
David Rodgers

Dr. David G. Schmidt  
William Schneiderman  
Dr. Leo Stanley  
J. H. Stephens  
George Wallace  
Earl Warren

#### LEGAL HISTORY OF THE CASE

Earl King, E. G. Ramsay, Frank Conner and George Wallace were indicted by the Grand Jury of Alameda County as principals in the murder of George W. Alberts.

The grand jury indictment against King, Ramsay, Conner and Wallace, charging them with murder, was returned October 21, 1936, and the trial ended January 5, 1937. Sakovitz and four unidentified sailors from the *S. S. Arctic*, were named in the indictment but were never apprehended.

King, Ramsay, Conner and Wallace were tried before a jury in Alameda County and all four were found guilty of murder in the second degree. King, Ramsay and Conner appealed from the individual judgments of conviction and from orders denying each a new trial. Wallace did not appeal. The judgments of conviction, and the orders appealed from were, in each case, affirmed by the District Court of Appeal, First District, Division One, December 28, 1938 and a rehearing was denied January 12, 1939. A hearing was denied by the Supreme Court of California January 26, 1939.

George W. Alberts was chief engineer on a steamer known as the *Point Lobos*. He was killed in his stateroom on Sunday morning, March 22, 1936.

#### LABOR BACKGROUND

At the time of the killing of Chief Engineer George W. Alberts, King, Conner and Ramsay were connected with the *Marine Firemen, Oilers, Watertenders and Wipers Union*. King was the secretary and chief executive officer of the union; Ramsay was a patrolman of the union; and Conner, an oiler on the ship *Point Lobos*, was the union's delegate on the ship. George Wallace and Sakovitz were active members of the same union. It should be noted that there were no labor difficulties on the waterfront at the time of Alberts' death.

#### COMMUNIST BACKGROUND

Matthew G. Guidera was a delegate for the *Marine Ships, Cooks and Stewards, A. F. of L.* on the *Point Lobos* in 1936. Speaking of Earl King, Guidera testified (Volume V, pp. 1429-1447): "Mr. King has been known on the waterfront for a period of years, regardless of anything you may hear from others, as an official spokesman and representative of the Communist Party." Manuel Cabral, according to Guidera, was a member of the Communist Party and at one time solicited Guidera to join the party. Revels Cayton, a member of the Communist Party, also attempted to induce Guidera to join the

party. Guidera stated that he had discussed Communism with Earl King on a number of occasions and had from time to time discussed the Communist Party line on the waterfront with him, Cayton, and Paul Boyles. Cayton was the Communist fraction leader of the group. Guidera was acquainted with Ben Sakovitz and knew him as "Wimpy" Sakovitz. Guidera stated that Sakovitz was introduced to him as a member of the Communist Party.

New needs, ambitions and policies of Soviet Russia had come into being in 1935. The Trojan Horse cavalymen were riding. More than ever before the Communist Party was desirous of controlling shipping and transportation. The general strike of 1934 had demonstrated the power of the Communist Party on San Francisco's waterfront. Communist Party members had made great inroads into the waterfront unions, and Guidera was certain that his own union, the *Marine Ships, Cooks and Stewards*, was controlled by the party members in it.

Attorney General Earl Warren, who was district attorney of Alameda County at the time King, Conner and Ramsay were prosecuted and convicted for the murder of George Alberts, testified at length. (Volume VI, pp. 1643-1693.) He stated that there had been innumerable people beaten within an inch of their lives on the waterfront during this period. They were labor union men who disagreed with King and his crowd. Many of these men disappeared and were never found. Some were found, one or two weeks later, floating in the San Francisco Bay. One man was found floating in the bay, wrapped up and manacled in a chain just two weeks before King, Ramsay and Conner were indicted for murder. The Attorney General observed that after King, Ramsay and Conner were tried and convicted, the beatings and drownings of men in the bay area discontinued almost entirely. He stated: "In my humble opinion, it was due to the conviction of those men."

The Attorney General offered a photostat of a copy of a letter written by Earl King to Paul M. Sorensen, chief engineer of the steamship *Malama*. The Attorney General, in his presentation of the letter to the committee, stated: "It shows the attitude of Mr. King, not only toward this man Alberts, but toward other chief engineers, who were perhaps in a similar position to him. It is a rather vitriolic letter, and one that shows extreme arrogance; and there are innumerable threats—veiled threats—contained in it."

The letter presented to the committee by the Attorney General was on the letterhead of the Pacific Coast *Marine Firemen, Oilers, Water-tenders and Wipers Association*, 58 Commercial Street; Kearny 3699; and is dated August 13, 1936. The letter is as follows:

"Paul M. Sorensen, Chief Engineer,  
S. S. *Malama*,  
Matson Navigation Company,  
Pier 32,  
San Francisco, California.

"DEAR SIR: We have had a great many complaints about your attitude toward firemen's ship delegates. We are putting your name on the blackboard permanently as a



troublemaker. Our firemen's delegates are supposed to work in the interest of the Firemen's Union aboard ship, to see that they get the proper overtime, and proper working rules, as provided in the award.

"We have had numerous complaints about you, that you individually take it upon yourself to break our working rules, and conditions that we are supposed to get under the arbitration award. When you got into the last trouble with our men, we asked our firemen to get off the ship, rather than cause friction between the Engineers Association and our association. However, we are putting your name on our blackboard so that we will remember it at the next violation of our working rules that you try to impose on your members.

"One more violation and our members will refuse to sail with you on any ship on the Pacific Ocean that you happen to be on, and we discover you on this ship. This is official, so please be governed accordingly if you have any desire to keep harmony between the Engineers Association and in the Maritime Federation. Any more violations and we will print your name to be circulated up and down the coast, as a disruptor of union unity and we will ask all of our members on any ship that you go on to give you plenty of noncooperation. We will see to it that your name is associated with a common cur dog, of the female variety.

"If you think the Firemen's Union is going to be dictated to by a lunkhead like you, just try one more violation of our award. We will be delighted to have you do it, as we would be glad to reduce such ilk as yourself. I understand that now that you have become a chief, you have lost all touch with the idea that you belong to the working class, and you think that you are a God Almighty. We hope you have pleasant thoughts along these lines, because you will soon be deflated from your bombastic opinion of yourself.

"If you want to fight with the Firemen's Union, we will be glad to give it to you. If you want to pull in your haunches and be a good member of the Maritime Federation, conduct yourself like a gentleman, you will find we will be willing to do the same. Continue to act as you have and no fireman will sail with you. I don't know whether you are a 'fink' or not, but you certainly have all the actions of one.

"Yours truly,

"EARL KING, Secretary."

GEORGE W. ALBERTS

As we have said, George W. Alberts was the Chief Engineer on the Steamer *Point Lobos*. He was about 37 years old at the time of his death, in excellent physical condition and stood about six feet in

height and weighed around 200 pounds. Matthew G. Guidera told the committee that the chief engineer was very vehement and emphatic in his opposition to Communism and that he had heard Alberts express himself on many occasions against Communism and Communist activities.

From Guidera the committee learned something of the last trip made by the *Point Lobos* prior to the murder of its chief engineer, Alberts. During the trip to the East Coast considerable difficulty developed with the crew. There were several stoppages of work on the gulf and Guidera stated that all of these stoppages and difficulties were inspired by Frank Conner, the delegate for the *Marine Firemen, Oilers, Water-tenders and Wipers Association*. Most of these difficulties were between the engine force and the Chief Engineer, Mr. Alberts. In Mobile, Alabama, the loading of the cargo was stopped at the instigation of Frank Conner. Trouble also developed in New Orleans. On the way home, Guidera stated, there was a meeting on board the ship of the three delegates for the deck, engine and stewards' departments. It should be remembered that Guidera was a delegate on board the *Point Lobos* for the *Marine Ships, Cooks and Stewards*. The question before the meeting was in reference to activities of the respective unions when the *Point Lobos* docked on the West Coast. Guidera stated that "nobody trusted the 'deck department' too well" and that the discussion did not go into detail for that reason. Apparently Chief Engineer Alberts' antagonism to the Communist Party and its members in shipping and on ships had been discussed. Frank Conner, at that time, told Guidera that he would "have to get rid of Alberts." In the jargon of ships, shipping and the waterfront, "to get rid of a man" was to finish him completely, "not just dump him—there was no such thing as 'dumping' mentioned." Guidera explained that by "dumping" a man was meant "beating him up and letting him live a little while." He stated that Conner said, "'I suppose we will have to get rid of Alberts.' I know Conner; and I know he meant what he said; and I knew, when he said it, he had the connections to carry out what he said."

When the *Point Lobos* arrived in San Pedro, Guidera sought out Chief Engineer Alberts and told him that he ought to leave the ship, relating to him what he had heard from Conner. Alberts laughed at him. Guidera, however, told Captain William D. Lion, who was at that time the Operating Superintendent for the Swayne and Hoyt Steamship Company. Guidera testified: "I told Captain Lion he should have Mr. Alberts removed because, if he didn't, Mr. Alberts would not sail with the ship. He paid no attention to me."

From the uncontroverted facts of the case the committee learned that on Saturday morning, March 21, 1936, Conner telephoned King at the office of the union in San Francisco, telling him that Alberts had discharged one Edward Widmer, a member of the engine-room crew and a member of the union, without paying him all of his over-time money due and asked King to send a patrolman over and get the matter fixed up. George Wallace was at the union headquarters at about the time Conner telephoned to King. King saw Wallace and asked him if he wanted to go on a job, to which Wallace replied that he did not and walked away. Ramsay and "Wimpy" Sakovitz met

Wallace a short time after and told him that he had better come back to King's office as King wanted to see him. Wallace returned to King's office with Ramsay and Sakovitz.

Once in the office, Ramsay said to King: "That God-damned fink, he belongs to some company union and he needs a lesson."

There was some further discussion and King said: "Go over and beat him up."

Thereafter King went to the outer office of the union where A. M. Murphy, Assistant Secretary and Treasurer of the union, was located. King directed Murphy to give Ramsay \$30 and Murphy did so, after King told him that the money was to be used for an "expedition across the bay."

A bludgeon was secured by Sakovitz from the janitor of the building and given to Wallace. This bludgeon was described as one-half of a printing roller about 18 inches to two feet long and about four or five inches in thickness. Ramsay, Wallace, Sakovitz and a sailor whose name is not known, then proceeded to the Howard Terminal in Oakland where the *Point Lobos* was docked. They arrived on the dock about noon and remained there until about 4 o'clock in the afternoon. During this time Ramsay twice left the group and boarded the *Point Lobos*. Upon his first return he remarked: "That God-damned fink, I talked to him and I could not get him off." Conner later joined the group on the dock. Ramsay boarded the ship a second time, and upon leaving said to the others: "I'm going aboard the ship and try to get him to come ashore." Upon rejoining the group, Ramsay stated: "The only way to get him is to go aboard the ship." Ramsay left the group a third time, going in the direction of the ship, but came running back saying: "He is coming." At this juncture a police officer in uniform appeared on the dock. Alberts, with a companion, had left the ship and, upon crossing the dock, entered an automobile and drove away. Upon Ramsay's warning that "You had better beat it," the men separated.

During the night the *Point Lobos* was moved to Encinal Dock in Alameda. On the morning of Sunday, March 22, 1936, Wallace and Sakovitz met in San Francisco. With them was the unknown sailor who had accompanied them the previous day. Sakovitz declared: "Well, I have to go over and get that God-damned fink." Wallace said that he did not want to go but Sakovitz warned him that he "had better come over if you know what is good for you." Thereupon, the three, Wallace, Sakovitz and the sailor, proceeded to the dock in Alameda. Sakovitz here gathered up two more sailors from the Steamer *Arctic*. Conner joined the group. Sakovitz undoubtedly took charge of the entire expedition and ordered Conner to go aboard and see if he could locate Alberts. At the same time Sakovitz explained to Conner and the rest of the group where each should station himself should Conner find Alberts aboard. They all then went aboard the ship and took their stations as planned. Wallace went to the starboard side of the ship near the passageway in which Alberts' stateroom was located, and was later seen with his hand on the knob of Alberts' stateroom door. Sakovitz went to the forward end of the passageway close to Albert's door, facing Conner, and the others took various positions about the deck of the ship.



George Alberts came aboard the ship with Captain Odeen. He went immediately to his cabin, laid his cap on the pillow of his bunk and removed his coat, preparing, perhaps, to change to more seagoing clothes, as the ship was about to sail. Conner immediately gave a signal with his hand to Sakovitz. In a few minutes a noise came from the chief engineer's stateroom, which was later described by Wallace as sounding like "Ugh, ugh, ugh." In a mere matter of seconds Sakovitz emerged with blood on his hands and told Wallace: "You had better beat it."

The deed was done. Alberts lay dead on the floor of his tiny cabin in a pool of his own blood.

We saw and studied the pictures of Alberts' cabin taken but a few minutes after his death. We saw the pictures of Alberts' mutilated body and heard the report of the physicians who scientifically—in cold, impartial, professional language—told of the wounds found upon the dead engineer's body and the cause of his death. The committee has never heard of a more cold-blooded, ruthless and unwarranted slaying of a human being. A hard and telling blow with a metal instrument had crushed the flesh from the back of Alberts' head. The pictures revealed hard and heavy blows behind each of the engineer's ears. A knife had been thrust into his neck, chest and shoulder. A powerful thrust carried the blade of a knife through both walls of Alberts' abdomen. And, as if this were not enough, the knife was thrust with terrific force into Alberts' thigh, in the rear, and then ripped downward toward the knee-joint some nine and a half inches, severing the great artery. The engineer had entered his stateroom at about 11 o'clock Sunday morning. At about 11.20 a. m. the ship's first engineer opened the door of Alberts' stateroom to call him and found him dead. The killing had been accomplished and the escape of the assailants from the scene of the crime had been effected in about 15 minutes.

Upon hearing of Alberts' murder, Guidera immediately went to the district attorney's office in Alameda County and told them what he knew of the case. He promised to assist in any way desired.

#### CAMPUS UNIT NUMBER FIVE OF THE COMMUNIST PARTY

Shortly after the commission of this revolting crime, a meeting was in progress of Campus Unit Number 5 of the Communist Party in an apartment occupied by James Burford on Channing Way, near College Avenue, in the City of Berkeley. (Volume VI, pp. 1783-1794.) About 18 members of the unit were present. The meeting was interrupted. We will permit Don Morton, testifying under oath before the committee, to describe what happened:

"Well, there was a knock loud enough—we were in the center of the apartment; there's a room between where the meeting was held and the hall—we heard the knock, in the second room; and Mrs. Burford then called Jim—that's her son—and said there was someone who wanted to see him. He says, 'Is it important?' And she whispered—we could hear the whisper; and he said, 'Yes.' Then he brought these two men in \* \* \* He said,



'Comrades, two friends are here from downtown——'  
He didn't say they were comrades or mention their names; but that we would have to take up a collection to help a certain comrade in trouble out of town—that was all that was said."

Morton testified that a collection was immediately taken up and the two men thanked everyone and left the apartment in a hurry. About a week later Morton asked a Mrs. Eastman, one of the communist members of Unit Number 5, about the collection that had been taken and she told Morton that it was for one of the boys who was being kept under cover at her place in San Francisco, a chap by the name of "Wimpy." Mrs. Eastman was very secretive about the whole affair but told Morton that the underworld knew about the trouble and that there were four or five involved.

#### FLIGHT

Sakovitz, Wallace and the unidentified sailor fled to Salt Lake City and from Salt Lake City to Chicago and from there to New York. Sakovitz told Wallace that he had friends who would secure passage for them to Russia. Nothing was done about this plan as far as Wallace was concerned and he returned to San Francisco.

Ramsay had returned part of the \$30 which Murphy had given to him the day before the killing at King's request. Ramsay told Murphy at that time that he was "hot." Murphy, at a loss as to how to enter the money in the books, took the matter up with King, who told him he would discuss it with him later.

Immediately upon his arrival in San Francisco, Wallace went to the union and talked to Murphy. He told Murphy he wanted to see King, but Murphy informed him that King was away.

The following morning Ramsay met Murphy and Wallace in Wallace's hotel room. Ramsay turned pale upon seeing Wallace and said: "For God's sakes, what are you here for?" Wallace replied: "I am here to find out what the score is." Ramsay stated that he did not believe the police were wise and that nobody knew who did the job because he, Ramsay, had been thoroughly questioned by the police.

King remained absent from the city. Something had to be done. Murphy made an appointment with Lawrence Ross, the editor of the Communist West Coast paper, the *Western Worker*. Ross suggested that Wallace return to the east and keep in touch with Murphy under an assumed name. Ross also suggested that Wallace's union membership book be "phoneyed" so that Wallace could secure employment on East Coast ships. In accordance with Ross' suggestion, Murphy made out a new union book for Wallace under the name of "George White," with a notation showing the payment of all dues to July, 1936. It was then arranged that Wallace communicate with Murphy under the name of Albert Diekman. Wallace then, for the second time, left San Francisco for New York.

Wallace, in desperation, wrote to King, first under his own name and later under the name of George White. King failed to answer any of Wallace's letters.

On August 1, 1936, Wallace again returned to San Francisco and went immediately to King's hotel. He told the clerk his name was Wallace and that he wanted to see King. The clerk told him that King was not at home. A man by the name of O'Neill gave Wallace \$50 and told him to keep off the streets and avoid being seen by anyone. O'Neill also told him that Lawrence Ross tried to make arrangements for him to go to Russia but apparently had been unable to do so. He then suggested that Wallace go to Mexico.

King returned to San Francisco shortly after Wallace's second arrival and learned that Wallace was again in town. Wallace's union book was then stamped ahead to April, 1937, and Wallace was instructed to attempt to escape into Mexico.

Wallace went to El Paso, and from there to Del Rio and then on to Brownsville, Texas. While in Brownsville, he attempted to go to Mexico City, but not having sufficient money to get across the border, he wrote a letter to Murphy under the name of Albert Dickman, requesting that Murphy give the letter to King and that King write to him in Brownsville, Texas. Upon receipt of the letter Murphy told King about it and King said he would take care of it, but failed to do so.

Matthew G. Guidera, returning from Australia on the *S. S. Mariposa* early in July of 1936 was elected to negotiate for the *Marine Cooks and Stewards* on the Pacific Coast, preparatory to the 1936 waterfront strike. During the time that he served on this committee he occupied rooms at the Terminal Hotel located at 60 Market Street in the City of San Francisco with A. M. Murphy, the Assistant Secretary and Treasurer of the *Marine Firemen's Union*. Thus it was that he learned of Murphy receiving a letter from George Wallace, under the alias of "George White." The letter was postmarked "Del Rio, Texas" and Wallace told Murphy to tell King that he needed more money to get across the border into Mexico. Guidera immediately contacted the district attorney's office in Alameda County and arranged with George Hard, one of the inspectors of the office, for a dictaphone to be set up in Guidera's room in the Terminal Hotel. The dictaphone was set up between 3.30 and 4 in the evening and Guidera then called King and asked him to come over to the hotel. King complied and met Guidera in the lobby. They both went to Guidera's room and Guidera showed King the letter from Wallace.

"You sent those birds over to make a bungle of a job," Guidera said to King. (Volume V, p. 1435.)

Guidera testified that "King sat and crumpled the letter \* \* \* crumpled and wrinkled the letter. I said, 'What are you getting nervous about, Earl?' He said, 'I am not nervous; I'm not nervous at all.' Later, I asked, 'Why exactly did you send them over to kill Alberts?' He said, 'I sent them over, all right.' He paused—for a minute, he paused—he said, 'Forget about it all for a while. Now, let's forget it'."

Apparently King was suspicious of Guidera. "The night before, however," Guidera testified, "after I had the meeting with King in my hotel room, I attended District Council Number 2 of the *Marine Federation of the Pacific Coast*, which was being, at that time, held at 32 Clay Street, known as the 'Recreation Center for the Waterfront.'

During the meeting, Mr. King approached me and asked for a key to my hotel room; which I gave him so that he could arrange to get those letters. A few minutes afterward, he talked with Harry Bridges and Rathborne and others \* \* \* I saw him talking to Harry Bridges, Rathborne and a couple of others. He came back, and handed me the key; and said, 'It might be a frame up.' I said, 'If you're that way, O. K.'"

The arrest of King, Conner, Ramsay and Wallace followed.

#### COMMUNIST CAUSE CELEBRE

Conner immediately confessed his part in the entire affair. (September 3, 1936.) Attorney General Earl Warren told the committee about Frank Conner's confession. Mr. Warren stated:

"Well, the first thing that developed was the statement that Mr. Conner made to me, in my office, concerning his participation in this affair. The statement itself was made to me about the third of September—a day or two after he was brought down here from Seattle; and he told me, at that time, that all of these men mixed up in this affair, other than himself, were Communists; that King was a Communist; that Ramsay was a Communist; and that Wallace was a Communist; and he said that it was apparent to him that these fellows—referring to King and Ramsay—were going to take care of themselves, and going to throw him to the wolves; and he said, 'They're not going to do that with me; I know too much about them. That's the way these Comicals do.' He referred to them in that slang phrase as 'Comicals.' He said that he, personally, did not know that they intended to kill Alberts when they went in there; he thought they were just going in there to give him a very severe beating; and, had he known they were going to kill him, he wouldn't have consented and helped them and directed them to Alberts' stateroom at the psychological time to accomplish this beating. He said there were a few hundred Communists on this coast who were running many thousands of good labor organization men; and they were doing it by terror and intimidation; and he said, to me and to Mr. Hoyt, after the formal confession he made, that no matter what happened to him in this trial—he said, 'I'll never sail on another ship with as many as one Communist on the ship, because,' he said, 'when there is as many as one on there, it's trouble, trouble, trouble all the time you're out at sea.' He said, 'They are arrogant; they'll tell you to do something; and, if you don't do it, then they'll wait for you and you'll get it on the beach.' He said, 'You'll get dumped'—which means when they are ashore, they will have something happen to them, as happened to George Alberts in this case; and he told us how that situ-



ation had worked all over the world; he told how it worked here on the Pacific Coast; and we knew, of our own knowledge, of innumerable cases of men—many, many of them labor organization union men—who were beaten within an inch of their lives just because they wouldn't respond to this so-called leadership of Earl King and his crowd; men who wouldn't dare to come forward, or go to the authorities, to complain, for fear the thing would be repeated the next time they went on a job. You couldn't get any witnesses to testify for them if they did, because people were terrorized; and Frank Conner detailed to us that system which was in vogue; and he said there were only a few hundred of those people, in fact, but they were keeping—these aren't the words he used—but he said they were keeping in bondage hundreds of fine labor organization people on this coast, who had no sympathy with the thing at all—and I sincerely believe that is true—the average man who works on the waterfront—the average labor union man there—is as fine a citizen as you will find any place in this country—good law-abiding, family men; but they have been dominated and persecuted themselves by Earl King and his kind."

The Attorney General stated that George Alberts was murdered because he "was a courageous man \* \* \*. He would not tolerate the domination of King or any of his Communistic elements, and he refused to take dictation from him. In an effort to prove, to not only Alberts but everyone else who was similarly situated, that it was a very dangerous thing to do, Earl King sent these fellows over to do this job, \* \* \* that's the sum total of the reason."

The Attorney General stated that the *Western Worker*, Communist West Coast publication, the very day the defendants were arrested and before anyone knew the nature of the charge against them, started a campaign of abuse and vilification against Warren, who was then the District Attorney of Alameda County. This campaign has continued from that day to the present time by the Communist Party and its publications. (Volume VI, pp. 1643-1693.)

The indictment of the men was attacked by Lawrence Ross as a "labor frame-up."

Defense attorneys were soon secured for the defendants, with the exception of Wallace, who refused to accept the counsel selected for him. He fully confessed his participation in the crime. George Andersen, who usually represents the Communist Party in California, represented Earl King. Herbert Resner represented Frank Conner.

Miles G. Humphrey, former member of the Communist Party, knew Herbert Resner when Resner was the editor of the "*Daily Californian*," campus paper at the University of California at Berkeley. (Volume V, pp. 1616-1631.) Aubrey Grossman had referred to Resner, in the presence of Humphrey, as a Communist Party member.

The State, in its prosecution of the defendants, carefully avoided the issue of Communism. It was the attorneys for the defendants who



emphasized this point. George Andersen and Herbert Resner particularly utilized it in their challenges to veniremen. Attorney General Earl Warren testified that Andersen and Resner asked "whether or not the jury would be influenced or prejudiced by the fact that the defendants might be known as Communists or might be proved to be Communists." (Volume VI, p. 1659.)

Ralph E. Hoyt has been the District Attorney of Alameda County since January of 1939. (Volume V, pp. 1543-1573.) He was formerly the chief assistant district attorney to Earl Warren when the latter was the district attorney. Hoyt had been with the district attorney's office since 1919 and participated in the trial of King, Ramsay, Conner and Wallace.

He recited the details of the murder of George Alberts. The chief engineer had been discovered by a brother officer at about 11.20 a.m., Sunday, March 22, 1936. Hoyt stated that the chief engineer was found seated in a pool of his own blood; that his skull was fractured; that he was disemboweled, and that a long, deep gash had been inflicted on the back of one thigh. He introduced exhibits and pictures of the corpse into the committee's records.

King, Ramsay, Conner and Wallace had been found guilty by a jury in Alameda County of second degree murder. Hoyt recounted the voluntary statement of Frank Conner made prior to the trial in which Conner had told of the difficulties he had had with the Communist Party and of his fear of being abandoned by them in his difficulty. Hoyt recited the testimony of A. M. Murphy, concerning the Communist Party and its connection with the murder. He told of Murphy's statements concerning Lawrence Ross, Communist Party functionary and editor of the *Western Worker*, and how Ross had been contacted concerning money for Sakovitz and Wallace. Ross had told Murphy that it would be necessary for him to get in touch with the Soviet Union before passage could be provided for the murderers and that "there had to be certain underground things done." Ross had suggested to Murphy that Wallace's union membership book be "phoneyed up" so that Wallace could secure work in the east. Murphy had agreed to provide money for Wallace and Sakovitz to travel to New York City.

Hoyt read passages from the *Western Worker* published during the trial of the men, showing the strong Communist interest in the case. The *Western Worker* branded the entire prosecution as a "frameup by shipowners." Matthew Guidera was branded as a "stool pigeon," et cetera, by the Communist sheet.

The district attorney related Wallace's confession and the attempts made to bribe Wallace into accepting Communist Party choice of attorneys. Wallace had refused to let the Communist Party trap him. Despite precedence and contrary to the usual procedure in reference to defendants who turn State's evidence, Hoyt pointed out that George Wallace was still incarcerated in San Quentin, while King, Conner and Ramsay were paroled. He also presented copies of the *Western Worker* and the *People's Daily World* as evidence of the Communist Party's campaign to free King, Ramsay and Conner.

Every important witness against the defendants was a member of a bona fide labor organization.

Matthew G. Guidera, after the exposé of the ship murder, was expelled from the *Marine Cooks and Stewards Association*. He was accused of being a "stool pigeon" and a "frame artist." He testified that he was expelled without the benefit of a trial. The trial committee consisted of five members, Guidera stated, and at least three of them were known to be members of the Communist Party and the other two "as questionable." Manuel Cabral was named by Guidera as one of the Communist Party members.

Cabral denied that he had ever been a member of the Communist Party. (Volume VI, pp. 1729-1730.) He admitted, however, knowing Ernest G. Ramsay, having made a trip around the world with him in 1935 on the *S. S. Monroe*. He stated that Ramsay had never discussed Communism with him.

Conner, in his confession, stated that King, Ramsay and Wallace were all members of the Communist Party. (Volume VI, pp. 1643-1693.)

When Wallace had confessed he was immediately accused by the Communists in San Francisco as being a "labor spy." Later they offered him \$5,000 if he would accept one of their attorneys and Wallace refused. The defense attorneys for the others then claimed that Wallace had no right to the public defender as he had means (which they had offered him) to employ private counsel. This point delayed the trial and it had to be decided by the court. It was decreed that Wallace had a right to the public defender. (Vol. VI, pp. 1643-1693.)

In the late summer of 1936 defense committees for King, Ramsay and Conner began to mushroom out of closed Communist Party caucuses. (Volume VI, pp. 1783-1794.) Four or five Communist members of Berkeley's Unit Number 5, grew into larger committees. The original members were Herbert Naboseck, James Burford, Glen Mayfield, Aubrey Grossman and Don Morton. Naboseck was assigned to contact the unions and gathered a list of 95 members with addresses in the East Bay area (*Marine Firemen's Union*); Mayfield was assigned to contact public speakers and to supply them with information; Grossman was assigned to collect funds and to contact faculty members at the University of California for legal assistance; Burford was put in charge of education and propaganda and Don Morton was assigned to writing up the necessary material for these activities. Don Morton told of a meeting at Mrs. Eastman's home on Derby Street in Berkeley some time in July of 1936 when Aubrey Grossman reported that he had collected funds from some 20 or 25 faculty members at the University of California and that these sums averaged \$15 to \$20 apiece.

John Gee Clark, immediately after being appointed to the Board of Prison Terms and Paroles by Governor Olson, took steps to parole King, Conner and Ramsay. The Attorney General stated that the Advisory Pardon Board staged a big demonstration for the felons in May of 1940 and that they crowded in all the Communists they could find. Lieutenant Governor Patterson cast the only vote for their pardon at that time. (Volume VI, pp. 1643-1693.)

Mervyn Rathborne denied ever having been a member of the Communist Party or of the *Young Communist League*. (Volume VII, pp. 2008-2024.) He is secretary of the San Francisco C. I. O. Council and a member of the *American Communications Association*, Local 9. He

knew Archie Brown and Ben Jones as members of the Communist Party. Rathborne subscribed to the *People's Daily World* and knew Harry Bridges "very well."

Rathborne is a member of the King, Ramsay, Conner Defense Committee. He presented the committee with copies of resolutions passed by the San Francisco C. I. O. Council calling for the release of the men. He also submitted a photostatic copy of a check for \$1,500 from the Steel Workers' Organizing Committee which was signed by David J. McDonald and Phillip Murray. Rathborne was a member of the executive committee of the King, Ramsay, Conner Defense Committee along with Miriam Dinkin, V. J. Malone and George Hardy. He stated that the committee did not work for the release of George Wallace. He stated that he did not know if King, Ramsay or Conner were members of the Communist Party. He stated that the defense committee had received evidence which established the innocence of King, Ramsay and Conner uncovered by Aubrey Grossman and Herbert Resner. He did not know if Grossman or Resner were members of the Communist Party. He concluded his testimony by stating that he believed the three men had been framed by the Employers' Group.

The Board of Prison Terms and Pardons and the Advisory Pardon Board under the Olson administration up to the appointment of Booth Goodman, who replaced John Gee Clark when he was appointed a Superior Court Judge in the County of Los Angeles, made little headway in either securing a pardon or a parole for the felons. Governor Culbert L. Olson, after having spent a day with King, Conner and Ramsay in San Quentin Prison, announced that he had come to the conclusion that these men did not look like murderers and that he regarded the evidence against them as flimsy and very largely impeached and that he was considering a pardon for them. This announcement on the part of the Governor came shortly after the Communist Party was excluded from the ballot by action of the California Legislature. On Friday, October 11, 1940, Miss Anita Whitney made a broadcast over the National Broadcasting Blue Network in which she said:

"I would like to ask Governor Olson: When you met in your own home with the leaders of the Communist Party in 1938, and accepted our assistance and support for your election, you did not think we were subversive or un-American then, did you? When you were elected Governor with the help of Communist votes, you did not think that we were anything but good Americans, did you? But today, Governor Olson, you have gone over so completely to reaction that you are eating your own words of 1938. You have found it necessary and expedient to do this, since you have gone over to the war camp, which wishes to drag America into the imperialist war.

"The Governor's speech on the radio was hypocritical and revealed a guilty conscience. He admitted there was a large section of public opinion opposed to his signing the anti-Communist bill. He practically admitted there is grave doubt, expressed to him by some of his own



attorneys, as to whether the bill is constitutional. He admitted that the Communist Party is neither illegal nor is it outlawed by this bill. He admitted that the bill discriminates against the Communist Party, by depriving it of the election rights that other parties have. He admitted all these things, and yet he signed the bill, and wants the people to believe there is nothing undemocratic about his action."

The Governor had signed the bill outlawing the Communist Party early in October of 1940. It was about three days later, without consulting Mr. Hoyt, District Attorney of Alameda County, or the Attorney General or anyone who had had anything to do with the investigation and prosecution of the King, Conner, Ramsay case, that the Governor made the trip to San Quentin Prison above-mentioned and spent the better part of the day with the three prisoners, King, Conner and Ramsay. (Vol. VI, pp. 1643-1693.)

Governor Olson's contemplated pardon of the three felons met with a storm of public indignation. Shortly thereafter, he appointed Booth Goodman to the Board of Prison Terms and Paroles, replacing John Gee Clark. Archie Lyons had been on the board for about two years and the Governor, with the appointment of Booth Goodman, had a majority of the three members. Almost immediately after Goodman's appointment to the Board, Lyons and Goodman voted for the parole of King, Conner and Ramsay; Stevens, the other member of the board voting against parole.

#### SPECIAL PRIVILEGES AT SAN QUENTIN

Clinton T. Duffy, Warden of San Quentin Penitentiary, was questioned at length concerning the conduct and the alleged special privileges granted King, Conner and Ramsay while confined in the prison. (Volume VI, pp. 1806-1818.) Duffy was appointed to the position of Warden of San Quentin Prison by the State Pardon Board of Prison Directors on September 1, 1940, and had been acting warden since July 13, 1940. His position as warden automatically made him a member of the Advisory Pardon Board. The other members of this board were Lieutenant Governor Ellis E. Patterson, Warden Clyde Plummer of Folsom, and Mr. Stone of the Bureau of Identification.

Earl King, Ernest G. Ramsay, Frank Conner and George Wallace were incarcerated in San Quentin Prison when Duffy became warden. Duffy stated that he did not know of any special privileges granted them. King had certain specific duties on the waterfront of the prison which, Duffy stated, gave him an opportunity to contact persons on incoming barges. Such contact, Duffy explained, would, of course, be under the supervision of an officer of the prison. This particular officer had charge of all prisoners engaged in unloading barges and sometimes two or three officers supervised the work, depending on the number of prisoners so engaged. Duffy added: "We place some trust in our inmates."

King was permitted to sleep outside the prison walls because he was on duty at a donkey-engine 24 hours a day. All of King's predecessors in this assignment had slept outside the walls. Duffy con-



sidered King capable and trustworthy for this position. Assignments for such jobs outside the prison walls, Duffy explained, were made by a committee of the officers of the penitentiary. Only some 12 or 15 prisoners are permitted to sleep outside the walls, out of the 4,000 inmates in the institution. Duffy did not consider this to be a special privilege although he admitted that permitting the men to sleep outside of cell blocks was so considered. He knew of no contraband brought into the prison while King was on the waterfront.

Ramsay had worked outside the prison walls in the fire department for a short time.

C. L. Doose, a Lieutenant of the Guard at San Quentin Prison for about seven months, in charge of the reception of visitors at the prison, was questioned concerning the visitors who called at the penitentiary to see King, Ramsay, Conner and Wallace. (Volume VII, pp. 2078-2083.) Doose identified many visitors' slips and explained the manner in which they were filled out. He stated that visitors were allowed to stay one hour which was an invariable rule, although the slips showed that the visitors stayed a much longer time with King, Ramsay and Conner. Doose admitted that he had permitted the members of the King, Ramsay and Conner Defense Committee to interview these prisoners in his office instead of in the usual visitor's room. He had become acquainted with the members of the defense committee but could not remember their names. The only member of the King, Conner, Ramsay Defense Committee remembered by Doose was Miriam Dinkin. He stated that he did not know of any defense committee for Wallace. Wallace had to greet his visitors in the regular visiting room. Doose stated that he only permitted attorneys to see prisoners in his office and that he only gave this permission on other occasions for special business, such as the members of the King, Conner, Ramsay Defense Committee.

Victor Nelson is a Sergeant of the Guard at San Quentin and has been employed at the penitentiary for 13 years. (Volume VII, pp. 2074-2078, and 2084.) He is a guard on the waterfront at night and his watch starts at 4 p.m. and finishes at midnight. No barges unload during his watch. He testified that King cooked his own meals in a cabin on the waterfront and secured his food from the commissary. Ernest G. Ramsay, Mr. Nelson testified, relieved King for one night outside the wall.

#### EMPLOYMENT FOR PAROLEES

Your committee was interested in learning why King, Conner and Ramsay had been released without having immediate employment. It is generally understood that the Board of Prison Terms and Paroles never parole convicted felons unless the board is assured that bona fide employment awaits them upon their release from prison. For this purpose, among others, the committee subpoenaed John E. Chadwick, a State parole officer since September of 1940. (Volume V, pp. 1631-1639.) Chadwick stated that it was quite true that the Board of Prison Terms and Paroles must be assured, in every case, that released felons will immediately be employed. Chadwick had personally ascertained that King and Ramsay had employment before they were released from San Quentin. He stated that Earl King had been offered

a job by two C. I. O. Unions, one as a longshoreman and the other as a maintenance man in a union building on Golden Gate Avenue. King had accepted the latter position and had reported for work. Ramsay had furnished bond and was released to the immigration authorities for deportation and the entire matter was referred to the Attorney General's office. Meanwhile, Ramsay was "working on the waterfront" handling freight. He was employed by the C. I. O. *Warehousemen's and Longshoremen's Union* in a classification of employment which was not subject to the approval of the *Employers' Association*. Conner was in the Stanford Hospital under the care of a Dr. French for mental and emotional instability.

Chadwick stated that he had found the unions reliable in placing men in employment when they agreed to do so upon their parole from prison. Some unions were very reliable in placing released convicts, such as the *Marine Firemen's Union* and others were very uncooperative such as Local 47 of the *Musicians' Union* in Los Angeles.

In probing the matter of the alleged employment of King, Conner and Ramsay upon their release from San Quentin Prison, Frank P. Foisie, the President of the *Waterfront Employers' Association* of San Francisco, was examined. (Volume V, pp. 1342-1349.) Foisie had been president of the association since 1938 and presides at all of the board and membership meetings. He stated that no one can obtain a job on the waterfront unless that employment is considered by a joint committee of the Longshoremen's Unions and the *Waterfront Employers' Association*. He personally examined the records of the association and found no indication there of an application for employment of Earl King, Ernest G. Ramsay or Frank Conner for work on San Francisco's waterfront. He submitted minutes of the last meeting of the association to the committee. He concluded his testimony by stating that he knew the Defense Committee for King, Ramsay and Conner was organized by the Communists on the waterfront and in the waterfront unions to secure a pardon for the prisoners.

The subterfuge used here should be obvious without comment. The board had no assurance that the men would receive legitimate employment. They were released to certain unions which, according to Chadwick, were to secure employment for them.

#### THE PAROLE BOARD

The committee made every attempt to subpoena Archie Lyons of the Board of Prison Terms and Paroles but was unable to serve him. Booth B. Goodman, the chairman of the board, testified December 2, 1941. (Volume V, pp. 1573-1616.) Goodman, in addition to being Chairman of the Board of Prison Terms and Paroles, was also a Director of Penology for the State of California, and had been appointed to both these positions by Governor Culbert L. Olson. He had been appointed to the Board of Prison Terms and Paroles October 14, 1941. He admitted that he had no experience with penology before accepting this appointment.

He presented a picture of a kindly gentleman, befuddled and confused; caught in a morass of plotting and intrigue. The weakness and flimsiness of his own position fluttered through his testimony from time to time like loose papers caught in a wind. It was apparent to the mem-

bers of the committee that Goodman was continually fitting arguments and fictions to the board's decision in the case, rather than applying the facts to the decision. He stated that he had voted for the parole of King, Ramsay and Conner after a prolonged study of the case. George Wallace had not been paroled because, stated Mr. Goodman, George Wallace had fled the scene of the crime and, therefore, was *more apt* to be guilty than King, Ramsay and Conner, who had remained in San Francisco or its environs. Goodman recognized the public interest in the matter and had heard it said that the case against the men was a "frame-up." His examination of the testimony had revealed conflicting evidence to him. He wondered why Murphy, who had helped Wallace and Sakovitz escape, had never been prosecuted. He considered this "reprehensible conduct" and therefore was inclined to disregard *Murphy's* testimony.

At one point in his testimony Goodman stated that he was not claiming that the men were not properly convicted although he had so indicated at another point. He believed that the men had started out to commit a simple assault, and therefore should not have been held responsible for the murder of the Chief Engineer of the *Point Lobos*. He did not recall Matthew Guidera's testimony in reference to the plot to "get" Alberts when the *Point Lobos* was on its way up the West Coast.

Goodman disclaimed any knowledge of Communist pressure for the pardon or parole of King, Ramsay and Conner. He emphatically denied that Governor Olson had ever discussed the case with him. He knew of no pressure on the Governor for the pardon or parole of the convicts. Although, in the beginning of his examination Goodman had stated that he had been appointed to the Board of Prison Terms and Paroles on October 14, 1941, he became confused later in his testimony and stated that he had been chairman of the board for 18 months.

He believed that the prison records of King, Ramsay and Conner were good. He believed that their past records were good. He stated that George Wallace had a record of previous arrests and that his testimony and statements conflicted on occasion. He did not believe in a "spirit of revenge" in penology and personally believed that the continued incarceration of King, Ramsay and Conner belonged to that category. He did not believe that the murder of George Alberts could be properly termed "cold-blooded." He distinguished between men who struck blows and men who planned such an assault, although he believed the evidence in this case did not show any "planning." He later admitted that there was evidence of a plan to have Alberts "beat up." Under examination, he later admitted that Conner and Ramsay did have previous records of arrests, bail-forfeitures, et cetera, as well as George Wallace. He reasoned that if convicts such as King, Conner and Ramsay were held in prison unnecessarily they might become martyrs. He believed that a man like Earl King had been punished sufficiently by the time served because he had not planned to murder the chief engineer. He concluded his testimony by stating that he did not read or pay any attention to the mass of letters, telegrams and communications which had poured into Mark Noon's office in San Quentin, urging the release of King, Ramsay and Conner.



Mr. J. H. Stephens, veteran member of the Board of Prison Terms and Paroles, testified at length concerning the efforts made to parole the men. (Volume V, pp. 1471-1494.) He stated that Warden Clinton Duffy of San Quentin Prison took exception to the members of the Board of Prison Terms and Paroles in making investigations of prisoners coming up for parole. He stated that this had been the procedure followed by members of the board for many years. In spite of Warden Duffy's objections, Stephens investigated the King, Conner, Ramsay case. He ascertained where each prisoner was working in the penitentiary, and learned that King had been working on the waterfront and sleeping outside of the prison. Ramsay was also working on the waterfront and Conner was a sweeper in one of the cell blocks. King was operating a donkey engine, as was Ramsay, and both prisoners had ample opportunity to contact people on incoming boats.

Stephens stated that King, Ramsay and Conner first came before the board after serving approximately two years. At that time, John Gee Clark was the chairman of the board and desired to parole the men. Mr. Escola, third member of the board at that time, felt that the men should receive a minimum of 20 years. Escola and Stephens voted for a 20-year sentence and Clark, the chairman of the board, voted "no." The minimum time to be served under a 20-year sentence would be 12 years and 8 months.

Stephens told of the \$10,000 bribe offered to Archie Lyons, present member of the board, to vote for the parole of the convicts. After Paul Yarrimain, the man accused by Lyons of offering the bribe, was acquitted, and after Booth Goodman had been appointed to the board, the case was again brought up and Lyons voted for the parole of the men. Stephens stated that they had served only four years and seven months. He stated that Lyons and Goodman denied Wallace a parole "because he had a former record," and that this procedure was contrary to the action of the board for a period covering some 10 or 11 years. Stephens also stated that King and Ramsay had been released from San Quentin without the usual investigation concerning jobs, places to live, and other important matters. The parole officers had announced that "some one had telephoned" who said that the men would be given jobs.

#### MENTAL CONDITIONS OF MEN

The committee was interested in learning the mental and physical condition of King, Ramsay, Conner and Wallace. It had been stated that Wallace was mentally inferior to the other three, although it was known at the time of the hearing that Conner was being hospitalized in San Francisco. For this purpose the committee examined two of San Quentin's physicians.

Dr. Leo L. Stanley has been a physician at San Quentin for some 28 years. He had examined George Wallace and was acquainted with his physical and mental condition. (Volume VII, pp. 2067-2071.) He stated that Wallace had shown a pronounced "anxiety neurosis" at a time when he had refused to see George Andersen, attorney for the Communist Party of California. Herbert Resner, attorney for Conner and another chap by the name of Karse, on January 16, 1939.



Dr. Stanley also testified that Wallace had been struck by an inmate of the prison, on October 15, 1940, by name of Daban.

Dr. David G. Schmidt is the Chief Psychiatrist at San Quentin Penitentiary. (Volume VII, pp. 2045-2067.) The usual procedure with prisoners was followed in the case of Earl King, Ernest G. Ramsay, Frank Conner and George Wallace when they entered San Quentin Prison. Dr. Schmidt made the entry examination and his subsequent contact with prisoners is at such times as they are confined in the prison hospital or when their mental conditions seem to warrant a further examination. He also has an opportunity to examine prisoners when disciplinary problems arise in relation to them. It is the duty of the chief psychiatrist to make a check on the prisoners when they are scheduled to appear before the Board of Prison Terms and Paroles.

He testified that Wallace was not mentally active, that he had an inferiority complex and that his intelligence was retarded. Wallace had been hospitalized in 1937 suffering with an "anxiety neurosis." He appeared to have "vague delusions" of persecution and believed that he was being framed by Communists. The doctor stated that Wallace had told him that the Communists were interested in King, Ramsay and Conner but that they were not interested in him; that they wanted to injure him and were keeping him in San Quentin. The doctor stated that worry over the Communist situation appeared to be the chief cause of Wallace's "instability." He admitted that "an average man" would, in all probability, crack up in the same way under the same circumstances. He believed that the fact that Wallace has received poorer treatment than those he helped to convict has tended to "retard" him.

The doctor stated that Wallace is in dread fear of bodily harm from the prison inmates and believes they are influenced by Communists. (The prison records show that Wallace was hospitalized for a wound inflicted by an inmate by name of Daban (No. 60,069) whom Wallace accused of once being a bodyguard for Harry Bridges.)

Frank Conner, in contrast to George Wallace, according to Dr. Schmidt, is "emotionally unstable," which is to be distinguished from "mentally unstable." The doctor said that Conner felt as though he had been used as a "catspaw" in the case. Doctor Schmidt stated he believed Wallace and Conner were not equal in responsibility; that Conner was of a very simple mind, but a thoroughly satisfactory worker, while Wallace was of marked "mental instability" and therefore not reliable.

It should be stated here that Dr. Schmidt had once classified Conner as a "moron" in the prison records, and although the questions of your committee were directed toward bringing out this point, Dr. Schmidt appeared to evade the issue.

#### JOHN MUSTAK

John Mustak, a prisoner in San Quentin Penitentiary, was called before the committee at the request of George Wallace. He stated that he had been doing undercover work for the *American Legion*, connected with Post 347 of this organization, located on Mission Street in San Francisco. He stated that he reported his undercover work directly to Stanley (Larry) Doyle and Harper Knowles and that they

had picked him for this work because of his experience in the Military Intelligence during the World War. In connection with the work, he became acquainted with Earl King, whom he met at the Terminal Hotel in San Francisco in 1931, and again at the Communist Party State Headquarters in the latter part of 1935. He also knew Ernest G. Ramsay, Frank Conner and George Wallace. His activities in connection with his work for Doyle and Knowles was to investigate Communism. He joined the Longshoremen's Union and was sent to San Pedro.

Lawrence Ross, a Communist functionary and the Editor of the *Western Worker*, selected Mustak as the Communist Party member to help in sabotaging the Merchant Marine. Ross introduced Mustak to Harry Bridges and Earl King and was told to take his orders from them. He stated that Earl King was introduced to him as "Comrade" and as a member of the Communist Party. Mustak had taken the name of "Merich" in the Communist Party and had turned his Communist Party book over to Knowles. In the Communist Party meetings he attended, he heard the names of Ramsay and Conner from time to time as accepted members of the Communist Party, but stated that he had no personal knowledge of their membership.

He stated that he believed the Communist Party "smelled a rat" along toward the last of his activities. Although he had fooled them for some nine months, he stated that they finally kidnaped him and marched him at the point of two guns to the office of George Andersen, the attorney for the Communist Party of California. He did not prosecute his kidnapers on advice of the *American Legion*. Although he believed that the Communist Party suspected the true role he was playing, nothing was done about it at the time. He believes, however, that they laid the trap into which he ultimately fell and for which he is now serving time in San Quentin.

In July of 1939 plans were laid to hold up a grocery store in San Pedro in order to raise funds for the Harry Bridges Defense Committee. Mustak stated that the grocer was supposed to be in collusion with the plan and that the money was to be turned over to the men without a struggle for the use of the Communist Party in its defense of Harry Bridges. The grocer was to be reimbursed by the Insurance Company. Mustak stated that he was assigned by the Communist Party to participate in the holdup and that other Communist Party members drove him to the scene of the robbery and left him there alone. Following instructions, Mustak took \$1,600 from the grocer, was arrested and charged with the robbery and convicted.

He stated that Knowles and Doyle failed to come to his rescue and that he was advised to protect the *American Legion* and "take the rap." He had never been convicted of any crime before. He concluded his testimony by submitting letters from Harper Knowles of the *American Legion* and the Chief Investigator of the La Follette Committee.

#### GEORGE WALLACE

George Wallace seems to be the forgotten man in the King, Ramsay, Conner case. He is still in prison. Certainly, if King, Ramsay and Conner deserved to be paroled, so did George Wallace. The committee

examined the previous records of all four men and reports that Wallace's record was no worse, in any respect, than the others. We saw and questioned him at San Quentin Penitentiary December 6, 1941. (Volume VII, pp. 2099-2112, 2114-2128.) We believe that he has real cause to be in fear of bodily harm from members of the Communist Party, regardless of Dr. Schmidt's estimation of his mental condition. We believe that there is a real reason, and not an imaginary one, for his "anxiety neurosis."

Wallace first met "Wimpy" Ben Sakovitz in January of 1936 at the Union Hall of the *Marine Firemen*. Wimpy told Wallace that he was a member of the Communist Party. After the murder of George Alberts, Wimpy induced Wallace to accompany him to New York to see Roy Hudson. Earl King also told Wallace and Sakovitz to see Hudson in New York City. Wallace stated that he went to New York with Sakovitz and there met Roy Hudson. Wallace stated that Hudson would do nothing for them and referred them back to Harry Bridges in San Francisco. This occurred about one month after the *Point Lobos* murder. Hudson gave Sakovitz some money and Wallace and Sakovitz parted. Wallace subsequently returned to San Francisco.

Harry Bridges paid Wallace a visit in San Quentin Prison and Wallace stated that Bridges told him that as long as he was against Communism and Communists that Bridges would see to it that the Communists in San Quentin Prison "undermined" him. Wallace feels that the Communists in the prison have followed these instructions. He believes that Earl King exerts considerable influence over the party members within the prison walls. He stated that his life had been threatened because he refused to subscribe to the *People's Daily World* and other Communist Party publications which, he claimed, are circulated within the walls of the Prison. Herbert Resner had called to visit him but he had refused to see him. He stated that George E. Bodle, an attorney, wrote to him expressing an interest in his case. Miriam Dinkin, of the King, Conner, Ramsay Defense Committee, came to see him. He stated that Miss Dinkin "used to hang out here" and that she was very popular and had dinners at the prison. When Miriam Dinkin came to see him she tried to induce him to accept her judgment in the selection of an attorney but he refused. He stated that he told her that he was not a Communist and never would be.

George Bodle testified before the committee (Volume IX, pp. 2799-2808) in Los Angeles, February 24, 1942. He stated that Wallace had communicated with him. He went to San Quentin to see Wallace but never represented him. He stated that he had no connection with the King, Ramsay, Conner Defense Committee.

At the time of his trial, Wallace stated, a Robert Cole offered to secure an attorney for him if he would place his entire case entirely in the hands of the attorney selected. Wallace refused to accept this offer saying that he believed the attorney selected by these people would sell him out. Robert Cole offered to spend \$5,000 for an attorney for Wallace, but did not offer him the money. Cole stated that the *Marine Firemen* would raise the money. Wallace did not know that Robert Cole was a member of the Communist Party.

Rena M. Vale, former member of the Communist Party, (Volume VII, pp. 2112-2114) testified that she knew Robert Cole as a member of



the Communist Party in Los Angeles in 1938. She stated that his real name was "Cohn" and that he was the organizer of the Professional Section of the Communist Party in Los Angeles. He was known by both names, although he had asked the Communist Party to drop his real name because he did not want to involve his family.

Testifying regarding his previous record, Wallace stated that he had never been convicted of any crime prior to his conviction in this case. He had waited four months in a county jail in New York for trial on a misdemeanor charge but was released.

He told the committee of being attacked by a man by the name of Daban in the Prison.

He concluded his testimony by presenting a sheaf of letters written and received by him during the time that he had been in the penitentiary. He stated that he felt that he had been discriminated against by both the prison authorities and the parole board. He concluded by stating:

"I referred a question to the last record of this board—referring to this; I was an American citizen, and came into this board, and I respected justice; but I did not get justice; I did not have any Communist influence; and I still have in my mind—that's the reason I didn't get no break, which I deserve."

#### CONCLUSION

All of the testimony taken by the committee in reference to the King, Ramsay, Conner case, together with the uncontroverted and established facts of the case, brings the committee to the conclusion that the murder of Chief Engineer George Alberts on the *Point Lobos* was Communist inspired and planned. At least King and Sakovitz were members of the Communist Party. Wallace was merely a tool used by the others. Conner, undoubtedly, was under the influence of King and the group with whom he worked and was possibly friendly to the Communist element on the waterfront. There is no doubt of the guilt of all four men. Both Conner and Wallace confessed, although Conner later attempted to repudiate his testimony. The logic of the law governing such cases is hard to attack and possibly has never been attacked heretofore in the many, many similar cases scattered throughout California's high court decisions. So that the record is complete in this instance, we quote from the *opinion of the appellate court*, 30 Cal. App. (2d) 185 (85 Pac. (2d) 937:

"In the present case there is presented no question of death resulting from the commission of a simple assault or occurring in the commission of a misdemeanor. There is here a death resulting from the use of a deadly weapon which the appellants say they never intended. Such weapon was, however, actually used, and by one who joined with them in the plan to beat up the deceased, which plan they counseled. The question is whether the use of such a deadly weapon upon the person of Alberts and his resulting death was a natural or probable consequence of the plan or agreement among the actual assail-



ants and for which the appellants may be held liable, two of them, Ramsay and King, not being present.

The character of the plan is of great importance. Here, several men set out to beat up another. In the words of King, he 'sent them over to tamp the chief.' Preparations were made for trouble. It was known that he was vigorous and strong. One, at least, prior to setting out on the expedition, equipped himself with a bludgeon. At the scene of the expected trouble others were asked to stand by. Not being able to get at the victim the first day, the majority returned the second day and proceeded to the victim's place of abode aboard ship. They prepared and were prepared, to meet force with force and to overcome resistance at any cost. The natural and probable consequence of such an undertaking is homicide, and the homicide here committed by one of the conspirators is nothing less than murder. All who combined to commit the unlawful act of violence are equally guilty. The law makes no distinction between them and each is responsible for the act of any other of the party in the prosecution of the original design. All joining in the enterprise are as guilty of murder as the person who actually caused the death."

The participation in the case of Lawrence Ross, Communist Party functionary and the Editor of the *Western Worker*, should leave little doubt in the mind of anyone regarding the design of the Communist Party to make the King, Ramsay, Conner case a celebrated one. The cry of "frame-up" on the part of Communist publications re-echoed only in those labor organizations controlled and dominated by Communist Party fractions and expanded "progressive" caucuses. Communist pressure and influence was strong enough to find its way into the State Government of California. There is no doubt in the minds of the members of your committee but that this pressure was exerted on the Chief Executive of this State. The committee concludes that King, Ramsay and Conner are free today merely because the Communist Party had obtained great influence in the political arena of the State of California. George Wallace is still in San Quentin because he refused to program with the Communist Party.

## PART III

## SINARQUISTAS

Since the middle of 1941, your committee and its representatives have been gathering information in reference to the so-called *Sinarquist* movement in Mexico and its spread into the southwestern part of the United States, including California. During December of 1942 the public became acquainted with this organization through the efforts of the Communists. The investigation of the *Sinarquist* and its leaders and members in California is continuing but, at the writing of this report, the committee has not come to specific conclusions concerning it. Data received from Mexico has not been sufficiently checked for obvious reasons. The leaders and members of the movement in California have not yet been subpoenaed and examined. Because of the anti-Communist character of the *Sinarquist* movement, the Communist press has vigorously and viciously attacked it. The methods of the Communists in attacking every movement that is anti-Communist is well known and the subject of such attacks are to be given reasonable doubt in the beginning of any investigation. These attacks, however, can not be ignored in view of the present world conflict and the present needs of Soviet Russia. Anti-Communist movements, unchecked, uncontrolled and in irresponsible hands gravitate rapidly into Fascist organizations. If history has taught us anything during the last decade, it has taught us this. Mussolini's Black Shirts were anti-Communist and Hitler's crusade in Germany was directed against the Communists. Just as the Socialism of Karl Marx seems to demand a dictator and a ruthless totalitarian government for its progress and achievement, anti-Communist movements likewise, wittingly or unwittingly, move toward a totalitarian dictatorship for the crushing of Communism.

## BACKGROUND AND HISTORY

Your committee is in possession of several confidential reports on the history of *Sinarquismo* in Mexico, its origin, leaders and objectives. The committee is also in possession of some of the publications of the movement, both in Mexico and in the southwestern United States and California. Communist Party publications containing articles on Mexico's *Sinarquists* and reports in general on the activities of the organization, have been carefully examined and checked as far as possible. Many of the Communist articles are obviously vehicles for subtle libel of the Catholic Church.

Certain facts appear to be well established. The leader of the *Sinarquismo* in Mexico is Salvador Abascal. He is reported to be a man about 32 years of age. He is a lawyer and was a district judge in a village in the State of Guerrero.

In 1936 a German engineer by the name of Oscar Schreiter, teaching at a college in the State of Guanajuato, is reported to have organized a movement called the *Centro Anti-Communistas*. Abascal and two of

his lawyer friends, Manuel Zeremeno and Jose Urquizu, joined Schreiter's *Centro Anti-Communist*. In 1937 *Centro Anti-Communist* became the *Union Nacional Sinarchista*. Jose Urquizu became the first Chief—*El Jefe*. It is reported that Urquizu was killed in a running gun-battle with a government man. Manuel Zeremeno succeeded Urquizu and Abascal finally succeeded Zeremeno August 15, 1940.

As far back as the Summer of 1941, the Communist press in the United States asserted that the *Sinarquist* movement was being financed by the Nazis. The German origin of the movement appears to lend some authority to this statement. The articles of incorporation of the *Centro Anti-Communist* under the laws of the State of Guanajuato was signed by Oscar Hellmuth Schreiter, Adolfo Maldonado and Isaac Guzman Valdivia. Otto Gilpert and Friedrich Heim are reported to have assisted Schreiter, in establishing the *Centro Anti-Communist*.

The organization is reported to have been semi-military from its inception. The Communist press charges that the military instructor of the organization in Mexico is a Spaniard, a member of the *Falange*, by the name of Bilbao. The *Sinarquist* uniform is described as very similar to the one worn by Nazi storm-troopers. An armband worn on the left sleeve of the uniform is said to be red bearing a white circle in which is contained a green map of the country of Mexico. The flag of the organization is said to be a red banner with a white circle, also containing the green map of Mexico. The salute of the *Sinarquistas* is made by crossing the left arm diagonally over the chest.

The *Sinarquistas* in Mexico are reported as proclaiming: "Our leader is chosen by God; this is the keystone of our unity and discipline." The official organ of the movement, *El Sinarquista*, in its issue of November 7, 1940, declares: "The *Sinarquists* carry firmly engraved this truth because it is the cornerstone of our unity and of our discipline: the *Jefe* is imposed by God."

The proof of the Fascist tendencies of the *Sinarquistas* is expressed in *El Sinarquista* for September 28, 1939: "The members of the same trade or professions unite, constituting corporative groups. Above these professional groups or corporations there must exist a superior power charged with ordering their mutual relations and direct them to the good of the collectivity. Similar professional corporations must unite among themselves and must submit to a supreme authority which is incorporated in the political structure of the Nation." Certainly, there is a close similarity in this language of *Sinarquism* with Mussolini's *corporate State*.

Authoritarianism is indicated in the following, from *El Sinarquista* of June 18, 1940: "Among ourselves we do not discuss about what to do with our strength. Take away our discipline, take away our loyalty to the *Jefe*, and *Sinarquism* is nothing."

#### SINARQUISM IN THE UNITED STATES AND CALIFORNIA

Your committee has secured a list of the members of the *Sinarquistas* in southern California together with the names and addresses of its leaders and officers. We have learned that the organization contains branches at San Fernando, Oxnard, San Bernardino, Ontario, Azusa,

Pomona, La Verne, Pacoima, and Watts. The general membership is apparently made up of middle-class Mexicans. Some of the principles of the movement, examined by the committee and its representatives, appear contradictory, and, therefore, demagogic. The movement ostensibly stands for religious freedom and the right of religious worship and is frankly anti-Communist.

The Communist press carried quotations from *El Sinarquista* of October 16, 1941, indicating *Sinarquista* activities in California. We quote from *El Sinarquista* as reproduced in the *Daily Worker* of November 24, 1941:

"Noticias de Toda la Republica

"United States—California—Los Angeles. For 10 days Felite Navarro visited the *Sinarquist* centers which function in this region, which less than 100 years ago formed part of the Mexican Republic. He reports: September 21, meeting of the chiefs. Participating: Pedro B. Villasenor, Regional Chief Los Angeles; Porfirio Rivera, Regional Chief of Northern California; the members of the Regional Committee of Los Angeles and the municipal chief of the region. Rivera, Villasenor and Navarro spoke, explaining the extent of the colonization work of Baja, California. A plan of work laid out. *Sinarquist* song.

"San Fernando, September 22. Consecration of the flag. Regional chiefs and Navarro speaking. Local Chief Jose Macias received them. Oath of loyalty. Showing of movies. Enormous rejoicing. Confidence, faith and love. Rivera, Arroyo and Navarro left for the north. They slept briefly at Bakersfield and continued to —.

"Fresno, September 23. Meeting in the house of Chief Piedad Atilano. *Sinarquists* from various places participated. Great soldiers. Movies. Songs. September 24, run to San Francisco by way of Pittsburg and Antioch. Preparations of meetings at these places and return to Antioch this week. \* \* \*

"Bakersfield, September 26. Fiery morning. Magnificent group like all those of California. Children have a disciplined group. All hearts desire the *Sinarquist* fatherland. September 27. Invitation to speak at the party for Iturbide, organized by the Mexican colony. Triumph. Showing of movies. *Sinarquist* song.

"Los Angeles, September 28. *Sinarquist* concentration. Chief and soldiers of the entire region are present. Women, who fight for Mexico. Everything to work for a *Sinarquist* Mexico. Fight for it from there. Iturbide is being exalted. Vivas to Mexico, filled with praise. Mexico ardently palpitates in all those men. Affectionate salutations for Chief Abascal. And for all the *Sinarquists*. Mexico will save herself!

"The Fatherland is joyful over its good sons who fight for it from the other side of the frontier. Viva Mexico!"



In April of 1942 the Vichy Government announced that Jacques Leroy-Ladurie, Chief of the French *Sinarquists* had been appointed to the Cabinet of Pierre Laval.

The above facts, out of a morass of propaganda, Communist Party venom and confidential reports, investigations and checks possible in California, together with the examination and translations from the *Sinarquist* publication available, definitely bring this organization within the jurisdiction of the committee.

#### "ZOOT-SUIT" CRIMES IN LOS ANGELES

The Communist Party press and its members began an intensive agitation against the *Sinarquistas* in Los Angeles in the Fall of 1942. A number of Mexican boys had been arrested and charged with various crimes, including murder, and because of their peculiar manner of dressing, became known as the "Zoot-Suit Gang." This appellation was suggested by the style of dress effected by certain of the Mexican colony's boys and some of the Negroes in the eastern part of the City of Los Angeles. It consists, generally, of more or less baggy trousers, drawn tightly and cuffed at the ankles. When coats are worn they are of an extremely long cut, closely fitted at the hips and reaching in many extreme cases to the knees. A pomaded hair dress with the hair grown long and brushed toward the back forms what has become known as the "duck tail" hairdress.

The first publications of any consequence regarding the Mexican situation in Los Angeles consisted in a series of articles run in the *People's Daily World*, Communist West Coast publication, signed by Tom Cullen. The first of these articles appeared in the issue of October 3, 1942. Cullen quotes Guy T. Nunn as stating that the *Sinarquista's* principal weapon against Democracy "is to discourage all war efforts in every way. Their seeds are sown in fertile soil among the boys and girls brought up on the east side of Los Angeles." Guy T. Nunn is an employee of the War Production Board in the Minorities Division.

In the issue of the *People's Daily World* for October 5, 1942, Carey McWilliams is reported to have stated that the Mexican boy gangs are the result of an economic situation and he accuses police officers of attaching razor blades to sticks for the purpose of ripping the peg-top trousers and "zoot-suit" coats off the Mexican boys. In the issue of October 8, 1942, Tom Cullen cites newspaper articles and statements by certain individuals charging Fascist influence on the Mexican youth of Los Angeles County. In the issue of October 14, 1942, Cullen charges that the fifth column of Fascism is working among the Mexican population, egging on the Mexican youth. In the October 20, 1942, issue of the Communist paper Mrs. La Rue McCormick labels Assemblyman Jack B. Tenney as a "Fascist" and urges the purging of Nazi agents whom she asserts are operating in the Los Angeles Mexican community and inciting racial antagonism. In the issue of the same paper for October 22, 1942, Tom Cullen states that Mrs. La Rue McCormick is engaged in investigating the *Sinarquistas* as the central point in her campaign for State Senator.

The following chronology of agitation is taken from the columns of the *People's Daily World*. (The date of issue is appended in parenthesis.)

La Rue McCormick is reported as stating that Assemblyman Jack B. Tenney is attempting to blow down the Fascist fifth column working among the Mexican boys of Los Angeles County. Mrs. McCormick initiated a committee of 14 to defend Mexican youth and to expose the fifth column elements using the Mexican boys as dupes. Mrs. McCormick was elected secretary of the committee, representing the *Spanish-Speaking People's Congress*. (October 24, 1942.) On October 26, 1942, Philip M. Connelly is reported as stating that "Crime waves are turned on and off by newspapers like water in a spigot and when the city editor is short of news he orders police reporters to round up attack cases and if the sheriff's office is not deliberately participating in the fraud, it is being duped." On October 28, 1942, Philip M. Connelly, Leo Gallagher, Carey McWilliams, La Rue McCormick, Jesse L. Terry, George Shibley and Mart Cazares are reported making a call on the District Attorney of Los Angeles County charging that the district attorney's office is prejudicing the rights of the Mexicans on trial. This delegation requested the district attorney to permit the "zoot-suit" boys to get their hair cut and to tidy themselves up while on trial. About the same time Congressman Vito Marcantonio is reported as having sent a wire to Mrs. La Rue McCormick, stating that the *Sinarquistas* are responsible for the situation and are undermining the morale of America. On November 2, 1942, Mrs. La Rue McCormick is reported as quoting a Mexican attorney regarding the outbreak in Los Angeles County, comparing it with a similar outbreak in Mexico among Mexican youth: "The fault lies, not with the Mexican boys but with the fifth column working in our midst."

The issue of the *People's Daily World* for November 17, 1942, carries a picture showing Mexican youths in the office of the *California Eagle*, Los Angeles Negro newspaper, writing a letter to Vice President Wallace, contending that they have no playground to play on. Ed Robbin, Communist commentator, is reported on November 19, 1942, quoting an article by Clem Peoples, of the Los Angeles Sheriff's Office. Robbin claimed that the Mexican youth is being terrorized by police and the sheriff's office.

On November 30, 1942, the *People's Daily World* reports a committee appointed by the Los Angeles County Board of Supervisors to investigate the Mexican youth problems. Monsignor Thomas J. O'Dwyer is reported as the chairman of the committee.

On December 4, 1942, Orson Welles, John Bright, Guy T. Nunn, Carey McWilliams, and others are reported as holding a meeting on behalf of the Mexican youth. Guy T. Nunn is reported as stating that unless the Mexican boys now on trial are given a fair trial that this case will set back the entire work of the War Man Power Commission on Minorities.

The issue of the *People's Daily World* for December 10, 1942, indicates a change in the Communist Party line. This and subsequent issues indicate a new line of attack, claiming that the cause of the disturbances among Mexican youth is because of discrimination against minority groups. The *Sinarquista* attack appeared to have been abandoned for the moment.

On October 23, 1942, an article appeared in the *Tidings* under the title "*Public Mass Meetings to Be Called in Challenge to Red Anti-Sinarquistas in Los Angeles.*" The entire article follows:

"Los Angeles, October 26—

"Plans for a series of public mass meetings which will inform the American public of the true character of the organization known as *Sinarquistas* and refute the charges made by Communists, communist newspapers and fellow travelers that crimes committed by youth gangs in the east side of Los Angeles are the result of *Sinarquista* influence have been made by executive leaders of the Catholic Industrial Conference.

"The Industrial Conference, organized here early this year under the leadership of Mr. Thomas O'Dwyer of the Catholic Charities Bureau, has aims which are similar in scope to those of the *Sinarquistas* in Mexico, who seek social justice in the Christian manner and are striving to stem the spread of communistic influence there. The *Sinarquistas* is a purely lay organization, whose name translated means "without anarchism."

"Impetus to a smear campaign by which the Communists seek to link the *Sinarquistas* with first the *Falangists* of Spain and then with Fascism and Nazism was given in a series of articles in the *People's World*, Communist daily newspaper published in San Francisco and Los Angeles, which quoted Guy T. Nunn, an official of the United States War Manpower Commission for the minority groups, with offices in Los Angeles, as a principal authority for its charges. These were followed by the importation from Mexico of an alleged anti-Fascist and anti-Nazi leader, who, while not speaking English, was reported in the *Los Angeles Times* to have for his purpose the organization of meetings and groups that would seek to curb *Sinarquism* here. He was introduced locally by Communist leaders.

"The charges made by Mr. Nunn were emphatically denied by Rev. Manuel Canseco of the Church of Our Lady of Guadalupe, who, while not a member of the *Sinarquists* responded to an appeal of *La Opinion*, Spanish language daily newspaper, to vindicate the Spanish-speaking Catholics.

"Mr. Nunn's original statements were published in the *Los Angeles Herald Express* and widely republished by newspaper wire services.

"When interviewed he first maintained that he was misquoted but when asked for a correct statement of his charges averred that he did not want to engage in any newspaper controversy.

"Subsequently Nunn declared that in making his original charges he was under the impression that he was talking with a publicity representative of the government, explaining that the Manpower Commission had only



recently moved into its offices, and he was not familiar with his surroundings or the personnel.

"This allegation was scoffed at by the *Herald Express*.

"That the Communistic leaders and the Communist newspapers should seek to smear the *Sinarquistas* and discredit them as American citizens and in Mexico is evidence of chagrin and humiliation they have felt and still feel over their unsuccessful attempts to invade Spain and their defeat at the hands of General Franco.

"Their present line is apparently to seek to delude the public into the belief that those who opposed them in Spain and who oppose their efforts in Mexico are enemies of the United States war effort.

"First plans for the mass meetings in which the Catholic Industrial Conference will seek to meet these attacks were made last week.

" 'We will seek,' said a spokesman for the organization, 'to provide every public opportunity for any person, government official or otherwise, to prove any charges made. We will call upon all public officials of Los Angeles County and of the State to take cognizance of these charges and if they cannot be proved will request that these persons and newspapers responsible for them publicly to repudiate them as in decency they should'."

In view of the agitation raised as quoted above your committee decided to hold a hearing on the matter December 16, 1942. Resolutions had been passed by the C. I. O. Council in Los Angeles demanding an immediate investigation of the situation. It was not felt that subpoenas were necessary in this case, in view of the demand for the investigation. The chairman of the committee, therefore, invited Mrs. La Rue McCormick, John Bright, Josephine de Bright, Oscar Fuss, Philip M. Connelly and Guy T. Nunn to testify. The committee met in the State Building in Los Angeles at 10 o'clock in the morning, December 16, 1942. Not a single individual invited put in an appearance. The letter of invitation sent to each of the above-named persons, is as follows:

"It has been called to the attention of the Fact-Finding Committee Investigating Un-American Activities in California, that you have recently demanded an investigation of an organization known as the *Sinarquistas*. It is further publicly reported that you have alleged that the recent gang disturbances by Mexican youths in the County of Los Angeles have been instigated and fomented by this organization. It is further reported that you have publicly declared that the so-called *Sinarquistas* movement is in fact 'an Axis fifth column in our midst, undermining the morale of American-Mexican boys charged with murder, and the recent arrest of nearly 200 Mexican youths on felony charges have been stage-managed by Hitler's fifth column.'



"If you have any information or evidence to substantiate these or similar charges, the Assembly Fact-Finding Committee on Un-American Activities in California is most anxious to receive same. Therefore, the committee is inviting you to appear before it in Room 706 of the State Building, located at First and Broadway in the City of Los Angeles, at the hour of 10 a.m., Wednesday, December 16, 1942, and there lay before it such information and evidence as may be in your possession. The committee is not issuing subpoenas at this time on this matter, feeling that your responsibility to your State and Nation in this critical time will be all sufficient for the assurance of your prompt appearance."

The above-named individuals sent telegrams and letters stating in substance that they were not accepting the committee's invitation because it was "understood" all information had been turned over to Federal agencies, and that the OWI (Office of War Information) believed publicity attending the hearing would be inadvisable. Philip M. Connelly wired in detail:

"I understand all available evidence regarding *Sinarquistas* activities is now in hands of Federal agencies also that the FBI is conducting official inquiry therefore I believe it inadvisable and possibly dangerous to war effort to respond to your invitation to participate in public hearing on same subject matter further understand OWI feels hearing such as you propose is inadvisable I agree with this view believing that *Sinarquistas* and other Fascist elements might well utilize publicity attended to your proposed hearing to stir up additional unrest and create new strain in relation between Mexican-Americans and Anglo-Americans who must be thoroughly united in order to effectively win war."

Although Guy T. Nunn of the War Manpower Commission was appearing at meetings throughout the County of Los Angeles in reference to the Mexican youth situation and was reported to have been making statements concerning the situation, he wrote the committee that he had been instructed by the chief of his agency that it would be inadvisable for him to accept the committee's invitation. A motion was then passed by the committee for the issuance of subpoenas for Mrs. La Rue McCormick, John Bright, Josephine Fierro de Bright, Osear Fuss, Philip Connelly, Guy T. Nunn and such other people as might be necessary, and the committee continued the meeting until December 19, 1942, at the hour of 10 a.m. in the State Building.

Pursuant to the order of the committee, all of the above-named individuals were subpoenaed for the December 19, 1942, hearing. In addition, a number of the officers of the *Sinarquistas* in Los Angeles County were subpoenaed. The representatives of the committee were only able

to serve Philip M. Connelly, Oscar Fuss and Mrs. La Rue McCormick. Prior to the hearing the committee issued the following press release:

"The Mexican people and Americans of Mexican origin are not under investigation by the committee investigating un-American activities in California. So that there can be no doubt in the mind of anyone, the committee wishes to emphatically state its position in this regard. Mexico and the United States are allies in this present world struggle and the members of the committee investigating subversive activities hold Mexico, its people, its government and the Americans of Mexican origin in our community, in the highest esteem and with the greatest affection. No doubt of the loyalty of the Mexicans or Mexican-Americans exists in the minds of anyone acquainted with these splendid people.

"It is rather significant that the agitation and turmoil, heard for the past several months in Southern California, has been raised by American Communists and close fellow travelers. It is this group that has continuously demanded an investigation of the so-called *Sinarquista* movement, alleging that recent disturbances among Mexican-American youth in Los Angeles are the result of the *Sinarquistas*. This same group, headed by a known Communist, La Rue McCormick, has continuously alleged that the *Sinarquistas* are dominated by, linked with, financed and stage-managed by Hitler's Nazis. It is further significant that this same group refused to testify voluntarily before the committee last Wednesday, when invited by the committee to do so, and as an excuse for failure to testify, attempted to hide behind the FBI and OWI (Office of War Information), on ground that a public hearing might strain American-Mexican relations.

"Recent articles in the public press quote outstanding citizens, whose patriotism can not be questioned as charging that American Communists are attacking the *Sinarquista* movement solely because of its anti-Communist character. Some of these leading Americans have stated that the *Sinarquista* movement is one that merely seeks social justice and strives to weaken Communistic influence.

"The Fact-Finding Committee on un-American Activities in California is therefore interested in but one phase of this matter. We are desirous of learning:

"(1) Is the *Sinarquista* connected with, dominated, controlled or directed, in any way, by Hitler or his fifth column in this hemisphere, or

"(2) Is all the hullabaloo and shouting merely another smear campaign raised by American Communists for their own sinister purposes?

"Our neighbors and allies, the Mexican people, both here at home and below the Rio Grande, are just as much concerned with this question as are the loyal and patriotic

American citizens of California and the United States. The Fact-Finding Committee on un-American Activities in California intends to determine the facts."

The committee met in executive session and Mrs. La Rue McCormick was the first witness called. The Communist Party background and activities of Mrs. McCormick were read into the record. (Volume XIV.)

Mrs. McCormick proved to be a very hostile and non-cooperative witness. Her memory was vague on most Communist matters and, although she admitted having made similar statements to those quoted in the *People's Daily World*, her recollection of them was very inaccurate. She believed most of her statements to be true, but could not give the committee factual bases for any of them. The following is typical of Mrs. McCormick's testimony on the *Smarquista* matter (Volume XIV, pp. 3744-3745):

"Q. Well, we have some disturbances here among the Mexican youth and people are killed or injured, and Mexican youths are arrested and then you state that you believe that those activities are the result of a fifth column. Is that just your opinion?

"A. (Mrs. McCormick) I think that is stating it a little wrongly.

"Q. I don't want to put words into your mouth; you state it.

"A. (Mrs. McCormick) I might state this: I think such things are being utilized by the fifth column in order to convince the Mexican people that the abuses and injustices from which, I think, they have suffered for many years here, should cause them to withdraw from any participation in the war effort and I think also that there are many instances in which they are able to utilize such as the mass arrests of Mexican youth in order to prove to them the American people are not sincere in their desire to have Pan-American unity.

"Q. Well, have you any information with reference to any individuals who have been carrying on that type of work?

"A. (Mrs. McCormick) No, I don't.

"Q. Then your entire approach to the matter is clearly one of your own inner conviction or thought and belief in the matter?

"A. (Mrs. McCormick) That is right.

"Q. Rather than any factual information that you might be able to base it on?

"A. (Mrs. McCormick) That is right."

"Q. \* \* \* but a citizen who makes a statement as to a certain thing must base the statement upon something other than imagination.

"A. (Mrs. McCormick) I told you what I based it upon.

"Q. And that was your opinion?

"A. (Mrs. McCormick) Yes, sir, and I have a certain opinion about you and about this committee.

"Q. That is right.

"A. (Mrs. McCormick) I have an opinion about a great many things.

"Q. Is it a substantial opinion?

"A. (Mrs. McCormick) No."

The personnel of the committee organized by Mrs. McCormick as set forth in the *People's Daily World* of October 26, 1942, was identified by Mrs. McCormick. The committee is as follows:

Philip M. Connelly, *State C. I. O.* President; C. Warne, President of the Local Branch of the *National Lawyers' Guild*; Al Waxman, Editor of the *Eastside Journal*; Leo Gallagher, labor attorney; Jess Armenta, Organizer of the *Laundry Workers*, Local 357; Bert Corona, President of *Warehousemen's Union*, Local 26; Jerome Posner, *Amalgamated Clothing Workers*; Anthony Quinn, Mexican screen actor; John Bright, Representative of the *Council for Pan-American Democracy*; Mrs. Josephine de Bright, Executive Secretary of the *Spanish Speaking People's Congress*; Carey McWilliams, Chief of the State Division of Immigration and Housing; Guy T. Nunn, minority groups representative of the *War Man Power Commission* and State Senator Robert W. Kenny.

Philip M. Connelly was the next witness called. Connelly, like Mrs. La Rue McCormick, was also a hostile witness, extremely faulty in memory and cautiously technical. The following quotations from the transcript are typical of the type of testimony given by Mr. Connelly (Volume XIV, pp. 3784-3785):

"Q. Then \* \* \* if I understand your testimony correctly, you have no interest or have you made any allegations in reference to the *Sinarquista* movement?

"A. (Connelly) We would be interested and are interested in any fifth column activities which might manifest itself in our unions, either to the detriment of the unions or the detriment of the country.

"Q. Any organization that would be disruptive to the organization?

"A. (Connelly) Any fifth column organization, indeed.

"Q. Would that include the Communist Party?

"A. (Connelly) In the event the Communist Party proved to be such a disruptive and fifth column organization, it certainly would.

"Q. Do you feel that it is such an organization?

"A. (Connelly) I am in no position to pass judgment on that. I have no evidence on which to base an answer.

"Q. You have had no connection with or knowledge of the Communist Party and its activities?

"A. (Connelly) That is a broad question. I have general knowledge that there is a Communist Party.



"Q. Well, from your knowledge of the Communist Party would you say it would be a subversive organization?

"A. (Connelly) I have no knowledge to indicate it is.

"Q. In other words, so far as you are concerned, or from your knowledge, you wouldn't consider the Communist Party as a subversive organization?

"A. (Connelly) I have no knowledge on which to give an answer on that."

(Volume XIV, p. 3788.)

"Q. You knew, of course, that Mrs. McCormick was and is a member of the Communist Party?

"A. (Connelly) I don't know that.

"Q. You don't know that?

"A. (Connelly) No.

"Q. Did you ever hear it?

"A. (Connelly) That she was a member of the Communist Party?

"Q. Yes.

"A. (Connelly) I don't think I have ever heard it. I know that she was a Communist candidate for the office which you hold, at the last election.

"Q. That would indicate, of course, she was a member of the Communist Party?

"A. (Connelly) I don't know whether that is so or not."

(Volume XIV, p. 3798.)

"Q. You believe then that the *Sinarquista* movement is actually a Nazi dominated and controlled organization?

"A. (Connelly) I am not prepared to pass judgment on that.

"Q. In conclusion then, you have absolutely no information whatsoever to give the committee with reference to the *Sinarquista* movement?

"A. (Connelly) I don't know of any information that would be particularly helpful to the committee. I am generally advised that what information there does exist is in the hands of the Federal bureaus charged with such investigations in time of war, and it seems to me that that is the proper place for it.

"Q. But you have no knowledge as to what that information is or its scope or anything about it?

"A. (Connelly) Only in a general way.

"Q. Just the general allegation that the *Sinarquista* movement is a Nazi dominated organization, being used to stir up trouble between Mexico and the United States. Would that express your knowledge of it?

"A. (Connelly) Not necessarily. I would not want to subscribe to your formulation of it, no."

Oscar Fuss was the last witness to be called and he proved of as little assistance as did Mrs. La Rue McCormick and Philip M. Connelly. It was glaringly apparent to the members of the committee

that the three witnesses, while making positive and spectacular charges through the columns of the Communist paper, the *People's Daily World*, had absolutely no information of a factual nature upon which to base their charges.

At the conclusion of the hearing the committee issued a prepared statement to the press stating that the three witnesses who appeared before the committee admitted that they had no factual ground upon which to base their former allegations. The Communist press immediately, pouncing upon this statement, declared that the committee had "white-washed" the *Sinarquistas*. The fact is, regardless of whether the *Sinarquista* movement is subversive or not, the Communist Party has tied it in with its agitation in the Mexican communities of the State in order to recruit Mexicans into the party.

Because the testimony of Philip M. Connelly, Mrs. La Rue McCormick and Oscar Fuss touches on various other aspects of this report, a digest of the testimony of each is herewith included.

#### DIGEST OF TESTIMONY OF CONNELLY, FUSS AND McCORMICK

*Philip M. Connelly* (Volume XIV, pp. 3777-3816) is the President of the State Congress of Industrial Organization in California.

On being read an article from the Communist Party paper, *The People's Daily World*, of October 22, 1942, reporting that the Los Angeles Industrial Council of the C. I. O. and the *Spanish Speaking People's Congress* had demanded an investigation of the *Sinarquistas* by the Federal Bureau of Investigation, Connelly stated that he had no recollection of same.

He had no information of any kind for the committee in reference to the *Sinarquistas*. He was, in fact, a member of the so-called "Citizens Committee," organized by Mrs. La Rue McCormick, a Communist functionary in the County of Los Angeles.

He had general knowledge of the existence of the Communist Party but was in possession of no knowledge to indicate that the Communist Party was subversive.

He called on the sheriff and the district attorney in company with Mrs. La Rue McCormick, Carey McWilliams, Leo Gallagher and others, protesting the conduct of the prosecution of certain Mexican boys on trial for murder, and complained to the sheriff and district attorney of the treatment being given the defendants. He is acquainted with Guy T. Nunn and stated that he saw and first knew Mrs. La Rue McCormick when he was a reporter for the *Los Angeles Herald-Express*. Mrs. La Rue McCormick was connected with the *International Labor Defense* at that time. He knows John Bright and Mrs. Josephine de Bright. He stated that he was not aware that Mrs. La Rue McCormick was a member of the Communist Party, although he admitted knowing that Mrs. McCormick had been a Communist candidate for the office of Senate in the last election. He did not know whether that made her a Communist or not. He claimed that he knew nothing of the Communist Party affiliation of Mr. and Mrs. Bright. He had no knowledge as to the Communist Party affiliation of Oscar Fuss. He knew Bert Corona as the President of the *Warehousemen's Union* of the C. I. O. He has known Roger Johnson since 1937 or 1938. He remembered Morris Smolan as some "guy" who was formerly the circulation man-

ager for the *People's Daily World*, but could not state whether Morris Smolan was a member of the Communist Party or not. He was shown the sworn affidavit of Rena M. Vale in which the circumstances of his affiliation with the Communist Party was described. He read the document and then denied that he had ever made application to join the Communist Party or that he had ever, in fact, joined, or that he was presently a member. He admitted having known Hugh Ben Inzer as a member of the *United Automobile Workers' Union* of the C. I. O. but denied Inzer's testimony as to Hans Diebel and Pettis Perry. He admitted being acquainted with Pettis Perry but could not state whether Perry had been the Secretary of the Communist Party for Los Angeles County or not. He denied ever having met Hans Diebel and denied having a conference in the offices of the C. I. O. with Lew Michener, Hans Diebel and Pettis Perry. He branded Inzer's testimony as completely false.

He admitted having attended several meetings of the *American Peace Mobilization*. He evaded answering inquiries as to whether or not he was in agreement with the *American Peace Mobilization* policy at the time he attended their meetings, but stated that he was interested, as was the C. I. O., in attempting to avoid the spread of war. He claimed that he had not changed his opinion on this subject.

He was shown an article from *The Tidings*, a Los Angeles County Catholic publication, and an article stating in effect that the attack on the *Sinarquistas* was instigated by Communists as a "smear campaign" in an effort to link the organization with the *Falangists* of Spain and the Nazis. Connelly disagreed with the article and the committee's interpretation of it and stated that he had some knowledge to the contrary. He stated that he was not prepared to pass judgment upon the *Sinarquistas*, particularly as to whether or not it was a Nazi dominated and controlled organization and that he was "always leary of newspapers, even *The Tidings*."

Oscar Fuss (Volume XIV, pp. 3817-3839) is the Legislative Representative of the C. I. O. County Council. He is a member of the *Federation of Architects, Engineers, Chemists and Technicians*, although he is neither an architect, an engineer, a chemist or a technician. He was born in Pittsburgh, Pennsylvania, and came to California in the latter part of 1938 upon the request of Alexander Noral, California President of the *Workers' Alliance* and the National Executive Board of that organization. He had been connected with the *Workers' Alliance* in New York City before coming to California. His duties in Los Angeles with the *Workers' Alliance* were those of an organizer. He held this position up to 1941.

The Dies Committee bluntly branded the *Federation of Architects, Engineers, Chemists and Technicians* as distinctly a Communist organization. (Dies Reports, Volume 3, p. 2050.) This organization has established a nuclei of Communist members in the various Navy yards on the Pacific Coast, in airplane factories, and various industries essential and necessary in National defense.

Fuss stated that he had been trained for newspaper work. His reason for joining the *Federation of Architects, Engineers, Chemists and Technicians* was to act as an organizer for a chapter of that union. He stated that the organization had no requirements for joining, and



that an applicant did not necessarily have to possess a particular skill in any of the categories listed in the name of the union.

He was read certain published statements in regard to the *Sinarquista* movement allegedly made by him. He stated that he made these or similar statements on the basis of information received by him to the effect that some one "had gone around in the Mexican neighborhood and had seen signs painted upon the walls or chalked up reading: 'Down with the Jews, they started the war, let them finish it,' and things of that nature." He could not recall who had given him this information. He believed the difficulty in the Mexican community is being caused by a fifth column. He could offer the committee no further information on the subject. He stated that he was not officially a member of the so-called Citizens Committee, headed by Mrs. La Rue McCormick, but that he had attended some of their meetings.

He learned that Alexander Noral was a member of the Communist Party and stated that he knew Mrs. La Rue McCormick was also a member of the party. He denied ever having been a member of the Communist Party himself, either secretly or as a registered voter, either on the West Coast or in the East or anywhere else. He admitted being acquainted with Josephine de Bright and John Bright, her husband. He could not state whether or not they were members of the Communist Party.

Upon being questioned as to how he came to believe "that the Office of War Information thought a public hearing inadvisable," he stated that he was told so by Guy T. Nunn over the telephone.

*Mrs. La Rue McCormick* (Volume XIV, pp. 3738-3776) was born in Louisville, Kentucky, November 1, 1909, and came to California in 1910. Her maiden name was Mandy. She was very reluctant to admit that she was a member of the Communist Party. She stated that she did not accept the invitation of the committee to appear before it prior to being subpoenaed because she expected the hearing to be just a "cheap, red-baiting meeting." She finally admitted that she was a member of the Communist Party but refused to state how long she had been affiliated.

She admitted that she may have made statements similar to those quoted in the *People's Daily World* to the effect that "Nazi agents are operating in the city's Mexican community and inciting racial antagonism and corrupting the Mexican youth." She frankly stated that such a statement of hers was based on nothing that she knew. When asked if she had any information in reference to any individuals who have been carrying on fifth column work among the Mexicans, she answered that she did not have such information. She stated that her entire approach to the matter was based on her own inner convictions or thoughts and beliefs in reference to the subject. She had no factual information in her possession. Although she admitted being acquainted with Tom Cullen, she did not remember ever having made a demand together with the Los Angeles C. I. O. Council for an investigation on the *Sinarquista* movement, as reported by Tom Cullen in the *People's Daily World*.

She admitted that she had initiated an organization composed of 14 to defend the Mexican boys on trial in Los Angeles County and to expose the fifth column element that were using them as dupes. She



was not acquainted with any of the members of the *Sinarquista* movement and was not acquainted with Pedro De La Villaseñor. She had no personal information of any activity on the part of the *Sinarquistas* or their members in discouraging participation in the war effort among the Mexican people, and again reiterated that her statements were based only upon her opinion, and admitted, in substance, that this opinion was not a substantial one.

She admitted having made a statement urging the purging of Nazi agents operating in this city's Mexican community, creating opposition to the United States war effort, inciting racial antagonism and corrupting American-Mexican youth, as quoted in the *People's Daily World* of October 19, 1942. When questioned upon what factual data or evidence she based such a statement she answered that it was because of a great deal of anti-Semitism being spread among the Mexican people. When asked who was spreading anti-Semitic propaganda she stated that she had in mind a particular person who goes under an assumed name and who works for the newspaper *La Opinion*.

Mrs. McCormick stated that she had seen a little paper called *El Sinarquismo*, which, when translated, was found to contain an article on *Sinarquism* patterned after the 16 points of Social Justice of Father Coughlin. She believed this to be subversive material, and she stated that she had turned the paper over to the Federal Bureau of Investigation.

When asked if it was not part of the current Communist Party line to stir up matters among minority groups in order to make the Communist Party appear a champion of the group, she answered indignantly that such a statement was ridiculous.

Mrs. McCormick admitted that she was a member of the *International Labor Defense* on the Pacific Coast, but, of course, denied that the organization was a Communist Party front.

She testified that the meeting called at the Alexandria Hotel in Los Angeles was at her request and that she had sent personal letters to a number of individuals in the City of Los Angeles, asking them to attend. The "Citizens' Committee" was elected from those who attended the meeting. She was not sure whether Carey McWilliams and Guy T. Nunn had accepted the nomination to serve with the committee or not. Senator Robert W. Kenny, she stated, declined to become a member or to serve with the committee.

She admitted having called on District Attorney John Doekweiler and Sheriff Eugene Biscailuz of Los Angeles County to call the attention of these officials to certain abuses and "cases of brutality" in law enforcement. Under close examination, the witness failed to cite specific instances of brutality in the Mexican youth cases. She admitted having complained of police brutality in some instances but stated that she could give no illustrations or examples. Being pressed for details, she stated "It was just a kind of police brutality, that was all."

Questioned regarding the size of the *Sinarquista* organization, Mrs. McCormick stated that she did not know; that she knew nothing of the meeting places of the group; that she had no knowledge of a headquarters and that she did not know any of the leaders.

She distinguished between the committee she had been responsible for organizing and a Citizens' Committee appointed by the Los Ange-

les County Board of Supervisors. She stated that the committee appointed by the supervisors was headed by Monsignor Thomas J. O'Dwyer.

Being read an article entitled "*Public Mass Meetings to Be Called in Challenge to Red Anti-Sinarquista in Los Angeles*," which appeared in the *Tidings*, a Catholic publication of the County of Los Angeles, the witness refused to make any comment. Questioned concerning the current Communist Party "line" in the matter, Mrs. McCormick stated that she was not speaking for the Communist Party. She refused to either affirm or deny the allegations made in the *Tidings'* article concerning the program of the Communist Party in relation to the *Sinarquista* movement.

**CITIZENS' COMMITTEE FOR THE DEFENSE OF  
MEXICAN-AMERICAN YOUTH**

Mrs. La Rue McCormick's Citizens' Committee is still operating, even though 17 of the Mexican boys have been convicted in the Superior Court of Los Angeles on the charge of murder. Five of the boys were convicted of assault and five were acquitted. It is not the province of your committee to comment on the trial of the case or on the merit of any appeal now pending before the courts. The *Citizens' Committee for the Defense of Mexican-American Youth*, regardless of any other consideration, is a typical Communist front organization. The most recent activity of this group is to expand its agitation into churches, unions, fraternal and civic organizations. On a printed letterhead of the organization, giving the headquarters as 206 South Spring Street, Room 342, Los Angeles, California, Telephone MUtual 4964, under date of February 16, 1943, your committee finds the following:

"To all Church, Union, Fraternal and Civic Organizations:

"Greetings! This is an appeal to your sense of justice.

"Seventeen innocent Mexican-American boys have been convicted in a Los Angeles court for a crime they did not commit. Several have been condemned to life imprisonment. These convictions arose from distorted, prejudicial and hearsay evidence and were accompanied by a consistent barrage of prejudice in the press.

"A leaflet issued by a Citizens' Committee sponsored by representative civic persons in Los Angeles is here enclosed, giving the essential facts. It explains the necessity for an appeal, not only in the interests of the 17 boys, but in the interests of the Mexican-American community and the war effort. Please read the printed folder at your next meeting.

In order to give the growing number of interested organizations an opportunity to participate in the defense of these innocent boys, we are calling a conference to launch a wide campaign—including churches, unions, fraternal clubs and civic organizations—in behalf of justice in the appellate courts for these innocent youths.

"The fight for the freedom of these boys is an integral part of the welding of Allied unity for the winning of the war. Therefore we request most urgently that your organization send two or more representatives to a Defense Conference to be held Sunday, March 14, 1.30 p.m., at the Unitarian Church, 2936 West Eighth Street, Los Angeles, where the case will be fully discussed and action decided upon in the interests of the court appeal.

"A credential form is enclosed. Please fill it out and return as quickly as possible.

(S) CLORE WARNE, Chairman"

Clore Warne is indicated on the letterhead as the chairman of the committee. La Rue McCormick is secretary and Robert S. Morris, Jr., the treasurer. The sponsors of the movement are listed, with their organizations, although a note at the bottom of the letter states that the organizations are listed for identification purposes only. The sponsors are as follows:

PHILLIP CONNELLY  
*C.I.O. State President*

AL WAXMAN  
*Eastside Journal*

LEO GALLAGHER  
*Lawyers' Guild*

BERT CORONA  
*Warehouseman's Union*

JEROME POSNER  
*Amalgamated Clothing  
Workers' Union*

JESSE ARMENTA  
*Laundry Workers' Union*

GRAY BEMIS  
*International Workers'  
Order*

MRS. WILL ROGERS, JR.  
CHARLOTTE BASS  
*California Eagle*

GUY NUNN  
*Minorities Group Div. War  
Production Board*

JOHN BRIGHT  
*Council Pan-American  
Democracies*

JOSEPHINE FIERRO DE BRIGHT  
*Spanish Speaking People's  
Congress*

HERBERT GANAHL  
*Lawyers' Guild*

DOROTHY COMINGORE  
*Screen Artist's Guild*

MINNABELL CLINE  
*Screen Office and Employees'  
Guild*

OSCAR FUSS  
*C.I.O. Legislative Director*

ROSE HARMON  
CARY McWILLIAMS  
*State Department Immigration  
and Housing*

ROGER CARDONA  
*President Victory Youth Club*

STEWART NEIL  
*U. C. L. A. Quaker Group*

## PART IV

## NAZI ACTIVITIES

## 1

## HISTORY

The activities of Hitler's agents, supporters and sympathizers in the United States and in California can not be understood without some slight knowledge of the history of the rise of Naziism and the theories upon which it is based. The members of the committee and its representatives have found it necessary to read and study, not only the pamphlets issued by the *German-American Bund* and its fronts in the United States, but translations of original sources, such as *Mein Kampf* by Adolph Hitler himself, the *Programme of the Party of Hitler* by Gottfried Feder, the *Nazi Primer*, by Brennecke, the *Official Handbook for Schooling the Hitler Youth*, and others.

The German *Social Democratic Party*, chief support of the Weimar Republic, was fought bitterly from its inception by the Communist Party of Germany. Partly because the German *Social Democratic Party* controlled the government of the Weimar Republic (and therefore was to be destroyed), and partly because of the *reformist* character of the party, the Communists of Germany, under the domination of the Comintern, fought it with their usual venom and hatred. Thus, the German Republic in its infancy was doomed. Officers of the former Imperial army were used by the *Social Democrats* in the government for organizing the army of the *Reichswehr*. The new republic retained the judiciary of the exiled Kaiser, most of the diplomatic corps and the former civil service. Few of the Germans carried over from the Kaiser's regime were enthusiastic over the Weimar Republic and possibly looked forward to a restoration of the Hohenzollerns. The *Social Democrats*, bred in the ways of the old Imperial government of Germany, did little, in fact, to differentiate the new republic from the regime of the Kaiser. The Democratic system of the republic never worked satisfactorily. Mr. Michael T. Florinsky, in *Fascism and National Socialism*, points out that between February, 1919, and January, 1933, Germany had 21 cabinets headed by 12 chancellors. The nation broke itself up into innumerable political parties and 38 of them participated in the *Reichstag* elections in 1932.

While the Communists were busily fighting, sabotaging and undermining the Weimar Republic and the *Social Democrats* of Germany, Adolph Hitler in September of 1919 was forming what he was pleased to call a "Labor" Party. He named it the *National Sozialistische Deutsche Arbeiter Partei*, the *National Socialist German Workers' Party*. It became known as the N. S. D. A. P. or the Nazi Party. In 1921 the first groups or cells were formed in Rosenheim and Landshut, Bavaria, and the first unit of the *Sturm Abteilung* (S. A.), or Storm



Troops, were organized. Because they wore brown shirts they became known as the S. A. Brown Shirts. In October of 1922 Hitler's Nazis secured control of Munich, Bavaria, and marched to Coburg. The first Nazi Party Congress was held in January of 1923; the first flags of the party were "consecrated" and the S. A. formally established. During the Summer of 1923 Hitler's Storm Troopers terrorized most of Bavaria, fighting both the *Social-Democrats* and the Communists. In November of 1923, Hitler's attempt to overthrow the government by his "putsch" on Munich failed and he was arrested. He was tried in Munich, convicted and sentenced to Landsberg Prison in March of 1924, where he languished until December of that year. Returning to his agitation he continued unmolested until the latter part of 1925 when a decree was issued prohibiting his speaking in public for a period of two years. He, nevertheless, continued to work underground and to perfect his organization. In August of 1926 the Nazi Party held its Congress in Nuremberg.

The order forbidding Hitler to speak in public was withdrawn in 1927. The second Nazi Congress met at Nuremberg on August 4, 1929. The Storm Troopers were increased in numbers and the S. S. (*Schutz Staffel*), black-shirted troops, were organized as a bodyguard for Hitler. Herr Feder states that Hitler now "stood forth without a rival as the most powerful leader against all that was meant by 'Democracy.' " The *Reichstag* elections took place September 14, 1930, and the Nazi Party polled six and one-half million votes and elected 107 members. In July of 1932 the Nazi Party rolled up over thirteen million votes and gained 230 seats in the *Reichstag*. On January 30, 1933, Hitler was appointed *Reich* Chancellor. In October of that year he withdrew Germany from the League of Nations and signed a Concordat with Pope Pius XI guaranteeing the Catholic Church religious freedom in the *Reich*. On January 26, 1934, he signed a 10-year non-aggression pact with Poland. Dollfuss was murdered in an unsuccessful Nazi coup in Austria July 25, 1934. On August 1, 1934, Hitler became President of the Third Reich following the death of Von Hindenburg and assumed the official title *Fuehrer* and *Kanzler*.

Hitler's National Socialist State still seemed a dream when he became Chancellor of Germany under von Hindenburg. His cabinet, in addition to himself, included only two National Socialists, Frick and Goering. Frick, as Minister of the Interior of the *Reich* and Goering, as Minister of the Interior of Prussia, commanded all of the police forces of Germany. Hitler's new government dissolved the *Reichstag* and new elections were ordered for March 5, 1933. On February 27, 1933, the building of the *Reichstag* was discovered to be on fire and Hitler hailed this as a signal for a general Communist uprising. It was immediately used as a pretext for ruthless and vicious attacks on all "Marxists" and German Communists. The following day, February 28, 1933, President von Hindenburg suspended the provisions of the constitution guaranteeing freedom of speech, press and assembly. The police were given unlimited powers over the populace and alleged offenders. In this chaos of terror and tension the *Reichstag* elections were held. The National Socialists (Nazis) polled over seventeen million votes and gained 288 seats. Many of the *Social Democrats* and Communist deputies were now either in

prison or hiding. On March 24, 1933, the so-called "Enabling Act, a Law to Combat the Misery of the People and of the Reich" was enacted unanimously by the votes of all parties except the *Social Democrats*. This law gave the government unlimited powers which it immediately assumed. New courts were established and all means of communication and information were immediately placed under the control of the Minister of Propaganda and Enlightenment, Dr. Goebbels. Universities and schools were placed under the supervision of the Minister of Education, Dr. Rust. The political parties of Germany dissolved or faded into insignificance. On July 14, 1933, the *National Socialist Party* (Nazis) was made the official party of the Reich and it became a criminal offense to establish, or to attempt to establish, a new party. The trade unions which had formerly supported the *Social Democratic Party*, were now taken over by the Nazis. The labor leaders were arrested and their offices and press appropriated by trusted Nazis. On December 1, 1933, the *National Socialist Party* was incorporated in the machinery of the government. Each of the states of the Reich was placed under a *Reichskommissar*, and by a law of April 17, 1933, the duties of the *Reichskommissar* were committed to a *Statthalter* who was a personal representative of Hitler and appointed on his recommendation by the president. The *Statthalters* were given virtual dictatorial powers.

In January of 1934, the last vestige of democratic economy within the states of the Reich was transferred to the Reich itself. Thus, upon the death of President von Hindenburg, the supreme executive and legislative power of Germany became concentrated in the hands of Adolph Hitler.

In addition to building up the Nazi armies, the Nazi Party has provided efficient forces for the internal enemies of the Third Reich. These consist of the S. A. (*Sturm Abteilung*), Hitler's early Brown-Shirt Storm Troopers; the S. S. (*Schutz Staffel*), the black-shirted troops constituting Hitler's own particular army and bodyguards; the *Gestapo* (*Geheime Staats Polizei*), the Secret State Police, and the regular police forces of the Third Reich. A new organization, reported to have been created in January or February of 1943 by Himmler, is known as the *Landwache*. This organization is apparently a militia of members of the Nazi Party still in civilian life and was undoubtedly created for the purpose of subduing opposition or war-weariness on the part of the German people.

On June 18, 1935, Hitler signed a naval agreement with Great Britain. In March of the same year he established universal compulsory military service in the Third Reich. In 1936 he entered into an "Anti-Comintern Agreement" with Japan. In 1937 Italy joined the Anti-Comintern Pact with Japan and Germany. In September of that year Mussolini traveled to Berlin and established the "Berlin-Rome Axis." On March 13, 1938, Austria was incorporated into the Third Reich. On September 30, 1938, the famous Munich Conference between Hitler, Chamberlain, Daladier and Mussolini took place. The Sudeten area was wrested from Czechoslovakia and Hitler gave his personal guarantee that he had no further territorial demands in Europe. On October 10, 1938, the Nazis occupied the Sudeten area.

On October 24, 1938, Hitler demanded the return of the Polish Corridor from Poland and Poland refused. On November 10, of the same year, he launched his first nation-wide "Jewish-Pogrom" and instituted organized persecution, including mutilation and murder of Jewish men, women and children. The first official confiscation of Jewish property began.

In January, 1939, Hitler repeated his demands for the Polish Corridor and Poland again refused. In March, Hitler invaded Bohemia and Moravia and Memel territories, and again demanded the Polish Corridor and Danzig from Poland. Poland refused for the third time. On March 29, 1939, Chamberlain pledged Poland military support in the event of a Nazi attack. On August 22, 1939, Hitler signed a non-aggression pact with Stalin and on September 1, invaded Poland. On the ninth of April, 1940, the Nazi armies invaded Denmark and Norway. On May 10, the occupation of Holland began and was completed in five days. The occupation of Belgium was completed in 18 days and on May 29 to June 4, 1940, the evacuation of British troops from Dunkirk took place. France surrendered in July of 1940 and the Nazi troops invaded Rumania. Nazi military occupation in Hungary and Bulgaria followed in the Winter of 1940-1941 and on April 6, 1941, Hitler attacked Yugoslavia and Greece. On June 22, 1941, Nazi troops invaded Russia. December 11, 1941, Germany declared war on the United States.

## 2

### THEORY

The average human being, nurtured in an atmosphere of decency and surrounded by the culture and humanity of American civilization, may well inquire as to the causes underlying the brutalizing of the people of Germany. The committee, in attempting to understand the actions of Hitler's agents in California, have asked themselves these questions. The answers are not at all satisfactory.

The *Programme of the Party of Hitler*, by Gottfried Feder, boldly and unashamedly, lays down the objectives of Hitler and his so-called *National Socialist German Workers' Party*. Section two of the program of the Nazi Party declares the twenty-five points of Naziism as being *inalterable*. The mainsprings of the machine which catapulted the mad house-painter Schicklegruber into his bloody surge over Europe demands investigation.

The union of all Germans for the formation of a Greater Germany is the first and foremost objective laid down for the New Order. The Nordic myth is a unique and outstanding cornerstone of the entire Nazi philosophy. Point four of the so-called program provides that only those of German blood, regardless of creed, may be members of the Nation and only members of the Nation may be citizens of the State. A Jew, therefore, may not be a citizen of the State because he may not be a member of the Nation. Only a citizen of the Third Reich has franchise and only citizens have a right to hold any position in its government. Point seven is interesting, in that it provides that if the State is not able to nourish the entire population then non-citizens are to be excluded from the Reich. Point eight prohibits non-German immigration and orders the deportation of all non-Germans



who entered Germany subsequent to August 2, 1914. Point ten provides that the activities of the individual are not to clash with the interests of the whole, thus relegating the individual to a mere creature of the State. Point thirteen provides for the nationalization of all businesses. Point nineteen abolishes the Roman Law and provides for the substitution of a legal system for all Germany. Point twenty wipes out old educational systems and provides for its reconstruction in conformity with Nazi theory. Point twenty-five restricts journalism to members of the Nation and sets up a strict censorship over the press generally. Non-Germans are prohibited from participation, either financially or otherwise, in influencing German newspapers. This point also forbids the publishing of papers which do not accept the Nazi philosophy and its provisions are extended to literature and art. Point twenty-five guarantees liberty for all religious denominations in the Reich, *"so far as they are not a danger to it and do not militate against the moral feelings of the German race."* Point twenty-five plans the creation of the Nazi dictatorship. The leaders of the Nazi Party swore to sacrifice their lives in fulfilling the entire program.

The dismissal of the Jews and non-Germans from responsible positions, not only in the government, but in public life, is boldly announced as an important objective. Herr Feder in elaborating on the twenty-five points of the Nazi program, states: "The main battle is one between two world theories, represented by two essentially differing structures—the spirit which has created is creative, and the unquiet, grasping spirit. The creative spirit, deep-rooted, but superior to the rest of the world in spiritual experience, is carried mainly by the Aryan race; the grabbing spirit, without roots anywhere, aiming only at material things, commercial, is chiefly represented by the Jews. \* \* \* National Socialism, like anti-Semitism, regards the Jewish materialistic spirit as the chief cause of the evil; it knows, however, that this greatest struggle in history must not stop short of merely destroying the Semitic spirit \* \* \*."

Thus, it may be seen from the official program of the Nazi Party itself, that racial hatred, directed particularly at the Jews as a scapegoat for the world's ills, unleashes the brutality of prejudice and the greed for loot.

The policy of the Third Reich, as stated in the principle of the Nazi Party, is extended to embrace all branches of the German race—"All of German blood, whether living under French, Danish, Polish, Czech or Italian sovereignty, shall be united in a German Reich \* \* \*. We claim all the Germans in Sudetan Germany, Alsace-Lorraine, Poland, the League Colony of Austria, and the states which succeeded to the old Austria."

The foreign policy is stated thus: "It is usually the best, most industrious and venturesome—engineers, explorers, professors, merchants, doctors—who go into foreign lands, carrying German Kultur with them. They are members of the great German National family, to which they must never be lost. They have a right to expect protection from home when they are abroad. They should be not merely disseminators of Kultur, but the conscious advance guard of the Germanic idea in the world; not 'apostles of humanity,' but bearers of the Nordic idea. Those who represent Germany abroad should not acquire foreign



notions, but stick to their superior German character. Our Foreign Office must be swept clean with an iron besom. We must finish with the obsequiousness toward the foreigner after the manner of Erzberger and Pressman, and it will be seen that strong representation of German interests will be quite otherwise respected, and attention to German desires in place of contempt will be the result."

It may be easily discerned from the foregoing that the Nazi Party contemplates a German world. While despising the Jew and heaping abuse and vilification upon him as the scapegoat for Germany's ills, the defeated, humiliated and inferiority-complexed Hitler and his brutalized thugs have nevertheless borrowed its chief appeal from the Talmud of the people it proposes to persecute and destroy. The Teuton, the Nordic, the *German* would destroy the people of Abraham; ruthlessly uproot and obliterate them from the face of the earth.

The economic principles of the Nazi Party are embodied in the statement that: "The duty of the State is to provide the necessities of life and not to secure the highest possible profit or capital." It allegedly differs from Communism, in that it recognizes private property as a principle and professes to protect it by law. It proposes to set a limit on the massing of wealth in the hands of individuals. Every German is obliged to work for Germany and all businesses are nationalized, thus bringing them under the strict supervision of the Nazi Government. Usury, profiteering and personal enrichment at the expense and injury of the nation is punishable with death and compulsory labor is imposed upon every German for a period of one year. The *Reichsbank* is nationalized and projects are to be financed by the issuing of noninterest-bearing State bonds or without the use of money.

Old age insurance is proposed by the nationalization of the system of annuities professing to assure every member of the German State a sufficient pension upon the attainment of a given age, or, if permanently disabled, before that age. Participation by all Germans engaged in productive enterprises in the profits according to age and efficiency, as well as responsibility in the fulfilling of the task, is imposed. Housing, to meet the shortage of dwellings in the Reich, is proposed by means of issuing noninterest-bearing loans through the nationalized *Reichsbank*.

While private property is allegedly recognized, the right to borrow from private sources on security of land is abolished and the State is given the right of preemption "especially in the case of foreigners and Jews." This recognition of the right of property is obviously a fiction in Nazi law. The State is empowered to administer estates in the event of "bad management" on the part of the owner.

The exaltation of the State over the individual may be said to be the essence of the Nazi social policy. In the Nazi philosophy the individual exists for the State and for the State only.

The three obstacles in the way of Nazi achievements, according to Herr Feder, were the Jews, parliamentary government and the capitalists. Paradoxically enough, the Nazis place Capitalism and Marxism (Communism) in the same category. Feder states that Marxism is *pseudo-socialism*, not founded on common sense or on any "social" idea. He further states that "Marxism is an expression of capitalistic

treason. Capitalistic, because when a society founded on individualism has fallen into chaos, it of necessity falls under the sway of the great financial magnate." Herr Feder concludes his comparison of Capitalism and Marxism with the following: "They grow on the same intellectual stem. There is a whole world of difference between them and us, their bitterest opponents. It is neither a class struggle nor class selfishness, but—our chief law is the general welfare."

We might continue the examination of the Nazi philosophy, purposes and designs at great length, but the above sufficiently describes the designs of these modern Huns. From the foregoing, the following pattern and summary of design may be drawn:

1. The fiction of race superiority. This fiction exalts the Aryan over the other races and the German over all. The German becomes the master race, chosen of the Nazi God to rule over the entire world, with the lesser races as the slaves and serfs of the Germans.

2. World domination by the master Aryan German is the ultimate design of the Nazis. Over this great race of Germans, mastering the lesser races of the world, stands the mighty chosen one, the *Fuehrer*. Inspired by an Aryan God of Nazi creation and issuing orders and decrees born of Germanic intuition, the *Fuehrer* eventually is destined to rule the world.

3. Lesser races, not of the Aryan stock, may be permitted to exist for the good of the Third Reich, but the cause of all the world's troubles and ills, the Jews, are to be utterly destroyed.

4. Nothing less than the complete subjugation and conquest of the world by the Nazis is ordained for the fulfillment of its objectives.

Dr. Goebbels sums it all up with religious fervor. He declares: "The Nazi Party is a political church, where for hundreds of years German people will be trained to be true National Socialists. We are the political pastors of our people."

Propaganda, racial prejudices and the sword are to be used in the attainment of the Nazi Utopia. Hitler made full use of Communist tactics in destroying the Weimar Republic. His cells and units were organized underground for illegal work during the first few years of his career. Prejudices against the Jews, the financiers, the foreign ministers and bankers, were whipped to a white fury. Sporadic Jewish pogroms throughout Germany were brutally instigated and ruthlessly carried out. The possessions of the Jewish populace became loot for brown- and black-shirted thugs. Hitler first conquered Germany. Espionage agents of the Third Reich penetrated the countries of Europe, of South and North America. Anti-Semitic organizations were immediately contacted and encouraged to further activity by news of the New Order arising in Central Europe over the mutilated bodies of the Jewish race. Little men with little minds and big inferiority complexes throughout the world pounded their sunken breasts in the glory of their suddenly found Aryanism. Many a deluded European permitted Hitler's panzer divisions to smash their countries in the belief that Hitler struck only at the Jew and the Communist. In California pamphlets and cards were printed and distributed by wild-eyed Aryan anti-Semites bearing but three words: "Ve Vant Var."

The *Friends of New Germany* took its place alongside of the *Friends of Soviet Russia*. German-American Bunds and German Bund fronts sprang up throughout the United States. Uniformed Storm Troopers arrogantly marched at Hindenburg Park in Los Angeles and guarded the meetings of the Bund in Deutsches Haus' of a dozen cities. American Communists picketed Bund meetings and Bundsters bewailed the menace of Communism.

In August of 1939 remaining sanity in a lunatic world grew dizzy and was sorely tested as the hooked cross of the Third Reich blew in the breeze of Moscow's Red Square and the hammer and sickle fluttered in Berlin, while Hitler and Stalin joined hands in a non-aggression pact.

The preservation of the democracies of the world may lie in the full realization and utilization of the lesson to be learned from these events.

### 3

#### GERMAN-AMERICAN BUND

The *Friends of New Germany* was probably the first organization in the United States reflecting the ideology of the Third Reich, the ravings of *Mein Kampf* and the Fuehrership of Adolph Hitler. The *Friends of New Germany* eventually blossomed forth into the *German-American Bund*. The National headquarters were located in New York City. The control of the 11 western states comprising the far western division stemmed from the office of Hermann Max Schwinn located in the Deutsches Haus, at 634 W. Fifteenth Street in the City of Los Angeles. The last National leader of the *German-American Bund* was Wilhelm Kunze, and his predecessor was Fritz Kuhn. Both of these American Fuehrers were frequent visitors to the State of California.

Some 25 witnesses were subpoenaed for examination on the activities of the *German-American Bund* in California. These witnesses may also be divided into friendly and hostile witnesses. Among the friendly witnesses were Ben S. Beery, Americanizer, Chairman of the Seventeenth District, of the *American Legion*, John G. Buerkle, Gene Hagerberg and Hugh Ben Inzer. The other witnesses are as follows:

David Baxter,  
Hans F. Bauer,  
William P. Bauer,  
Hans Diebel,  
Franz K. Ferenz,  
Karl August Heusechele,  
Emil Lodahl,  
George Ernest Martens,  
James Morrison McBride,  
Lydia Joan McBride,  
Emil Mehl,

Frank Muehlke,  
John L. Riemer,  
Hermann Max Schwinn,  
Harold A. Sparling,  
Edward Stuetz,  
Baron F. Van Meter,  
Daniel E. Van Meter,  
James A. Van Meter,  
Carl WoeppeImann,  
Harry R. Bridges.

The first uniform worn by members of the *Friends of New Germany*, according to Hans Diebel (Volume IV, pp. 1092-1134, 1151-1152), was composed of a white shirt with dark trousers, overseas cap and armband bearing the letters "O. D." and a swastika "embedded in the rising



sun." Hans Diebel was born in Marburg, Germany, and was an optician by profession. He was a member of the *Friends of New Germany*, having affiliated with this organization in 1935. When he testified before the committee October 17, 1941, he at first denied that he had ever become affiliated with the *German-American Bund*, but later (p. 1098) admitted being a member. For some time prior to his testimony he operated a book store in the Deutsches Haus. He stated that he had ceased selling literature in the German language for about three years. He admitted operating a projection machine showing motion pictures about Germany and that the latest one shown by him was concerning the German campaign in France, "*Victory in the West.*" He estimated that around 400 people viewed this film which he ran four or five nights. Mr. Kendzia, the treasurer for *German-American Business Association (Deutsches Haus Gesellschaft)* compensated Diebel for operating the projection machine. He identified himself in a Bund uniform in a photograph in possession of the committee. He tended the bar at the Deutsches Haus on occasion. He stated that the "O. D." uniforms were used only for "ushers." He identified pictures of Kunze and Schwinn. He stated that there had been no Bund meetings since Hermann Max Schwinn had dissolved the unit, when Schwinn lost his citizenship, although Schwinn had testified that Carl Woepplmann had succeeded him in the directorship of the western division. He admitted that the Bund Flag contained the same emblem as that used on Bund uniform arm-bands. He described the Bund salute with outstretched hand. He knew James and Joan McBride, Emil Lodahl, Hans F. Bauer and Arno Risse.

Diebel admitted that he sold the Bund newspapers in his place, the *Aryan Book Store* located in the Deutsches Haus. He said that he took the bookstore over from a Mr. Themnitz in 1935 when Themnitz returned to Germany. He stated that he had been interested in that kind of literature and that was the reason he took over the store. He said that he did not sell the book, *Hitler*, which had been compiled by F. K. Ferenz, but that he had seen the book in Ferenz' shop.

Diebel made a trip to Germany in 1936 with Toni Koerner and returned to America on the same ship with Fritz Kuhn, although he did not travel in the same class with him. He stayed six months in Germany and affiliated with the Bund after his return from Germany, his membership ceasing when his citizenship was denied (p. 1118).

Diebel admitted publishing lists of the books and literature carried in his bookstore, but denied that he had ever used the swastika on letterheads, but, that instead, he used the American Flag. He admitted that each letterhead carried the line "The World Jewry Wants War to Strengthen Their Supremacy." Diebel admitted that he agreed with this sentiment but that he had not composed the sentence. He carried Pelley's books, *The Truth About the Protocols*, by Rev. Dr. Gerald Winrod. He likewise admitted using the slogan "Publicity is the best cure for all public evil. We carry the biggest selection of anti-Jewish-Communist literature in the country." He stated that he had never sold "*World Service*," but that he had received some copies from Germany. He admitted having addressed a meeting upon his return from Germany relating what he had seen in the New Germany.



He knew Dr. George Gyssling, the German Consul and had met him several times. He attended the rally at the Hollywood Bowl when Charles A. Lindbergh spoke in Los Angeles.

He stated that he did a business of about \$50 per month in the *Aryan Book Store* and that he paid no rent for the premises and received no salary. His trip to Germany cost him between \$600 and \$700 which he saved from his salary. He stated that he believed the German people had been persecuted by the Jews and he believed in "getting back." He stated that he was not acquainted with Lew Michener or Pettis Perry and denied ever having attended a meeting in the Currier Building when these men were present.

Carl Woepplmann, although the successor to Hermann Max Schwinn as the Fuehrer of the Western Division, knew very little about the *German-American Bund* if his testimony could be believed. (Volume IV, pp. 1135-1150.) Woepplmann was born in Rodheim, Germany, and came to the United States in 1921. He came to Los Angeles from Cleveland, Ohio, and lived in California for seven years. He first belonged to the *Friends of New Germany* and attended meetings at the Deutsches Haus in Los Angeles, finally affiliating with the *German-American Bund*. He was a member of the uniformed "O. D." section of the Bund. He testified that he was director of the Western Division "in name only" and that the local unit does not hold meetings or does the uniformed "O. D." section meet. He claimed that the membership list of the Bund had been destroyed and that he had never seen any of the Bund orders from the East. He testified that he did not know how many members there were in the Los Angeles Bund or who they were. He stated that some called themselves "sympathizers" but he did not know who they were. He admitted sending money to the National headquarters in New York City but his memory failed him completely when asked to tell how much was sent. He stated that a Mr. Elmer is the National Secretary of the Bund. He admitted that Kunze had appointed him to succeed Schwinn in 1941.

The *German-American Bund* in the United States was divided into three districts, Eastern, Middle Western and Western. The National leader received his inspiration, program and orders from Berlin, although Fuehrers, such as Herman Max Schwinn (Volume III, pp. 760-779) claimed that the National leader took his orders from the National Convention. The organizational set-up of the *German-American Bund* in this regard is based on the same fictions used by the Communist Party of the United States. Conventions in the United States are held once a year and are attended by delegates elected by Bund units and the number of delegates from each Bund unit is determined by the number of members in the unit. Schwinn testified that when he attended conventions his expenses were paid by the local Bund unit.

The three districts in the United States were broken down into units, under the direction of a Fuehrer or director placed over the particular district. Herman Max Schwinn was the director for the eleven western States, known as the Western Division. He was succeeded by Carl Woepplmann, after Schwinn's citizenship had been canceled.

The official constitution of the *German-American Bund* provided for units and other subdivisions and "block watchers." Schwinn stated that he never paid much attention to the official constitution

and therefore did not maintain "block watchers" in Los Angeles. (Volume III, p. 771.)

Instructions for each unit were issued from time to time. Membership cards were furnished each Bund unit with instructions printed in German and titled "Organizational Set-up and Administrative Regulations." The membership card system included colored cards and contained light blue cards bearing the letter "J" for Jews.

Instructions and documents were likewise issued from time to time printed in German in reference to the discipline of Bund members, the anticipation of violence and other fanaticisms similar to Hitler's commands in Germany.

Herman Max Schwinn testified (Volume IV, pp. 1190-1208) that only those of Aryan blood were eligible for membership in the Bund.

He admitted that part of the Bund wore uniforms and he identified the uniform in a picture of himself taken with Wilhelm Kunze, the last National Fuehrer. (Volume III, pp. 760-779.) He stated that the "O. D." on the arm bands of the uniforms stood for "Order Division" and that the same initials could be used for the German words of the same meaning "*Ordnung Dienst*." The symbol used on the arm band was also described by Schwinn as a Swastika coming out of the rising sun.

Schwinn testified October 14, 1941, and October 16, 1941. He had been the director of the eleven western States of the *German-American Bund* for some four or five years and received a salary for this position. He testified that he was born in Hamburg, Germany, August 13, 1905, and that he came to the United States in 1924, going first to Canton, Ohio, where he remained for a year and a half, then to Akron, Ohio, and from there to Los Angeles, where he became a United States citizen. He was appointed the Western Director of the *German-American Bund* in either 1934 or 1935 and held that position until 1940 when he lost his citizenship. He stated that the constitution of the Bund made United States citizenship a prerequisite to membership in the Bund, all of which statement, of course, was a fiction. He named the National leaders of the Bund as Fritz Kuhn, Giffibl, Dr. Schuch and "a few others." He stated that he became interested in the change in Germany in 1933 and joined the *Friends of New Germany*. He named the official *German-American Bund* newspaper as *The Free American*. He admitted having his membership card files destroyed in Los Angeles "two or three years ago," pursuant to orders that had come from National headquarters. A Mr. Kendzia is the Treasurer of the Bund most of the time. Schwinn admitted knowing Hans Diebel, F. K. Ferenz and Emil Lodahl. He claimed that the Bund, as such, had no part in the *America First Committee*. He stated that Diebel could not be a member of the Bund because he was not a citizen and that he had to leave the Bund when his citizenship was canceled.

Besides the uniformed guard known as the "O. D. Units" Schwinn stated there was a ladies' auxiliary, a youth group, unemployment service and charity groups.

He stated that the Bund did not display the Flag of the Third Reich at its functions and that the only time this flag was ever used was when German diplomats appeared before their meetings. His memory

failed him in reference to the number of members in the *German-American Bund* unit in the City of Los Angeles, but he admitted that the attendance at meetings were from one hundred to three or four hundred and that the Bund met about once a month. He could not identify members because, he stated, he had never had the membership records in his possession. The Bund unit in Los Angeles had held closed meetings during his incumbency.

He denied that he had ever seen instructions for drilling "O. D. Units."

He stated that the American Flag was displayed in all meetings that he had conducted and that on one or two occasions there were two flags, including the Flag of the Third Reich. He stated that he had never complied with the instructions from the National headquarters concerning saluting, although he admitted receiving such instructions. He identified pictures of Dr. Goebbels and Horst Wessel in a photograph of himself and Wilhelm Kunz. He stated that the "O. D. Unit" in Los Angeles varied in membership from 20 to 100.

The *Amerikadeutscher Volksbund* may be designated as the voice of Naziism. This organization sought to consolidate all of the Fascist elements in America into one great movement, including the Italian Black Shirts, the Ukrainian Brown Shirts and the German-American Bundsters. It is known that the *German-American Bund* leaders in California were in close touch with the Gold Shirts of Mexico, and cooperated wherever possible with the *Ku Klux Klan* and the *Silver Shirts*.

The committee learned that the *German-American Bund* was in constant contact with Nazi diplomatic representatives in California until these agencies were closed by the Federal Government. This fact was well established by the testimony of Bund leaders. In addition to others, the Steuben societies, Turnvereins and singing societies were all used as fronts for the Bund. Summer camps were maintained in California where German-American children were taught the harsh doctrines of Naziism, drilled, regimented, toughened, disciplined and indoctrinated with the theory that Democracy is decadent.

Storm Troopers of *German-American Bund* units in California drilled in full uniform and guarded the meeting places against intruders. Your committee is in possession of photographic evidence of these facts. In the meeting place of the California Bunds, usually referred to as the "Deutsches Haus," pictures of Hitler, Goebbels, Horst Wessel and other leaders of the Third Reich were prominently displayed on the walls, which were also festooned with swastikas.

Book stores such as the *Aryan Book Store* located in the Deutsches Haus in Los Angeles, maintained a steady flow of Nazi propaganda. Men such as F. K. Ferenz exhibited pro-Nazi motion pictures and distributed literature.

The committee had access to photostatic copies of the instructions issued to all Bund leaders from Wilhelm Kunze, setting forth in the greatest detail the whole business of the organization and the methods by which its objectives could be achieved. This document was most revealing and stated in unmistakable terms that the Bund was dedicated to the supremacy of the German Aryan, and the welding together of all German-Americans to assist Nazi Germany's struggle for the



New Order. This document contained expressions of the deep contempt of the Bund for the soft and emasculated Democracy of the United States in contrast to the strong and vigorous nature of the Third Reich.

Ellis O. Jones testified that he had known Herman Max Schwinn for about two years and Hans Diebel for something less than that time. (Volume III, pp. 744-760.) He had known F. K. Ferenz since 1932 or 1933 and stated that he had met him at "Bellamy meetings." He likewise admitted that he had viewed German pictures exhibited by Ferenz. He knew Harold A. Sparling and had attended a meeting or two with him. He had distributed buttons of the *National Copperheads of America* at functions in Hindenberg Park. He denied having any knowledge that the Hindenberg affairs had any connection with Charles A. Lindbergh. He admitted having met the Van Meter brothers in T. W. Hughes meetings, and admitted that he had later met them at the Deutsches Haus in Los Angeles. (Volume IX, pp. 2489-2528.) He likewise was acquainted with James and Joan McBride and admitted that he had known them for about a year. He had seen them both at the Deutsches Haus. He knew W. H. Sahli, of the *Ku Klux Klan*, Faith McCullough, A. M. Windhorst and Dr. Ernest Kramer. He had met Dr. Kramer at the T. W. Hughes meetings and at *America First Committee meetings*.

Gene Hagberg, an investigator, visited the Deutsches Haus in Los Angeles in 1939. He stated that Dr. Eric Wilson and his wife, Pearl Wilson, were members of the *German-American Bund* and that they had held meetings in their home in April of 1939 attended by Emil Lodahl and his wife, Dr. and Mrs. Schumacker and others. He stated that Lodahl had suggested at this particular meeting that they celebrate Hitler's birthday and Dr. Wilson, acting on the suggestion, called Herman Max Schwinn to make arrangements for the affair. Hagberg, in his capacity of investigator, attended this meeting and Dr. Wilson arranged for him to meet Schwinn.

Hagberg testified that Dr. Wilson had bragged of interviewing Dr. Goebbels in 1936 and 1937 and stated that Goebbels had presented him (Dr. Wilson) with a copy of *Mein Kampf* personally autographed by Hitler.

Hagberg stated that Lodahl was a member of the Los Angeles Unit of the *German-American Bund*. He stated that Lodahl met German boats in Los Angeles Harbor, at San Pedro with a truck carrying dry cleaner's signs.

Hagberg told of a meeting held May 23, 1941, on Washington Boulevard in Los Angeles which was sponsored by a Japanese-Communist group known as *Doho Jin Sha* at which Ed Robbin, Communist radio commentator for the *People's Daily World* told of collecting in excess of \$1,000 at the Roosevelt Hotel for the American Rescue Ship *Mission*. He stated that Robbin donated \$25 of this amount to the Japanese-Communist paper, *Doho*, in Los Angeles. After this meeting, a girl took up collections for the Columbia Recording strike (C. I. O.—UERMWA). He stated that a number of people attending this particular meeting were familiar to him as frequenters of the Deutsches Haus of the *German-American Bund* in Los Angeles. He described



the collaboration of the Communist *Doho Jin Sha* group with the *German-American Bund* during the Stalin-Hitler Pact.

Emil Lodahl was born in Dagmar, Montana and claimed to be of Danish extraction. (Volume III, pp. 886-907.) He said he was a dry cleaner and that he had formerly worked for the Joy Cleaners and Dyers, but that he was, at the time of testifying, in business for himself.

Lodahl organized the *National Patriots*. He stated that the Van Meter brothers had printed a magazine at 2180 West Adams Street in Los Angeles for this organization. He stated that no records were kept and that the organization had no office. The purpose of the *National Patriots* was to set up a group to combat the *National Students Union*, a Communist group.

He admitted making trips to Los Angeles harbor in the truck of the Joy Cleaners and Dyers. He stated that these trips were made because of the fact that he owned a boat.

He admitted visiting the Deutsches Haus in Los Angeles and knowing Herman Max Schwinn. He stated that he had attended several Bund meetings and had seen the leader in uniform. He also admitted having seen swastika arm bands on individuals at Hindenberg Park affairs. He met Kunze when he was visiting Los Angeles. He remembered having seen the Van Meter brothers at Bund meetings in uniform. He knew Arthur Burnett. He had heard the Horst Wessel song at "O. D." meetings. He illustrated the "O. D." salute and stated that the greeting accompanying the salute was "Heil!" He attended the *America First Committee* rally in Hollywood Bowl and heard Lindbergh speak. He met Harold A. Sparling in the Deutsches Haus and was acquainted with William Ferguson.

James Morrison McBride denied that he had ever been a member of the *German-American Bund*. (Volume IV, pp. 935-964.) He admitted, however, of visiting the Deutsches Haus in Los Angeles frequently, and, as a matter of fact, rather regularly since the "Communists put on a demonstration there." (1937.) He celebrated Hitler's birthday in the Deutsches Haus on April 19, 1941. "I think Adolph Hitler is a very wonderful man for Germany; he has nothing to do with this country," McBride declared (p. 944). He identified a picture of Wilhelm Kunze and said that he was "a very nice man" (p. 940). He also identified Goebbels' picture and stated that he was another "very nice man." He identified pictures of Martha Hauser, W. Kendzia, Herman Max Schwinn, Eunice Woeppleman and Hans Diebel. McBride stated that he didn't like Stalin. At the time of testifying, McBride stated that "everybody in the Deutsches Haus is afraid to talk politics." He liked the Deutsches Haus because of its "respectable atmosphere." Adolph Hitler, according to McBride, is a Christian, fighting a Christian war—a defensive war. It was Stalin, in the opinion of McBride, who violated the pact with Hitler.

He claimed that he did not know anything about the *German-American Bund*. He indicated that he believed in preserving nationality and that the instructions to Bund members in reference to the preservation of the German language and nationality was correct. "Don't the Jews follow it?" he asked (p. 950). He stated that he believed in his "own race first" (p. 948).

He admitted having picketed the Wendell Willkie meeting in the Hollywood Bowl and identified pictures of himself and wife in the act of picketing the meeting. He stated that his reason for opposing this meeting was that Willkie was spreading British propaganda.

Mrs. Lydia Joan McBride, wife of James M. McBride, was a part-time waitress at the Deutsches Haus in Los Angeles. (Volume IV, pp. 1052-1070, 1080.) She received her salary by checks but did not know who signed them. Her maiden name was "Warr." She wore a bracelet with a swastika on it and claimed that she purchased it at an Indian Jewelry Store on Seventh Street in Los Angeles several years before. She laughed at the committee triumphantly and stated that she believed it to be an Indian "good luck sign."

Mrs. McBride was born in East Prussia, Germany, and came to the United States when she was "very young." She has derivative citizenship in the United States. She claimed that she had not kept track of her relatives in Germany. She attended "Kaffee Klatches," or "Women's Clubs" at the Deutsches Haus but denied being affiliated with the women's auxiliary of the *German-American Bund*. She was wearing a button of the *National Copperheads* when she testified October 16, 1941, and in answer to an inquiry stated that she got it from Ellis O. Jones. She remembered seeing swastikas draped over "some kind of an affair" in the Deutsches Haus and in seeing swastikas on plates on the walls.

Mrs. McBride read *Mein Kampf* and stated that she believed Hitler to be a very great man and felt that he had done a lot of good for Germany. She believes that the German people in the United States are better citizens than the Jews because it is the Jews who want to lead the United States into war.

Mrs. McBride was called before the committee again on February 24, 1942. (Volume IX, pp. 2790-2799.) She informed the committee this time that she had been married previously and that her former married name was "Redmer." She now admitted knowing Herman Max Schwinn and recalled that Schwinn had always cautioned the customers at the Deutsches Haus not to talk politics. She stated that all of the gatherings in the Deutsches Haus were merely social affairs. Everyone at the Deutsches Haus liked Hitler. Ellis O. Jones sometimes distributed buttons of the *National Copperheads* at the place.

Mrs. McBride denied ever having seen Bund uniforms at the Deutsches Haus. She is acquainted with Hans Diebel, F. K. Ferenz, but did not recognize the names of San Diego Bundsmen. She met Wilhelm Kunze at the Deutsches Haus in the Fall of 1941. She claimed that she did not know who he was at the time.

She informed the committee, at the conclusion of her testimony, that most of her friends believed she was "wearing herself out" attending so many meetings.

John L. Riemer was born in Danzig, Germany in 1887. (Volume IV, pp. 1070-1079.) He came to the United States in 1909 and was naturalized in 1915. He has lived in southern California since 1911 with the exception of a few months. He operates the *National Book Mart* located at 1625 Fifth Avenue in the City of Los Angeles and sells books printed in German and in English.

He admitted knowing Herman Max Schwinn for six or seven years. He was acquainted with Hans Diebel and his *Aryan Book Store*. He claimed that he did not sell the same type of literature in the *National Book Mart* as that sold by Diebel.

He denied being a member of the *German-American Bund* and stated that he had never been a member of the *Friends of New Germany*. He claimed that he was not in sympathy with the principles of the Bund. He subscribed to the *California Staats-Zeitung*.

He stated that he attempted to organize the *American Labor Party* in 1933 and that after four months of effort he had "one member and three stool pigeons" (p. 1078). He wrote one article on civil liberties for the *California Staats-Zeitung*. He was a member of the Turner Society and wrote on the health benefits to be derived from Turnerism.

Harold A. Sparling was born in Chillicothe, Missouri, and has lived in California for 11 years (Volume III, pp. 714-744). He stated that he was in business for himself and designated such business as "personal service." He ran for Congress on the Republican ticket in the Seventeenth District in the primaries of August, 1940, and again in 1942. He stated that he had been speaking and holding meetings throughout the State in an attempt to keep America out of war and to expose the "Communist-Bolsheviks" for the last two or three years.

He admitted having visited the *Deutsches Haus* in Los Angeles three or four times, and being acquainted with Herman Max Schwinn, Hans Diebel, F. K. Ferenz and others.

Baron Frederick Van Meter appeared before the committee October 16, 1941, wearing buttons of the *America First Committee*, *National Youth Farm Foundation* and the *Fisher Body Guild*. (Volume IV, pp. 989-1014.) He met Herman Max Schwinn in 1938 at the *Deutsches Haus*. He also admitted knowing Hans Diebel and met him at about the same time he first met Herman Max Schwinn. He had obtained "literature of enlightenment" from Hans Diebel's *Aryan Book Store*. He remembered seeing copies of *Mein Kampf* at Diebel's place of business and recalled that it had a swastika printed upon it. He met Emil Lodahl in August or September of 1938 and is also acquainted with F. K. Ferenz.

He denied ever having been a member of the *German-American Bund*. He admitted picketing the Wendell Willkie meeting at the Hollywood Bowl in Los Angeles and identified pictures of himself, and his brothers, William and Daniel, carrying banners. He related the organization of the *National Patriots* which he stated was created by Emil Lodahl as an opposition group to the Communist *American Students Union*. Van Meter admitted printing papers for Lodahl's *National Patriots* and stated that his home address was used as the headquarters for the Lodahl organization.

He admitted having seen propaganda motion pictures at the *Deutsches Haus* in Los Angeles and recalled a picture of the invasion of Poland. He is acquainted with James McBride but denied ever having seen him in a Bund uniform. He likewise was acquainted with Mrs. Joan McBride. He recalled seeing the swastika flag at the *Deutsches Haus* on Hitler's birthday. He ventured that Horst Wessel was a German martyr. He identified pictures taken in Herman Max Schwinn's office in the *Deutsches Haus* in Los Angeles. He stated that



the *German-American Business League* owns Hindenburg Park in Los Angeles. Although he stated he was not a subscriber to *Free American*, he knew that it was a publication of the *German-American Bund*. He stated that the "O. D." groups in the Bund no longer wore uniforms. He was well acquainted with the salute and "Seig Heil," ("Heil Victory").

Baron Frederick Van Meter refused to commit himself on the Jewish question.

Daniel Elias Van Meter appeared before your committee February 24, 1942, wearing a green button. (Volume IX, pp. 2815-2824.) Upon being questioned concerning the button, he smirked that it was the emblem of the *Pink Dragons* and that it represented a "personal group." He facetiously remarked that the badge was green "just to fool them," indicating the committee. He said the *Pink Dragons* organization was composed of but three members, Ellis O. Jones, Robert Noble and himself. He explained with mock seriousness that the *Pink Dragons* was a pension movement and that it was not to be confused with the *Black Dragon Society* of the Japanese. He wished to assure the committee that he was not a Nazi agent as had been claimed by the newspapers.

Daniel Elias Van Meter met Herman Max Schwinn and Hans Diebel in 1938. He knew that Hans Diebel operated the *Aryan Book Store* in the Deutsches Haus and admitted having been in the headquarters of the *German-American Bund* in Los Angeles on a number of occasions. He had been acquainted with F. K. Ferenz during the past year and admitted knowing Ellis O. Jones and Robert Noble for some eight months. He also was acquainted with Joan and James McBride.

He claimed that he never belonged to the *German-American Bund*. He admitted having heard Wilhelm Kunze speak but added that he did not know who Kunze was. He denied that he had ever worn a two-inch swastika badge, or that he had ever warned individuals to take off *I Am An American* buttons.

James Adams Van Meter appeared before the committee October 16, 1941, wearing a button of the *National Copperheads*. (Volume IV, pp. 1014-1023, 1061.) He admitted frequenting the Deutsches Haus but denied that he had ever affiliated with the *German-American Bund*. He had seen uniforms worn in the Deutsches Haus and had observed arm bands with the swastika in a sunburst and the letters "O. D." on them. He believed that the letters "O. D." stood for "Order Division" because the men who wore the uniforms with this arm band kept order in the meetings; acted as ushers. He identified pictures of Arno Risse, Willi Kendzia, Hans Diebel and Herman Max Schwinn.

Harry R. Bridges testified in San Francisco that before Pearl Harbor, longshoremen unloading boats in the San Francisco Bay area, noticed German officers leaving a German boat in uniform. (Volume XIII, pp. 3594-3618.) He said that they also saw Storm Troopers, in full regalia, leave German boats and go ashore. He claimed that he assigned longshoremen to trail the Storm Troopers and that they were followed to the German House in San Francisco and that these officers and Storm Troopers visited the German House regularly and contacted various persons there. He said these activities began in about 1935 or 1936 and stopped shortly after Germany's declaration of war with



England. Bridges claimed that he kept a complete set of notes on these activities.

The *German-American Bund* had extended its organization to San Diego. Its activities in this area had not been quite so open and brazen as in Los Angeles, but there are many indications that its work was more effective in many ways. It appears that the meetings held in Mission Valley were of considerable significance, in that sailors from German ships met there from time to time with National officers of the Bund, Herman Max Schwinn and others. These meetings, disguised as social affairs, picnics, etc., obviously presented designed opportunities for the delivery of important instructions to Bund Fuehrers in the United States direct from Dr. Goebbels in Berlin.

William P. Bauer (father of Hans Bauer of Los Angeles), was the Fuehrer of the local unit of the *German-American Bund* in the City of San Diego. (Volume VIII, pp. 2330-2349.) He was born in Germany in 1876, came to the United States in 1906 and was granted citizenship in San Diego in 1913. He joined the *Friends of New Germany* in 1934. He met Herman Max Schwinn at about this time and claimed that he knew Hans Diebel "slightly."

When the unit of the *German-American Bund* was organized in San Diego, Bauer was appointed its Fuehrer by Herman Max Schwinn, who was then the leader of the western division of the organization.

The San Diego Unit of the Bund, according to Bauer, never used uniforms, but he admitted having seen uniformed members at meetings of the Los Angeles Unit in Hindenburg Park in Los Angeles.

Bauer, as Fuehrer of the San Diego Unit of the *German-American Bund*, received instructions from Fritz Kuhn in New York about every six months. He stated that he only carried them out partially. He declared that he personally never believed in uniforms.

The official publication of the *German-American Bund* is the *Weekruf*. When Bauer testified, February 20, 1942, he stated that he had not seen a copy of the *Weekruf* in about two months.

He met Wilhelm Kunze at social functions in the Deutsches Haus in Los Angeles in 1936 and 1937 and he was aware that Fritz Kuhn had been Kunze's predecessor as National Fuehrer of the organization. He likewise was acquainted with F. K. Ferenz and stated that Ferenz formerly came to San Diego to exhibit motion pictures—German pictures. He admitted having seen *Scig Im Western*, a German picture shown by Ferenz in San Diego. He had last seen Wilhelm Kunze at a social gathering in Mission Valley in 1941. The "social gathering" was at the home of a Mr. Emil B. Mehl. He had not seen Schwinn or Diebel for about a year at the time of testifying.

Bauer said he had severed his connections with the Bund because he felt that the American public was not yet ready for such an organization. A John Lutz, now in Germany, was formerly the secretary of the San Diego Unit and Karl August Heuschele became the secretary of the unit when Lutz went to Germany. Bauer admitted that Lutz kept the unit's records and distributed literature, some of which was officially printed in Germany.

Bauer was acquainted with Dr. George Gyssling, former German consul in Los Angeles, and admitted that he had met him for the first

time six or seven years previous and that the acquaintance continued until Gyssling left for Germany.

It was reported that Bauer had stated that he would never have a son of his fight for the United States. He denied making this statement.

Bauer was a civil engineer and was employed as an inspector in the city engineer's office for the City of San Diego. Some time after he testified he was removed from this office.

Karl August Heuschele had been subpoenaed for the committee's public hearing in San Diego. He did not respond in person to the subpoena, but sent the committee a letter stating that he was ill and unable to leave his home. This was accompanied by a letter from a chiropractor corroborating Mr. Heuschele's excuse. Because of Heuschele's importance as secretary of the *German-American Bund* Unit in San Diego, your committee decided to examine him at his home. On February 21, 1942, the members of the committee, together with its official reporter, drove to 1365 Rosecrans Boulevard on Point Loma to Heuschele's home. The Heuschele residence occupied an extremely strategic position. It overlooked the Naval Training Station, the Marine Base, North Island Air Base and the submarine boom or net which guards the entrance to San Diego Harbor. All of these important positions were easily seen from Heuschele's bedroom window and from the area immediately adjacent to the house.

Mrs. Heuschele, a German alien, refused to admit photographers, and Mr. Culver Herrin, the photographer, busied himself outside taking pictures of everything visible from the vicinity of the house. During the taking of Heuschele's testimony, the members of the committee could see the Navy's heliograph flashing signals and a troop transport loading. Every incoming and outgoing troopship sailed within easy observation of the Heuschele residence.

Heuschele was born in Ossweil, Germany, a suburb of Ludwigshafen, in 1905. (Volume VIII, pp. 2465-2488.) He came to the United States in 1930 and resided in Rochester, New York. He had resided in San Diego 10 years. He stated that he is a landscape gardener by profession and that prior to taking up this occupation he had been a mechanic. He had occupied the residence on Point Loma for two and a half years together with his wife and his 12-year-old son. He admitted that his son had attended the summer camp for youths at Hindenburg Park, near Glendale. He admitted having several brothers and sisters, five of the brothers still living in Germany.

He affiliated with the *Friends of New Germany* in 1935 and became a member of the *German-American Bund* when the latter organization took over the *Friends of New Germany*. Herman Max Schwin, Hans Diebel and others came down from Los Angeles for the organization of the San Diego Unit. William P. Bauer became the Fuehrer, but Heuschele's memory was faulty in reference to the identity of other members. He stated: "There were so many and it's been so long ago." The meetings of the San Diego Unit were "unregular." Ferenz came down from Los Angeles from time to time and showed 16-millimeter German films in San Diego's Hollywood Theatre.

Hueschele was acquainted with Herman Max Schwinn, Hans Diebel, F. K. Ferenz, Frank Muehlke, Emil Mehl, Max Grau, John Lutz, R. Schoenbern, Ferdinand Bethol and Helene Rheinheimer.

He stated that he had not visited Germany since coming to the United States. He claimed that he had heard nothing from his family in Germany for eight years and that Mrs. Hueschele had not heard from her family for eight months.

Max Grau, of Consular Gyssling's office in Los Angeles, had ordered a wreath of flowers for a German seaman who was buried in the Mission Cemetery, and it appeared that Hueschele had received much of this type of business.

He had charge of the Bund records for a short time after John Lutz returned to Germany. He admitted receiving a letter from Schwinn asking for the records. Schwinn later came to San Diego and to Hueschele's home and secured them. He sent dues collected in San Diego to the New York headquarters about once a month and sometimes every two months. He stated he had had an argument with Wilhelm Kunze at Emil Mehl's home in Mission Valley over the embezzlement of funds by Kuhn. Pamphlets were sent out monthly from the East but he "never paid much attention" to them. He received detailed instructions regarding the conduct of Bund affairs from time to time. Schwinn took these instructions and pamphlets away with him when he took the records.

He attended meetings at the Deutsches Haus in Los Angeles from time to time and admitted having seen the uniformed "O. D." guards in attendance there and believed that there were probably 15 or 20 of them. He believed that the uniformed group was used to protect meetings against demonstrations such as he claims he saw in Germany before coming to the United States. Violence in Germany was one of his reasons for leaving that country. He stated he had seen Communists throw men out of windows in meetings of the Good Templars in Germany. He stated that one of his brothers in Germany was a Communist and that this fact had created a very bad situation in his family.

He stated that the Bund records had been kept in a journal and that some of the Bund meetings were conducted in German.

According to Hueschele the members of the Bund in San Diego did not "Heil Hitler" but merely used the salutation, "Heil!" He admitted having once had a picture of Hitler in his home but stated that he had burned it. He had once loaned it to the German House in Balboa Park where Bund affairs were sometimes held. The Horst Wessel song was sung in San Diego when Gyssling visited the Bund in 1935.

The membership fee in the San Diego Bund Unit was 75 cents and the monthly dues were also 75 cents. Most of this money, collected by the San Diego Unit, was sent to New York in printed envelopes which were supplied by the National organization and addressed to the *German-American Bund*. At the time of testifying, Hueschele claimed there were no regular meetings of the Bund being held in San Diego. He stated that he had broken with the organization and added that he "broke up with everything."



He admitted having attended a dinner at the home of Helene Rheinheimer which was held for the German sailors who had scuttled the *S. S. Columbia*.

He stated that he purchased his home from a man named Merryweather, a retired Navy captain. Although he at first denied knowing any Japanese or dealing with any of them in the floral business, he finally admitted that he did have business contacts with some of them and that he bought flowers from them on occasion.

He read the *Weckruf* and admitted that it was sent to all Bund members, although it was not sent out regularly.

He had received a pass to Fort Rosecrans and made floral deliveries there from time to time. This pass was canceled after the Japanese attack on Pearl Harbor.

After the San Diego and California papers carried the substance of Heuschele's testimony, the Heuscheles were removed from their strategic position on Point Loma. A considerable quantity of incriminating evidence was later discovered in the house.

Emil B. Mehl was born in Grossbart Mannsdorf, Germany, in 1885. (Volume VIII, pp. 2399-2407.) He was naturalized in San Diego in 1928 and has lived in Mission Valley, near the City of San Diego, for 30 years. He had never been a member of the *Friends of New Germany* but joined the *German-American Bund* five or six years before appearing before the committee. He joined at a social affair which had been arranged by William P. Bauer, the Fuehrer of the San Diego Unit. He had never held an official position in the Bund unit. He did hold social affairs at his home in Mission Valley from time to time for the members of the Bund. His wife had received a picture post card of Hitler from Germany and this was the only picture of Hitler, he stated, that he had ever displayed in his home. He had a sister in Germany but had not heard from her in a long time. A nephew of his wife was in the German air corps. He received the *Weckruf*.

Mehl admitted having attended a party in Mrs. Rheinheimer's home which was given for the purpose of raising funds for the German sailors who had scuttled the *S. S. Columbia* and who were being interned in New Mexico. He admitted attending similar functions at the home of Mr. Graf. He admitted that part of the crew of the German cruiser, *Karlsmue*, visited his home. He claimed that they merely came "to drink beer."

He stated that he joined the *German-American Bund* to offset the boycott of German goods and "to bring about better relations" with Germany.

He admitted that Wilhelm Kunze visited at his home in Mission Valley. He had met Herman Max Schwimm at a German Day celebration at Germania Hall and later when he held a picnic at his place in Mission Valley. He stated that he "saw" only Hans Diebel and F. K. Ferenz, although he admitted seeing the motion pictures shown by Ferenz in San Diego.

He concluded his testimony by stating that he "paid no attention" to the Jewish situation in the United States. He said that the *German-American Bund* had "dissolved itself" in San Diego and that his activi-



ties had ceased at that time. He then contradicted himself and said he got out of the organization before it was dissolved.

Frank Muehlke was born in Hamburg, Germany, in 1900. (Volume VIII, pp. 2378-2396.) He came to New York in 1926 and was naturalized in San Diego in 1935 and has lived there ever since. He affiliated with the *German-American Bund* in 1937 and after John Lutz went to Germany, became the secretary of the San Diego Unit until Hueschele took over these duties in 1939. He stated that the Bund was not very active and that he resigned from it in the Fall of 1939.

It is interesting to note that Muehlke was an aircraft worker at the Langley Instrument Company in the City of San Diego when your committee subpoenaed him to testify February 20, 1942.

Muehlke admitted having met Wilhelm Kunze and having heard Fritz Kuhn deliver a speech at Hindenburg Park. He admitted having attended one meeting at the Deutsches Haus in the City of Los Angeles. He knew Herman Max Schwinn, Hans Diebel, F. K. Ferenz and Mrs. Helen Rheinheimer, and others.

He spent four months in Germany just prior to the outbreak of war. He claimed that he did not meet any of the officials of the German Government.

Dr. George Gyssling, German Consul, from Los Angeles, delivered a speech at Germania Hall on German Day in the City of San Diego when Muehlke was present.

He admitted reading *Weekruf* "once in a while." He denied ever having bought any books at the *Aryan Book Store* in Los Angeles and stated that he "never did agree with it much— with the idea of distributing some of the stuff which amounted maybe more or less to propaganda" (p. 2381). He stated that "some of the stuff • • • was not very appealing to Christian men." He stated that the reason he quit the Bund was because he didn't like the idea of being "fanatic." He stated that he joined the Bund to build up good will between this country and Germany and came to the conclusion that the Bund was not furthering that end.

He admitted attending the dinner given in the home of Mrs. Rheinheimer in San Diego for the purpose of raising funds for the relief of the crew personnel of the *S. S. Columbia*, a German vessel which the German sailors had attempted to scuttle and which was interned. He recalled that there were 20 or 25 people present at that dinner. He stated that he met Mrs. Rheinheimer "through German activities." He admitted that the Germans held several such dinners to raise funds for the internees and recalled the dinner at Mr. Graf's home and one at Oberhoff's. He stated that he paid 50 cents or \$1 for these dinners and that they did not take up collections.

He stated that the *German-American Bund* Unit in San Diego met very irregularly while he was a member and that it did not have a women's auxiliary.

He admitted sending his children to the *German-American Bund* camp in Glendale in the Summer of 1939. He added that he later discovered the camp was connected with the Bund.

He recalled, under questioning, a sale held in the German House in Balboa Park, San Diego, for the purpose of raising money for German

citizens in the custody of the United States. He recalled one Bund meeting held in the Hawthorne Hall, San Diego.

He stated that (p. 2391) when he "went to Germany" he was suspicious of the Hitler regime just like everybody else in the United States. "When I was there," he continued, "I discovered that Hitler had done lots of things for the people, so I did not go with any sort of prejudice \* \* \*." He traveled through Germany for four and one-half months. He stated that he had no close relatives in Germany although his wife has a brother in the Nazi Army.

Muehlke stated that he was against war and against persecution. He regretted that President Wilson had not succeeded in his aims at the end of the last war.

He concluded his testimony by stating: "This country comes first; it is the country of my children. I want to live up to my citizenship (pledge)." He stated that he would fight for the United States against Germany. He turned the records of the Bund over to Heuschele when Heuschele became the San Diego Unit Secretary. He stated that there was a book in which the names and the dues of the members were recorded.

Muehlke left the Consolidated Aircraft in January of 1941 and has been employed by the Langley Instrument and Machine Company, a subcontractor of Consolidated, since that time.

John G. Buerkle was a volunteer witness on Nazi activities in the City of San Diego. (Volume VIII, pp. 2396-2399.) He was formerly a tuna packer and at the time of testifying was a real estate operator. He stated that an apartment house, owned by Richard Schoenborn in the City of San Diego, had been a rendezvous for Germans and members of the Bund. He stated that Von Buelow was one of the frequent visitors at this place. He claimed that they were "just Nazis." He believed that Schoenborn had made a trip to Germany in 1940 and that he had been gone about four months.

C. Leon de Aryan, editor of *The Broom*, a publication in San Diego, met F. K. Ferez in Los Angeles at a meeting of the *Friends of Progress*. He met Herman Max Schwinn in San Diego in 1938 or 1939 and Hans Diebel at about the same time. He has been a visitor at the Deutsches Haus and has attended functions in Hindenburg Park in Los Angeles. At the time of testifying, February 19, 1942, de Aryan stated that he had known William P. Bauer for three or four years and Frank Muelke and Karl August Heuschele for about the same period of time. He admitted that he had attended two Bund meetings. He was present on one occasion when, according to his testimony, a number of newspaper reporters and representatives of the American Legion were present. At this Bund meeting, he alleged, the Communists attempted to create a commotion. The meeting was held in the Hard of Hearing Hall. de Aryan claimed that he took the platform and "talked the Communists out of it" (p. 2291). de Aryan believed that the Bund members in San Diego were "decent fellows" but expressed doubts about some of the Los Angeles members. He was also acquainted with Hans F. Bauer of Los Angeles and Henry D. Allen of Pasadena and had met Faith McCullough.

## NAZI PROPAGANDA AND ACTIVITIES IN CALIFORNIA

Franz K. Ferenz was a hostile witness. He was subpoenaed and testified October 17, 1941. (Volume IV, pp. 1152-1174.) He had been one of the most active Nazi propagandists in southern California. He posed as an exhibitor of foreign language films and conducted the *Continental Book Store* located at 2509 W. Seventh Street in the City of Los Angeles. He was the publisher of a book entitled *Hitler* (1934), which was a collection of favorable propaganda essays concerning the Fuehrer.

Ferenz was born in Vienna, Austria, and came to the United States in October, 1914. He became a citizen almost immediately.

One of the essays on Hitler used in Ferenz's book was written by George Sylvester Viereck. Ferenz claimed that he did not know Viereck. The preface of the work by Ferenz was for the purpose of acquainting the American people with the facts concerning Germany's new leader, Adolf Hitler, and the program and achievements of the *National Socialist Party*. The hooked cross—the swastika—was printed on the cover of the book.

Ferenz denied having been the distributor of the anti-Semitic film *Kosher Slaughter*. He was questioned concerning the cancellation of his lease for the Mason Opera House in Los Angeles by Peter Riccardi. The Findings of Fact in the Los Angeles Superior Court Civil Case Number 456927, *F. K. Ferenz vs. Peter Riccardi* (Volume IV, pp. 1162-1165) was introduced for examination by the members of the committee and it was found that Ferenz had attracted Nazi sympathizers to the theater and had aroused racial hatred and prejudice.

He knew of the *Karen Travel Service* located at 4465 Hollywood Boulevard in Los Angeles and stated that it was a travel bureau and food package concern. He admitted carrying advertising for this firm on his screen at the Mason Opera House. He also was acquainted with the Food Package Service of H. F. Bauer. He was familiar with *Facts in Review*, Nazi propaganda publication in the United States. He claimed that he did not subscribe or take subscriptions for it.

He admitted having visited the Deutsches Haus in Los Angeles but could not recall having seen any of the Bund members in uniform and stated that he did not know of any secret meetings having ever been held there. He stated (p. 1173) that "Germany has never had a better man (than Hitler)."

George Ernest Martens was born in eastern Silesia, in Breslau, Germany. He came to the United States in 1907, became a citizen and resided in Los Angeles for 26 years. (Volume IV, pp. 909-918.) He was the editor of the *California Staats-Zeitung*. He testified that the *German-American Bund* was a continuation of the *Friends of New Germany*. The Bund continued to publish the *California Weckruf*.

He related demands on part of the Los Angeles Bund for an announcement of a boycott of the Jews by the *Staats-Zeitung* and stated that he refused. He claimed that the Bund then published an attack on him, as editor, in the *Weckruf* and that it also attacked the *Staats-Zeitung*. He stated that this attack was written by Dr.



Konrad Bucardi. Bucardi had held a prominent position in the *Friends of New Germany*.

He stated that the German Government had issued a decree providing that German citizens could not retain membership in the *Friends of New Germany* and that the name of the organization was then changed to the *German-American Bund*. He testified that the German Government had issued a second decree forbidding membership in the Bund.

Martens knew F. K. Ferenz and was acquainted with his activities in exhibiting German pictures. He stated that he had never been in the Deutsches Haus in Los Angeles and was not aware of Nazi propaganda in the pictures shown by Ferenz. He was acquainted with Hans F. Bauer for some five or six years.

The *California Staats-Zeitung*, German language newspaper in Los Angeles, enjoyed a circulation of between ten to twelve thousand at the time Edward Stuetz testified before the committee. (Volume III, pp. 861-885.) Stuetz had known Herman Max Schwinn since 1928 when Schwinn was employed as a clerk at the *German-American Savings Bank*. He had known F. K. Ferenz for 10 or more years, and also was acquainted with Hans Wolfran, Dr. George Gyssling, the German Consul, Helen Entermann, Hans F. Bauer, Kurt Zimmer and John L. Riemer. He admitted seeing German pictures exhibited from time to time by Ferenz.

Hans F. Bauer, according to Stuetz, advertised in the *Staats-Zeitung* for a considerable period of time. He knew that he represented *Fortra, Inc.* Stuetz had known John L. Riemer for several years and stated that he had been a subscriber to the *Staats-Zeitung*. He believed that Kurt Zimmer was a member of the *German-American Bund* in Los Angeles.

Stuetz denied that he had ever been a member of the *German-American Bund* or that he was connected with it in any way. He accused Schwinn and the *German-American Bund* unit in Los Angeles of attempting to ruin the *Staats-Zeitung*. He admitted that the *Staats-Zeitung* received the propaganda bulletins of *Trans-Ocean Service* by mail but denied any acquaintance with those in charge of the New York office of this service. He obviously used material from the *Trans-Ocean Service* and admitted using articles from German newspapers.

Stuetz described the *German-American Alliance* and stated that it was composed of representatives from all German societies; that is, each society sent delegates to the *German-American Alliance* meetings. He admitted being a delegate to the alliance from the *Sons of Herman*. He admitted that the *German-American Bund* in Los Angeles exercised great influence over the *German-American Alliance*. Herman Max Schwinn was one of the delegates from the Bund unit. Stuetz stated that because of the disruptive tactics of Bund delegates pressure was exerted by other delegates and they were forced to resign. Helen Entermann was the Secretary for the *German-American Alliance* and Stuetz stated that the alliance owned Hindenburg Park in Los Angeles.

Hans F. Bauer is the son of William P. Bauer, the Fuehrer of the San Diego Unit of the *German-American Bund*. At the time of testifying he was still engaged in sending food packages to foreign coun-



tries, notably Germany. He was born in Keil, Germany, and admitted having made a trip to the Third Reich in 1937, visiting Hamburg, Bremen, Berlin and other cities. He was formerly employed by the *North German Lloyd Steamship Company*, the Hamburg Lines, and then became the agent for *Gatracor Corporation* and *Fortra, Inc.*, in the shipping of packages to foreign countries. While Bauer denied ever being affiliated with the *German-American Bund* (Volume IV, pp. 919-935), he admitted visiting the *Deutsches Haus* in Los Angeles and knowing Herman Max Schwinn since 1929. He also was acquainted with Hans Diebel, Max Socha, Dr. Gyssling, F. K. Ferenz and others. He subscribed to the *California Staats-Zeitung*. He admitted owning a 16-millimeter motion picture projection machine and that an anti-Semitic motion picture, *Kosher Slaughter*, was run on this machine (or one he borrowed) October 12, 1938, at the *Deutsches Haus* in Los Angeles.

Espionage agents of the Third Reich found cooperation and sympathy in certain quarters in California. Men, such as Prince Sur Lippe Weissenfeld, Werner Plaet and others, working through the consular offices in Los Angeles and San Francisco found little trouble in gaining entrance into social circles in San Francisco, Los Angeles and Palm Springs. The net results achieved by these agents of Hitler will probably not be thoroughly tallied until the end of the war.

David Baxter of San Bernardino struck up an acquaintance with Prince Sur Lippe Weissenfeld when Weissenfeld was a student at the University of Southern California in 1939. Baxter read some of Weissenfeld's writings and struck up a correspondence with him during the time that Baxter was an editor of a newspaper at Twenty-nine Palms. A dinner was given for Weissenfeld at Twenty-nine Palms and Baxter invited him to come down as "quite a number of local citizens were interested in hearing the German viewpoint on this war." (Volume X, pp. 2991-2996.) Weissenfeld, according to Baxter, was, at the time Baxter testified, in the Nazi *Luftwaffe* and was alleged to have shot down 67 British planes over Tobruk. Weissenfeld was connected with the German Consulate in San Francisco under Fritz Weidemann. Baxter maintained his acquaintance with Weissenfeld until Weissenfeld left for Germany in 1940. He had dinner with Weissenfeld at the *Deutsches Haus* in Los Angeles and visited him at his home in Redondo Beach. Weissenfeld introduced Baxter to Herman Max Schwinn. Although contending that he had no sympathy for the *German-American Bund* and claiming that he considered it subversive, he, nevertheless, admitted that he visited the "German House" on several occasions after first dining there with Weissenfeld.

G. Allison Phelps, also known as G. Allison, has for many years been broadcasting over various Los Angeles radio stations. He has been definitely anti-British and anti-Jewish in his broadcasts and writings. He is reported as having advertised the sale of a book published by *Flanders Hall*, which was allegedly financed by George Sylvester Vierick, entitled *We Must Save the Republic*. George Sylvester Vierick was registered under the McCormick Act as a German propaganda agent. On September 24, 1941, Pearson and Allen described G. Allison Phelps as a "front man" for Russell Mack, a former scenario writer,

who visited Germany in 1939 and returned to Hollywood to collaborate with Phelps in a seathing attack on the motion picture industry.

Phelps was reported as a frequent speaker at *America First Committee* meetings and allegedly advertised the meetings of the organization in his radio programs.

He was subpoenaed and testified March 26, 1942, in Los Angeles. (Volume X, pp. 3048-3071.) He was born in New Hampshire and has been a radio-commentator in southern California for 18 years. He is the author of six books, one of which was being sold currently. He testified that he had financed himself through the sale of books and booklets, and that former broadcasts had been financed by sponsors.

He admitted that he had instituted a campaign against alleged abuses in Hollywood in connection with the motion picture industry and stated that he had commenced this work in the Summer of 1940 and continued it until the Fall of 1941. He stated that he started this work when he learned of people being discharged in the motion picture industry to make room for refugees. He made an investigation of the aliens working in the motion picture industry, "taking jobs of American citizens," and put out booklets on this subject. One of these booklets was entitled *An Appeal to Americans* and contained an article entitled *The Tower of Babel*. He stated that he later wrote a pamphlet, *An American History of Hollywood*. He believed that the Communists were being assisted in southern California by certain people in the motion picture industry.

He related the circumstances surrounding a banquet which was given in the latter part of 1940 for Lion Feuchtwanger, author of *Moscow, 1937*. He claimed that he had quoted from Feuchtwanger's book over the air and had called his listeners' attention to the fact that the various motion picture "bigwigs" were feeding Feuchtwanger at the *Beverly Wilshire Hotel* and collecting more money in order to bring such writers to Hollywood. He stated that he believed this to be a very dangerous thing. He was anti-Communist and felt very strongly concerning this subject. He had made an investigation of Communism in Hollywood and once refused to join the *Anti-Nazi League* because he believed it to be a Communist front.

He denied ever having been a member of the *America First Committee*, though he had spoken at their meetings. He knew nothing of the *League to Save America First* or of the activities of T. W. Hughes. He admitted announcing meetings of the *America First Committee* on his radio broadcasts and stated that he had done so at the request of William Hunt, who was the chairman of the Glendale chapter.

He admitted knowing Mrs. Frances Sherrill, the president of the *National League of Mothers of America* and admitted having attended one of the meetings of this organization.

He made a trip to Washington around the first of November of 1941 and claimed that the purpose of the trip was to confer with certain Senators concerning "*Union Now*" with Britain. He stated that he financed his own trip from the sale of his books and pamphlets. While in Washington, he conferred with Senators Nye, Robert Rice Reynolds and Tobey. He made two trips to Washington in the year of 1941. He conferred with a number of Senators and Congressmen on both trips. He knew that Congressman Stephen A. Day had written a book

entitled *Save the Republic* and admitted that he had mentioned it on his broadcasts. He denied having received financial remuneration for mentioning the book and believed it to be "good reading." He stated that he did not know that part of the book had been written by George Sylvester Viereck. He admitted having advertised Senator Reynolds' publication, *The Vindicator*, on several of his programs. He likewise admitted that Father Coughlin had reprinted part of a speech made by him but he stated that it was without his permission.

Phelps denied that he had ever affiliated with the *Ku Klux Klan*, although he knew Kleagle William H. Sahli. He had met Dr. Sahli at a meeting of the *America First Committee* and Sahli had confided to him that he was a member of the *Ku Klux Klan*.

Phelps stated that he had founded the *American Enterprise Foundation* in order to secure jobs for American citizens in preference to aliens.

He admitted knowing Russell Mack and stated that he met Mack and his wife, Bobette, in 1940. He disclaimed knowledge of Mack's trip to Germany other than being aware that he had made the trip. He had read allegations concerning Mack visiting Nazi officials. He stated that he discussed the matter with him and was told that Mack had conferred with motion picture people in Germany. He denied that Mack had ever collaborated in the writing of his broadcasts. He stated that he sometimes talked with him over the telephone regarding material to be used in his broadcasts and that Mack had supplied him with some statistics which he had used in his book *The American History of Hollywood*. Mack gave him checks, and he claimed that they were in payment for booklets and books Mack had purchased. He explained the photostatic copies of checks signed by Mack in the possession of the committee in amounts of \$50 and \$100 as being payment for 200 and 400 copies, respectively, of *An Appeal to Americans*, at 25 cents each. He said copies of *The American History of Hollywood* had been mailed to the members of the California Legislature and that Mack had bought them and financed the mailing of them.

He stated that the Jewish names in his writings concerning Hollywood were included merely because the individuals were motion picture industrialists, actors, etc., and denied that it was because they were Jewish. He pointed out that he included Irish names as well.

John L. Riemer operated the *National Book Mart* and distributed literature of a definite subversive character. He was the organizer of the *American Labor Party* (not to be confused with the New York organization of the same name). Riemer's *American Labor Party* advocated the abolition of labor unions. The anthem of the *American Labor Party* is *A Voice Resounds Like Thunder-Peal* which was allegedly written by John L. Riemer himself. The substitution of American names for German names is the only difference between *A Voice Resounds Like Thunder-Peal* and *Die Wacht am Rhein*. Riemer testified before the McCormack Committee and indicated that a German Consulate had paid \$215 for printing part of the literature he had sent out from Los Angeles during 1941.

Riemer distributed T. W. Hughes' anti-British pamphlet, *The Truth About England*, through the *National Book Mart* as well as F. K. Ferenz' propaganda book on Hitler. He likewise advertised *America*



*First Committee* meetings in connection with the distribution of his own literature.

He objected to being photographed when testifying October 16, 1941. (Volume IV, pp. 1070-1079.) He was born in Danzig, Germany, in 1887 and came to the United States in 1909. He was naturalized in 1915 and has resided in Southern California since 1911, with the exception of a few months.

He admitted selling books at the *National Book Mart* in both the English and German languages.

He had known Herman Max Schwinn for some six or seven years, Hans Diebel and others. He stated that the *Aryan Book Shop*, operated by Hans Diebel, did not sell the same type of literature as he sold at the *National Book Mart*.

He denied being a member of the *German-American Alliance*, the *German-American Bund* or of the *Friends of New Germany* and claimed that he was not in sympathy with the principles of the Bund. He admitted being a member of the *America First Committee* and having signed a membership card. In addition, he was a member of the Turner Society and had written on the health benefits of Turnerism.

He admitted having attempted to organize the *American Labor Party* in 1933 and stated that after four months' effort he had "one member and three stool pigeons."

Mrs. Edith Marion Shol (Mrs. David Shol) testified that she was a printer and that she had resided in Southern California for 20 years, engaged in the printing business. (Volume X, pp. 2890-2899.) She admitted having done considerable printing for various organizations under investigation by the committee. She admitted printing stickers "War is a Racket," for the *National Legion of Mothers of America* and said they were ordered by a Mr. Nimms. She admitted having known G. Allison Phelps for six or seven years and having printed pamphlets for him, such as *An Appeal to Free Americans*. She has printed for the *Ku Klux Klan* for two or three years. She stated that the Klan had last ordered 10,000 membership cards, took 1,000 of them and that she hadn't seen any of the Klansmen for quite a while. The membership cards were ordered by a man by the name of Harvey (or Herve) of Alhambra. She also was acquainted with a Klansman by the name of Anderson. *American Freedom* was a publication put out several years ago by Mrs. Shol herself. She stated that it had been her intent to start a patriotic organization to sponsor the magazine. Philander K. Bush was to have handled the funds. William P. Williams was a member of the organization she hoped to build around *American Freedom*. She stated that the organization only lasted a few months and that she had published the magazine herself.

She had met Ellis O. Jones when he came to her printing plant and asked for an estimate on a printing job. He had declared that the estimate was "too high" and therefore did not order. She was acquainted with the Van Meter brothers. She denied ever having done any printing for the *America First Committee*.



## ANTI-SEMITISM

Race superiority and anti-Semitism constitute important pillars in Nazi philosophy. Hatred against the Jewish people is the spearhead of Nazi penetration—a softening solvent for panzer divisions and collaboration with the *New Order*. This psychological assault is usually employed by the Nazis with the Communist “threat.” One of the most malicious techniques of Dr. Goebbels’ agents, used with great success in Europe and still being used in the United States, is to tie the Jews and the Communists together, making it appear that “Jew” and “Communist” are synonymous. Thus, crafty Nazi psychologists, utilizing the natural antipathy held by all nationals against the sneaking subversivists of the Kremlin hope to direct this same antagonism against the Jewish people—for the greater part, the stamnelist element in support of *real* democracy. It is certainly unnecessary to point out that citizens of the Jewish race are no more susceptible to Communism than are the people of other races. The Communist Party itself does not hesitate to attack the Jews of the United States when they find citizens of this race boldly antagonistic to Communist intrigue and conspiracy against the Government. Whoever attacks Communism in support of the United States Constitution, its traditions and Americanism, whether he be Jew or Gentile, is in for scurrilous and filthy lambasting from the comrades and the Communist press. George Seldes’ *In Fact* for January 18, 1943, refers to Louis B. Mayer, motion picture producer, as a “Jewish Fascist,” because, Mr. Mayer in his Americanism, had the courage to produce several plays exposing the nefarious activities of Stalin’s stooges. To call Mr. Mayer a “Jewish Fascist” is, of course, about as logical as calling Hitler a “Nazi Democrat.”

Certainly there is no place in American Democracy for dispensers of racial prejudice and hatred. A personal quarrel or difference with an Englishman, a Jew or an individual of any particular nationality is no excuse for an all-out attack on the race or nationality represented by the individual. Anti-Semitism and organized race-prejudice is as un-American and as subversive as are Nazism and Communism.

The committee has been primarily interested during its investigations of Nazi activities in California in the success of our war effort and in combating the efforts of fifth columnists on the home front who attempt to succor and strengthen the totalitarian hordes which would destroy our Democracy. The members of the committee are unanimously of the opinion that those who seek to divide our people on the basis of racial prejudice are ably assisting Herr Hitler and his cohorts. They are either unwittingly or deliberately contributing to Hitler’s psychological war-blitz.

Under the cloak of the Bill of Rights, the Nazi and the Communist seek to subvert the freedoms they intend to destroy while clinging to their protections. The people of the United States will, if they do not delay too long, come to the realization that liberty, if it is not to degenerate to mere license, must be exercised in good faith. When speech and the press are used for the purpose of destroying the freedom of both then safeguards must be taken by those who use their liberties

properly and *in good faith* to the end that these same liberties be preserved.

The committee and its representatives have given considerable time to the study of propaganda methods used by subversivists, particularly in relation to psychological principles. In this connection it has sought for an explanation of Hitler's anti-Semitic policy. It has been suggested that this plank in the program of the Nazi Party is based on Hitler's personal hatred of the Jews. Some have believed that it was merely an inhuman plan for uniting the German people by fostering a common hatred and persecution of the Jewish people—the creation of a scapegoat for German ills. Still others have suggested that the Nazis used it as an outrageous pretext for the confiscation of Jewish fortunes and properties. Probably all of these theories contributed to the original policies in Germany, but Nazi psychologists have turned it to use in foreign propaganda campaigns. Anti-Semitism, when analytical histories of these times are written, will prove to have been an important factor in Hitler's initial successes. It was highly effective during the Chamberlain phase of appeasement and contributed to the collapse of Czechoslovakia and France. The will to fight against Hitler was broken because the people of these countries had been indoctrinated with the thesis that only the Jews wanted to fight the Nazis, and, therefore, to fight Hitler was merely to *fight for the Jews*.

The superiority of the Nordic or "pure Aryan" fiction is just as important in Hitler's psychological warfare as is his anti-Semitic policy. There probably is really no true connection between the two, except as one forms the background for the other. The Nazis, by this mental tactic attempted—and succeeded more than we yet realize—in supplanting obligations owed to the German Weimar Republic in the beginning, and the respective governments they intended to conquer after coming to power, by obligations owed to the *race*, the Nordic—the "pure Aryan." By directing the mind toward a *minor* detail it is quite possible to deceive concerning *major* facts. By the proper process of negative induction and the generous conditioning of mental reflexes it is quite possible to cause people to act contrary to the obvious and thus induce them to destroy with their own hands the nation to which they owe their loyalty. Individuals of German descent or those inflated with the idea of Nordic ancestry, little in mind and flattered with a sudden-found "racial superiority" soon come to believe and act on the premise of "*Aryan bloodship*" with the Third Reich, directing their allegiance, *not* to the country of citizenship, but to the New Order of Fuehrer Hitler.

Anti-Semitism is growing in California. Not so very long ago the chairman of your committee, having just finished a radio broadcast on a phase of the Nation's war effort, was called on the studio's telephone. "You are fighting for the Jews!" a woman's voice exclaimed in sincere distress and concern. "Our best educated people know and say that our American Gentile boys are being sent to slaughter in foreign countries because the powerful Jew money lords demand it! We have no quarrel with Hitler; *he is only fighting the Jews!*"

The committee submits that this sort of thing is difficult to combat. Only strict emphasis on democratic principles of full equality of oppor-

tunity for all races under the Constitution will steel the American people to successful resistance of these psychological onslaughts. During these times, and completely aside from the obvious falsity of such lying propaganda, it resolves itself to a matter of National defense.

C. Leon de Aryan was the editor of *The Broom*, a San Diego publication. (Volume III, pp. 2273-2304.) He had been in the publishing business in the City of San Diego for 12 years and his publication appeared in San Diego every Monday. The paper was notoriously anti-Semitic, isolationist and anti-Roosevelt.

de Aryan stated that he was solely responsible for the editorial policy of the paper. He continuously carried an active campaign against Communism and Communists, which campaign, according to his own statement, has been the policy of the paper from "practically the first issue." de Aryan believes that the Marxist philosophy destroys individual initiative. He was very much aware of the Communist Party and its activities in San Diego and declared that the Communists had been "after" him for six or seven years. This came about, he explained, because he refused to sign a petition legalizing the Communist Party in California. He stated that the Communists continually abuse him and even call him on the telephone with insults and threats. He revealed a very unique ability by declaring that he could tell a Communist by the voice over the telephone. He explained that all Communists have a "guttural sound" in their voices (p. 2276). de Aryan was born in Rumania in 1886 under the name of Constantine Legenopol. He moved to Austria after the death of his father and stayed there until he was 19. At this time, his mother had him placed in an insane asylum where he remained for about 14 months. He was removed from this place to another insane asylum located in Vienna. The doctors in Vienna discovered that the cause of his trouble was "family persecution" and released him with a letter stating that fact. He went from Vienna to Egypt and worked in Mesopotamia on an engineering job under Sir William Wilcox. Sir William Wilcox was working for the Turkish Government but was also in the employ of the British, sending duplicate maps to Sinla, India. de Aryan stated that he did not approve of this type of double-dealing, and therefore, resigned his position. He came to the United States in 1912 and joined the United States Army under the name of Kosti, which, he said, was an abbreviation of Constantine. He later had his name changed to Aryan and subsequently legalized it by a court proceeding in the City of Los Angeles, adding the "de" because of readings in numerology.

He was dishonorably discharged from the United States Army in 1914. He stated that he opposed the method of inducting men into the army and contended that the oath was not read to him before he enlisted.

He went to Texas and from there to Mexico where he remained during the World War. After the Armistice he shipped out of Mexico and made a trip to Belgium and returned to New York, entering the United States at Ellis Island. He has been a resident of San Diego about 14 or 15 years.

He claimed that he broke up the Silver Shirts in San Diego. He declared that members of this organization had beaten him once because he opposed them. This opposition, he explained, was on the same



ground on which he opposed the Communists, "or any organization which tries to constrain people and force them into things." He related the history of the mutilation and murder of a boy named Aposhin whom the Silver Shirts claimed was slain in a Jewish ritual murder.

He admitted that he had copied material from the *Roll Call*, a publication of William Dudley Pelley, because he agreed with the sentiment expressed in the material. It was anti-New Deal and de Aryan admitted being anti-New Deal. He admitted that he was aware that the *Roll Call* was anti-Semitic. He admitted having written and printed an article in *The Broom* against the "Tenney Committee," referring to the contemplated investigation in San Diego as a "political smear campaign."

He declared that he had been persecuted in San Diego by the Jews. He said that the animosity of the Jews against him was such that they had forced advertisers to withdraw their ads from *The Broom*. He explained that this animosity began on an occasion when he opposed picketing by the *American Federation of Labor of Whitney's Department Store* in San Diego, protesting the handling of German-made goods. de Aryan stated that he "put on a skirt and picketed the pickets" and that the Jewish citizenry of San Diego "got awfully mad about that."

Lawrence R. (Larry) Griffith was so anti-Semitic that he would have nothing to do with Robert Noble and the *Friends of Progress*. (Volume IX, pp. 2827-2836.) He attended meetings of the *Friends of Progress* and knew Ellis O. Jones, Robert Noble, the Van Meter brothers, and Leone Menier "by sight." He stated that he did not feel that Noble was playing a "straight game" because Noble's doctor and lawyer were both Jews. "Well," Griffith added, "he can not represent me as an American." He had passed out handbills at the *Friends of Progress* meetings. He declared that he did not believe that real Americans should speak, write or teach Yiddish or Talmudic traditions and that, generally, he was suspicious of Noble because he was too friendly with the Jews.

Griffith admitted having composed the material contained in the pamphlet, *Why Do You Hate Hitler?* and having distributed copies at the meetings of the *Friends of Progress*. He had also distributed about 200 copies of *Publicity*, a paper put out by Gardner of Wichita, Kansas. Griffith stated that this made Ellis O. Jones "sore, because he is out for the shekels." He gave away most of his pamphlets, *Why Do You Hate Hitler?* but was able to sell some of them.

"I am not for Hitler for America; I am for Hitler for Germany," Griffith declared. He supported the views of Father (Charles) Coughlin and quoted from *Social Justice*. He wanted to use his opportunity in testifying to deliver a speech on the evils of Jewish influence in the United States. When this was objected to, he declared, "If that's un-American, God pity us!" He was recalled March 24, 1942. (Volume X, pp. 2903-2905.) At this time his pamphlet, *Why Do You Hate Hitler?*, was introduced into the record. Griffith, at this hearing, took full credit for the *United Minute Men and Women of America* and stated that it was organized by him in order to institute research on the enemies within this country "who are trying to undermine our



government." He stated that he organized the *United Minute Men and Women of America* in 1941 after Lindbergh's Des Moines speech. The organization started out with some 200 members, according to Griffith, but dwindled away. He claimed that he had not kept written records of the money that had been collected. The organization, according to Griffith, is now inactive, except for himself.

The following is indicative of the context of Griffith's *Why Do You Hate Hitler?*:

"The public has been misinformed and misled to hate the German people, just as much as they have been led to hate the Japanese people. \* \* \* Franklin Roosevelt's hate Hitler program and love Churchill and Stalin, is nothing more than a political Jewish method of getting the public mind off the Jew, and as a smoke screen, placing the blame on Hitlerism."

Ellis O. Jones, in an article he had written for *Publicity* for August 7, 1941, referred to "Jew-controlled movies," and "Jew-controlled Department Stores." (Volume III, pp. 744-760.) He declared that he was opposed to the Jews because they had opposed the principles of the *America First Committee*. (Volume IV, pp. 1187-1190.) He admitted contributing articles to *Free American* but could not recall if he had made contributions to *The Broom*. He met C. Leon de Aryan in 1933 and stated that he was a rather casual acquaintance and that he had no knowledge of de Aryan's background. He was aware, however, that *Free American* was combined with *Weekruf*. He admitted having seen circulars and stickers attacking the Jews. (Volume IX, pp. 2489-2528.)

Ben S. Beery introduced into the committee's record a circular which was picked up in *Robinson's Department store* in Los Angeles on February 11, 1942. The title of the circular read: "*Buy From a Christian or Work for a Jew.*" Many such circulars have been collected by the committee and its investigators and are on file in committee records.

Harold A. Sparling admitted having written a pamphlet entitled *Why I am Running for Congress* and stated that he had distributed 6,000 copies of it. It was viciously anti-Semitic and listed the names of alleged Jews serving in the Roosevelt Administration. He described the emblem printed in the pamphlet and, though he admitted that it resembled a swastika, he stated that it was a modified version of the tuberculosis seal. He considered the Democratic Party as a "Bolshevik Party" and President Roosevelt as a "Bolshevik." He claimed that he could not recall all the sources of the material used in his pamphlet and admitted that he had used the term "Communist" rather loosely. He confided to the committee that he hated the Jews and the British. (Volume III, pp. 714-744.)

George T. Baker of San Francisco was an official of the *Citizens No Foreign Wars Coalition*. (Volume VII, pp. 1980-2007.) He declared that the organization was established in 1936 by Osear Braumbaek who was formerly a secretary to United States Senator Schall. The offices of the *Citizens No Foreign Wars Coalition* was located at 57 Post Street in the City of San Francisco and had been in that location since

July of 1941. Baker stated that there were "probably" several hundred members of the organization in San Francisco. Dr. Richard Carlyle was the Southern California organizer for the group. The *Citizens No Foreign Wars Coalition* published a manual of organization and a periodical entitled *America Awake*. The organization was sustained entirely by donations and the sale of books and the members paid no dues. It was a nonprofit corporation and its alleged purpose was to prevent the United States from becoming entangled in foreign wars.

Baker testified that the present plan of the organization was to bring together groups with similar purposes—those who were opposed to foreign wars and to certain "credit practices" of the United States Government. Pursuant to this purpose of bringing similar groups together, Baker stated the National Chairman of the *Citizens No Foreign Wars Coalition*, Oscar Braumbach, was scheduled to speak in Cleveland, Ohio to the *United Mothers of America*. This group, according to Baker, was similar in type to the *Citizens No Foreign Wars Coalition*, as was the *National Copperheads* in Los Angeles. (He claimed he did not know Ellis O. Jones.)

He admitted reading the literature of the Silver Shirts and expressed himself as believing this material to be very educational. As a matter of fact, he insisted on reading some of this literature into the committee's records. He read an article entitled "*Jew Dealers in Office and Their Red Front Personnel*," from *Roll Call*.

He stated that he had met Wilhelm Kunze in San Francisco when the Fuehrer of the *German-American Bund* spoke at a meeting at 320 Divisadero Street in 1940. He claimed that he did not know that Kunze was connected with the *German-American Bund*. He admitted that he read *Free American* and likewise claimed that he did not know it was the official publication of the *German-American Bund*.

He related what he knew of the *American Forum*. He said that Godfrey Hind was chairman of this organization, but could not state whether or not Hind was a member of the *German-American Bund*. He admitted having heard Hind talk but could not recall if he spoke of Hitler but did remember that he spoke on the "Jewish question."

He then produced the *Protocols of the Learned Elders of Zion* and insisted on reading Protocol Twenty to the committee regarding the methods the Jews are alleged to have planned for the bankrupting of nations. Baker insisted that he believed these Protocols.

He stated that the *American Forum* was sometimes referred to as the *Christian Forum* and that its meetings were attended by 50 or 60 people.

He expressed the opinion that his organization, the *Citizens No Foreign Wars Coalition*, would not permit infiltration by members of the *German-American Bund*. He stated that the *Citizens No Foreign Wars Coalition* "preached only Americanism."

He had read all of Colonel Charles A. Lindbergh's speeches and was in full agreement with the opinions expressed by Lindbergh on the Jews. In this connection he read from Walter Steele's testimony before the Dies Committee concerning the background of Sidney Hillman, David Dubinsky and others and remarked that "these people are Jewish."

He presented the committee with a magazine, *The White Knight*, published by George Deatheridge of the *Knights of the White Camellia*. The article in question was another anti-Jewish piece entitled "*The Jew Deal Issue.*"

The testimony of George T. Baker left no doubt in the minds of the members of the committee of the anti-Semitic nature of the *Citizens No Foreign Wars Coalition* and its close association with Fascist and Nazi organizations.

Samuel L. Brogden was the State Chairman of the *Citizens No Foreign Wars Coalition*. (Volume VII, pp. 2025-2036.) He stated that he had not had anything to do with the organization of the group but that he had set up an executive committee of 25 members. He did not have the names of the members of the executive committee at hand but stated that they had been selected from patriotic and Christian organizations.

Brogden claimed that he knew of no attempts on the part of the members of the *German-American Bund* to inject themselves into the *Citizens No Foreign Wars Coalition*, but admitted that he had made no personal effort to determine whether attempts or not had actually been made.

He was familiar with C. Leon de Aryan's newspaper, *The Broom*, but claimed that he was not personally acquainted with de Aryan. He was also acquainted with the *Beacon Light*, published by William Kulgren. He had seen copies of the *Free American* but was not familiar with it. He stated that someone had sent him a copy which contained an article entitled "*The Gravediggers of Russia*" which dealt with the Jews and contained a subtitle, "*Try to Find a Russian Among Them.*" Brogden was also familiar with the writings of Edward Edmundson, Gerald Winrod, and William Dudley Pelley. He admitted that he was responsible for the paper *America Awake*.

Earl C. Craig testified that he had attended many *America First Committee* meetings in 1941. (Volume IV, pp. 1253-1258.) He stated that he attended a meeting in Glendale presided over by a man by the name of Hunt, when G. Allison Phelps spoke. He stated that the crowd cried, "Jew! Jew!" when Hunt mentioned the name of John Spivak. He stated that Hunt's address continued to draw similar responses from the audience.

Craig stated that he had distributed literature for the *Committee to Defend America by Aiding the Allies* at various meetings and that he finally found himself in trouble with the police for distributing such literature at the meetings of the *America First Committee*. Craig blamed the *America Firsters* for this difficulty.

William Hunt was reported as a frequent visitor at the *Deutsches Haus* in Los Angeles and is alleged to have been present there when Fritz Kuhn visited the *German-American Bund* in Southern California. He also had been associated with the activities of Faith McCullough, former secretary to Mrs. Leslie Fry.



## NAZI FRONT ORGANIZATIONS

The committee learned that the *German-American Bund* utilized the "transmission belt" technique of the Communist Party. Wherever an organization existed whose objectives fitted the current policy of Hitler and his American agents, members of the Bund penetrated such organizations. The *America First Committee* and the *National Legion of Mothers of America* were non-intervention and isolationist groups opposed to war and against conscription, and such organizations were made to order for American Bundsters. The committee is convinced of the sincerity, loyalty and honesty of the majority of the original organizers of the *America First Committee* in California. There is no doubt, however, in the minds of the members of the committee that the *German-American Bund* caused its members to become active in these and similar groups in order to propagandize Americans against entry or participation in the European conflict.

From January 15 to March 1, 1941, *German-American Bund* locals were issued mimeographed instructions in closed meetings. Before the instructions were issued, members present were asked to take an oath promising to destroy the mimeographed memoranda before leaving the Bund halls. The instructions stated: "These instructions must be memorized and destroyed before leaving this hall TONIGHT. There is nothing illegal in the operations of your organization but the following instructions might be misunderstood if through the carelessness of any of our members they were lost."

The so-called "instructions" outlined the policy or "line" of conduct for the *German-American Bundsters* and stated that "For the good of the United States and the Reich" the Lend-Lease Bill must be defeated *in toto*. The members were instructed to be "mild" in all conversations; "In every circumstance avoid the label of pro-German which label once acquired destroys the value of your work completely. Be mildly sympathetic toward Britain but never forget to casually recall her Imperialism, her poverty-stricken people and her long years of misrule. Particularly her misrule of these American colonies."

Minute instructions were given in reference to Colonel Charles A. Lindbergh. The Bundsters were urged to "recall that Lindbergh warned the world of Germany's increasing air power after a thorough inspection of it by the courtesy of the German Fuehrer." They were further urged to "infer always that he made this trip as a Colonel of the United States Army and as the direct agent of his Commander-in-Chief, Franklin D. Roosevelt." The instructions continue as follows:

"\* \* \* This will convey the impression that the present administration is responsible for failing to take advantage of the information procured for it by its own agent and the generous cooperation of the Fuehrer.

"Generally speaking, this statement will not be denied but if it is you may always plead ignorance. (Lindbergh is actually an honorary colonel of the Missouri National Guard and thus on the reserve of the United States



Army.) But you need have little fear of contradiction and will find this statement very successful in friendly conversation.

"Avoid as always all blatant pro-Germans. They are doing us more harm than good and should be shunned for the moment. Seventy per cent of the American people are of direct German descent and a great majority of the balance of the population of this heterogeneous country is non-Aryan.

"Tolerantly discredit Willkie. A boyish figure who wants to play at being a soldier so badly that he is a willing tool in the hands of Roosevelt. A well meaning man with no understanding of International affairs and a tool of the warmongers.

"\* \* \* Wheeler and Johnson are two Americans with the best interests of the American people at heart \* \* \* they are unwilling to see the cream of America die in the shambles of Europe \* \* \* the United States is perfectly safe and should rearm slowly and intelligently on the five-year plan which will make it impregnable at the end of five years. Quote General Wood of the *America First Committee*. These are two great names, the first speaking for itself and the second widely confused with General Leonard Wood, a confusion to be encouraged. Quote Hamilton Fish and La Follette. Never forget the unpaid war debt from the past World War. When conversing with strong anti-Roosevelt people, compare his ideas with the Fuehrer's; encourage the feeling that he wishes to be a dictator, insinuate the best medical opinions to be that he is power-mad due to a mental condition directly attributable to infantile paralysis. Remember always that this administration must be weakened at any cost \* \* \*. Roosevelt is the fountainhead of the aid to England theory and \* \* \* he and his administration must be attacked constantly. But always from the American angle, never from the German.

"For the next 60 days then, exalt Lindbergh. His name still means more than any of America's heroes of the past. Quote his opinions, never forget that he told the world all of Germany's secrets. Idolize him as the Protector of American youth from the warmongers. (If you are told that he wears the decoration of our Fuehrer remind the speaker that he wears decorations from almost every nation.) But support Lindbergh for Lindbergh can be depended upon.

"Include as many as possible in your circle of acquaintances, always be mild in your opinions but get around. It is your duty; never sleep, keep moving and working and before another year goes by the world will enjoy a New Order, a disciplined order of German justice under the guiding hand of our magnificent Fuehrer \* \* \*.

"The Battle of Britain will be over by June, the Battle of America then will never need to be fought. Remember always that war is an awful thing to be avoided at all costs except as a court of last resort. Here in the United States the great industrialists and powerful labor leaders will make the New Order possible by their own differences once England is gone and the triumphant Axis confronts the world in all the splendor of their armed might. So then, on to Der Tag, peace in the New Order and a happier America.

"You are under oath to destroy this paper before leaving this hall tonight. Do not forget."

The above-quoted instructions of the *German-American Bund* should be held in mind when studying the activities of Nazi-front organizations.

In San Francisco the *National Legion of Mothers of America* was addressed at one of its luncheons in the Empire Hotel in June, 1941, by no less a person than Laura Ingalls, who was subsequently convicted and sentenced to a term in a Federal prison as a paid Nazi agent.

The *Friends of Progress* appeared to be a transmission belt of Nazi origin. Its directors, Robert Noble and Ellis O. Jones, both citizens of the United States, gave the organization an innocent appearance in the beginning. Robert Noble had drummed up a considerable following through old-age pension plans and was building the *Friends of Progress* rapidly when the committee first subpoenaed him to appear in the State Building in Los Angeles, October 17, 1941. The *No Foreign Wars Coalition* and similar organizations were utilized for "No European War Involvement" propaganda.

#### NAZI-COMMUNIST COLLABORATION

The committee heretofore has outlined the collaboration of the Communist Party with the Nazis during the time Hitler and Stalin were invading Poland under the terms of the Hitler-Stalin Pact. We have heretofore set forth the testimony of Hugh Ben Inzer, a former head of a C. I. O. union in southern California in which he described the conference called by Lew Michener at the C. I. O. Regional Headquarters in Los Angeles. It will be recalled that Mr. Inzer there met Hans Diebel of the *German-American Bund* and Pettis Perry, the Secretary of the Communist Party in Los Angeles County. The committee found considerable evidence of this close collaboration between the agents of Hitler in California and the Communist Party of the United States during the time Hitler and Stalin were partitioning Poland. After June 22, 1941, however, this collaboration ceased.

Harold A. Sparling organized *True Americans* at the Embassy Auditorium, September 10, 1940. (Volume III, pp. 714-744.) This organization nominated Charles A. Lindbergh for President of the United States and Burton K. Wheeler for the Vice Presidency. The *True Americans* sponsored a meeting at the Philharmonic Auditorium in Los Angeles for February 25, 1941.

Mrs. Frances Sherrill claimed to have founded the *National Legion of Mothers of America* in October of 1939. (Volume X, pp. 2899-2902.)

At the time of testifying, March 24, 1942, Mrs. Sherrill stated that the organization no longer held meetings but that it was still in existence. She stated that its purposes were to keep the United States out of war and to provide for strong National defense.

She admitted having made a trip to Washington, D. C., in May of 1941 and again in November or December of 1941. She stated that the trip was financed by "nickels and dimes" donated by the members of the organization. She stated that she met Congressman Stephen A. Day while in Washington. She was acquainted with G. Allison Phelps.

Mrs. Eleanor Morris, the daughter of Mayor Angelo J. Rossi of San Francisco, was subpoenaed for questioning concerning the *National Legion of Mothers of America* in San Francisco. (Volume XIII, pp. 3504-3524.) She stated that the organization was originated by a Mrs. Mary Ireland. She had joined by signing an application which had appeared in a newspaper. The group had been launched with the assistance of Frances Sherrill and Mary Sheldon, in October of 1939. She was acquainted with Mrs. Frank Panter and had known her for a number of years. She admitted that she was active in the Northern California Branch of the *National Legion of Mothers of America*. The organization had about 8,000 members in the City of San Francisco. She was acquainted with Kathleen Norris and stated that Kathleen Norris was active in the leadership of the group. Mrs. Morris denied that she had ever contacted Mrs. Sheldon but admitted that she had been in touch with Mrs. Frances Sherrill.

The funds of the organization were raised by collections taken at meetings. Mrs. Morris was the chairman of the northern branch until about a month before the declaration of war. She denied being familiar with the stickers and circulars distributed in the Los Angeles area by the organization, including those demanding "Impeach Roosevelt" and "Roosevelt should be impeached." She admitted having been affiliated with the *America First Committee*. She averred that Catherine Curtis had arranged for Laura Ingalls to speak before the *National Legion of Mothers of America* in the Empire Hotel in San Francisco on June 5, 1941. She also was aware that Laura Ingalls had been subsequently indicted and convicted as a paid Nazi agent. She admitted having been present in the Empire Hotel at the time Laura Ingalls spoke. Later Laura Ingalls wrote to Mrs. Morris asking if money could be raised in San Francisco for the purpose of securing peace pamphlets to be dropped by airplane in Washington, D. C. She contended that she did not assist in raising this money.

Ben S. Beery stated that the *World Events Forum*, under the supervision of A. M. Windhorst, was a subversive organization. F. K. Ferenz participated in the meetings of the *World Events Forum*.

A man by the name of Dr. E. R. Verostek spoke at a meeting of this organization on January 28, 1942. Notices for the meetings of the *World Events Forum* were freely distributed at meetings of the *Friends of Progress* and vice versa. It was learned that Dr. E. R. Verostek was once the chairman of the *America First Youth Group*.

Beery testified that F. K. Ferenz advertised his *Continental Book Shop* at the meetings of the *Friends of Progress* and the *World Events Forum*.



F. K. Ferenz participated from time to time in these organizations.

Larry Griffith distributed literature for the *United Minute Men and Women of America*. The *Ku Klux Klan* was said to be active in this organization.

James Adams Van Meter testified that he assisted in the operation of his brothers' printing enterprises. (Volume IV, pp. 1014-1023, 1061.) He stated that his brothers Baron Frederick, Daniel Elias and himself, were "amateur printers." They printed literature for Emil Lodahl's organization, the *National Patriots*. He claimed that he had not had an occasion to converse with Emil Lodahl, prior to the hearing, for about three years.

The *League to Save America First* was founded by T. W. Hughes and held its meetings in the Embassy Auditorium in the City of Los Angeles. T. W. Hughes wrote a book entitled *The Truth About England* which was distributed by the *National Book Mart* and the *Aryan Book Store*. F. K. Ferenz participated from time to time in the meetings of the *League to Save America First*.

Hughes conducted the meetings of the *League to Save America First* and during his activities attracted many *America First Committee* speakers to his platform, including Louise Ward Watkins, Bishop Tarkington Dowden, Albert W. Carlson, Frank J. Barry, Sr., Frank J. Barry, Jr., James D'Orsay Murray and Michael Dillon. The *League to Save America First* continuously drew audiences which regularly booed and hissed the names of the President of the United States and outstanding Americans.

Hughes is reported as having participated in the policy meetings of the *America First Committee*.

Benjamin Franklin Ballard, who organized the *American Guards*, was a regular attendant at the meetings of the *League to Save America First* and was the chairman of the down town chapter of the *America First Committee*. His addresses were outspokenly anti-Semitic. He compared the President of the United States to Benedict Arnold and urged impeachment proceedings.

#### NATIONAL COPPERHEADS OF AMERICA

Ellis O. Jones was the creator and organizer of the *National Copperheads of America*. (Volume III, pp. 744-750.) This organization came into being shortly after President Roosevelt called Charles A. Lindbergh, a "copperhead". "If Lindbergh's a copperhead," stated Mr. Jones, "so am I."

On May 2, 1941 Jones rented a post-office box for the *National Copperheads*, which he said was a nonprofit, nondues-paying organization. He stated that he donated his time and that the organization "stands 100 per cent for Lindbergh." He declared that he approved of Lindbergh's Des Moines speech. He personally keeps the records of the organization.

On the evening of July 30, 1941, the *National Copperheads* sponsored a meeting at the Hollywood High School at which Captain James D'Orsay Murray, Laura Ingalls and Ellis O. Jones spoke. It was estimated that some 7,800 people were in attendance. Mr. Jones presented the committee with a copy of a song, *America First, National Copperheads buttons and literature*.



He identified a printed copy of Lindbergh's Des Moines speech and stated that he had distributed such copies in his capacity as the leader of the *National Copperheads* (Volume IX, pp. 2489-2528).

C. Leon de Aryan met Ellis O. Jones shortly after President Roosevelt referred to Charles A. Lindbergh as a "copperhead". (Volume VIII, pp. 2273-2304.) He stated he did not know Jones was a member of the *American Civil Liberties Union* and the *Schneiderman-Darcy Defense Committee*, or that he corresponded for *Weekruf, German-American Bund* newspaper in New York, and *Free American*. De Aryan admitted that Jones had sent him literature and articles which were published in *The Broom*.

Daniel Elias Van Meter admitted having worn the button of the *National Copperheads*. (Volume IX, pp. 2815-2824.) He stated he was not a member for the reason that there were no members.

Ben S. Beery testified that Jones had distributed *Copperhead* pins at meetings of the *German-American Bund* in Hindenburg Park.

The *National Copperheads* in operation, regardless of other considerations, contributed considerably to creating a lack of confidence in the United States and its foreign policy. It was decidedly subversive.

The *American Guard* was a Los Angeles organization and its "platform" indicated great similarity to Nazi philosophy, promulgating the doctrine of the abolition of labor unions and the substitution of a "government union," such as exists in Nazi Germany and Russia. The propaganda of the organization was the promotion of totalitarian doctrines. Benjamin Franklin Ballard is alleged to have been the organizer and leader of this organization.

The *Anti-Communist Federation* was definitely in the subversive "front" category. Its secretary was Paquita Louise De Shishmareff, who was also known as Mrs. Leslie (or Louise) Fry. (Mrs. Fry or De Shishmareff mysteriously fled the country and is believed to be in Germany.) The *Anti-Communist Federation* called a convention in Los Angeles in 1940 which was held at the headquarters of the *German-American Bund*, the *Deutsches Haus* located at 634 W. Fifteenth Street in the City of Los Angeles. Obviously the organization was a Nazi front, using the anti-Communist technique to solicit American support.

The *Militant Christian Patriots* was another Nazi front organization created and sponsored by the same group which launched the *Anti-Communist Federation*. The *American League of Christian Women* was closely associated with the *Militant Christian Patriots* and created by close associates of Paquita Louise De Shishmareff. Mrs. Faith McCullough, also known as Mrs. Frances Maxey, is reportedly the organizer of this group.

Henry D. Allen was connected with the *American White Guards*, which was definitely pro-Fascist in character. Allen testified before a congressional committee that he had at one time been a Silver Shirt leader and had been authorized by Mrs. Leslie Fry (Paquita Louise De Shishmareff) to make a tour of the country at her expense. He had gained the confidence of the Pasadena Chapter of the *America First Committee* and was scheduled to speak at one of its meetings on June 6, 1941, but the people of Pasadena protested and his address was canceled.

Mrs. Faith McCullough, who was also known as Frances Maxey, was the organizer of the *American League of Christian Women*. She was active in the Glendale and Pasadena chapters of the *America First Committee* and appeared as an *America First Committee* speaker. She personally appeared before the Board of Education in the City of Pasadena on behalf of the *America First Committee* in fighting the cancellation of the Board of Education's permit for the use of the school buildings for meetings of the group.

## 7

## FRIENDS OF PROGRESS

Robert Noble and Ellis O. Jones were the codirectors of the *Friends of Progress*. Noble probably launched the organization and was joined by Jones as codirector after it was well under way. Noble was a deserter from the Navy during the first World War and was very proud of his dishonorable discharge, which he had had framed and hung in his bedroom. He was born under the name of "Coker" and stated that he had had his name changed legally in 1928 to Noble. (Volume IV, pp. 1081-1092.) He likewise admitted having been arrested and convicted on a charge of taking money from telephone boxes in 1918. He stated he was given two years' probation on this charge. (Volume IX, pp. 2584-2624.)

He detailed the circumstances behind his dishonorable discharge from the Navy when testifying before the committee the second time, February 23, 1942. (Volume IX, pp. 2584-2624.) He stated that he enlisted in the Navy on November 29, 1915, and because he did not like it, he deserted and was caught. After being sentenced for his desertion he jumped overboard from the prison ship and swam to Hampton Roads. He went to the home of his mother in Evansville, Indiana, and his mother promptly had him returned to the Navy. He again returned home and worked for a telephone company for some 87 days when he was re-arrested. This time he was sentenced to a year and a half at Portsmouth Prison where he remained until April, 1917, and the declaration of war with Germany. He was ordered to duty and refused to go. The doctor of the ship rejected him for physical disability and he was given a dishonorable discharge.

Noble had previously been the instigator of a pension plan in the City of Los Angeles and through his particular type of oratory had accumulated a considerable following among the elderly folk of Los Angeles County. Undoubtedly the supporters of the organization of the *Friends of Progress* in the beginning were composed of these elderly people, who were perfectly innocent of the movement into which Noble was leading them. It was not long, however, until many members of the *German-American Bund* and its sympathizers were attending his meetings and assisting in the spread of pro-Axis propaganda.

When Noble first appeared before the committee, October 17, 1941, he wore a button of the *National Copperheads*. (Volume IV, pp. 1081-1092.) He stated at that time, that the *Friends of Progress* was only eight weeks old and that it was the offspring of the *Humanist Society*, a religious organization of ministers.

He was quite frank in admitting his admiration for Hitler and Nazi Germany. He remembered telling the meetings of the *Friends of Progress* that he was "for Germany and for Hitler," but did not recall giving the Nazi salute and saying "Heil Hitler." He stated that he was perfectly willing to give the salute if the committee desired. He had read *Mein Kampf* (p. 1087) and stated that he was absolutely thrilled by the reading of it. He thought it "idealistic" and that it contained "marvelous thoughts" and said that he fully concurred with its sentiments; that he was in perfect accord with them and perfectly happy to have everyone know it. He stated he believed Hitler did a good job on the Jews and advocated that the things being done to the Jews in Germany should be duplicated in this country. He stated that the Jews are trying to get the United States into the war and that they are coming to control everything in America, the motion picture industry, the department stores and the newspapers.

Some time shortly after December 7, 1941, Robert Noble, Ellis O. Jones and a number of the people connected with the *Friends of Progress* were arrested by agents of the Federal Bureau of Investigation. A short time later Noble, Jones and the others were released and the charges against them dismissed. The result of this action on the part of the Attorney General of the United States gave considerable impetus to the movement of the *Friends of Progress* and apparently encouraged Noble and Jones to greater efforts. Their meetings increased because of the publicity they had received and even though the United States was now at war with Japan and Germany, Noble redoubled his efforts in slandering the military leaders of the United States, the President and the United Nations. The members of the committee decided in an executive session in Fresno to hold a meeting at the Embassy Auditorium with Noble and his *Friends of Progress*. February 11, 1942, for the purpose of securing the names of those in attendance. Thus it was that the committee and its representatives entered the meeting of the *Friends of Progress* at about 10 or 10.30 on the evening of February 11, 1942. Subpenas *duces tecum* were served on Noble and Jones and the boxes containing envelopes with donations and the names and addresses of the donors were taken into the possession of the committee. Cries of "Hund! Hund!" and "Fiery Cross!" greeted the entrance of the committee and its representatives. Ellis O. Jones accompanied the committee to the Stillwell Hotel, across the street from the Embassy Auditorium, where he was put under oath. He identified the boxes and the envelopes and was present while the names and addresses of the donors were read into the official record of the committee.

Before the committee intruded itself into the meeting of the *Friends of Progress*, Ellis O. Jones had read a letter to the audience which, he stated was from an unnamed United States Senator. The letter encouraged Noble and Jones and the *Friends of Progress* in the work they were doing. This matter was of considerable interest to the committee and Jones was asked to produce the letter after he was placed under oath in the Stillwell Hotel. He eventually produced what purported to be a copy of a letter from a United States Senator minus the signature. He steadfastly refused to reveal the name of the writer. His flat refusal led to a resolution introduced and unanimously passed



by the committee citing Jones for contempt of the committee. He was ultimately arrested, charged with contempt under Section 87 of the Penal Code and convicted in the Municipal Court of the City of Los Angeles.

The letter, purporting to have been written by a United States Senator, the identity of whom Jones refused to reveal reads as follows:

"Washington, D. C.,  
February 7, 1942

"DEAR ELLIS: Many thanks for the bulletins you have been sending. They are splendid and ought to prove very effective. Indeed I know they have been effective, been hearing from them from several people. Keep me on the list by all means and here is a dollar bill to help defray the expense. Also keep me advised as in the past of social developments on the coast.

"Things here show no particular signs of improvement—just the same old dismal chaos. The amazing success of the Japanese has upset what few orderly plans there were and turned everybody's attention to trying to find a soft spot to light. Such a spectacle of explaining and ducking and buck-passing you never saw. The Owens report on Hawaii was, of course, utterly ridiculous. And yet it looks as if Kimmel and Short were so cowed that they are going to take the thing lying down, although many of their friends are urging them to do otherwise.

"No less ridiculous was Sumner Welles much-advertised trip to S. A., a trip that accomplished absolutely nothing of its avowed purpose and left us more friendless than we were before. Anybody that knows anything knows full well that everybody from the Rio Grande to Cape Horn hates our very guts. If any of them appear otherwise, it is merely a hypocritical gesture for some selfish ends, which ofttimes we have been saps enough to stand for. That being the case, Sumner Welles was the very worst man to send on a good will errand. He is a most unpleasant, supercilious individual—a cold fish if ever there was one. The whole truth of the matter is that in every part of S. A. it is business as usual or, I should say, better than usual. With few exceptions they are profiting immensely while much of the rest of the world is bleeding itself to death with useless war expenses entailing mountains of taxes. Their ships are plying the seas unmolested in all directions, and their chief complaint is how to get enough bottoms. I hear that quite a few American ships have been transferred to various S. A. registries.

"Congress, of course, is in a very drear frame of mind. In the past nine years they have surrendered their authority and individuality to such an extent that they don't know how to recover it. If they could with any show of reason blame F. D. R. for it all, they wouldn't hesi-



tate a minute, but of course they are just as guilty as he is and nobody knows it better than they. Nevertheless I wouldn't be surprised if there were a pretty big explosion, especially in the Senate, in a month or two.

"On account of the outbreak of the war, I did not get west at Xmas time as I wrote you, but I may be able to make it about Easter. In the meantime, keep up the good work. Give my regards to Noble. I have never met him, but I have a high admiration for him. He must be a very fine character. Of course I read about the outrageous attack upon you by the Boy Scouts of the F. B. I. and I am glad you got out of it so easy, but you certainly ought to start suits for false arrest without delay.

"Yours as ever."

Ben S. Beery (Volume IX, pp. 2529-2571) stated that the members of the *Friends of Progress* were responsible for the worst phases of the *America First Committee* activities and that the leaders of the *Friends of Progress* had been very bold. The meetings had resumed January 7, 1942, after Noble and Jones had been released from custody on orders of United States Attorney General Francis Biddle and had been meeting every Wednesday night since that time. The attendance at the meetings had increased to some 250 after Pearl Harbor and, at the time of testifying Mr. Beery stated that that attendance had jumped to 500 and over. He quoted Noble as telling the meeting on the evening of February 11, 1942: "Don't buy Bonds or Stamps for God's sake . . ."

Noble was again subpoenaed before the committee on February 23, 1942. (Volume IX, pp. 2584-2624.) He stated that the first meeting of the *Friends of Progress* was held on August 30, 1941, in the Embassy Auditorium in the City of Los Angeles. He stated that this meeting was held under the auspices of the *Humanist Society of Friends* and that a Mr. Lowell Coate was the "prime mover." He stated that he had addressed the meeting several times under the auspices of this group. He knew that A. M. Windhorst conducted the *World Events Forum* at the Embassy Auditorium and that T. W. Hughes met there also with a group known as *Save America First*. He was acquainted with Mr. Hughes. He had met C. Leon de Aryan twice and had read several copies of *The Broom*.

Noble identified several pieces of literature which he had sponsored. He stated that a D. H. Rathbone printed literature for the *Friends of Progress* and that Rathbone volunteered his services for this work. Ellis O. Jones, Noble declared, "played a greater part than anyone else" in the organization of the *Friends of Progress*, other than himself.

The money collected at *Friends of Progress* meetings was used for personal needs and no funds were left over for other purposes. He stated that he kept most of the envelopes in which the money was placed and used the names and addresses as his mailing list.

He admitted that he had been in considerable trouble in the City of Los Angeles and that he had been arrested a number of times.

He was not reluctant in admitting that he had made statements at the meetings of the *Friends of Progress* to the effect that he was for

Germany and for Hitler. He stated that he thought Hitler had done a magnificent job for Germany and that he was a fine man for Germany. He recalled stating that the ship *Normandie* had been stolen from the French people. He did not regard the Hawaiian Islands as part of the United States and for that reason did not feel that the Japanese attacked the United States on December 7, 1941. He believed that the Japanese would make more use of the Philippines than the United States and that, therefore, the islands should belong to the Japanese. He regarded the loss of life in the Philippines and in Singapore as needless and thought that defense of these points a futile gesture.

He admitted compiling and distributing pamphlets entitled *The Miracle of Happiness* and stated that it was published in the Spring of 1941. He later stated, when testifying before the committee for the third time, March 26, 1942 (Volume X, pp. 3130-3147), that the *Miracle of Happiness* had been financed by friends and published before the *Friends of Progress* had been organized. He admitted having written most of the material contained in the pamphlet. He mailed many copies to places outside of Los Angeles. A derogatory statement printed on the back of the pamphlet attributed to Jack London declared that the lowest depth to which a man could fall was to become a good soldier. Noble was not sure of the authenticity of its authorship and stated that he received it from Dr. Lowell Coate.

Jack London, during his lifetime, vigorously denied ever having written the article quoted by Robert Noble on the back of his pamphlet *The Miracle of Happiness*. The piece is entitled "A Good Soldier" and reads as follows:

"Young man, your lowest aim in life is to be a good soldier.

"A good soldier never thinks, he only obeys. If he is asked in the morning to shoot down a street, where women and children are clamoring for bread, he shoots. Although he sees the life's blood flowing from the mothers' breast, he feels neither remorse nor shame.

"If he is asked in the morning to go shoot a benefactor or a hero, he shoots. Although he may know that that bullet may pierce the most manly heart that ever beat in human breast.

"A good soldier is not a man, he is not even a brute. A brute only kills in self-defense. All that was human in a good soldier, all that was divine in him, all that constitutes the man, was sworn away when he took the oath of enlistment.

"Young man, you can't fall lower than to be a good soldier, it is the depth beneath which the human can not go."

To all of which Noble added his own comment and advice. He wrote:

"But remember, one who is drafted, does not enlist. And furthermore, a young fellow who enlists, usually does so because he desperately needs a job. Terrific pressure of economic circumstances usually causes it. Cer-

tainly we can't conceive of anyone joining up because he really wants to kill some one.

"Society then is to blame! But society is us! Society is made up of individuals just as we. We are responsible for our individual actions. This makes for the action of society. Therefore, let's individually swear to have nothing to do with war.

"WE CAN TODAY, CONSTITUTIONALLY AND LEGALLY, TAKE THIS STAND AGAINST WAR.

"I have taken it. Will you?

"If I do this, and you do this, and we all do this, THEN THERE WILL BE NO MORE WARS. How about it?

"(Write me and I will gladly send you full particulars of how you can individually (legally) keep out of the war effort.)"

Larry Griffith circulated pamphlets at the meetings of the *Friends of Progress* at the Embassy, including *Wake Up, America*, although Noble stated that "we" forbade him to do it. He denied having any connection with Larry Griffith.

The bulletins issued from time to time by the *Friends of Progress* were compiled and mailed by Jones and Noble. Ferenz also distributed circulars advertising the *Continental Book Store* at the meetings of the *Friends of Progress*. Noble stated that Ferenz had been "a marvelous friend." He admitted that Rathbone and himself had published and distributed a pamphlet entitled *The Meanest Joke the Germans Played on the U. S. A.* This scurrilous article described the so-called "joke" as the scientific achievements of German scientists in helping keep President Roosevelt alive.

He related the circumstances of the picketing of Dr. Beauchamp's place of business for advertising in the pages of the *Los Angeles Daily News* and told of maintaining picket lines in front of the dentist's offices on Fifth and Broadway in Los Angeles. He recalled that Joan McBride had helped in this picketing.

He stated that he had known Leone Menier for several years and that she had put in some money to start the meetings of the *Friends of Progress*. She assisted in stenographic work but received no compensation.

Although he had not purchased defense or war bonds he denied having ever tried to prevent anyone from buying them.

He stated emphatically that he believed Germany had already won the war in Europe, and that he did not believe that Japan desired to "mess in our affairs." (Pearl Harbor, having come and gone, undoubtedly accounted for Noble's attempt in his second hearing to deny or modify some of the testimony given before the committee October 17, 1941.)

December of 1941, January, February and March, of 1942, had almost passed into history and Noble and Jones were still conducting the seditious meetings of the *Friends of Progress*. Consequently, your committee subpoenaed Noble for the third time, March 26, 1942. (Volume X, pp. 3130-3147.) He now stated that no one received a



salary or any compensation whatever from the funds raised by the *Friends of Progress*. He stated that all funds collected were used to defray the expenses of the organization; for the printing of bulletins and the rent of the meeting hall, etc. He declared that both himself and Jones had other sources of income for their personal expenses. Jones was now rooming with Noble and allegedly paying room and board.

Noble denied that he had ever discussed the subject of the draft in his meetings in other than an academic manner. He read a quotation from Daniel Webster on the subject wherein Webster was alleged to have declared the draft unconstitutional. Noble stated that he did not feel that way about it.

He admitted discussing General MacArthur in the meeting of the *Friends of Progress* on March 25, 1942, and recalled that he had said something concerning Douglas MacArthur being the person who ordered the troops to fire on the bonus marchers in Washington in 1932. He stated that it was a lot of nonsense to believe that MacArthur, "this great bolstered-up fellow in Australia," could push the Japanese back with his little finger. He admitted that he had pointed out that "the Axis powers as against the Allies had the military strength ratio of 13 to 5, or nearly 3 to 1 in their favor." He stated that the authorities in Washington do not dare to tell the people of the Nation the truth, afraid, if the truth is known, that it would make their positions in Washington insecure. He stated that he believed the situation was much worse than Washington was admitting.

He frankly admitted that he was against conscription.

All in all, Robert Noble was probably one of the most amazing witnesses to ever appear before an investigating committee.

Witnesses called to testify concerning the *Friends of Progress* are as follows:

Ben S. Beery  
C. Leon de Aryan  
Franz K. Ferenz  
Kate Crane Gartz  
Lawrence R. Griffith  
Ellis O. Jones  
Frank King

James Morrison McBride  
Lydia Joan McBride  
Leone Menier  
Robert Noble  
David Rathbone  
Daniel Van Meter

Frank King threw considerable light on Robert Noble's activities. (Volume IX, pp. 2747-2762, 2825-2827.) He had been associated with Noble in various activities since about 1934. He was acquainted with Ellis O. Jones, Leone Menier and others. He stated that he met Noble through the *Utopian Society* when Noble was backing Upton Sinclair for Governor of California. He followed Noble when he fell out with the Epic Group and became an admirer and speaker for Huey Long's *Share-the-Wealth* Plan. He attended most of Noble's meetings during this period which continued until Huey Long was assassinated in the fall of 1935. He lived near Noble in Hollywood and saw much of him.

King worked for the *Union Party* of William Lempke when Lempke was running for President of the United States. He joined again with Noble when Noble launched his first pension plan. This period



lasted through 1937. He stated that Noble was at odds with the administration of Mayor Frank L. Shaw of Los Angeles, but accepted money to "lay off" the mayor from one Tommy Mills. Clifford Clinton did not want to have anything to do with Noble, King stated, although Clinton desired to take advantage of Noble's following. Noble spoke over one of Clinton's radio broadcasts.

King stated that Noble was arrested in the fall of 1937 for parading without a permit in front of Radio Station KMTR, from which he had been previously barred. He was then arrested for grand theft or bunco, charged with taking money from people on the promise of starting a radio station in Mexico. About this time, King said, Noble took to heavy drinking and King thereupon broke with him.

He told the committee of a plan launched by Noble in 1939 involving the sale of \$1 bills of his own make for \$1 in United States currency. Noble had some money-reform idea in mind and the plan, apparently, did not involve counterfeiting. King stated that he agreed with Noble's plan for reform at that time but the scheme soon fell through. He stated that Noble was living with various women in Hollywood at that time, and although he did not see him personally, he heard of him indirectly through Ellis O. Jones.

King again met Noble at meetings of the *America First Committee* in 1941. He stated that he was then associated with various members of the *Humanist Society of Friends*, a semi-religious organization. He stated that Dr. Lowell Coate and other Humanists sponsored Noble's *Friends of Progress* meetings, but that these meetings "got too hot for them and they left."

King admitted that he was associated with the *Friends of Progress* in the beginning and that his name had been carried on the early bulletins as assistant director. He stated that he objected to having his name carried in this manner, although admitted having acted as chairman of most of the meetings up to the declaration of war, when he severed his relationship with the organization. He stated that he did not approve of the mock impeachment trial of President Roosevelt.

He admitted that he had met Herman Max Schwinn, Hans Diebel, F. K. Ferenz and others several times. He first met F. K. Ferenz at Robert Noble's home. He stated that after the Committee Investigating Un-American Activities had met in the fall of 1941, groups of the *Friends of Progress* went to the Deutsches Haus in Los Angeles to talk the situation over. Ellis O. Jones, according to King, objected and finally refused to go to the Deutsches Haus and had arguments with nearly everybody concerned.

He explained Robert Noble's peculiar magnetism with those to whom he lectured. He stated that nearly all of the people who had been attracted to the meetings of the *Friends of Progress* were persons receiving pensions; elderly people, who had followed Noble in the days of his pension plan. He stated that Noble relied on an "absence of intelligence" in the personnel of his audiences, and used his charm to attract women, both young and old. He stated that Noble always took up collections at every meeting.

Miss Leone Menier had started to keep records for the organization, but it was decided that records were unnecessary. The money collected was spent for whatever Noble wanted. He testified that swastika pins

were sold at meetings of the *Friends of Progress* but not by either King or Noble. He had seen the Van Meter brothers at the meetings of the *Friends of Progress*, knew who they were, but could not recall their respective identities. He stated the swastika pins were worn with bravado by individuals of obvious German sympathies.

King summarized Noble as "The world's greatest bunco artist"; a racketeer and completely insincere. He stated that he believed Noble was trying to make an easy living out of the *Friends of Progress* through the victimization of innocent people.

He stated that the Van Meter brothers had worn the swastika pins at the *Friends of Progress* meetings and that Joan and James McBride had also worn them.

Leone Menier stated she was secretary and housekeeper for Robert Noble. (Volume IX, pp. 2571-2583.) Her residence address was the same as Noble's. She stated that she was an "unemployed secretary." She had been married but was separated from her husband. She had resided in Los Angeles for 10 years. She was last employed by the past-president of the board of supervisors of San Francisco, "several years ago." She was using her maiden name of "Menier" and stated that her husband's name was John Sorenson.

She stated that she was working in a voluntary capacity for the *Friends of Progress*. She met Noble at a social gathering several years ago. The first meeting that she had attended, presided over by Noble, was a meeting of the *Friends of Progress* in August of 1941, at about the time the group organized.

She identified Joan McBride and admitted that she had met her at meetings of the *Friends of Progress*. Her duties were typing bulletins, cutting stencils, etc. for the *Friends of Progress*. She said that she sent out what mail there was, which, ordinarily, consisted of communications addressed from envelopes on which the contributors to the organization had written their names and addresses. No filing cards were ever kept, although the envelopes were retained in Noble's home. She estimated that there were about 500 of them. She stated that no one helped Noble compose his speeches. Her duties as a housekeeper did not include cooking for Noble as they usually ate out. She concluded by stating that she has a private income.

C. Leon de Aryan admitted having met Robert Noble on at least two occasions. He spoke once in the Embassy Auditorium at the *Friends of Progress* meeting when Noble was presiding. (Volume VIII, pp. 2273-2304.) de Aryan stated that Noble was reading an article from *The Broom* when he entered the meeting and upon recognizing de Aryan in the audience insisted upon him addressing the gathering. Either the theme of de Aryan's editorial in *The Broom* or the theme of the talk before the *Friends of Progress*, or both, was "in war time you are supposed to have abolished the Constitution, the Ten Commandments and perhaps God Almighty." He further stated that he explained to the *Friends of Progress* the danger of the establishment of a dictatorship in the United States. While at the meeting of the *Friends of Progress* in Los Angeles de Aryan met A. M. Windhorst who invited him to address the *World Events Forum* on Washington's birthday.

C. Leon de Aryan explained that he had first met Noble through an effort of his to secure support for placing conscientious objectors in the forestry service. He stated that he took this matter up with a Mr. Carter of the Board of Education and was referred to the *Friends' Service Committee* in Pasadena. He then wrote to Ellis O. Jones stating that he would be in Los Angeles and went to the *Friends of Progress* meeting.

Mrs. Kate Crane Gartz was examined in reference to Robert Noble and the *Friends of Progress*. (May 12, 1942, pp. 63-86.) Mrs. Gartz has resided in California for 30 years. She stated that William Schneiderman had called at her house several years ago accompanied by Earl Browder and that they came as "friends" with other "friends." It has been her custom to hold meetings in her home for the past 30 years on each Tuesday. She invites in "neighborhood friends" and "friends bring other friends." She was well aware that Browder and Schneiderman were leading functionaries of the Communist Party. She denied having any knowledge of Communist Party aims but knew that Russia was trying to establish Communism. She was acquainted with Paul Cline as a member of the Communist Party.

Mrs. Gartz stated that she was interested in Communism from a cultural standpoint. She had known various people who had lived in Russia and was acquainted with various local Communist Party members. She believed that John M. Weatherwax was a member of the Communist Party and recalled that he had stated that fact to her.

She recalled, that, about two weeks before testifying, F. K. Ferenz, Robert Noble, Ellis O. Jones and Genevieve Kerrigan came to her home and that John Weatherwax, being present in her house, refused to admit them. She then wrote a letter to Robert Noble asking him not to come back. He did call at her residence twice after the letter was written to him and Mrs. Kerrigan called to explain about him. Ellis O. Jones had brought Noble to Mrs. Gartz' home in the first place. Mrs. Gartz had known Ellis O. Jones in the *American Civil Liberties Union* when he was a director. She claimed that she knew nothing of his contributions to the *German-American Bund* paper. She admitted having given Robert Noble \$100 during the time he was advocating pensions. She also recalled giving \$500 to Ed Robbin, whom she believed to be a member of the Communist Party, in order to help finance the broadcast which was sponsored by the *People's Daily World*, West Coast Communist newspaper. She admitted that she had made numerous contributions to persons who were Communists but that she had never given any money to the Communist Party as such. "I am a Socialist," she added. She admitted that she had never made any real effort to study Communism and merely took the word of friends who were members of the party.

She made a trip to Russia in 1936 but remained there only for a few days. She stated that she received a bad impression and left very soon; that she was very much disappointed in the conditions she found there. "I expected to find paradise," she said plaintively, and instead she stated she found people working under very bad conditions and observed widespread unemployment and poverty.



Ellis O. Jones gave his occupation as that of writer and admitted that he was a contributor to such publications as *Free American*, *The Broom* and others. (Volume III, pp. 744-760.) He admitted having participated in demonstrations in New York City in 1918 protesting against World War I. He stated that he went to Columbus, Ohio, and from there to Wisconsin and that he came to Los Angeles about 10 years ago. He stated that he had majored in political economy in Yale University. He was acquainted with Communist Party literature and stated that "The Communists are full of inconsistencies."

He claimed that he had been mistreated when he was detained by the Federal Bureau of Investigation in his arrest following the Japanese attack on Pearl Harbor. (Volume IX, pp. 2489-2528.) He elaborated upon this statement by saying that his mistreatment consisted in being falsely arrested and being held incommunicado.

He was acquainted with the *Humanist Society of Friends* but had never spoken under its auspices. He had spoken on many occasions, however, under the auspices of the *Friends of Progress*.

Testifying October 12, 1941, he admitted having been introduced by Frank King (R. Marquette) at one of these meetings and read a letter from an United States Senator addressed to Jones in which the Senator mentioned a letter in the *Lake Geneva Herald* praising the *National Copperheads*. He also recalled quoting from a letter which purported to be from Senator Nye in which the Senator told him that he could not send out any more copies of letters under the Senator's franking privilege.

He stated he "had an idea" that Robert Noble actually organized the *Friends of Progress*. F. K. Ferenz attended its meetings more or less regularly, according to Jones.

He did not know of the *Friends of Progress* maintaining a bank account. He stated that only Robert Noble had access to the funds of the organization, in addition to himself. No written records were kept. Whenever he needed funds he consulted with Noble. *Friends of Progress* was not incorporated. No one received a salary from the contributions made by its supporters and only the personal expenses of Noble and himself, in addition to the necessary expenses for the organization, were paid out of the contributions.

He identified the literature of the *Friends of Progress*, notably *The Bulletin*. He stated that "we," sometimes Jones, himself, and sometimes only Noble, ran *The Bulletin* off on a mimeograph machine.

Jones had met Robert Noble in either 1933 or 1934, and he knew of Noble's background in a casual way.

He identified handbills put out by the *Friends of Progress* announcing the "Impeachment of President Roosevelt," with Ellis O. Jones acting as Chief Justice of the Supreme Court, and "assisted by well-known figures." Jones could not recall just who the "well-known figures" were. He stated that Robert Noble was the prosecutor. The impeachment of the President of the United States lasted through four meetings of the *Friends of Progress* and the President was finally "impeached" because "he had betrayed the American people into war."



He stated that the *Friends of Progress* maintained a counter-espionage system in order to determine who the people were who attended the meetings of the *Friends of Progress*.

He admitted that Japan had launched an attack on Pearl Harbor, but denied that Pearl Harbor was part of the United States, and believed that this was also true of the Philippine Islands.

He stated that his brother had conducted a newspaper, *The Press-Post* in Columbus, Ohio, at the time of the assassination of President McKinley.

Daniel Elias Van Meter admitted having attended several meetings of the *Friends of Progress*. (Volume IX, pp. 2815-2824.) He appeared to be well acquainted with Ellis O. Jones, Robert Noble, F. K. Ferenz, Hans Diebel, Herman Max Schwinn and Joan and James McBride. He stated that he met A. M. Windhorst and had heard C. Leon de Aryan speak at a meeting of the *Friends of Progress*. He admitted having seen swastika pins worn by people in attendance at the meetings of the *Friends of Progress*. He said that Miss Leone Menier, Noble's secretary and housekeeper, had warned these people not to wear the pins at the meetings. He denied that he had ever worn a two-inch swastika badge at any of the meetings.

Mrs. Lydia Joan McBride admitted attending Robert Noble's meetings, but was not sure that they were meetings of the *Friends of Progress*. (Volume IX, pp. 2790-2799.) She admitted helping Noble picket Dr. Beauchamp's place of business because the dentist advertised in the *Los Angeles Daily News*. The policy of the *Daily News*, according to Mrs. McBride, was that of the "warmongers."

David Henry Rathbone admitted doing most of the printing for Noble and the *Friends of Progress*. (Volume IX, pp. 2625-2640.) He stated that he was a printer by occupation and that he was 67 years of age and receiving a pension from the State of California. He stated that Noble paid the rent for his place in exchange for the printing that he did for the *Friends of Progress*. He had been engaged in printing since 1928 and had once owned an establishment on Seventh and Hoover in the City of Los Angeles. He admitted doing some writing as well as printing and admitted the authorship of a pamphlet printed by him entitled *The Meanest Joke the Germans Ever Played on the U. S. A.* (The theme of this piece of journalism was that the Germans had played a mean joke on the United States by its scientific developments in the cure of infantile paralysis.) He also admitted having mailed this pamphlet to Congressmen, Senators and "even one to Jack Tenney." He did some other writing as well and admitted a paragraph or two in one of the *Bulletins* of the *Friends of Progress*. He stated that he wrote the material and gave it to Robert Noble. He also had done some printing for Larry Griffith. He occasionally had put out some advertising matter for F. K. Ferenz. He admitted going to meetings of the *America First Committee*. The Van Meter brothers had been very helpful in assisting him to move his printing press to his present address.

He stated that he was "born and raised in a British law family" and that he was born in the United States. He ventured the opinion that President Roosevelt is insane and that he is turning on people who helped him by now making war on Germany. Rathbone did not

believe that Germany or Japan are enemies of the United States. "England is the enemy of everybody," he added. He stated that he saved money out of his food in order to print pamphlets and to mail them out.

He was charged with espionage during World War I and was tried in Fresno, August 5, 1918, for saying that President Woodrow Wilson was a traitor. He was found not guilty and stated that the trial only took eight minutes.

After testifying before the committee he was tried in a Municipal Court of Los Angeles for libel of the President of the United States, duly convicted and sentenced to six months in the Los Angeles County jail.

Robert Noble and Ellis O. Jones were convicted in the Federal Court in Los Angeles, receiving five and four years, respectively. Noble, Jones and the entire coterie of the *Friends of Progress* were subsequently convicted in Sacramento for violation of the Subversive Registration Act passed by the Legislature in 1941.

The case of Robert Noble and his *Friends of Progress* was an important one in the opinion of the members of your committee and of the public as well. It must be recalled that Noble and Jones and others of the *Friends of Progress* were arrested a few days following Pearl Harbor, but, through the orders of Attorney General Francis Biddle of the United States, they were shortly released and the case subsequently dismissed. From that moment the success of the *Friends of Progress* seemed assured and Noble began to fill its meeting room in the Embassy Auditorium. The committee, through its representatives, kept continuous check on Noble and his meetings and finally secured the names and addresses of a substantial number of his followers. He was called again and again before the committee. The newspapers of California, recognizing the threat to National security, played an important part in securing necessary action on the part of Federal and State law-enforcing agencies. The indictment, trials and convictions of Noble, Jones and the rest swiftly followed.

The widespread interest in the case is indicated by the sentiments of one Chuck Martin, writing in the *Brewery Gulch Gazette*, of Bisbee, Arizona, on March 5, 1942. While Mr. Chuck Martin spoke rather inaccurately concerning the facts, and inconsequentially in reference to details, he nevertheless spoke vehemently and with his heart in the right place. His *Brewery Gulch Gazette* article should be of interest to future legislators and historians. It follows:

"Among the assorted screwballs we propagate over here on the West Coast and guarantee constitutional privileges under our sacred Bill of Rights, is one first-class cockroach by the name of Robert Noble. That slimy son is against everything constructive and for everything destructive. He first gained notoriety through the banned Silver Shirts outfit which sought to overthrow the government.

"A bit later he organized a batty combine which he called 'Thirty Every Thursday,' the purpose of which was to force the taxpayers to pay weekly stipends of thirty

bucks to every indigent over 50 years old, said pay day to be every Thursday. He talked at San Diego, motored to Los Angeles, ran his car over another one, seriously injuring several people.

"Then the F. B. I. heeded the pleadings of Walter Winchell and put the finger on this cucaracha for un-American activities. Bond was placed at fifteen grand, but Attorney General Biddle had it reduced to fifteen hundred and this snake got his liberty.

"This past week he testified before the California State Legislature, boldly and publicly declaring that the Japs were within their rights in bombing Pearl Harbor. He amplified this statement to say that the men serving under General MacArthur in the Philippines were not heroes, but plain damn fools. He admitted that he had a dishonorable discharge from the U. S. Army during the first World War, but he said he did not believe in fighting and was only 19 years old at the time. Right then was the time to save him the burden of living any longer. He was a deserter and should have been shot. In fact this sewer bug should be shot right now and if some one would get the Attorney General to look the other way I would be glad to do the job for the price of a .45 cartridge. He admits saying 'Heil Hitler' in a Legion meeting, and the boys certainly must have slipped some Chateau Thierry."

## 8

## THE AMERICA FIRST COMMITTEE

The *America First Committee* found its inception in the minds of sincere and patriotic individuals strongly opposed to conscription and the entry of the United States into the European War. The majority of the isolationists were undoubtedly sincere. The experience of the United States in the last World War indicated to them, particularly before Pearl Harbor, the futility of participation in the present conflict. The United States had not yet been attacked by any aggressor nation, and many thousands of perfectly good, loyal Americans opposed involvement. While the committee must make this statement in all fairness, it must also point out that however sincere and loyal the majority of the members of such organizations as the *America First Committee* and *National Legion of Mothers of America* may have been, the objectives of such groups coincided in every way with the objectives of Axis agents and Axis-front organizations, such as the *German-American Bund*. For at least 22 months the objectives of the isolationists also corresponded with the objectives of the Communist Party. Hence, the chapters of the *America First Committee* and the *National Legion of Mothers of America* were ideally suited to the purposes of both the Communist Party and the *German-American Bund* when they were collaborating for Hitler's success. The members of the committee suspected this situation and the investigation of the committee's representatives revealed that these suspicions were well-founded.



As early as June of 1941 it was quite obvious that something was wrong with the *America First Committee* in California. Sincere and honest belief in isolation and non-intervention is one thing while open support of such aggressors as Hitler, Mussolini and Hirohito and defamation of the President of the United States is quite another. A front page story from the *Pasadena Independent* of Monday, June 16, 1941, graphically illustrates this point. Under the heading "*Mass Meeting Boos President*," and followed by the subheading "*Pasadena Members of 'America First' Cheer Axis Ideas*" is the following story:

"Cheers for Colonel Lindbergh, silence for Adolph Hitler, Boos for President Roosevelt and Wendell Willkie \* \* \*.

"Thus 250 members of the America First Committee registered their reactions to these individuals at a meeting in the McKinley Junior High School Auditorium addressed by Charles Cobb, acting chairman of the group, and Dr. Michael Francis Dillon, of the faculty at U. C. L. A.

"The audience booed vigorously whenever the names of Churchill, Mrs. Roosevelt, Attorney-General Robert H. Jackson, Senator Claude Pepper and Mayor Fiorello La Guardia of New York City were mentioned by the speakers.

#### "*Doubt British Victory*

"Cobb told the audience that he does not believe a British victory either possible or desirable.

#### "*Money Down Rat Hole*

"'Why should the taxpayers throw \$7,000,000,000 down the rat hole of Britain's waning ambitions?' he asked. 'We should campaign to repeal the Lend-Lease Bill.'

"He read at length from an interview in *Life Magazine* given to former Ambassador Cudahy by Hitler, in which the Fuehrer said that at no time had his intentions toward this country been inimical. Cobb then quoted portions of a *New York Times* editorial answering Hitler, in which it was pointed out that declarations of friendship had preceded most of Hitler's invasions.

"Raising his head to look at the audience and spacing his words to permit booing for each name, Cobb then asked: 'And who are the owners of the *New York Times*? Ochs-Adler-Sulzberger!'

#### "*Cheers for Hitler*

"Cobb said that most Americans regard Hitler as a liar and a criminal, and added: 'I am not here to eulogize or defend Hitler. He seems able to do that himself.' The audience cheered.

"Cobb went on to say that the Germans were forced to sign the Treaty of Versailles at the 'point of a gun.'



" 'There still is such a thing as retribution,' he said. 'England and France are paying for their perfidy in blood, sweat and tears.'

*"Says Public Deceived"*

"He then mentioned the names of the President and several others who have expressed strong opposition to the Nazi aims, and declared that the people of the United States had not been told the truth about Germany.

" 'Did these people tell you the truth about Czechoslovakia?' he inquired. 'The fact is that Czechoslovakia was a dagger pointed at the heart of Germany. But they would fight to the bitter end to save Palestine and the British Empire.'

"Dillon scoffed at the idea that Germany had invaded democracies, listing each of the overrun countries and commenting that none of them were democratic. He pictured England as an autocracy, an 'Old Man of the Sea' clinging to the backs of subject peoples.

*"Eulogizes Lindbergh"*

"Referring to Lindbergh as a great patriot, he asked: 'Who is the Copperhead, Lindbergh or the President?' The audience roared back: 'Roosevelt!'

*"American Gestapo"*

"He referred to the Federal Bureau of Investigation as an 'American Gestapo,' persecuting political minorities, and called the Dies Committee on Un-American Activities a 'tool of the F. B. I.'

" 'Roosevelt knows that he cannot defeat Fascism by the Sword,' Dillon said. The audience cheered wildly.

"In closing the meeting, Cobb said that if the President got the country into war, 'I for one will not follow him. If this be treason, make the most of it.'

"Copies of *Social Justice*, Father Coughlin's Jew-baiting weekly magazine, were sold to the members as they left the auditorium."

Witnesses testifying in reference to the activities of the *America First Committee* are as follows:

George T. Baker  
Frank D. Barry  
Katherine Dixon Barry  
Ben S. Beery  
Samuel L. Brogden  
Earl C. Craig  
Bishop Tarkington Dowden  
Ellis O. Jones  
James Morrison McBride  
Lydia Joan McBride  
G. Allison Phelps

John L. Riemer  
William H. Sahli  
John A. Sherman  
Frances Sherrill  
Edith Marion Shol  
Baron F. Van Meter  
Daniel E. Van Meter  
James A. Van Meter  
Alfred John Lewis Wesling  
John L. Wheeler  
William P. Williams

James and Joan McBride, F. K. Ferenz and others, definitely known to have been connected with the *German-American Bund* and the *Friends of Progress* were found to be enthusiastic participants in meetings of the *America First Committee*. Such vicious anti-Semitismics as C. Leon de Aryan admitted that he was a member of the organization from the beginning and that he attended its meetings regularly. (Volume VIII, pp. 2273-2304.)

Ben S. Beery testified before the committee October 16, 1941, and again on February 23, 1942. He was the chairman of the *Americanism Committee* of the Seventeenth District of the *American Legion* in Los Angeles. Mr. Beery and his committee had done considerable work investigating Nazi activities in Los Angeles County. (Volume IX, pp. 2529-2571.)

Beery testified that many persons formerly active in the *German-American Bund* and frequent visitors at the *Deutsches Haus* in Los Angeles had become very active in the *America First Committee*. At the time of testifying these persons were continuing their activities in many cases. It was Mr. Beery's opinion that the original membership of the *America First Committee* was composed of sincere and honest citizens but that leaders, such as Ellis O. Jones, Benjamin Franklin Ballard, and Leone Menier, were using the *America First Committee* for sinister purposes.

He testified that Benjamin Franklin Ballard was holding "secret cell" meetings attended by from 5 to 10 persons in private homes throughout the city.

Mr. Beery attended the Wendell Willkie meeting in Hollywood Bowl July 23, 1941. (Volume IV, pp. 965-988.) (It will be recalled that this meeting was picketed.) He testified that he personally saw James and Joan McBride among the pickets.

Baron Frederick Van Meter did not hesitate to say that he was a member of the *America First Committee*. (Volume IV, pp. 989-1014.) He was born in Buenos Aires, Argentina. He picketed the Wendell Willkie meeting at the Hollywood Bowl with his brothers, William and Daniel. He stated that he belonged to the Wilshire branch of the *America First Committee*.

Daniel Elias Van Meter stated that he could not remember attending any meetings of the *America First Committee*. (Volume IX, pp. 2815-2824.) Later in his testimony he admitted having attended several meetings of this group.

James Adams Van Meter denied that he had ever belonged to the *America First Committee*.

Mrs. Lydia Joan McBride, wife of James M. McBride, admitted picketing the Wendell Willkie meeting at the Hollywood Bowl. She stated that she learned about the prospective picketing at an *America First Committee* meeting on Wilshire Boulevard. She agreed 100 per cent with the principles of the *America First Committee*, although denied belonging to the organization. (Volume IV, pp. 1062-1070, 1080.)

When again subpoenaed February 24, 1942, Mrs. McBride was not sure whether or not she was member of the organization. (Volume IX, pp. 2790-2799.)

John L. Riemer admitted having signed a membership card for membership in the *America First Committee* and stated that he believed himself to be a member.

Harold A. Sparling denied that he was a member of the *America First Committee* but stated paradoxically that he was connected with it indirectly in San Francisco. (Volume III, pp. 714-744.) He claimed that he had met Senator Wheeler and Senator Hiram Johnson in Washington prior to the Philharmonic Auditorium meeting in Los Angeles and stated that Senator Johnson had told him to "go back and fight for America." He also stated that he had had an interview with General Wood of the *America First Committee* in the St. Francis Hotel in San Francisco. The *True Americans* was created by Sparling and had as its purpose, according to his testimony, the isolation of the United States from the European war. Louise Ward Watkins was among those whom Sparling claimed helped finance the organization. (Volume III, pp. 742-743.)

James Morrison McBride denied having helped organize a chapter of the *America First Committee* in Los Angeles. (Volume IV, pp. 625-664.) He admitted, however, building a cabinet for, and making donations to, the organization.

Ellis O. Jones stated that he was one of the first members of the *America First Committee* in Los Angeles, but that he later resigned. (Volume IV, pp. 1187-1190.) He came to the defense of Baron Frederick Van Meter by stating that Van Meter had never signed a formal application card for membership. He read a letter to the committee which he received from the headquarters of the organization thanking him for his communications to Colonel Charles A. Lindbergh. Testifying February 23, 1942 (Volume IX, pp. 2489-2528) Jones stated that he had never actually become a member of the committee. He elaborated upon this statement by saying that he did not agree fully with the policy of the organization: "there were certain inhibitions," etc. He recalled that he had met Dr. Ernest Kramer and T. W. Hughes at meetings of the *America First Committee*.

Frank D. Barry, a Los Angeles attorney and member of the executive committee, was a voluntary witness on behalf of the *America First Committee*, October 15, 1941. (Volume III, pp. 841-843.) John L. Wheeler and Mrs. Henry L. Arne were also members of the executive committee of this organization. Mr. Barry undoubtedly expressed the sentiments of a majority of the organizers of the California chapters of the *America First Committee*. These people, for the greater part, believed that the interests of the United States would be best served by avoiding involvement in the European conflict.

Barry admitted that he had spoken at a meeting of the *Save America First Forum*, conducted by T. W. Hughes. He admitted having heard anti-Semitic sentiments expressed by the people who follow Hughes. He stated that he was not "anti-anything." He believed that free speech includes the right to speak concerning groups and races as well as of people. He apparently was anti-British and read an excerpt from a speech he had made at the *Save America First Forum* which was directed against "imperialist" England.

Bishop Tarkington Dowden attended about 40 meetings of the *America First Committee* and spoke at several such meetings. (Vol-



ume IV, pp. 1175-1187.) He said that he had nothing against the Jewish people and claimed that he did business with them. He felt that Harry Warner of Warner Brothers Motion Pictures, Inc., was "un-American" because of a speech reported to have been made by Harry Warner to the employees of the studio on June 5, 1940. Harry Warner's speech, according to Dowden, indicated that Warner was "trying to lead this country into war."

He attended the Colonel Charles A. Lindbergh rally in the Hollywood Bowl in Los Angeles.

On September 19, 1941, Dowden was photographed addressing a meeting of the *America First Committee* in Pasadena. At that time members of the Americanism Committee of the Seventeenth District of the American Legion, under the chairmanship of Ben S. Beery, reported Dowden as stating:

"I believe in fighting fire with fire and there is only one way to combat this vicious pro-British doctrine in our schools and that's the whispering campaign \* \* \* gossip, our grandmothers would have called it. Our educational system through the years has been built upon a high standard of personal morals \* \* \* the first hint that the morals of a teacher or professor were irregular called for immediate dismissal. This is your method of attack. If the 80 or so people here tonight would make up their minds to go out of here tonight and start a whispering campaign attacking the morals of the offending teachers and professors, I am sure it wouldn't take long to eliminate them."

Dowden denied that he had ever made the above-quoted statement. He concluded his testimony by pointing out that "Russian sympathizers" who had attended meetings addressed by him had applauded his statements during the collaboration of Russia and Germany, but that after Germany attacked Russia, the same people "booed."

John L. Wheeler was a volunteer witness in behalf of the *America First Committee*. (Volume III, pp. 843-845 and Volume IV, pp. 1030-1045.) He first appeared before the committee October 15, 1941, to submit arguments in defense of the *America First Committee*. He returned on October 16, 1941, and stated that he was the chairman of the Southern California Branch Division of the organization. He stated that the principles of the *America First Committee* were to keep America out of foreign wars, to build defense and for humanitarian aid to Great Britain. He stated that the organization excludes Fascists, Nazis, Communists and members of the Bund, but that the organization is otherwise open to all patriotic American citizens.

He stated that, with the exception of William S. Hunt, individuals such as the Van Meter brothers, F. K. Ferenz and others had no part in the policy forming bodies of the *America First Committee*. He stated that the organization deplored anything which tended to cause racial hatred.

William P. Williams had published and distributed a number of leaflets and mimeographed material decidedly anti-Semitic in character. In *Questions, Please*, he urged the formation of cells of from three to



seven persons and suggested that these small groups meet in homes without publicity to "stop the revolution the anti-Christians are plotting against all existing Gentile governments and all civilization."

He testified October 14, 1941. (Volume III, pp. 700-714.) He stated that he was a high school science teacher in North Hollywood Junior High School and that he had resigned as Chief Pilot of T. W. A. six or seven years ago.

He was the Chairman of the North Hollywood (San Fernando Valley) Branch of the *America First Committee* which was started in July of 1941. He admitted that he had investigated the *German American Bund* and did not desire to affiliate with it "any more than with the Communist group." He admitted that he had visited the Deutsches Haus and the *Aryan Book Store* conducted by Hans Diebel. He stated he "might" have attended a meeting at the home of Carolyn Blarcom in Pasadena. He admitted meeting William G. Moffet at Carolyn Blarcom's home, and stated that it was "a meeting to determine how best to cope with some of our subversive elements and our subversivism \* \* \*."

He admitted having seen "a few copies" of the *Christian Free Press* and admitted having purchased literature from the *Aryan Book Store* in the Deutsches Haus.

He denied having mimeographed and distributed a paper entitled *Questions, Please*, and stated that he had never seen the paper which was submitted to him for examination, and from which the above quotation was taken. He later returned to the witness stand (Volume III, pp. 719-840) and "remembered" that *Questions, Please* was a partial copy of a booklet which he ran off on his mimeograph machine around the first part of 1941. He could not recall the exact date or how many he had duplicated. He stated that he had copied it from material that he had received, even though he failed to credit its sources. Upon examination he admitted that he could not recall the sources. He stated that he did not even subscribe to the sentiments expressed in the paper, but later added, "Not exactly, that is."

He now recalled receiving material from Father Coughlin and from Reverend Gerald Winrod and remembered that he had received permission to quote such material. He then recalled inserting material against the Jews, but stated that he did not feel that way about it at the time of testifying. He remembered instructing readers to organize into small groups of three to seven and to meet in their homes and "Stop the revolution the anti-Christians are plotting against all existing Gentile governments and all civilization," but, at the time of testifying, felt that his position at the time of putting out the paper was incorrect.

Williams' memory became better and better as time went on. He remembered running off a booklet of six pages entitled "*Do You Know?*" He also was able to remember taking material from a booklet *Americans, Awake* including anti-Semitic quotations and references to *Internationalist Jew Race*. His memory became so refreshed that he was able to recall listing material from Alex Varonaeff's book, *Christians Under the Hammer and Sickle* in reference to the fiction that all Jews are Communists. He stated that he had visited Communist book stores and had seen Jews in charge and claimed that the Jews control the press, the radio and films.



## KU KLUX KLAN

William H. Sahli was a Kleagle of the *Ku Klux Klan* and an organizer for Los Angeles when he first testified October 16, 1941. (Volume IV, pp. 1045-1058.) Sahli was a belligerent witness. He testified the second time March 24, 1942. (Volume X, pp. 2934-2960.) He called the organization *The Knights of the Ku Klux Klan* and gave the address as Post-office Box 1055, Los Angeles. He offered into the record of the committee a pamphlet entitled *America for Americans*, bearing a robed and hooded figure on the cover. He commented that the Klan did not use hoods any more but retained the robes. He stated that the principles of the *Ku Klux Klan* were wholly American and outlined the organizational structure and membership requirements (Volume IV, pp. 1050-1051). He stated that only pure white (Christian Gentiles who were "good Americans" were eligible for membership. Jews, Negroes and Catholics are barred. He admitted that the organization resorts to the use of "man power, when necessary," but not to violence.

The *Ku Klux Klan* has various local units in Los Angeles, but maintains no headquarters, according to Sahli. He stated that he did not know of any other headquarters than that which was maintained in Atlanta, Georgia. He had been a member of the *Ku Klux Klan* in Los Angeles since July, 1941, and had been appointed Kleagle by the "man in charge," a Mr. Harvey, who was the "supreme representative" in the West. He explained that the Cyclops is the officer in charge of meetings,—the chairman. He stated that the meetings of the group are called "conclaves." He would not divulge the details of the organization of the *Ku Klux Klan* in California. He admitted that "business meetings" are still held twice a month. The initiation fee is \$10 and the dues are \$6 a year. The initiation fees are kept by the local unit for expenses and the dues are sent to the headquarters in Georgia. He stated that the Kleagle had nothing to do with the collecting of dues. The main duties of this office is to secure members. The organization is ritualistic. He denied ever having heard of the title of "Titan" and did not know what the duties of a "Dragon" were.

Sahli stated that he had been a "fighter" for the *America First Committee*, but that he had never officially joined the organization. He had been acquainted with the Van Meter brothers for some time and volunteered that they were "good Americans."

When testifying March 24, 1942 (Volume X, pp. 2934-2960), Sahli claimed that he had "demitted" from the *Ku Klux Klan*. He explained that this meant that he was merely inactive but that he could become active again at any time. He admitted, however, attending a meeting of the organization within 10 days previous to testifying and stated that it was a special meeting "on account of war." Regular meetings of the organization had been discontinued. Pressed for the address of the meeting place of the organization, Sahli flatly refused to divulge that information, but volunteered that it was held near the Biltmore Hotel in the City of Los Angeles. He claimed that he did not know the exact address. He stated that he had given an oath that he would not divulge any of the secrets of the Klan and that he respected the "authority" of this oath more than he respected the authority of the

State of California. His reason for "demitting" was because one of his relatives was dying and he might have to go East hurriedly. The meetings attended by Sahli were composed of 40 or 50 members, according to his testimony.

He stated that the *Ku Klux Klan* was "hot on the tail" of the Communists. The organization was in contact with the F. B. I. and the police department. He claimed that the organization had investigated Nazis, but that they were not much concerned about them as they were only interested in what was going on in America. "They don't like Communism worth a darn—that's why I joined," Sahli added. He had taken "a little look at some of these boys," referring to members of the *German-American Bund*, and implied that he thought they were all right—that they were merely humiliated. He believed Japan to be the enemy of the United States, had no time for Stalin and no respect for Hitler.

Samuel J. Brogden was the original director and organizer for the *America First Committee* for northern California. He stated that he began his duties in this position in February of 1941. He admitted being a member but claimed that he was not very active. (Volume VII, pp. 2025-2036.)

George T. Baker testified in San Francisco, December 5, 1941 (Volume VII, pp. 1980-2007), that he was once the Chairman of the George Washington Chapter of the *America First Committee* in San Francisco. He stated that he discontinued his association with the *America First Committee* because its chairman, a Mr. Tehaney, objected to Baker reading from Father Coughlin's books at the meetings of the chapter.

## PART V

## FASCIST ACTIVITIES

## 1

## History

With the close of World War I, political and industrial turmoil convulsed Italy as it did other parts of Europe. The dislocations and readjustments of the postwar era caused widespread distress among the Italian people. Demobilized Italian soldiers found extremely high prices and widespread unemployment upon their return to home communities. Many of the Italian people felt that they had been harshly dealt with at the Peace Conference and the general discontent throughout the country created a condition which was unusually favorable for radical agitation.

As may be expected, the Communist Party of Italy did not let such an opportunity slip by. Strikes were called throughout the country and the Communists believed the moment for the revolution had arrived. Factories and manufacturing plants were seized and revolutionary tribunals set up in the best approved Soviet style. Blood and violence swept the country and many political leaders were assassinated. It appeared that Italy was slipping into the orbit of the *Third International*.

The war and its readjustments and dislocations had left the government of Italy in a weakened condition and it was too inefficient to maintain law and order under the distressful conditions that followed through 1919 and 1920.

In March of 1919, a former militant Socialist, Benito Mussolini, just mustered out of the Army, organized a group of Italians in Milan. He adopted the *fasces* of ancient Rome as a symbol of obedience to law. The *fasces* is represented by a bundle of birch and elm rods bound together by a red thong, in the middle of which is an ax. From this symbol Mussolini's group took its name, *Fascists*. A black shirt was chosen as a distinguishing mark of dress. They were moved by no other force than the ambition of their leader, Benito Mussolini, the tactics of the Communist Party and the inefficiency of the government to check the disorders which were breaking down the social and economic fabric of the nation.

The Communists of Italy, as was true of the Communists of Germany during the same period, in their fanatical attempt to destroy the existing order to make way for the dictatorship of the proletariat, created an equally ruthless and terrorizing opposition—not from the government itself, but from anti-Communist elements in the Nation. By 1920 the Fascists were meeting Communist violence with Fascist violence. In 1921 Mussolini's black shirts became established as a regular political party and in 1922 they had grown strong enough to take control of the government.



In October of 1922 a general mobilization of the Fascists from all over Italy was ordered. On Sunday morning, October 13, 1922, the black-shirted columns converged on Rome. King Victor Emanuel III, seeing the futility of declaring martial law, sent immediately for Mussolini. Mussolini complied with the King's request and that day became the Premier of a new Italian cabinet.

Not quite so quickly and not quite as brutally and ruthlessly as Hitler, Mussolini, nevertheless, as surely and completely, consolidated his power and within a period of five years had carried Italy from a liberal parliamentary Democracy to a totalitarian corporate state in which only the producers were given the privilege of participating in political life.

He crushed opposition relentlessly and placed rigid restrictions upon the press. By power-politics a series of laws were enacted, gradually relinquishing the powers of the legislative branch of the government and placing them in the hands of the executive. By 1928 Benito Mussolini was the Dictator of Fascist Italy. Then came the Ethiopian conquest, the Berlin-Rome Pact and the Berlin-Rome-Tokyo Anti-Comintern Pact. Mussolini fancied himself a modern Caesar of a new Roman Empire.

## 2

### Theory

While Italian *Fascism* antedates Hitler's *Nazism* by a little over 10 years, its fundamental theories are very similar. There is little doubt but that Hitler, in his opportunistic political career, drew heavily on both Communism and Italian Fascism for the tenets of his program for the New Order in Europe. Benito Mussolini, at least, appears to have been somewhat original in the field, although the *philosophy*, if any, of *Fascism* was superimposed upon his usurpation of power over the Italian people after his domination of the Nation was complete.

Out of the confusion a few facts appear obvious. The essence of *Fascism* is the complete elimination of democratic institutions, principles and procedures and the establishment of a disciplined minority under a strong totalitarian dictatorship. Like Communism and Nazism, *Fascism* exercises ruthless violence in the suppression of opposition. Launched as an actual frontal attack on the Italian Government with civil war as the alternative, Mussolini and his conspirators did not find it necessary, in the beginning, to resort to the establishment of networks of underground sabotage and subversive activities.

The ruthless destruction of all instruments of self-government, freedom of the press, free speech and assembly, characterized Fascism's rise in Italy. The judiciary, as under Hitler, was made an instrument of the Fascist faith without a semblance of independence. Strict control over radio, newspapers and all other means of communication and information is enforced by the Fascist State as a means of keeping the people in subjection and training them in the new ideology of totalitarianism.

The Fascist State, like the Third Reich and Soviet Russia, is a one-party State. Opposition parties are promptly, viciously, and thoroughly liquidated. The use of police and special agents in ferreting

out and breaking up opposition organizations is continuously carried on. Religious, intellectual, recreational, athletic and similar non-political organizations are directly under the control of Fascist authority. Parliamentary procedure and legislative bodies are dissolved and the Dictator rules by decrees.

Like Hitler's Germany, Mussolini's Italy is everything and the citizen is nothing. The exaltation of the State over the individual may be said to be the essence of its philosophy. While private property is said to be protected, the State extends its control over the Nation's industry, agriculture, commerce, education and similar activities.

Anti-Semitism does not appear to have been an important plank in the Fascist platform in the beginning. The anti-Jewish campaign in Italy became noticeable after Hitler began to exercise influence over Mussolini.

The spearhead of Fascist activities in California was found to be in San Francisco. Your committee and its representatives had made a study of the situation in California covering many months before finally deciding on public hearings in the San Francisco Bay area. The following witnesses testified :

Rudolph Altrocchi  
Sylvester Andriano  
Paul Bibily  
Harry R. Bridges  
Archie Brown  
Mrs. Carola Bruschera  
Joseph Civinini  
A. M. Cogliandro  
Rose M. Fanucchi  
Anthony S. Fiore  
Christine Galdieri  
Dr. Modesto Giordano  
Nicholas Ilacqua  
Rino G. Lanzoni  
Philip G. Lasky  
Renato Marrazzini  
Vincent Melella

Leo Ostaggi  
Mario Parisi  
Ettore Patrizi  
Mario L. Perasso  
Giovacchini Pisani  
Ottorino Ronchi  
Angelo Rossi  
Alfredo Segre  
Henrietta Setaro  
L. A. Townsend  
Gilbert Tuoni  
Renzo Turco  
Charles Henry Tutt  
Vincenzo Zirpoli  
Carmelo Zito  
George T. Baker

### 3

#### FASCIST PROPAGANDA CHANNELS IN THE UNITED STATES AND CALIFORNIA

An impetus to Fascist propaganda in the United States and California might have been noticeable after Hitler's rise to power in Germany at the time of the Berlin-Rome Pact. It does not appear to have been as intense nor as successful as Nazi propaganda. This may indicate a deeper sense of loyalty in the hearts of American-born Italians than in American-born Germans. It may mean that the German people have been longer subjected to the "German Kultur," racial superiority ideologies and absolutism of monarchy and leadership than the Italian people. In any event the committee has not found the Italian people in California associating with subversive

groups to the same extent as have German-Americans. This statement is not to be construed as casting any reflection on the German-Americans as a whole. The studies of your committee indicate that a great majority of German-American and Italian-American people in the United States are intensely loyal and devoted citizens of the United States. The subversive German-American and Italian-American are the exceptions and not the rule.

Carmelo Zito, the editor and publisher of an Italian language newspaper, *Il Corriere del Popolo*, and an anti-Fascist, testified at length on Fascist activities and propaganda in San Francisco. (Volume XII, pp. 3344-3377.)

He was born in Oppido Mamertino, Italy. He served in the Italian Army in the first World War and came to New York December 19, 1923. He became a naturalized citizen of the United States November 9, 1938. He had lived in San Francisco since 1931 and had been the editor and publisher of the *Il Corriere del Popolo* since September of 1935. He narrated the history of the newspaper, which was founded in 1910 by a Mr. Pedritti, whom he designated as a "liberal" and who, in 1922, wrote against Fascism. Pedritti was a follower of the Italian patriot, Mazzini. Zito claimed that he had continued the Pedritti policy in the *Il Corriere del Popolo* despite considerable abuse from the Italian colony in San Francisco. He stated that most of the Italian businessmen in the area depended on the import trade from Italy and, therefore, were economically obligated to preserve good relationships with the official Italian Government. Because of this economic pressure, Zito stated, the Italian businessmen were compelled to boycott the *Il Corriere del Popolo*.

He named the most important pro-Fascist publications as *L'Italia*, a daily newspaper edited by Ettore Patrizi, *La Voce del Popolo*, also edited by Patrizi, *Il Leone*, the official bulletin of the *Sons of Italy*, and the defunct *La Rassegna Commerciale*, the official organ of the *Italian Chamber of Commerce* in San Francisco. He stated that the *La Rassegna Commerciale* had been discontinued when the United States Government closed the San Francisco Italian consulate. The editor of the *La Rassegna Commerciale* had been Camille Brancchi who, according to Zito, went to Buenos Aires, South America, to continue his Fascist work.

He described Fascist propaganda used in radio programs in the Italian language through the bay area radio stations. He named *La Voce del Italia* on KROW (which he said was still on the air, although innocuous since Pearl Harbor), as being sponsored by Ettore Patrizi, the editor of *L'Italia*. He stated that Patrizi in one broadcast had declared that Mussolini was ruling Italy with an "injection of love." He branded a radio program by Gelsi Medeor, started in 1936 over Radio Station KROW, and still continuing, as a disseminator of Fascist propaganda. He stated that since Pearl Harbor the Medeor program had turned to selling war bonds and broadcasting news of the Mazzini Society. Formerly this program had found Mussolini the most popular man in the world by a huge majority vote. A third radio program, which stopped after Pearl Harbor, was broadcast over Radio Station KRE. The announcer was a man by the name of Francesconi, who is now interned in Montana by the United States Government. Zito



stated that he had used figures of "Uncle Sam," "Mary Ann" and "John Bull" to mock the democracies and carried the advertising of the *Rossi Cigar Company*. Another program had been broadcast over Radio Station KLS in Oakland and was sponsored by Arthur de Nunzio. This program purported to be a news broadcast and, Zito declared, after December 7, 1941, one of the announcers was apprehended by the Federal Bureau of Investigation—a man by the name of Angelo Bacoccini, who was also an editor of the *Sons of Italy's* publication, *Il Leone*. This same Angelo Bacoccini, according to Zito, was a teacher in the San Francisco Italian language school which he unequivocally branded as Fascistic.

He stated that he had clipped pictures and slogans from the textbooks used in the San Francisco Italian language schools and had made composite photostatic copies and translations and had sent them to Mayor Angelo J. Rossi of San Francisco and to the Governor and Lieutenant Governor of California in January of 1936. He stated that no action whatsoever followed. In 1937 a Captain Lane of the San Francisco Police Department, had a bill introduced in the State Senate to bring the Italian language schools under the supervision of the Board of Education, but, Zito declared, "it was killed by Sylvester Adriano's lobbying in Sacramento."

He told of another pro-Fascist program over Radio Station KLS sponsored by a man named Guaragna. He stated that this program was for the collection of gold rings from the Italian women in the Italian colony in San Francisco to be sent to Italy to aid Musolini's cause in Ethiopia. He stated that some \$40,000 had been collected, \$10,000 of which was donated through the Grand Lodge of the *Sons of Italy*. He stated that San Francisco *Scavengers' Association* had contributed labor and work free of charge for this cause in contrast to the Association's present demand for \$9 per ton for the collection of scrap metal for the United States. (The association had formerly asked \$16 a ton but reduced it to \$9 after public protest.) He named Sylvester Adriano as a member of this association—the "honorary President."

He cited the case of Dr. Joseph Facci, whom, he contended, sponsored an anti-Fascist broadcast which was boycotted. Dr. Facci was removed from his position as Secretary of the *Italian Chamber of Commerce* for his anti-Fascist work. Dr. Facci is now with Archibald Mac Leish in the Office of Facts and Figures in Washington, D. C.

He called the attention of the committee to another radio broadcast in Los Angeles which was sponsored by *La Parola*, an Italian language newspaper in that city. He stated that this publication was definitely pro-Fascist. He declared that the Bank of America had financed all Italian broadcasts and had put the "squeeze" on papers of an anti-Fascist nature.

He named Gianni Cardellini of Los Angeles as an individual who had sponsored a Fascist radio program. He stated that Cardellini was now interned in Montana as a dangerous alien.

He narrated the history of *Fugazi Hall* and the activities emanating from it. He said that only one Italian language school had existed in San Francisco prior to the advent of Fascism in Italy. This one school then branched out and 36 units existed throughout the State of California at the time Zito testified. He detailed the supervision by



the Italian consuls in San Francisco of the Italian language schools and stated that the Italian Government had sent teachers to California and had furnished the textbooks without charge. The teachers came to the Italian Consulate with diplomatic passports and immediately fled to Italy when war clouds gathered. These Italian teachers taught Fascism "pure and simple"; gave the Fascist salute in school and sang the Fascist National Anthem, *Giovenezza*.

He stated that the term "*Roberto*" had been coined for the *Rome-Berlin-Tokyo Axis*. Many of the Italians in San Francisco's colony declared that "*Roberto*" would win the war." Fascist agents and sympathizers kept up a constant stream of propagandizing throughout the Italian colony.

He emphatically declared that he had personally seen Mayor Angelo J. Rossi give the stiff-armed Fascist salute in public in the Scottish Rite Auditorium and that, because of this conduct on the part of the Mayor, Fascism had received a "sort of official blessing," and the Italians in San Francisco accepted it.

He explained the meaning of the term "*Fascio*." He stated that the Fascist Party name is *Partito Nazionale Fascista* and that the Society *Fascio Umberto Nobile* (the name of the San Francisco Fascist Unit), was taken from the name of an Italian aviator-explorer. The *Fascio Umberto Nobile Society* was disbanded in 1930 by the Fascist Party in Rome. Another society, *Littorio*, was founded in New York to take its place, but this organization operated over the United States in a much more secret manner than the former organization. He personally did not know that San Francisco had a branch.

He branded the association of Italian war veterans, the *Ex-Combat-tenti Society*, as Fascist. He stated that most of its leaders in San Francisco had been apprehended by the Federal Bureau of Investigation after December 7, 1941. The *Dante Alighieri Society* was also branded as a Fascist group. Most of these latter-named organizations met at *Fugazi Hall*.

He told the committee of excursions for Italian-American children to Italy from San Francisco and stated that these trips had been financed by the Italian Government. He stated that the first of these excursions took place in 1936. The best children in the Italian language schools were selected and upon arrival in Italy immediately swore allegiance to Mussolini. He stated that many of the Fascist sympathizers exercise dual citizenship and were, in fact, subjects of Italy. The excursion of 1938 had been called off "at the last minute" when the children were in New York waiting for transportation across the Atlantic. He stated that pictures of the children giving Mussolini the Fascist salute were run in magazines circulated in San Francisco.

He stated that the pro-Fascist press in San Francisco had "deified" Mussolini prior to the declaration of war. The Italian colony was miserably confused and apparently could not understand why the United States Government would declare war on the "sainted Mussolini."

Zito stated that the *Mazzini Society* had sent a circular to 52 Italian-American associations in San Francisco in May of 1942 in reference to their American loyalty and requested cooperation of the Italian-American communities in a public manifestation of their loyalty to

America and their condemnation of Fascism. Out of the 52 Italian-American associations, only two gave full assent and five gave partial assent. He stated that most of the Italians and the Italian associations in San Francisco now state that they are for the war and want the United States to win, but that they don't want to commit themselves as "anti-anything." He pointed out that there exists an *Ernest Smith Committee*, also known as the *Win-the-War Committee*, with headquarters in *Fugazi Hall*, but stated that it will not commit itself as to being "anti-Fascist."

He told of a floral float which had been made for the Mothers Day Parade by the Florists Association of San Francisco. He stated that the maker had devised three bouquets which were to signify the heads of Mussolini, Hitler and Hirohito respectively, but that they were prevented from labeling them and, therefore, the public lost the significance of what the bouquets purported to indicate.

Alfredo Segre was born in Turin, Italy, and holds a doctorate from the University of Turin which he received in 1930. (Volume X, pp. 3027-3037.) He spent considerable time on the African Gold Coast, served in the Italian Army and visited Egypt. He is the author of a novel published in 1933 which won the National Public Contest in Italy, which honor corresponds to the Pulitzer Prize. He spent some time in France and came to the United States in May of 1939.

Upon leaving the Gold Coast and returning to Italy, he conferred with one of the ministers of the Fascist High Command concerning the economic situation in the Italian colonies of Africa.

He stated that he had studied the principles and doctrines of Fascism thoroughly and that he was completely against them. He said it was very difficult to define just what Fascism actually is as there existed in Italy a dispute as to where, how and who originated it. He was perfectly willing to accredit the ideas to Mussolini.

He told the committee of the feuds and struggles in Italy at the period previous and just after Mussolini took power. He stated that he did not believe there were Italian Fascist fifth columnists at work in the United States. He believed that the German elements were directing subversive organization work from New York, but did not believe there were any propagandizing efforts being made by the Fascists in the Italian colonies in California. He felt that it was quite natural for the Italians in the United States to be enthusiastic about the achievements of the Fascisti in Italy.

Segre's testimony was somewhat inconsistent and at odds with the information he had given to committee representatives prior to testifying in open hearing. While he admitted that there were some 95 pro-Fascist and pro-Nazi newspapers printed in German and Italian in the United States, he did not believe that there were any propagandizing efforts being made by the Fascists in the Italian colonies in California. After a tirade against Fascism couched in explosive language to interviewers in private, Segre's performance on the witness stand came as a mild surprise to committee members.

Mario Parisi, the operator of the *Princess Theatre* located at 1596 Church Street in San Francisco, admitted that he exhibited foreign films. (Volume VII, pp. 2036-2039.) He stated that he did not exhibit propaganda films and that the only films of this character

known to him were those that were coming out of Russia, such as the *Mannerheim Line* which was shown at the *Miami Theatre* and at the *Larkin Theatre* within recent months. He stated that the *Clay Theatre* also exhibits Russian films.

Rose M. Panuechi stated that she was an attorney for a radio program over Radio Station KLS. (Volume XIII, pp. 3540-3555.) She admitted that Angelo Baccoccina had been the announcer on this program. She claimed that she did not know of any Fascist propaganda disseminated through this program. She admitted, however, that Baccoccina was "unfortunately" in a concentration camp.

Philip G. Lasky, General Manager of Radio Station KROW, addressed a letter to the committee denying allegations formerly made by witnesses that Radio Station KROW had permitted the broadcasting of Fascist propaganda. (Volume XIII, pp. 3593-3594.) The letter was read into the record. Lasky stated that the present owners of the station had taken over its management August 30, 1939, and had, during their supervision, maintained strict censorship over all radio programs and had not permitted Fascist propaganda to go on the air. He stated that the Italian language programs had continued with the knowledge and permission and under the regulations of the Federal Communications Commission. He stated that since June 20, 1940, transcriptions of each Italian broadcast had been made and that they were on file. He denied that the testimony of Carmelo Zito properly reflected the policies of the Italian programs on Radio Station KROW.

Renato Marrazzini was the bookkeeper for the *L'Italia Press Company*. (Volume XIII, pp. 3618-3623.) He was born in Italy and became a naturalized citizen in 1926. He has held his present position with the *L'Italia Press Company* since 1915 and during that time up to 1939 was in charge of the circulation department. Since 1939 Marrazzini has been the business manager of the paper. He stated that Patrizi employs the personnel. He could only recall the employment of a part-time worker, a Mr. Delizo, during the past two years. He stated that Mr. Delizo was assigned to special Pacific Coast news.

The circulation of *L'Italia* was around 12,000 and the circulation of *La Voce del Popolo* was between 5,000 and 6,000. This circulation was paid circulation. He confirmed Miss Setaro's testimony by stating that the largest advertisers of these Italian language papers were the *Bank of America* and *Lachman Brothers*. He admitted that the newspapers sponsored a radio program and that the largest advertiser on the program was the *Rossi Cigar Company*. He presented the committee with the advertising rates for the papers.

He admitted that he had owned stock in *L'Italia Press Corporation* since 1917.

Leo Ostaggi is a bank clerk in the *Bank of America* in San Francisco. (Volume XIII, pp. 3627-3632.) Part of his duties consist in translating advertising matter for the bank. He stated that he received the material from the *Charles Stewart Company*. He also checked up on advertising copy in the foreign language (Italian) newspapers. He admitted that the *Bank of America* gave no advertising copy to the *Il Corriere*.



Ostaggi was born in Italy and came to the United States in 1913. He went back to Italy and fought in the Italian army as a lieutenant with the Alpine Troops during the first World War. He returned to the United States in 1920 and became a naturalized citizen May 7, 1926, in Los Angeles.

He had worked for the Bank of America for 20 years. He admitted having a very wide acquaintance in the Italian colony in San Francisco. He was the President of the *Ex-Combattenti Society* in 1938 and held this office for about 10 months. He attended meetings in *Fugazi Hall* and sent the rent money (which amounted to \$26 monthly) to the janitor, Mr. Botticco. The money was sent by check, made payable to Botticco. He believed that Sylvester Andriano had something to do with the *Fugazi Hall* organization. There were between 40 or 50 active members in the *Ex-Combattenti Society* at the time he was president, and the organization carried some 120 members on its rolls. The dues were 50 cents monthly and the organization met once a month. It had two secretaries during his regime as president, a Mr. Giovacchini and a Mr. Gutladavo. The secretary handled the finances of the *Ex-Combattenti Society*.

In his employment for the *Bank of America* he clipped ads from *La Rassegna* and read the publication. He did not know that the *Italian Chamber of Commerce* had been registered with the United States Department of State as an agent of the Italian Government. He claimed that the advertising copy distribution was not determined by him, but that "some one from the Stewart agency" handled it.

Ostaggi declared that he had only examined one textbook used by the Italian language schools.

Gilbert Tuoni is an independent motion picture producer living in San Francisco. (Volume XIII, pp. 3662-3674.) Though he had made application he was not yet a citizen. He enjoys a wide acquaintance in the Italian colony and stated that he had observed "plenty" of pro-Fascist activities in San Francisco. He recommended that all Italian radio programs be taken off the air and that the printing of propaganda papers, such as the *L'Italia* and *La Voce del Popolo*, be stopped.

He had been accused by the pro-Fascists in San Francisco of being a traitor to Italy and of being in the pay of the British Government. Because of his anti-Fascist attitude and the work he had done against the pro-Fascists, he had been threatened on several occasions. Certain individuals connected with Ettore Patrizi had called on him and attempted to shame him for his anti-Fascist attitude.

In 1932 he published a book entitled *Italian Activities in America*. He had worked with labor groups in California and had observed the "Columbus Avenue group" exploit labor. When in Castroville, engaged in filming a motion picture for the artichoke industry, he was ordered out of the area by a Mr. Nolinari, whom, he "presumed," was now in a "concentration camp."

He was familiar with the Italian language schools in the City of San Francisco and stated that he had examined many of the textbooks. It was his unqualified opinion that the textbooks were compiled for the single purpose of spreading Fascist propaganda among American-born Italian children. He unequivocally branded the *Ex-Combattenti* a



Fascist organization, though he believed that many innocent men had been induced to join it.

He was in the City of San Francisco when *Fascio Umberto Nobile* was founded and stated that its founder, now deceased, was at the time of organizing the society an editor on one of Patrizi's newspapers.

He emphatically branded Patrizi's newspapers as *pro-Fascist* and as organs of "racketeering." "They are poison!" he declared. He stated that Ettore Patrizi had six men in California who were engaged in "strong arm" work for the Italian Fascist group. He named these men as Viriglio, Nolanari, both of San Francisco; Luigi Colombo of Los Angeles; Bravi of Portland and Salt Lake City; Brignole in northern California and Fransconci in the Santa Clara area. Tuoni stated that these men acted as collectors for Patrizi's newspapers. He stated that Fransconci is now in a "concentration camp." Nolanari, he added, was also interned.

He had known Renzo Turco for many years and stated that Turco was a "believer" in Fascism. He was also acquainted with Sylvester Andriano but knew little of his activities.

He declared that only the pro-Fascists in California had received decorations from the Italian Government and that all of these decorations indicated service to the Fascist regime. He stated that the King of Italy would never give a decoration to anyone unless Mussolini sanctioned it. Since 1934, "every other butcher in California has received a decoration from the Fascist King of Italy," Tuoni declared.

George T. Baker, an official of the *Citizens No-Foreign Wars Coalition*, testified December 5, 1941 (Volume VII, pp. 1980-2007) that he had attended a German Day celebration in California Hall in San Francisco. At this meeting, Baker testified, he saw Mayor Rossi, in company of Von Killinger, the Consul General for Germany, give the Nazi salute.

Sylvester Andriano testified on two separate occasions. (Volume VI, pp. 1905-1928, Volume XII, pp. 3396-3450.) He was born in Italy in 1889 and became an American citizen in February of 1914. He came to the United States in 1901. In 1928 he was appointed a county supervisor by Mayor James Rolph of San Francisco. In 1934 he became a director of the *Bank of America*. In 1938 he was appointed police commissioner for San Francisco by Mayor Angelo J. Rossi and served in this capacity for two years. At the time of testifying he was serving as Chairman of Draft Board 100 in the City of San Francisco.

When he testified December 4, 1941 (Volume VI, pp. 1905-1928) he stated that he was engaged in the private practice of law. He had been the attorney for the Italian Consul in San Francisco from 1917 until the consulate was closed by the United States Government on July 15, 1941.

He claimed he knew nothing of Italy's participation with the Hitler regime in Germany. He stated that he was "not competent to judge" the Garibaldi tradition in Italy, but was of the opinion that Garibaldi did not do "heroic work." "He was a fine patriot," he added, "but he did a lot of harm, too."

Andriano visited Italy in 1938 and was away from the United States for about 90 days. He claimed that he did not see Mussolini and

denied having been made a Grand Officer of the Crown of Italy. He claims that he holds the decoration known as "Commandatore," which, he explained, is *Commander of the Crown of Italy*. He testified that this is a decoration higher than Chevalier and Knight Officer. He recalled talking to some one in the office of the Ministry of Foreign Affairs in Rome but stated that it was "solely in connection with the participation of Italy in the San Francisco Exposition."

He claimed that he had not read the article concerning himself in the *Italian Chamber of Commerce* magazine or the article written by Ettore Patrizi and published in *L'Italia* quoting him (Andriano) as praising the "Fascist Regime" in Italy. He denied having used the words attributed to him, and Patrizi, who was sitting in the audience while Andriano was testifying, arose to take full blame for improperly quoting Mr. Andriano.

He denied ever having used the terms "Il Duce" when speaking of Mussolini. (Volume XII, pp. 3396-3450.)

He claimed he had never heard of a "Fascio" organization in San Francisco. He admitted being President of the *Fugazi Building Association* in 1928 or 1929 and stated that it was a "white elephant." He denied that anyone had ever offered to pay the rent on the building.

He admitted that he met with Vittori Mussolini, the son of Benito Mussolini, when the latter visited San Francisco. He stated that he called on him with the Italian Consul, Rinaldi, in 1937 or 1938. Vittori Mussolini had come to San Francisco in reference to Italian participation in the San Francisco Exposition.

He stated that he had been very enthusiastic over "Christian Rome" when he visited there the last time.

He could not recall Senate Bill 540 introduced in the 1937 Session of the Legislature for the regulation of foreign language schools in California.

He stated that Superior Judge McKeage had recommended him for his appointment to Draft Board 100 in the City of San Francisco.

He claimed that he sold Liberty Bonds and worked for the Red Cross during the last World War. At that time he was the Secretary of Draft Board Number 13 in San Francisco. When asked what he intended doing with his decorations from the Italian Government, Andriano stated that he would await suggestions from prominent authorities in Washington. (Volume XII, pp. 3396-3450.)

Joseph Civinini was called to testify concerning the minutes of a meeting in Fugazi Hall, written in Italian and signed by him, which Andriano had partially denied. (Volume XIII, pp. 3674-3677.) Civinini stated that he was presently the Secretary of the *Italian Benevolent Society* in San Francisco. He definitely recalled the meeting in question at *Fugazi Hall* and identified the photostatic copy of the minutes in the possession of the committee. He translated the paragraph dealing with the funds offered by the Italian Consul to *Fugazi Hall*, *Fascio*, *Dante Aligheri* and *Ex-Combattenti*. He stated that the meeting had been called to order by Sylvester Andriano and that Consul Meelini Ponce de Leon, Mr. Zulberti, Mr. Laiolo, Mr. Oberti, Mr. Peachiera, Mr. Farina, Mr. Patrizi, Mr. Pedrini, Mr. Olivieri, Mr. Baccigalupi, Mr. Zanolini, and Civinini, himself, were in attendance. He stated that the photostatic copy of the minutes, in the possession of the committee,

was a true and correct report of the minutes prepared by him and accurately recorded what actually had occurred at the meeting.

Paul Bibily, formerly of the French Consulate, first in New York and then in San Francisco from January 11, 1937, to July 22, 1940, designated himself as the Vice Consul for the *Free French*. (Volume XIII, pp. 3531-3540.) He had been dismissed by Petain but insisted that he still represented the *Free French*.

He declared that there was much Fascist activity in San Francisco and that considerable information was on file on the subject in the French (Vichy) Consulate in San Francisco. He stated that he had known Renzo Turco for five years and stated that "even the lampposts know he is a Fascist." He had known Angelo J. Rossi, Mayor of the City of San Francisco, for about five years and stated that he was "rather fond of him." Turco had confided to him that it would be a good thing for the United States and France to establish a Fascist system of government. He knew of the *Ex-Combattenti Society* and branded it as pro-Fascist. He had examined the textbooks of the Italian language schools and stated that the grammar and arithmetic were "cleverly pro-Fascist."

He had met Ettore Patrizi on several occasions and had read his papers, but stated "I will not make any daily fare of '*feuille d'Clouy*'"—the cabbage leaf. He stated without equivocation that Patrizi's newspapers were pro-Fascist, adding, "maybe not so much since December 7th \* \* \* the courage is not very thick on the Fascists."

Rudolph Altrocchi is Professor of Italian Literature at the University of California in Berkeley. (Volume V, pp. 1501-1509.) He had been at the university for a period of 13 years in the Department of Italian Language.

He explained that Fascism is a form of government where the people are the servants of the government. He stated that there is no suffrage in Italy and that racial persecution is part of its philosophy. Whatever the advantages Mussolini may have brought to Italy, Altrocchi declared the benefits were inferior and superficial and that Mussolini has, in fact, killed the soul of the Italian people. He stated that the Italians hate the Germans and find the Axis partnership very onerous.

He admitted knowing Ettore Patrizi, the publisher of *L'Italia* and *La Voce del Popolo* for a considerable length of time. He stated that they were both members of an Italian club, *Crenacolo* for a time.

He stated that the *Ex-Combattenti Society* was an organization of Italian war veterans who met generally in *Fugazi Hall* in North Beach in San Francisco. He stated that this group formerly celebrated Armistice Day on November 11th, but that they had stopped this celebration "several years ago."

He declared that one of the principles of Italian Fascism is not to recognize the citizenship of Italians in other countries. The theory of Italian Fascism is "*Once an Italian, Always an Italian.*" He stated that many Italians become naturalized in the United States as a matter of expediency and that the Italian Government tells them that they are not merely Italians but *Fascists* and instructs them to disseminate Fascist propaganda.



He stated that most of the propagandizing of Fascism in San Francisco was done by the Italian language newspapers, through the *Italian Consul* and the *Italian Chamber of Commerce*.

### Nazi and Fascist Activities

Harry R. Bridges, President of the *International Longshoremen's and Warehousemen's Union*, was a volunteer witness before the committee. (Volume XIII, pp. 3594-3618.) He gave his business address as 150 Golden Gate Avenue, San Francisco, and stated that in addition to being President of the *ILWU* that he was the State Director of the *Congress for Industrial Organization* since August of 1937. He related incidents of the unloading of German ships in San Francisco harbor by members of the Longshoremen's Union and stated that the men had noted German officers leaving German ships in uniform. He stated that they had observed Storm Troopers in full regalia on the German ships and had seen them leaving to visit ashore. He had assigned longshoremen to trail the Storm Troopers and they followed them to the German House in San Francisco. He stated that they visited there regularly and contacted various persons in the building. He stated that full notes had been made of these visits which were in his possession and that the material was available to the committee. These activities, he stated, dated from 1935 or 1936 until the German ships stopped coming to San Francisco, shortly after the declaration of war with England.

He told the committee of a meeting held in the German House in San Francisco. He stated that the *Maritime Federation* investigated this meeting and found that Von Killinger, German Consul, spoke, and that the meeting was being held in celebration of the conquering of Czechoslovakia. He stated that 800 to 1,000 people gathered to protest the meeting and particularly protested the presence of Mayor Rossi. The labor unions, according to Bridges, followed this protest through. He declared that the *Maritime Federation* passed resolutions at the time supporting the picket lines around the California Hall where the meeting was held. He declared that the resolution stated that the picket line had been "brutally attacked" by police; that the hobnobbing of Mayor Rossi with Nazi stool pigeons was condemned and demanded that the mayor repudiate them. A copy of the resolution was sent in a letter to the mayor, under date of October 6, 1938, and same was read into the record. The *Maritime Federation*, according to Bridges, sent a delegation, consisting of Henry Schmidt, Walter J. Stack, Clarence Paton and others, to the board of supervisors demanding the floor at the meeting to protest McShoev sitting with Von Killinger on the platform. It was Bridges' opinion that the request was ignored.

Archie Brown, a member of the *International Longshoremen and Warehousemen's Union*, Local 110, testified December 3, 1941. (Volume VI, pp. 1730-1758.) He admitted that he was a member of the Communist Party. He stated that he had been a candidate for supervisor in the 1940 elections and had attended a meeting of the *Forum of American Federation of Labor*, Culinary Union, in October of 1941 when Supervisor Adolph Uhl spoke. He stated that he had referred to



the German Day celebration in California Hall in 1938 at which Uhl and four other supervisors attended. He stated that Adolph Uhl had declared that Mayor Angelo Rossi had given the Nazi salute and "Heiled Hitler."

Renzo Turco gave the same business address as given by Sylvester Andriano. (Volume XII, pp. 3378-3396.) He stated that he was born in Italy and became a naturalized citizen of the United States in 1928. He graduated from the University of Genoa in 1920 and came to the United States in 1922, graduating from the University of California in 1925. He was admitted to the practice of law in California in June, 1926. He stated that he had practiced in San Francisco since his admission to the Bar.

He denied ever belonging to the Fascist Party or wearing a button of the *Fascio*. He stated that he knew very little concerning *Fascio Umberto Nobile* in the City of San Francisco and added that it was "wound up" in 1928. He stated that "it was very fashionable to belong" as Fascism was in favor the world over. He said that the symbol of the Fascist Party was Roman and that he believed that one of the tenets of the Fascist regime was "to revive the old Roman glory." He admitted attending meetings in *Fugazi Hall*, but could not recall if any of these meetings were connected with the *Fascio Umberto Nobile Society*. He doubted the statement in the minutes of one of these meetings, in possession of the Committee, which reported that he was present.

He admitted having been secretary of the *Ex-Combattenti Society* and stated that he took office in 1927 and discontinued in 1930. He remained a member. He commented that the organization died "for lack of oxygen" around December 7, 1941. He claimed that the *Ex-Combattenti* kept no record of attendance of members at the meetings. The meetings formerly were held at 510 or 511 Columbus Avenue and later moved to *Fugazi Hall*. He could not remember to whom he surrendered the records in 1930 when he went out of office as secretary.

He made a trip to Europe in 1930 "as a bachelor."

He was acquainted with Major Renzetti when he was the Italian Consul in San Francisco. He admitted having visited him "socially" in 1937 in Berlin. On that trip, Turco stated, he toured around Europe and visited Italy twice. He claimed that he paid his own expenses. He stated that he knew Mrs. Renzetti was friendly with the officials of the German Government and had autographed pictures of them. He recalled Goebbels as one of them. He did not know if Mrs. Renzetti was related to any of these officials. Major Renzetti did not return to San Francisco after going to Europe.

He admitted having accepted an invitation to speak at the *German-American Bund* meetings in California Hall in the City of San Francisco. He admitted having met Herman Max Schwinn but stated that he did not know his name until he saw his picture after December 7, 1941, in the newspapers.

He was acquainted with Mario Parisi and was aware that he exhibited foreign films in Italian and German.

He denied that he had visited Fascist Party or Italian Government officials while in Rome.

He was acquainted with the German Consul General in San Francisco, Fritz Weidemann, but claimed that he was only acquainted with him "socially."

He admitted having spoken at *America First Committee* meetings, but denied ever having belonged to the organization. He denied having made slurring remarks concerning Jewish merchants in relation to Red Cross knitting; he said he had merely criticized the appearance of the Red Cross headquarters at North Beach, likening it to a "Jewish junk shop."

He related the details of an attack on him and Gaston Usigli, a musician, about 10 years before and said that some men had beaten them up, alleging that they were wearing Fascist buttons. Two of the men were captured and held for trial. The matter of the wearing of the Fascist buttons was not brought up at the trial, he asserted.

He admitted having become Secretary of the *Italian Chamber of Commerce* in San Francisco in 1939 and that he had continued in this position until 1940 when he turned the affairs of the secretary over to Dr. Facci.

While the committee was sitting in San Francisco, taking testimony on Fascist activities in the Bay Area, Harry R. Bridges addressed a letter to the committee under date of May 25, 1942. (Volume XIII, pp. 3581-3582.) Bridges signed the letter as the President of the *International Longshoremen and Warehousemen's Union*. He stated that in the Fall of 1935 the garbage collectors of San Francisco had collected large quantities of scrap metal for shipment to Mussolini for use in Fascist Italy's Abyssinian campaign. He stated that the garbage collectors of San Francisco had collected this metal free of charge. He stated that the longshoremen refused to load it on the Italian ships for a period of two months. The Italian Consul visited Bridges and told him that Mayor Angelo Rossi had ordered the longshoremen to load the scrap metal and stated that if the longshoremen refused to do so that the police would be ordered to break the resistance. Bridges volunteered to appear before the committee and did so May 26 and 27, 1942. (Volume XIII, pp. 3594-3618.)

He stated that the Scavengers' Association of San Francisco had collected two or three hundred tons of scrap metal, consisting mostly of copper and brass and the longshoremen had refused to load it on the Italian ships in San Francisco harbor. He stated that it had been the policy of his union not to assist Fascist nations. The scrap metal lay on the wharf in San Francisco for two months during which time he made a check of the background of the collection by the Scavengers' Association. He stated that it had been collected in the name of the Italian Red Cross. The Italian Consul had informed him that Mayor Rossi had helped in the drive to secure the metal. Mayor Rossi later phoned Bridges and told him that the metal had been collected as a "humanitarian gesture" and that a "bunch of Communists on the waterfront" were attempting to insinuate that the collection had not been made in good faith. Bridges declared that he told the mayor that his men would not load the metal and the mayor informed him that he would find men who would load it and give them police protection. The members of the Longshoremen's Union then protested to the Italian Consul and argued with him as to the good "scrap metal" would do

the Italian Red Cross. Later Judge Marcus C. Sloss, labor arbitrator, ruled that the union must load the scrap metal on the Italian ships and gave the men an hour to do so. The material was then loaded.

Bridges identified the publication, *Voice of the Federation*, for July 12, 1939, and stated that he was one of the founders of this paper and that it was first published in June of 1935 and ceased some time in 1941. He stated that the back copies of the publication contained information corroborating his statements as given above. The issue of October 10, 1935 published a resolution passed by the longshoremen addressed to the *Maritime Federation* prohibiting the Maritime Federation members from helping Italy in any way. They were instructed not to handle ammunition or war equipment material destined for Italy. Bridges called the committee's attention to another resolution passed by the *Firemen's Union* in which the Standard Oil Company of California and other American capitalist firms were branded as collaborators of Italian aggression in Ethiopia by shipping oil to Italy. He stated that the firemen refused to sail on ships chartered for Italy, Eritrea or Italian Somililand. The issue of October 24, 1935, reported the longshoremen's refusal to load the Italian motor ship *Cellini* and declared the material to be loaded as contraband under a current ruling by President Roosevelt placing an embargo on all arms, munitions and war materials to Italy during the Ethiopian war. The issue of October 31, 1935, reported the picketing of the Italian Consulate. The article related the interference of the police in this picketing and referred to a newspaper story branding the picketers as "a bunch of Communists."

He stated that the *Scavengers' Association* demanded high rates for the collection of tin for the United States in its present war effort, in comparison to the attitude of the *Scavengers' Association* in collecting scrap metal for Italy free of charge to assist in the war of aggression in Ethiopia.

Sylvester Andriano admitted being an attorney for the *Scavengers' Association*, known as the *Sanitary Fill Company*. (Volume VI, pp. 1905-1928.)

He stated that he represented the *Scavengers' Association* on some matters, and that he is an attorney for the *Sanitary Fill Company* which holds city and county franchises in San Francisco. He denied that the *Scavengers' Association* had collected gold for Italy during Mussolini's Ethiopian campaign.

Mrs. Carola Brusehera denied that she had taken any part in collecting gold for Italy's Abyssinian War. (Volume XIII, pp. 3499-3503.) She stated that she "just wrote the address when they sent the money in." She stated that this had been done in the office of the *Ex-Combattenti* in *Fugazi Hall*. She said it was a social affair put on by the ladies and that the money was collected to "help the poor."

Mayor Angelo Rossi was called before the committee for two reasons. In the first place, he had been charged by a number of witnesses as participating in Nazi and Fascist activities in the City of San Francisco. These accusations had been made in public and it was felt that the mayor should be given an opportunity to answer such charges. In the second place, Angelo Rossi is an American of Italian descent and titular head of a great California municipality containing a large



Italian population. It was well established that he was an old friend of both Sylvester Andriano and Ettore Patrizi. The testimony of witnesses in November and December of 1941 and at the May, 1942, hearing in San Francisco, had indicated considerable Fascist activities in the Bay Area. The evidence before the committee was overwhelming as to Fascist propaganda and indoctrination in the Italian colony in San Francisco. The committee members were convinced that the three ring leaders of the Fascist movement were Sylvester Andriano, Ettore Patrizi and Renzo Turco. The entire hearing was geared to pivot about these individuals and their activities.

The main purpose in examining Angelo Rossi under oath was to determine what he had done to remedy the Fascist situation, widely publicized as a result of the committee's hearing; to learn whether or not the mayor was cognizant of the facts concerning the matters described to the committee by witnesses at that hearing. The committee itself, or its representatives, had at no time remotely suggested that the mayor had been engaged in subversive activities in his official position. The committee, therefore, was surprised when the mayor, before a question could be propounded to him, dramatically read into the committee's records a statement setting forth his personal history and proclaiming his patriotism, which no one connected with the committee, up to that point, had disputed.

He proclaimed his 100 per cent loyalty to the United States of America. (Volume XIII, pp. 3452-3471.) He stated that he had served as a member of the Recreation Commission for seven years and had been a member of the San Francisco County Board of Supervisors and the foreman of the Grand Jury. He stated that he had been elected Mayor of the City of San Francisco and had served in that capacity for 12 years. He denounced the testimony of the witnesses and accused the committee of holding "star chamber" sessions. He declared that he had cooperated with Federal authorities 100 per cent and that he believed the investigation of the committee was a "smear campaign" against him.

He admitted having been acquainted with Sylvester Andriano for many years. He also admitted knowing Ettore Patrizi. He stated that he had no knowledge whatsoever of the activities of the *Italian Chamber of Commerce* and that he knew vaguely of the *Ex-Combattenti Society*. He had heard nothing of the *Fascio Umberto Nobile Society*; knew something of the Italian language schools but admitted that he had never made any inquiry regarding their activities.

He admitted that he had an autographed picture of Mussolini in his office and stated that it had been presented to him in 1933 when Senator Marconi had visited San Francisco. He stated that the San Francisco Board of Supervisors had entertained the senator and had made him an honorary citizen. He added that he had photographs of many prominent people from all over the world but that he had removed the photographs of the Japanese and the Germans.

Mayor Rossi disclaimed any connections with Fascism and denied that he had received the Fascist Grand Cross, as had been stated in the publication of the *Italian Chamber of Commerce, La Ressegna*. He admitted having received a decoration from the King of Italy on January 24, 1938. He stated that he had never attended any func-



tions he knew to be either Fascist or Nazi in character and denied having ever given the Fascist salute. He stated that he had denounced Axis activities, but could not recall having denounced Mussolini in particular. He described his other Italian decorations and stated that one was received in 1931 on the recommendation of Tito Schipa and the other from Senator Marconi. He stated that he had never read Zito's paper, *Il Corriere*, or the *People's Daily World*. He denied ever having seen Sylvester Andriano give the Fascist salute.

## 4

## ITALIAN ORGANIZATIONS AND ACTIVITIES

A. M. Cogliandro narrowly escaped with his life several months before testifying, December 4, 1941, and for his personal safety the committee designated him in the press as "X-2." (Executive Session, December 1, 3 and 4, 1941.) Shot from ambush, the assassin's bullet passed through Cogliandro's coat without injuring him. Since this unsuccessful attempt on his life he had been threatened on a number of occasions.

He stated that the Italian Consul General in San Francisco used the office for the dissemination of Fascist propaganda and that all visitors coming to the office were given booklets, leaflets, photographs, etc., which were decidedly Fascist propaganda. He stated that the same type of propaganda was distributed by the *Italian Chamber of Commerce* in the City of San Francisco. All of the material issued by the Italian Consul General's office in San Francisco was printed in Italy under the supervision of the Minister of Propaganda. Cogliandro stated that before an Italian-American might secure permission to visit Italy, he had to prove to the Consul that he was, in fact, a Fascist. This situation had existed for 10 years. In addition to these activities, Cogliandro declared that the Italian Consul maintained a number of Fascist spies in the San Francisco Bay area.

The pro-Fascist Italian language newspapers in California were named as *L'Italia* and *La Voce del Popolo*, published by Ettore Patrizi. Cogliandro stated that the two newspapers were owned by different corporations and he believed that both were subsidized by the Italian government until late in 1940.

The *Italian Chamber of Commerce* of San Francisco published a magazine by the name of *La Rassegna Commerciale* which was registered in the United States Department of State as foreign government propaganda. Cogliandro stated that the Secretary of the *Italian Chamber of Commerce*, Branchi, was registered with the United States Government as a foreign agent of Italy. The current secretary of the *Italian Chamber of Commerce* was named Ilacqua.

Cogliandro was acquainted with the *Ex-Combattenti*, an organization which was composed of men who fought for Italy in the World War. He stated that this group was decidedly pro-Fascist. He said that they formerly met in *Garibaldi Hall* in the City of San Francisco but that at the time of testifying they were meeting in *Fugazi Hall* located at 678 Green Street, San Francisco. He stated that *Fugazi Hall* was donated to the Italian community for colony uses, but that it had come into the possession of the Italian Government and had been used, up

to the time of testifying, exclusively for Fascist work and was managed by the Italian Consul in San Francisco. The property had been donated by an Italian by the name of Fugazi who had also given a library for the use of the Italian colony. Cogliandro stated that the Fascists in charge of the building had destroyed the books and substituted others which had been sent from Rome by the Minister of Propaganda through the Italian Consul. He stated that the Fascist organizations in the Bay Area maintain headquarters at Fugazi Hall and disseminate Fascist literature from there. The *Italian Legion*, the *After Work Club* and *After School Club* used *Fugazi Hall* for their activities. He stated that the *After School Club*, an organization composed of students, used the Hall for Fascist drills.

Some time in 1937 the Italian Government sent four teachers or instructors from Rome to teach in San Francisco's Italian language schools. Cogliandro declared that they openly taught obedience to Mussolini and Victor Emanuel, the King of Italy, and trained the children in principles of Fascism.

He identified a medal which, he stated, was one of the highest decorations conferred by the Italian Army and stated that he had received it for service with the Italian Army in the war against Abyssinia in 1896. He also identified a medal given by the Italian Government to Fascists in foreign countries for "good propaganda work."

He stated that the *Union Sports Club* was another organization completely controlled by the Fascists. It also had its headquarters in *Fugazi Hall* until some time in 1940 when the Italian Consul left San Francisco. He related his difficulties in attempting to pass legislation in the California Legislature designed to bring all foreign language schools under the direct supervision of the State Board of Education. He stated that Sylvester Andriano appeared before the State Board of Education and protested the proposed legislation. Cogliandro was finally successful in inducing State Senator Metzger to introduce his bill in the California Senate. It was known as Senate Bill 540 in the 1937 Session. He stated that through Andriano's activities the bill was killed. He stated that Andriano conducted an energetic campaign against the measure and wrote against it in the Italian language newspaper, *L'Italia*.

Referring to Ettore Patrizi, the publisher of *L'Italia* and *La Voce del Popolo*, Cogliandro declared that United States Senator Borah had accused Patrizi of being a man living "under two flags." He stated that Borah had made a speech in the Senate against the Fascists and that he spoke in the name of 250 Italian-Americans in California. He personally wrote Borah a letter of congratulation and offered the committee a copy of the letter.

He stated that there were 47 Italian language schools in California, with nine of them located in the City of San Francisco. He examined the textbooks of these schools in the possession of the committee and declared unequivocally that they were "Fascistic." He stated that Sylvester Andriano was the President of the Italian School Board. Andriano had been decorated by the Italian Government as a Chevalier (Knight) and also as Commandatore (Commander) in 1935 and 1936 and had received a third decoration in 1938. He stated that the Italian language schools in the United States are partially supported

by the Italian Government. He told of the school children wearing the uniforms of *Ballila*, a youth Fascist organization. He explained that *Ballila* was a character in Italian history. He identified the uniformed groups in photographs in possession of the committee.

He stated that the members of *Ex-Combattenti* used black shirts but did not wear a full uniform. He stated that when Marconi visited San Francisco in either 1937 or 1938, a banquet was held at the Fairmont Hotel and that the members of *Ex-Combattenti* shouted "Viva Il Duce" and gave the Fascist salute. The witness ventured the opinion that Marconi was told what to say in the United States by the Minister of Propaganda in Italy. He stated that he refused to shake hands with Marconi, the inventor, because he had become Marconi, the Fascist.

He was familiar with the organization known as the *Sons of Italy* and believed that some of its members and officers were pro-Fascist.

He ventured the opinion that the Italian people had never liked the Germans and that they were much more sympathetic to the Allies. He stated that his father was called a "conspirator" during the war for Italian Independence (1866-1870) because he had worked with Mazzini and Garibaldi, "the liberators." He stated that Mussolini had destroyed all this (Socialist) work.

He listed the Italian language publications that he contended were Fascistic. He stated that the only Italian language newspaper in San Francisco that is anti-Fascist is *Il Corriere del Popolo*, published by Carmelo Zito.

He stated that there had been a number of Fascist radio programs in the Bay Area, notably on Radio Stations KROW, KLS and KRE. He stated that Italian propaganda films had been exhibited from time to time at the *Marina Theatre* and at the *Princess Theatre*, operated by Mario Parisi. At the time of testifying, Cogliandro stated that Parisi was exhibiting German films.

Cogliandro contended that Fascist and American principles are incompatible. He claimed that he had been fighting the Fascist movement in America since 1923.

He indicated that Sylvester Andriano carried on Fascist propaganda and organizational work after the United States Government had closed the Italian Consuls. He believed that Ettore Patrizi headed the Fascist organizational work in the United States.

He stated that he had belonged to the *Italian Chamber of Commerce* in pre-Fascist days and that nine years before, he was Grand Secretary of the *Italian Federation*.

### Cenaloco

Rino G. Lanzoni (an alien), an importer of Venetian glass and antiques, was the secretary of *Cenaloco*, a social and cultural organization, according to his testimony. (Volume XIII, pp. 3558-3561.) He stated that *Cenaloco* was organized in 1929 and that he had been secretary of it until about 1937. It was still in existence. He stated that the name was taken from the Renaissance and that it still had between 40 and 50 members. He claimed that there were no political aspects to the organization.



He was aware that Dr. Branchi had gone to South America. He had met Renzo Cezana on several occasions but stated that he was not a member of *Cenaloco*. He believed that a Mr. Corao was the secretary of the organization until he enlisted in the armed forces of the United States.

Lanzoni claimed that he knew nothing about the Italian language schools in San Francisco. He stated that Musto Guido, President of *Cenaloco*, was decorated by the Italian Government and that Dr. Giordano and Mr. Andriano had also received decorations from Mussolini's Government. He stated that Mayor Angelo Rossi was an honorary member of *Cenaloco*. A Mr. Calairi was the custodian of the membership lists of the organization.

He concluded his testimony by stating that he had no knowledge whatsoever of Fascist activities among the Italian-Americans in San Francisco.

### Ex-Combattenti Society

Dr. Modesto Giordano is a physician and surgeon enjoying a large practice among the Italian-Americans in San Francisco. (Volume XIII, pp. 3524-3531.) He stated that he came to San Francisco in 1930 and became an American citizen in 1939. His practice was confined almost solely to the Italian colony although he included French, Spanish and Central American patients in his clientele.

In 1937 he was called by the Italian Consul, Rinaldi, and requested to become the President of the *Ex-Combattenti Society*. He was a member of the organization but had not taken an active part in its affairs. He acquiesced with the request of the Consul and became president of the group. He was convinced, he said, that the *Ex-Combattenti Society* was not a political organization and based his statement on its "By-laws." There had been some friction in the organization instigated by two or three members who called themselves Fascists. One of these members was named Montani; the others, Dr. Giordano was unable to identify. He stated that none of them held office in the society.

The *Ex-Combattenti Society* was a federated, Nation-wide organization with headquarters for the United States in New York. Under examination he admitted that the Italian Consuls took a very active part in the organization. The international headquarters of the group is located in Paris, France. The organization was disbanded when war was declared December 8, 1941. He had received a decoration from the Italian Government—the decoration of Cavaliere. He stated that this decoration was presented to him in 1939 or thereabouts for professional services to the Italian colony in San Francisco and the Italian Consul, Rinaldi, had awarded it to him.

He remembered attending a meeting of the board of directors of the Italian language school in either 1937 or 1938. He claimed that he had not examined the textbooks.

He concluded his testimony by stating that he had no information whatever on alleged Fascist activities in the City of San Francisco.

Sylvester Andriano described the *Ex-Combattenti* as a "sort of *American Legion*" for Italian ex-service men. (Volume VI, pp. 1905-1928.) He denied that it was a pro-Fascist organization. He said that



the club-rooms of the society were ornamented with pictures of Washington and Lincoln as well as Mussolini. He stated that he did not know of Fascist agents in *Ex-Combattenti*. He stated that organizations other than the *Ex-Combattenti* held their meetings at *Fugazi Hall* and stated that one C. I. O. union and the *Societa Opraia*, a fraternal organization, meets there once a month. He could not recall that the members of *Ex-Combattenti* ever wore black shirts. He emphatically denied ever having accepted money from the Italian Consul for the *Dante Alighieri Society*, *Ex-Combattenti* or *Fugazi Hall*, despite the documentary evidence contained in the minutes of the meeting in *Fugazi Hall* October 22, 1929, and verified by its secretary, Joseph Civinini.

He stated that the *Ex-Combattenti* paid \$35 a month rent for *Fugazi Hall* but did not know where they raised the money.

Ettore Patrizi stated that "*Ex-Combattenti*" actually indicated the "*Italian Legion*." He claimed that the members of this organization never wore black shirts and that the only semblance of a uniform was a cap.

### Sons of Italy

Rose M. Fanuechi is a San Francisco attorney, born and reared in San Francisco. (Volume XIII, pp. 3540-3555.) She was admitted to the State Bar of California on November 19, 1932. She stated that she was a member of *Dante Alighieri Lodge* of the *Sons of Italy* and that she had been appointed the English editor of its publication, *Il Leone*. She stated that the editor of this publication was Anthony Fiore. She received no compensation for her work. She stated that the *Sons of Italy* is a fraternal benefit organization. The editor who preceded Fiore on the paper was Angelo Baccocina, a teacher in the Italian language school and now in an internment camp in San Antonio, Texas. She stated that he had been apprehended December 8, 1941; that he was an alien and a member of *Dante Alighieri Lodge*. She stated that she had known him since 1937.

Miss Fanuechi was still a member of the *Sons of Italy*. She claimed that she had never observed any effort to propagandize the organization with Fascist doctrines. She claimed that *Il Leone* is not tinged in any way with pro-Fascist flavor from her point of view. Baccocina, as editor and herself as English editor, were not engaged in the capacity of writers. They merely edited the material that went into *Il Leone*. Being shown a quotation from the paper quoting Benito Mussolini, she claimed that the article had appeared before she joined the paper's staff.

Vincent Melella was the secretary of the Grand Council of the *Sons of Italy* and the editor of *Il Leone*. (Volume XIII, pp. 3577-3583.) He stated that he had previously been the Financial Secretary of the Grand Council. He admitted having made donations to support the Italian language schools over a period of years. These donations were on behalf of the *Sons of Italy*. In 1940-1941 the donation to the school had amounted to \$1,340.65 and for the preceding period, \$2,509.70. He claimed that he had seen but one textbook used in the schools and had merely "glanced over it."

He denied ever having been connected with the *Fascio Umberto Nobile Society* or any other Fascist organization. He stated that the

Grand Lodge of the *Sons of Italy* held a convention in Santa Barbara in 1935 and claimed that the policy of supporting the Italian language schools was established in this convention. The members were assessed 35 cents each, two-thirds of which was used for educational purposes and one-third for benevolent work. He believed it possible that the *Sons of Italy* in California had contributed the funds toward sending children on visits to Italy. He stated that the organization in Illinois had entertained the children and paid part of the expenses in 1936 or 1937. He admitted that it was "possible" that the money for sending the children to Italy had been taken from the benevolent fund.

Anthony S. Fiore was the State president of the *Sons of Italy* when he testified May 26, 1942. (Volume XIII, pp. 3561-3577, 3647-3655.) He had held this office since 1939 and had been a member of the organization since 1931.

He had lived in San Francisco since 1922 and had received a law degree from the University of California and had been admitted to the practice of law in 1929.

He stated that the *Sons of Italy* is a corporation, chartered under New Jersey law with the headquarters of the Grand Lodge of California located at 805 Washington Street, San Francisco. He stated it is composed of 54 lodges in California and that it has a membership of six to seven thousand. The official publication of the *Sons of Italy* is *Il Leone*.

Being shown articles quoting Mussolini in *Il Leone*, Fiore stated that this policy of quoting Fascist leaders had occurred before he took office as president and claimed that the practice had been abandoned during his regime.

He succeeded Edward Dinucci as president. Dinucci is an alien and Fiore stated that he believes that he was in the custody of the United States. He admitted that Dinucci's policies had been "too pro-Fascist" and that he was defeated for election at the organization's convention.

He declared that the *Sons of Italy* were 100 per cent American in principles and ideals. He believed that the Fascists had made attempts to indoctrinate the organization, with their principles.

The *Sons of Italy* was first organized in 1905 in New York and during the early part of its history had had considerable trouble from an attempted Communist penetration. Fiore stated that the organization was successful in routing the Communist invasion.

A man by the name of Caforio had succeeded to the presidency of the *Sons of Italy* before Dinucci was elected president. Fiore stated that Angelo Bacoccini had been the president of the *Dante Alighieri Lodge* of the *Sons of Italy* in San Francisco and had been the editor of the Italian section of *Il Leone*. He stated that Bacoccini was now interned by the United States Government. He was acquainted with Mr. Gharadi, who had been the managing editor of *Il Leone*. He stated, rather dejectedly, that Gharadi was also interned. He believed that Gharadi had also held a minor office in the organization.

He was acquainted with Renzo Turco and said that he was serving as the president of one of the lodges of the *Sons of Italy* in the City of San Francisco. He believed that Turco had something to do with the press and propaganda committee of that organization.

Fiore was acquainted with Mr. Bartoletti who once occupied the position of Managing Editor of Italian section of *Il Leone* and was also a lodge president. Fiore admitted that Bartoletti was also in custody.

*Il Leone* was being printed at the time Fiore testified by the *L'Italia* press and he claimed that he supervised the issues of the magazine in his office. His executive secretary, Vincent Melella, prepared the material.

Fiore was acquainted with Fabrisio Mantini who was once State president of the *Sons of Italy*. Upon being asked the present whereabouts of Mantini Fiore, more dejectedly, admitted that he also was in custody. Under further examination, Fiore sadly admitted that the activities of Federal agencies were decimating the ranks of the organization. He emphatically denied that the *Sons of Italy* indulged in political activities officially. He stated that the members must be either American citizens or have indicated their intention of becoming citizens.

He "believed" that the organization sponsored "a collection" for Italy during the Ethiopian War, but added, "that was before my time." He explained that this collection was made for the purpose of aiding the suffering in Italy and was not for the purpose of buying guns or tanks. He stated that the funds were sent to the Italian Red Cross. He said that the supreme lodge assisted in both the American and Italian Red Cross drives in 1940 and that \$500 had been collected for the Italian Red Cross, but that the United States Department of State had forbidden the *Sons of Italy* to send the money. Permission had been given to the *Ex-Combattenti Society* to collect for the Italian Red Cross and consequently \$250 of the money was given to the American Red Cross and \$250 to *Ex-Combattenti*. He stated that he was not a member of the *Ex-Combattenti Society* and had no knowledge of the affairs of the organization.

In the National Convention of August, 1941, the *Sons of Italy* had gone on record as being anti-Fascist, anti-Nazi, anti-Communist and anti-Shintoist and had pledged full loyalty to the President of the United States.

Fiore made an eloquent plea for the cause of the *Sons of Italy* as an American institution with 300,000 members in the United States. He cited the records of illustrious members and defended the organization by stating that pro-Fascist elements had "attempted to use" it but had, in fact, failed in this objective. He introduced the official publication of the order to show its pro-American resolutions passed at the Convention in September, 1941, opposing Communism, Nazism and Fascism and supporting President Roosevelt. He introduced a copy of *Il Leone* for January, 1942, reporting the extraordinary session of the supreme officers in Philadelphia on January 20th at which time the order was committed to an all-out war effort, pledged to purchase Defense Bonds and to encourage the able-bodied members to join the armed forces and women's auxiliaries and to assist local Red Cross chapters. He cited statistics on aid to the American Red Cross and the purchase of bonds by the members. He stated emphatically that the interned members of the organization were traitors to the order and that the *Sons of Italy* did not in any way condone their un-American activities.



### Italian Chamber of Commerce

Sylvester Andriano admitted having been president of the *Italian Chamber of Commerce* in San Francisco for the past two years. (Volume VI, pp. 1905-1928.) He stated that the chamber had published a magazine known as the *Rassegna Commerciale* and a bulletin. *Rassegna Commerciale* was registered under the United States Government Registration Act and he admitted that he was likewise registered as the agent of a foreign government for two years. He stated that the reason for this registration was because the *Italian Chamber of Commerce* in San Francisco had been receiving a subsidy from the Italian Government to foster better trade relations and travel between the United States and Italy. He stated that the sum varied from \$1,000 to \$2,400 a year. He had no knowledge of any member of the *Italian Chamber of Commerce* resigning during the term of his presidency because of his management of it.

Andriano had been a director of the *Italian Chamber of Commerce* for about 20 years. (Volume XII, pp. 3396-3450.) The organization dissolved after Pearl Harbor.

His testimony in connection with the *Italian Chamber of Commerce* was inconsistent on several occasions. He stated that it had received about \$2,000 annually from the Italian Government because the chamber advertised "travel" for Italy and because of this subsidy the chamber was forced to register as an agent of a foreign government with the United States Department of State. He then denied that the travel agency was connected in any way with the *Italian Chamber of Commerce* and stated that the travel agency had always paid for ads in the chamber's magazine. He argued this point at some length very unconvincingly.

In 1939 the *Italian Chamber of Commerce* materially increased its staff. Andriano claimed that this increase was necessary during the rush of business for the San Francisco Exposition. Ordinarily it only employed only three or four employees. Camille Branchi, former secretary of the chamber, according to Andriano, left for Chile "to visit his family" several months before the chamber closed.

Later he testified that the *Italian Chamber of Commerce* was "still practically open" with Miss Clara Semanario in charge. (Volume XII, pp. 3396-3450.)

Ettore Patrizi admitted having been a member of the *Italian Chamber of Commerce* for 12 years and at the time of testifying, December 6, 1941, he was the vice president. (Volume VII, pp. 1936-1963.) He denied any knowledge of members of the *Italian Chamber of Commerce* resigning because of pro-Fascist activities on the part of the chamber or its officers.

Mario L. Perasso had been the president of the *Italian Chamber of Commerce* for 18 years. (Volume XIII, pp. 3632-3641.) He was an insurance broker by occupation and came to the United States in 1891. He was naturalized at the age of 21. Sylvester Andriano succeeded him as president of the *Italian Chamber of Commerce* in 1940.

He stated that the chamber was organized in San Francisco in 1885 and that it was similar to hundreds of American chambers of commerce throughout the world, such as those in Milan, Italy, and other Italian cities. He stated that the Italian Tourist Bureau began its operations



in 1932 under the supervision of Dr. Guiseppe Facci, who was then the Secretary of the *Italian Chamber of Commerce* and, at the time of testifying, May 27, 1942, was an United States Government employee in Washington, D. C. He stated that *Enit* (Tourist Bureau) distributed literary essays on music and celebrities of science, such as *Fruili*, a booklet which was submitted to the committee. He stated that the *Italian Chamber of Commerce* differed in no manner from the *Netherlands Chamber of Commerce*. He stated that *Rassegna* had published articles on agriculture, commercial and statistical matters for 55 years, in addition to "a generous sprinkling of literary brain children of Dr. Branchi." Perasso claimed that he had not read the 50th Anniversary Edition of *La Rassegna* in which Mussolini was praised. He claimed that the chamber had around 150 members at the time that it was closed. The regular members paid \$18 yearly as dues.

Dr. Guiseppe Facci had resigned from the chamber because the board of directors did not approve of his activities on behalf of Upton Sinclair, a candidate for Governor of California. He stated that the chamber did not approve of Dr. Facci going into politics. He stated that he had no knowledge that Dr. Facci was anti-Fascist, but knew that he was very liberal.

He claimed that the editor of the chamber's magazine *La Rassegna*, had full control of the editorial policy of the publication.

## 5

## THE ITALIAN CONSULATE

Sylvester Andriano denied having acted as attorney or legal advisor for the Italian Consulate in San Francisco. (Volume XII, pp. 3396-3450.) He admitted that he had handled business through the Consulate but that this business was mostly in reference to the estates of deceased Italians.

He stated that the Italian Consulate closed June 15, 1941. (Volume XII, pp. 3396-3450.) He claimed that he did not authorize Ettore Patrizi to publish the statement contained in *L'Italia* which reported that Sylvester Andriano would henceforth handle matters for the Italian Consulate. He explained that he had volunteered to assist persons who were puzzled about where they should make applications to the Consulate, but that all he did was to give them the address of the Italian Embassy in Washington.

Giovacchino Pisani was the owner of a printing establishment, *Pisani Printing Company*, located at 700 Montgomery Street in San Francisco. (Volume XIII, pp. 3655-3662.) He had lived in San Francisco for 34 years and had been a citizen of the United States for 26 years. He admitted having a wide business acquaintance in the Italian colony in the Bay Area and had assisted the Italian language schools in raising money. He had occupied a seat on the board of the schools while Sylvester Andriano visited in Italy. He stated that he had never examined the textbooks used and that his only connection with the schools over a period of nine years was that he had made donations to them.

He disclaimed any knowledge of the activities of the *Fascio Umberto Nobile Society* and claimed that he was never connected with the

*Ex-Combattenti Society*. He admitted that he once printed *Il Leone* "years back," but stated that he was not printing Italian publications at the time of testifying May 27, 1942. He said that about 2 per cent of his business was Italian and that he had never worked for Ettore Parzi.

He admitted having been decorated by the Italian Government, the Cavaliere, and stated that he had received this decoration from the Italian Consul, Rinaldi, for fine printing—for artistic work. He stated that he is most anxious to enter into the political phase of the Italian community, and, of course, was not aware of the Fascist activities in the country. He stated that he had never heard anyone praise Mussolini but admitted that he had never heard his Italian acquaintances make any statements against Mussolini. He said that he had not participated in the scrap metal drive for Italy, but stated that he perhaps had given "a dollar." He concluded his testimony by stating: "I am just friendly with everybody." • • •

Christina Gallieri had been employed as a stenographer by the Italian Consul in San Francisco since August 27, 1937, and had continued in this occupation until the Italian Consulate was closed by the United States Government. (Volume XIII, pp. 3555-3557.) She stated that the Consul and his staff were out of the office by July 5, 1941. She had been engaged in handling English correspondence and "personal work" for the Consul and Vice Consul. She claimed that she knew nothing of Rinaldi's connection with the Italian language school and stated that she did not believe the Consulate engaged in any pro-Fascist propaganda work.

Vincenzo Zirpell was formerly an attaché with the Italian Consulate in San Francisco. (Volume XIII, pp. 3480-3489.) He was employed by the *Worldwide Insurance and Occidental Life Insurance Company* in San Francisco. He is an Italian alien. He arrived in San Francisco February 24, 1923, and for some time was employed by the Italian Consul General. He served 13 different Consuls over a period of 24 years. (He failed to explain this apparent discrepancy by listing his services in Consulate offices in places other than San Francisco.) He stated that he had quarreled with the last Vice Consul, Toscard, and he had then emigrated. He said he was "too old" in ideals and he believed that the Consuls should stick to the manual of rules but that Consuls and Vice Consuls persisted in quarreling.

In 1924 or 1925 the New York Italian Consulate represented the *Fascio* and wanted the San Francisco office to establish a *Fascio* on the West Coast. Eventually a man by the name of Pallavicini was chosen as the *Fascio* delegate from San Francisco. The San Francisco Consul had visited Italy and had stated that the *Fascio* had no place in America, but Italy, nevertheless, ordered the establishment of a *Fascio* club and the *Fascio Umberto Nobile Society* was established. He stated that Pallavicini had lived much too long in the United States to become a pure Fascist and that considerable friction arose concerning the club and on the suggestion of the Italian Consul General of San Francisco, Zirpell, the club was dissolved in 1926 or 1930. It had existed since about 1924. Zirpell did not know where the meetings of the organization were held. Pallavicini had been the Chief Editor of *L'Italia*.

He narrated the incidents of the Renzetti regime in San Francisco's Italian Consulate. He stated that Major Renzetti came to San Francisco from Germany in 1936 as a temporary Consul and had been president of the *Italian Chamber of Commerce* in Berlin. He held the rank of major in the Italian Army. Zirpoli stated that Renzetti had not spread Fascist propaganda and did not know of him giving any particular orders other than to instruct the employees of the Consulate to dress and act well. He stated that Rinaldi, another Italian Consul in San Francisco, neglected his duty and even wore a uniform to the office. He stated that Rinaldi was a fanatic and paid great attention to the Italian language schools and had been instrumental in bringing two men from Italy as Consular employees but that they were assigned to teach in the Italian language schools in San Francisco. They were definitely under Rinaldi's orders.

He stated that the books for the Italian language schools had always been printed in Italy. He had seen many of the textbooks used in San Francisco and identified the imprint "Anno 11" as meaning the eleventh year of Fascism. "Anno 11" was inscribed on the textbook used in the San Francisco language schools. He stated that the Italian Consulate had charge of the Italian language school. The text-books came from Italy to the Consulate every year. The schools received a subsidy of \$20 a month from Italy (100 Lira) and on one occasion \$500 was sent for the purpose of meeting the expense of cleaning the school and at another time to pay the taxes.

He was aware of the drive in San Francisco which professed to assist the Italian Red Cross during Italy's war with Abyssinia and stated that "money was raised and gold was received" and the funds were sent to the Italian Embassy in Washington, D. C. by the San Francisco Consulate. He likewise recalled that the San Francisco *Scavengers' Association* had collected scrap metal and that it was hauled to Pier 41 for transportation to Italy.

He admitted that the San Francisco Italian Consulate had an official connection with the *Ex-Combattenti Society* and stated that Renzetti had been a member of the organization.

He believed that there were still six or seven Italian language school branches in San Francisco and approximately 39 in the State of California.

He denied that he had ever told anyone to change their doctors and to choose one in sympathy with Mussolini, as was charged in a letter which had been read into the committee's records.

## 6

### ITALIAN LANGUAGE NEWSPAPERS

Sylvester Andriano stated that he was not aware of pro-Fascist publications in the City of San Francisco. (Volume VI, pp. 1905-1928.) He claimed that he had never seen foreign motion pictures of a pro-Fascist character and had never heard a radio broadcast that he considered pro-Fascist. He claimed that he did not read the Italian language newspaper, *Il Corriere*, and therefore had not read the article introduced into the committee's record at page 1918 of Volume VI, in which Andriano had been branded as the brain trust of the Fascist



movement in California. He stated that he had no interest in newspapers other than the *Lunine*, which he stated he founded in 1937.

He admitted that he knew Ettore Patrizi very well and identified him as the editor and publisher of the newspaper, *L'Italia*. He was aware that Patrizi had received a decoration from Mussolini. He was also acquainted with *La Voce del Popolo*, published and edited by Patrizi. He stated that he did not believe that these newspapers went "out of their way" to advocate Fascism.

Henrietta Setaro was the secretary-treasurer of the *L'Italia Press Company*. (Volume XIII, pp. 3584-3592.) She stated that she had spent her life in San Francisco and was born in Virginia City, Nevada. She had been connected with the *L'Italia Corporation* for 30 years and had done secretarial work for Ettore Patrizi. She was familiar with the two Italian language newspapers, *L'Italia* and *La Voce del Popolo* and said that the two papers had merged in January, 1940. She was familiar with the financial structure of the corporation but claimed that she had nothing to do with the editorial policy of the papers. She admitted that she scanned them but did not read them carefully.

She disclaimed having had anything to do with the collection of gold, rings and scrap metal for shipment to Italy during the Abyssinian campaign.

Bacoccini was formerly the advertising manager and, at the time of testifying, May 26, 1942, Arthur Bignami was in charge of advertising.

She recalled that Ettore Patrizi had a picture of Mussolini in his office but stated that he had taken it down after war was declared together with the other Italian officials' pictures. (Some of these pictures were autographed.) She believed that Patrizi had taken the pictures to his home after removing them from his office.

The Italian Consul, Rinaldi, had visited the office of the newspapers two or three times and she believed that Renzetti had been there once or twice. Ettore Patrizi had made a trip to Italy in 1937 and returned in January of 1938. She stated that he had made the trip about every two years and that she was in charge of the office in his absence. She was quite positive that Patrizi had paid his own expenses on these trips to Italy. She stated that the newspaper had not employed "strangers" for 25 years or more. There were presently 53 employees on the pay roll, 26 of whom were employed in the print shop. She corroborated Patrizi's testimony in reference to Ronchi and stated that he had been discharged from *La Voce del Popolo* because business was bad. She declared that Ronchi lied if he claimed he was discharged because of the pro-Fascist tendencies of the paper.

She named the Bank of America as the largest advertiser in *La Voce del Popolo* and believed that Lachman Brothers were the largest advertisers in *L'Italia*.

L. E. Townsend is the advertising director of the *Bank of America* in San Francisco. (Volume XIII, pp. 3623-3626.) He had held that position since September of 1936. The bank uses the *Charles R. Stewart Advertising Agency* and places its advertising through that firm. He stated that the bank had a small contract with *Il Corriere* in 1934 or 1935, before he held his present position with the concern. He



believed that the amount spent with *Il Corriere* was about \$235. He was aware that the Bank of America used the Italian language newspapers of Mr. Patrizi for advertising and believed that they spent between \$2,000 and \$4,000 yearly with his papers, as compared with \$5,000 to \$6,000 with the *San Francisco Chronicle*. He stated that the foreign budget included papers in Chinese, Russian, Spanish, French, etc. The bank had five branches in the Italian district in San Francisco and that accounted for the amount of advertising placed in Patrizi's newspapers. He did not know anything about the political policies of Carmelo Zito. He claimed that the *Bank of America* had 425 newspapers on list to which it placed advertising.

Ettore Patrizi was born in Terni, Italy. (Volume VII, pp. 1936-1963.) He is the publisher and editor of *L'Italia* and *La Voce del Popolo*. He stated that both papers were owned by a corporation called the *Italia Press Corporation* but that he controlled the corporation by owning the majority of the stock.

He stated that an interview printed in the *San Francisco Daily News* in October of 1941 misquoted him and that he had never said that Italian-Americans would refuse to fight against Italy. What he had said, he explained, was that he did not believe that the United States Government should force American-Italians into a branch of service where they would have to fight against Italy.

He explained that the last decoration received by him from the Italian Government made him an officer of the Crown of Italy. He admitted that he had had a controversy through the press with Senator Borah over the matter.

He had followed Italian activities for some time and believed himself to be in possession of considerable knowledge concerning Fascism. He could see no good reason why American citizens should not receive decorations from the Italian Government. He stated that the last decoration received by him was presented by Senator Demichelis of Italy who was in the United States on government business. He stated that the decoration was presented in admiration of the good work he had done among Italian immigrants and he could see nothing wrong in accepting it.

He admitted making trips frequently to Italy. He stated that the majority of the Italians in Italy were behind Mussolini and his reforms and he believed that Mussolini's regime had come into power because of its strong opposition to the Russian variety of revolution which was threatening Italy at the time of Mussolini's intervention. He claimed that Mussolini had given Italy "the best labor legislation in the world." He did not believe that the Italians have very much sympathy for Germany and Germany's cause. He stated that they hated the Austrians and regarded the Germans as a similar type of people. The Jewish people of Italy were not laboring people, according to Patrizi and, therefore, the anti-Semitic laws of the Italian Government had no effect on Italy's working class. He stated that the Jews constitute a very small percentage of the population and that most of the race belonged to the professional class.

He claimed to have but slight knowledge of the Italian radio programs in San Francisco. He admitted running a radio log in his papers which included Italian language broadcasts.

Ettore Patrizi was examined the second time on May 27, 1942. (Volume XIII, pp. 3677-3706.) He testified that he had formerly published a Swiss (Italian) Weekly, *Solonia Sviggerra*.

Patrizi branded Carmelo Zito and Gilbert Tuoni as two of his most bitter enemies and stated that they were dishonest. He suggested that the committee investigate both of them. He claimed that they had lied and had disturbed the Italian colony at a time when the country was in need of unity. He claimed that Zito continued to stir up agitation on an anti-Fascist basis and he considered anti-Fascist agitation as disturbing as *Fascist* agitation. He stated "these fellows keep the colony in turmoil • • • with their lies and false information." He alleged that Gilbert Tuoni had formerly been connected with the Italian Consulate and had worn "the black shirt." Tuoni, he continued, had belonged to the "squadron of punishment" and had spread Italian propaganda and exhibited Italian propaganda films before the war. Patrizi was asked to bring proof to the committee of his statements but failed to do so.

He was shown a copy of *L'Italia* for July 29, 1933, and asked to translate an article appearing in it. The translated article reported Mussolini's organization as admirable and well adapted to the needs of the different classes in Italy. It claimed the Fascist form of government the sanest, "most complete form of government on which the people can depend." He stated that Mr. Bacoccini had written the article. He recalled the controversy over Pietro Bono in 1937 while he was visiting in Italy, and an article printed in the *Monterey Peninsula Herald* for August 18, 1937, stating that the Italians were not happy under the dictatorship of Mussolini. He admitted that this article was answered in *L'Italia* August 23, 1937, branding the *Monterey Peninsula Herald* article a "vile libel" on Italy. He stated that Pietro Bono wrote the article in the *Monterey Peninsula Herald* (in Italian) and that Bacoccini had written the answer in *L'Italia*. Bacoccini was "a fine gentleman, • • • not so expert as I," he commented. In this connection he identified his own signature on a letter which he had written from Milan, Italy. The letter was addressed to Bacoccini and advocated silence in dealing with persons and newspapers who are "unworthy." He told Bacoccini, however, that he was justified in his answer to Pietro Bono and that his action was laudable in attacking "the most perfidious of all those who wrote recently about conditions in Italy."

He had written an article in *La Rassegna Commerciale* for July of 1940 concerning Fascist activities and sympathies in the Italian colony in San Francisco and New York and speculated on the position of the Italians in America if Italy should enter the war on the side of Germany.

Patrizi stated that the activities to which he had referred in this article were "sentimental demonstrations." He stated that the "sentimental demonstrations" were "mild" in San Francisco; that "no real dangerous Fascist activity" existed in this city. He claimed that the San Francisco Italians had a "platonie" love for Italy.

He admitted having written an article in *L'Italia* of October 27, 1941, which stated that the United States Government would not send Italian soldiers abroad to fight against Italy. He stated that the

conclusions on the part of the members of the committee were wrong concerning this article. He said he had written, "No matter how they (Italians) love their mother country, they would do their duty." He stated, however, that he did not believe the United States Government would force Italians to fight against their "brothers" of Italy.

When shown an article in the *La Voce del Popolo* for April 9, 1942, in reference to Bataan being taken by the Japanese, he admitted that the word "finalmente" looked funny, but that its use was innocent of any intention to convey sympathy with the Japanese. He stated that the individual who wrote the title was a Swiss who did not know the fine shades of meaning in the Italian language and claimed that he had made the same mistake in the other newspaper, *L'Italia*, for April 9 and 10, 1942. He defended the meaning of the word "finalmente" and argued against the interpretation of the word as defined in Petrocchi's Dictionary and its English equivalent of meaning "joy in accomplishment."

He was shown a copy of the *L'Italia* for April 26, 1942, containing an article under the title "*They Talk Again of Peace*." He said that he had spoken hopefully of peace. He branded Hitler as a "merciless dictator" and said that his was the "principal culpability for the terrific tragedy which sweeps the whole world." He pointed out that the Italian people were not in favor of the war and said that they desired to bring it to a speedy end. The same article, "*They Talk Again of Peace*" appeared again in the April 28, 1942 issue and he stated the reason for its reprint was to correct the "typographical errors" that had appeared in the article when first printed.

He admitted that he had never written anything against Fascism in his papers. He claimed that he had denounced Mussolini as "a very bad servant" on several occasions. He believed that Mussolini had "worked for the restoration of Italy."

He admitted having written a book which was favorable to Mussolini in 1924. He stated that he felt that he could write as he pleased after he had established himself as an American citizen. He had witnessed the turmoil in Italy in 1920. He recalled the murder of Matteotti, a member of the Italian Parliament 18 months after Mussolini had taken over the government and stated that this murder had caused considerable dissension. He wrote a letter to Mussolini which he claimed was subsequently published. "Remember I had in Italy my mother, my sister, all of my family," he added, even though his home was in San Francisco. He remonstrated with the members of the committee who had suggested that he should have stayed in Italy. He translated a letter he had written to Mussolini in which he characterized himself as a "strong Italian to the marrow of my bones," and assured Mussolini that "I put myself at your disposal, if I can help you in any mission, any work bound for the welfare of the mother country." He stated that Mussolini and the Fascists had done "wonderful things for Italy." He likened his feelings toward Mussolini to his feelings for Roosevelt in 1932. He said that he had gone on the radio and spoken for Roosevelt and that now he felt that Roosevelt had forgotten the good of the country. He added that Roosevelt had saved the banks and the institutions of the United States. He believed that the situation in the United States when Roosevelt was first elected



was similar to the situation in Italy in 1922 when Mussolini came to power, and believed that the parallel has continued throughout the regime of both men.

He stated that Ronchi, who had testified in the committee's December hearing in San Francisco and who was later discharged from his employment on the *La Voce del Popolo*, was discharged for reasons of economy. He stated that Alonzo Tutt had never worked for him.

Patrizi, of course, stated that he had no knowledge of pro-Fascist activities in the City of San Francisco.

He stated that the *Dante Society* had a library in *Fugazi Hall* and that "they" gathered books for the library from time to time. The *Dante Society* maintained offices at *Fugazi Hall*. He admitted that he had been president of this society for a long time.

He was able to recall that collections had been taken in San Francisco for the benefit of interned Italian sailors and stated that there were over 1,000 interned in Montana who needed clothes, toilet articles, etc. He claimed that the United States Government had granted permission to the daily newspapers in New York to open a drive to aid Italian prisoners in Europe.

## 7

## ITALIAN LANGUAGE SCHOOLS

Mrs. Carola Bruscherà stated that she had been a member of the board of directors of the Italian language schools in San Francisco since about 1928. She later stated that it might have been 1914 or 1915. (Volume XIII, pp. 3499-3503.) The board of directors met once a year. They did not handle textbook material. They merely met for the purpose of raising money. She stated that she paid the teachers. She had not read the textbooks and denied that the schools taught propaganda, stating that they only taught "manners" and the Italian language.

Rose M. Fanucchi stated that Angelo Bacoccina, founder and editor of *Il Leone*, also taught in the Italian language schools in San Francisco. (Volume XIII, pp. 3540-3555.) He was an alien and was apprehended December 8, 1941, and, according to Miss Fanucchi was "unfortunately" in a concentration camp.

She stated that she had examined the Italian language schools' textbooks to satisfy her own curiosity. The textbooks examined by Miss Fanucchi, however, were not the same books, according to her testimony, as those in possession of the committee. She stated that she did not know very much about the Italian language schools but that she did know that one instructor was paid by the Italian Government. She was acquainted with Rinaldi, an Italian Consul in 1937.

She stated that the youth groups of the Italian language school were organized into fencing classes, basket-ball teams, etc. She claimed that they had a band and that if they wore uniforms, they were band-uniforms.

Nicholas Ilacqua, an alien, admitted knowing Mario Perasso and identified the financial statement of *Fugazi Hall*, although he claimed he knew nothing concerning it. (Volume XIII, pp. 3641-3646.) He failed to explain his connection with *Fugazi Hall*. He claimed that



the statement had not come from his office. He admitted knowing that the symbol "XVI" signified the sixteenth year of Fascism. The "Ilacqua" who signed the statement December 31, 1937, was Carmel Ilacqua, his brother, who was in the custody of the United State Government in Missoula, Montana. He had been a clerk in the office of the Italian Consulate in 1937 under Rinaldi.

He claimed that he had no connection with Fascist organizations; that he did not subscribe to *L'Italia* or *La Voce del Popolo* and that his only official connection with any of these organizations was for a short period when he served on the board of directors of the Italian language school.

Mario L. Perasso disclaimed any knowledge of the Italian language schools in San Francisco, although he admitted serving on the board of directors. (Volume XIII, pp. 3632-3641.) He had been appointed by Sylvester Andriano and had attended two meetings. He had not examined the textbooks and claimed that he took Andriano's word that they had been accepted by the San Francisco Board of Education. He disclaimed ever having seen a certificate given to the pupils of the school and did not know that the *Fasces* or a Fascist date was printed or inserted on them.

Charles Henry Tutt acted as translator for the committee during its San Francisco hearings on Italian Fascism. (Volume XII, pp. 3337-3344.) Tutt was born in Canada and graduated from the University of Western Ontario in 1921. He taught French, Italian and Spanish in various schools in the United States. He had visited Italy several times for study and research, returning to the United States the last time in 1928. He did translating for publishing houses, *Bertrano Publishing Company* of New York, in particular. He stated that he was the secretary of the *Mazzini Society* in San Francisco. He described the *Mazzini Society* as an anti-Fascist organization. He is an American citizen.

He translated certain passages from the issue of March, 1936, of *La Rassegna*, the official magazine of the *Italian Chamber of Commerce* in San Francisco. (Volume XIII, pp. 3471-3479.) Mussolini had signed a picture to the *Italian Chamber of Commerce* and it was dated "Rome, January 27, year 14," the year 14 referring to the fourteenth year of the Fascist regime. Tutt translated at page 15 of this issue under a section devoted to T. R. T., which, he stated, were the initials of the Italian tourist organization. The wave-lengths of Rome radio stations were listed. A picture of L. M. Giannini with the inscription "New President of the Bank of America" was flanked by Crosses of Savoy and Fasces.

Another article referred to "Grand Officer Ettore Patrizi" who had returned to San Francisco after several months stay in Italy. The article stated that he had been received many times by His Excellency Mussolini and that he had had conversations with Senator Guglielmo Marconi. The report continued and stated that due to his articles in the newspaper *L'Italia*, San Francisco co-nationals (Italians) had been able to learn that "all of Italy, without exception, is behind Il Duce \* \* \*". The article went on to laud Italy's role in the war with Ethiopia. In the same magazine for April, 1936, the officers of the *Italian Chamber of Commerce* were listed over the symbol of ENIT,

the tourist agency of the Italian Government. The translated article stated that the *Italian Chamber of Commerce* officially represents the ENIT agency "for all the Pacific Coast." A translated item from the December, 1936, issue of *La Rassegna* stated that the Italians of California had presented a flag-pole to Rome. A translated article in the September, 1936, *La Rassegna* denounced Roosevelt for not accepting Fascism and indicated that Fascism was the only way out of economic chaos.

An English article from the issue of October, 1935, of the *La Rassegna*, lauded Fascism and the Fascist State "as a higher and more powerful expression of personality \* \* \* a special force \* \* \* a discipline of the whole person; it permeates the will no less than the intellect \* \* \*"

Mr. Tutt identified a grammar from the Italian language school in *Fugazi Hall* and translated material from it. (Volume XIII, pp. 3706-3714.) The translation revealed that the inscription for "Italian Schools Abroad" was distinguished from Italian schools at "home," or in Italy. Tutt ventured the belief that this textbook belonged to the second category of propagandizing, namely, the setting forth of something that was desired to be established as a fact. In listing the "ABC's," "B" stands for *Balilla*, the children's Fascist organization. Many other references to Fascism were contained in the textbook. The book contained illustrations of children garbed in *Balilla* uniform.

References were made to "Roberto" which indicated the Rome-Berlin-Tokyo; "Ro" for Rome, "ber" for Berlin and "to" for Tokyo. The *Fascio littorio* was illustrated by a soldier in a Fascist uniform saluting the Italian flag. A translation of a sentence alleged that "Benito Mussolini has reawakened the energies of the race." Another sample sentence stated that "Fascist Italy drains the swamps," and another that "Il Duce was acclaimed by the crowd," etc. Pictures of children giving the Fascist salute constituted another example of propaganda. Many quotations from the writings of Mussolini were included in the book and orders are given to obey the mandates of Fascism. The words of Giovinezza, the Fascist Hymn, were included. Tutt branded the textbook as Fascist from cover to cover.

Ottorino Ronchi was a member of the faculty of the University of California from 1917 to 1929 in the Italian Language Department. (Volume VIII, pp. 1965-1980.) He was acquainted with Sylvester Andriano and once worked for Ettore Patrizi, San Francisco Italian language newspaper publisher. His work was connected with *L'Italia*, and later, *La Voce del Popolo*. He had severed his connections with Patrizi in December of 1940.

Ronchi was acquainted with the Italian language schools in the City of San Francisco. He said they were first established for sentimental reasons in 1887 for the purpose of teaching the Italian language only. He stated that after Italy became Fascist, the schools became the means of dissemination of Fascist doctrines. He admitted having been connected with the Italian schools in 1920, and had served on the schools' board of directors.

He stated that a "*Fascio*" (Bundle) was started in every Italian community after 1922, and later, due to friction, Mussolini had ordered all "*Fascios*" disbanded in the United States. He stated that Fascist

propaganda was then disseminated more subtly. The Italian language schools of San Francisco became real Fascist schools. In this connection, he called the committee's attention to a report dated May 6, 1938, by the United Press which stated that the Italian Government had spent \$6,500,000 for propaganda in foreign countries. This included \$3,000,000 for schools in South America, North America and France.

Ronchi translated the text of the Third Reader used in the Italian schools in San Francisco as follows: "You little Italian children are forced to be away, far away from your own country, but remember, when you really love a country she is not far, far away \* \* \*. Remember that it is Italy everywhere where the three colors of our Flag make your hearts vibrate. \* \* \* Italy \* \* \* the sweet name of Mother."

Ronchi declared that he had personally met Mussolini when he was about 20 or 21 years of age.

He ventured the opinion that there is no compatibility between Fascism and the American form of Government. He stated that there is no free press or free speech in Fascist Italy.

He translated from the Italian Third Reader textbook on *Roma*, the city of dreams, which described the greatness of Mussolini, Il Duce, and extolled *Fascio* and the Black Shirt symbol (pp. 1973-1974). He stated that he believed "emotional and moral chaos" was created by foreign governments in indoctrinating children with foreign ideologies. He stated that the Italian language schools are now merely propaganda centers instead of language and cultural institutions.

He stated that *La Voce del Popolo* was launched some 82 years ago.

He was a follower of *Mazzini*, who advocated a Republic for Italy.

Patrizi bought *La Voce del Popolo* in 1919. Ronchi went to work for him on this paper at about that time. The paper followed a rather liberal policy in the beginning. Patrizi asked him to continue with the paper when Fascism reared its head in Italy. He did so and criticized the regime of Mussolini after 1924. About this time he received orders not to write any more articles against the *Fascisti* or Mussolini. The manager of the paper told him that Patrizi had given the order. Later a Mr. Liati bought Patrizi out and matters became easier on the paper as Liati told Ronchi he could write what he pleased.

Ronchi expressed the opinion that the suppression of the foreign language press would be a mistake because, he stated, they do disseminate culture which is not obtainable from American papers. He extended the same thought to the abolition of foreign language schools.

Ettore Patrizi testified that he and Sylvester Andriano had been friends for 25 or 30 years. (Volume VII, pp. 1936-1963.) He admitted having been acquainted with the Italian language schools in San Francisco and stated that these schools taught the Italian language, Italian geography and history. He had been connected with the board of these schools for the past 40 years. Sylvester Andriano had succeeded him as the president of the board. The books were printed by the Ministry of Public Education in Italy and he admitted that they "spoke about the present regime or institution" in Italy since it became Fascist. (p. 1941.) After 1922, when Italy became Fascist, the books were changed in the Italian schools. He said that several teachers came



over from Italy to teach in the San Francisco Italian language school and that two or three of them were still teaching at the time of testifying, December 6, 1941. He said that the children attending the Italian language school between the ages of 14 and 16 had an athletic club and used a uniform of some sort. He claimed that he could see nothing wrong in foreign governments maintaining language schools in the United States. He stated that Italian language schools were scattered all over the world. The Italian Government made a small subsidy to the Italian language schools in San Francisco and had done so for the past 30 years. The schools also received a subsidy from the *Italian Chamber of Commerce*. He identified the textbooks used in the schools.

Sylvester Andriano admitted having knowledge of medals which had been distributed to the students of the Italian language school in San Francisco by the Italian Consul. He was the president of the board of directors for the Italian schools and had so served for five or six years. He stated that there were three schools with five teachers in the City of San Francisco. He claimed that the teachers were appointed by the board of directors of the school, or an educational committee. He admitted that non-citizens might have been appointed as teachers. Under close examination he admitted that several years before two or three teachers came over from Italy, sent by the Italian Government. He claimed that he was not familiar with any of the textbooks used in the schools. He likewise claimed that he had submitted a complete list of all the books used in the Italian language schools to the San Francisco Board of Education. He denied that the schools were being used for the purpose of disseminating Fascist propaganda and admitted that if any such activities were being indulged in that he would have knowledge of it. He stated that he had kept in close touch with the activities of the schools and had attended their entertainments, etc. The Italian Government had always helped the Italian language schools in San Francisco since their inception. He stated that the Italian Government had furnished books and had given the best students medals. He stated that the Italian Consul had handled such matters. The textbooks were sent from Italy and were distributed through the Italian Consuls. He stated that he believed the books were the same as those distributed all over the world by the Italian Government. He claimed that some selection was afforded the local committee and admitted that he was a member of such a committee together with Mario Parisi. He "assumed" that the Italian Government published the textbooks and paid for them.

He believed that the Italian language schools were necessary in order to bring about better relations between Italian born parents and their American born children and in order to enable the children to learn the culture and language of their fathers. He ventured the opinion that he believed it made such children better American citizens and pointed out that such education is commercially valuable, enabling the students to secure positions where knowledge of the Italian language is essential. He claimed that children are unable to receive adequate education in the Italian language and its culture in the public schools of the State.

He stated that the Italian community in San Francisco actually selected the board of directors of the Italian language schools, and that



the funds for the support of the schools were solicited from the members of the community and that meetings were called for these purposes.

Appearing May 25, 1942 (Volume XII, pp. 3396-3450) Andriano denied that there was but one Italian language class existing in California prior to the advent of the Fascist Government in Italy. He stated that there were always three teachers and that more recently, the largest number was not more than six. He reiterated that the Italian Government had always furnished the textbooks as well as the medals and diplomas for the classes. He stated that the Italian Consul, Renzetti, in 1937 was responsible for considerable activity in the schools.

He stated that he had never seen a diploma used in the Italian language schools before examining the one in the possession of the committee, although he had been on the board of directors of the schools for many years. He now stated that his duties were principally concerned with the raising of money for the schools and he claimed that he never looked over the textbooks until copies had been requested by the Superintendent of Schools in the City of San Francisco. He admitted that some of the textbooks which had been introduced by the Italian Consul, Renzetti, had been withdrawn as objectionable. He admitted that the Italian Consul "had a lot to say" concerning the schools because the funds for the teachers, as well as the textbooks, were furnished by the Italian Government. He stated that the teachers for the schools in San Francisco had been sent over by the Ministry of Information of the Italian Government and that they came as "Directors of Culture." He stated that there was an "Americanization school" on North Beach, which the parents of American born Italian children were encouraged to attend. This was offered in contrast to the statement that the children of Italian born parents were encouraged to attend the Italian language schools better to understand their Italian born parents. He stated that the so-called "Americanism Schools" had been conducted for many years by the Salesian Fathers.

When shown a diploma used in the schools in San Francisco, Andriano admitted that the Roman numeral "XVI" indicated the sixteenth year of Mussolini's Fascist regime and admitted that the space on the Italian language schools' diploma might have been intended for the insertion of that numeral.

He stated that the Italian language schools in San Francisco "may have" received a contribution of 15,000 Lira from the Minister of Foreign Affairs in Italy in December, 1937, as, in fact, was shown by a financial statement of the school. He denied that he had ever seen the statement before the committee brought it to his attention.

## 8

### SUMMARY OF ITALIAN FASCISM IN CALIFORNIA

The foregoing briefly outlines the intense Fascist activities in San Francisco. The committee found, as the activities of the *German-American Bund* were generally controlled from Los Angeles, the activities of the Italian Fascist movement were directed from San Francisco.

Emphasis must be placed upon the activities of Sylvester Andriano, Ettore Patrizi and Renzo Turco, apparently the triumvirate-spearhead

for Fascist activities and propaganda in California. Andriano had gone far in gaining prominence and influence in San Francisco, particularly in the Italian colony of the city. He had been a supervisor, a police commissioner and, most ironic and menacing of all, the chairman of North Beach Draft Board Number 100. He was the president of the Italian language school and had acted as the attorney for the Italian Consulate. He had made trips to Italy and had been honored with decorations from Mussolini's Government. This situation existed prior to Pearl Harbor and through May of 1942. The members of the committee were horrified that such a situation had been permitted to continue. A resolution was unanimously passed by the committee calling upon President Roosevelt to take immediate action in reference to Andriano and to remove him from his position on the Draft Board in San Francisco.

Ettore Patrizi, the publisher of the two large Italian language newspapers, was unequivocally pro-Fascist and engaged in Fascist activities and the dissemination of Fascist propaganda. It was amazing, if not actually alarming, that the Mayor of the City of San Francisco could testify that he was absolutely unaware of Fascist activities.

After the Fascist march on Rome in 1922, Ettore Patrizi made many trips to Italy. Among many other glowing expressions of admiration for the new regime of Mussolini, he wrote an introduction to a pamphlet bearing the imprint *Fascist Society of Italians Abroad* and expressed his great willingness to perform "any task, any effort, any mission aiming at the welfare of the fatherland." This attitude was reiterated later in an interview which he gave to a reporter of the *San Francisco News* in October of 1941. At that time Ettore Patrizi declared in effect that he trusted that this country would never make the mistake of forcing American soldiers of Italian descent to fight against Italy in the event of a war between the two nations.

When Sylvester Andriano returned from a trip to Italy he was interviewed by Ettore Patrizi. The result of the interview was published in Patrizi's paper and quoted Andriano in fervent praises of the Fascist regime. Andriano never repudiated this interview until he was questioned concerning it during the committee's May, 1942 hearing in San Francisco.

Pietro Bono, an American of Italian descent, was attacked viciously by Patrizi's papers for declaring in the *Monterey Herald* of August 18, 1937, that he had found great dissatisfaction with Fascism in Italy on his last trip there. Patrizi testified that he was not in San Francisco at the time his papers attacked Pietro Bono and stated that his editor had gone a bit too far. When confronted with the original of his *own* letter to the editor praising him for the article attacking Pietro Bono, Patrizi then admitted writing the letter and assumed responsibility for the attitude of his paper.

The Italian language schools should be a matter of concern to all Americans. Ettore Patrizi had been a director of these schools as well as a director of the *Italian Chamber of Commerce*. Andriano likewise had been president of the *Italian Chamber of Commerce* for many years and president of the Italian language schools. He admitted that the *Italian Chamber of Commerce* had been listed with the State Department as a propaganda agent for a foreign government. The committee

studied translations from the official organ of the *Italian Chamber of Commerce, La Rassegna Commerciale*, and found that it reeked with Fascist propaganda. The Italian language schools used textbooks which were printed in Rome under the supervision of the Minister of Propaganda and sent gratis to America through the Italian Consulate. Many of the instructors were Italian aliens. The committee obtained copies of these textbooks and had them translated. In one instance a long exhortation from Mussolini was used to illustrate the proper use of the colon. They contained the pictures of the *Fascies*, marching Fascist soldiers and the most blatant sort of propaganda designed to fill the minds of young Italian-Americans with admiration for the strength of Fascist Italy and disrespect for democratic institutions.

It is rather significant that many witnesses examined in San Francisco who had been directly accused by many people of being pro-Fascist, and, from their own testimony involved in Fascist activities, denied having any knowledge whatsoever of Fascism or Fascist propaganda in the city. Both Andriano and Patrizi denied knowing anything concerning a *Fascio*. They were pointedly asked this question several times and in each case their answers were negative. Yet in an article which appeared in *La Rassegna Commerciale* for July, 1940, Patrizi himself stated that the *Fascio* had been formed throughout the world and that a unit was established in San Francisco.

Andriano testified that he was never connected with any organization which received subsidies from the Italian Government, except the schools and the *Italian Chamber of Commerce*. He was then handed a photostatic copy of the minutes of a meeting over which he had presided in *Fugazi Hall*. Among other things, the minutes reported that funds were being made available from Italy and were to be allocated between three groups, one of which was the *Fascio Umberto Nobile Society* of San Francisco. Andriano testified that he recalled everything in the minutes except the reference to *Fascio* which he vehemently and excitedly denied. Thereafter, Joseph Civinini, who wrote the minutes and took the notes at the meeting on which they were based, swore that the minutes were correct in every respect and that he independently recalled the portion which had been repudiated by Sylvester Andriano.

When the hearings were finished the committee was subjected to considerable criticism because of its temerity in calling the witnesses whose testimony is above outlined, and particular criticism was directed at the committee because it subpoenaed Mayor Angelo J. Rossi. It was, therefore, with some pardonable gratification, that the committee viewed the order from General DeWitt's headquarters removing Andriano, Patrizi, Turco and many others from the area comprising the Western Defense Command for the duration of the war.

The situation in the North Beach region of San Francisco since the Army order became effective has improved tremendously and subsequent conferences held with prominent Italian-Americans by members of the committee and its representatives indicate that there now exists a minimum of Fascist activity among the Italian people.

It must be stated, in all fairness, that despite the Andrianos, Patrizis, Turcos, et al., the great majority of the Italian-Americans in San Francisco and California are good, loyal American citizens.



## PART VI

## JAPANESE ACTIVITIES

On December 1, 1941, there were about 122,000 Japanese living on the Pacific Coast. About 96,000 of this number were citizens of the United States by virtue of the accident of birth. Alien Japanese are not eligible to citizenship under the Oriental Exclusion Act. The alien Japanese are known as *Issei*. Those born in the United States of Japanese alien parents are called *Nisei*, or second generation Japanese.

Subversive activities of the Japanese in California can not be understood, analyzed or combated without some knowledge of the Japanese religion and Japanese state philosophy. The result of the Japanese religion and state philosophy is a fanatic nationalism unknown anywhere else in the world.

Among the witnesses called and examined by the Committee on Japanese Activities in California were the following:

Roy Hampton  
Dr. Yu-Shan Han  
Masao Kubose  
Dr. John Lechner  
P. D. Perkins  
George Knox Roth

Carl Kazufumai Sato  
Joseph Shinoda  
Tokie Slocum  
Togo Tanaka  
Fred Masaru Tayama  
Edward L. Thrasher

## 1

## KEBEIS

Every *Nisei* (second generation, American-born Japanese) who makes a voyage to Japan for the purpose of pursuing "cultural training" is known as a *Kebei*. There once were so many *Nisei* in Japan that local Japanese leaders on the Pacific Coast became embarrassed and an effort was made to bring them home in order to avoid suspicion against the Imperial Government of Japan. In this connection Dr. John Lechner quoted the *Hawaiian Sentinel* of January 27, 1938, as follows:

"As the result of the Manchurian incident and the spectacular performances of Japanese athletes in the recent Olympic Games, the love of Japan reached its boiling point among the second generation Japanese, who possess American citizenship rights. Things Japanese attract them so much that hundreds of these American-born youths are returning steadily to Japan for education. So great is this exodus of promising youths, that Japanese on the Pacific Coast are faced with a great catastrophe of losing their cherished rights which took them almost 50 years to gain.

"At a joint meeting, held recently by the Los Angeles Japanese Association and Los Angeles Japanese Chamber



of Commerce, it was unanimously moved to call back the second generation now in Japan. The Wakayama Prefectural Association in America formed an organization called 'Association of Calling Back Second Generation,' and sent Shiro Fukioka, 59, General Secretary of Los Angeles' Japanese Chamber of Commerce, as special envoy. The Foreign Office was so moved by Fukioka's plea, that it has sent out word to all immigration organizations in different prefectures to encourage a united drive, using this slogan, 'Second Generation Return Immediately to America!'

"Fukioka, who has spent nearly 40 years in Pacific Coast States, says thus in part:

'There are roughly about 20,000 American-born youths between the ages of 18 and 25 residing now in Japan. Being high school graduates, they are well versed with the conditions and things of Japanese and would make ideal immigrants to North America.' "

Among the affiliated *Kebei* organizations, Dr. Lechner lists the following:

*Wakayama Seinen Kai*  
*Hiroshima Seinen Kai*  
*YMCA Wakagusha Kai*  
*Shinykai*  
*Kana gawa Deshikai*  
*Kebei Division of YMCA*  
*Kai Nippon Seinenkai*  
*Kebei Seinkai of Kinto Kyohai*  
*Kebei Seinen of Buddhist Church*  
*Kebei Division of Zenshu Zi*

## 2

### DUAL CITIZENSHIP

Dual citizenship among the *Nisei*, or American-born Japanese, has been extensively practiced in California. Many Japanese-American organizations in California have vehemently denied the existence of dual citizenship among the *Nisei* but the evidence is quite overwhelming that it did exist up to Pearl Harbor.

## 3

### SHINTOISM

Many Japanese witnesses were examined on Shintoism, the State religion of the Japanese Empire, and the members of the committee and its representatives did considerable research on the subject. Many of the witnesses explained the traditional and deep-rooted traditions of the Japanese—Emperor and ancestor worship and the mental and emotional forces which explain the religious fervor the Japanese carry into combat and the contempt in which they hold death in battle.

Every true Japanese believes that the first Emperor, Jimmu Tenno, who reigned in 660 B. C., was descended directly from the Goddess of the Sun and that the whole race, therefore, is descended from divine ancestors and consequently superior to any other race on the face of the earth. The Japanese are taught from the cradle to revere the Emperor as the son of the Sun Goddess. This same reverence is displayed toward the parents and grandparents and manifests itself in ancestor worship. These beliefs bind the Japanese together over the world creating a sense of nationalism unknown to any nation or race. These beliefs are so thoroughly indoctrinated into the minds and hearts of the Japanese that few of them ever actually renounce their allegiance to the Emperor of Japan and when they actually become citizens of a foreign country they do so as a matter of form with their minds and hearts still in the Japanese Empire.

Dr. Yu-Shan Han was a visiting lecturer at the University of California at Los Angeles in the History Department. (Volume IX, pp. 2692-2715.) Dr. Han is Chinese and was born in Peking, China. He had been in the United States since 1941. He had formerly lectured at the Peking University under Dr. J. Layton Stewart. He holds a Ph.D. from Boston University. He had been at the University of California at Los Angeles since September of 1941, taking the place of a Japanese "who could not get back." He once taught Dr. H. A. Kung, brother-in-law of Chiang Kai-Shek, who is now at Harvard University.

Dr. Han stated that he was familiar with the ideological background of the Japanese Empire. The early history of Japan is referred to as the Age of the Gods or the Age of Mythology. The Japanese people believe that the Emperor of Japan is a direct descendant of the Goddess of the Sun and the symbol, relating ideology to the Japanese is the mirror, the sword and the jewel. He stated that the sword represents force. He narrated the early history of the Japanese Government. A military family throughout Japanese history dominated the entire country by force—there were many struggles in which the *Shoguns* secured control. He stated that *Shogunate* is a military class in Japan. A dual system of government resulted with the spiritual head in the Emperor and the actual leadership with the *Shoguns*. He stated that this situation existed for about 12 centuries. This long period of unbroken domination by the *Shoguns*, in Dr. Han's opinion, makes it very difficult to indoctrinate the Japanese with Western or Occidental ideas; a much more difficult task than to indoctrinate the Chinese people with Occidental ideas.

He narrated the planned system for the development of Japan laid out in the Nineteenth Century by Baron Okubo. He stated that this plan was worked out in decades, or 10-year periods. The first 10 years were devoted to internal development; the next 10 to educating Japanese in foreign schools so that they might learn and master foreign manners, languages, and ways; the third period to the development of economic intercourse with the outside world; the following 10 years to the building of a huge Army and Navy, and the final 10 years to the achievement and the ultimate goal which was designed to lead the yellow nations to conquest and victory against the white race. He stated that Baron Okubo was succeeded by Baron Tanaka who developed Okubo's plan. Baron Tanaka wrote a report and sent it to

the Emperor and it became known as the *Tanaka Memorial*. Baron Tanaka proposed that Japan develop a foothold in Asia, Korea, Manchuria, North China, French Indo-China, China proper, Thailand, Burma and so on.

Dr. Han had been a victim of the *Black Dragon* terror when he attempted to introduce western ways into China in opposition to the Japanese Puppet Government. A friend of his was assassinated in April and in June he personally received "the threat." Realizing that the members of the *Black Dragon Society* are in deadly earnest, Dr. Han left China. He stated that he did not believe that the American public had paid much attention to the real facts concerning Japan. "You good Americans are too gullible," he said dejectedly.

He stated that Shinto doctrines are principally Emperor worship and the worship of military leadership. "*Of all flowers, the cherry; of all men, the Samurai!*" Japanese parents maintain a strict discipline over their children and the children are taught to be obedient.

Masao Kubose was a Japanese Buddhist minister in Los Angeles. (Volume X, pp. 2998-3002.) He stated that he had been in charge of the Buddhist church located at 118 North Mott Street in Los Angeles since October of 1941. He differentiated between the *Buddhist* and *Shinto* religions. He stated that there exist several sects of Shintoism and that one of these sects is a pure state religion, in which the worship of deities in the mythological history of Japan is a unique feature. All Shintoists believe that the Japanese are descendants of gods, created from a union of earthly and heavenly gods. They believe that the Emperor of Japan is a direct descendant in an unbroken line from the Goddess of the Sun and that he is the divine representative of the Sun Goddess on earth.

He explained that Yamato meant Japan or Nippon. *Yama* means mountain; *to* means gates—*Yamato*, therefore, means, *where many mountains are*. When Chinese culture intruded, *Yamato* came to signify, "*to put in great harmony*," so that it now means "*a great harmony*." The word really has two meanings, one of which is geographical and the other ideological. The word finally became *Yamato* and the word *domoshi* was added so that the meaning became "*the great soul of harmony*." Hence, the Japanese, no matter where born, are proud of the blood of *Yamato domoshi* (or Yamato Damashii), the ideological "*great soul of harmony*" binding him to Japanese everywhere.

Kubose disclaimed any knowledge of Shinto temples or schools in the City of Los Angeles. He ventured the opinion that the Shinto sect should be permitted to function in the United States, stating, "Their full aim is to heal the sick and to do public service." He stated that some of the Shinto sects "promote good business, etc." These particular sects, Kubose stated, are not the sect of Japanese State religion. He agreed that the Shinto sect of Japanese state religion should be prohibited in the United States.

Dr. John Lechner testified (Volume XVI, page 3951) that Dr. Shunzo Sakamaki, Assistant Professor of History of the University of Hawaii, published an article in the *Honolulu Star-Bulletin* for April 25, 1942, in reference to the details of the Shinto faith. He explained that in the beginning of 1941 the Japanese Imperial Government had issued



an edict declaring that all Shinto priests in the United States and Hawaii and all Japanese language school teachers were from January of that year to be considered as officials of the Japanese Government. This edict, according to Dr. Lechner, amounted to actually removing the Shinto priests and the Japanese language schoolteachers from the field of religion and constituted them direct agents for the Japanese Government and all language schools as centers of Japanese espionage and propaganda. He quoted Dr. Sakamaki as follows:

"Why have Japanese officials for the past two generations been so eager to protect the special status of State Shinto? Why have they insisted that the State Shinto is not a religion but the embodiment of Japanese patriotism?"

"Basically, the reason is that the Japanese Government has seen in Shinto a political tool of the greatest potency for keeping the fires of nationalism burning at white heat and making the doctrine of political absolutism in Japan virtually inviolable.

"\* \* \* Japan's Constitution of 1890 guarantees freedom of religious worship, but the Government has taken the position that State Shinto is not a religion and that, therefore, all Japanese must participate in State Shinto ceremonies, as part of their patriotic duty to the State.

"\* \* \* Operation of State Shinto here is inimical to American interests because it both directly and indirectly fosters Japanese nationalism, and arguments by Shinto champions that we can not infringe their right to free worship contradicts responsible pronouncement by Japanese officials denying the religious status of State Shinto. "We are at war with Japan, and State Shinto is an arm of the Government of Japan. Amputation of that arm here in Hawaii is prerogative of our Government that can not consistently be protested by the Government of Japan."

#### 4

#### JAPANESE LANGUAGE SCHOOLS IN CALIFORNIA

It is estimated that there were more than 240 Japanese language schools in California alone. Some 19,000 Japanese boys and girls attended these schools before Pearl Harbor. It is estimated that nearly \$400,000 was spent in 1941 for the Japanese educational program directed from Tokyo.

Many of these schools were found to be under the direction of Shinto priests. They taught the intense nationalism of Japan and the committee is in possession of information and evidence that many of the schools were centers of Japanese propaganda and espionage.

Dr. John Lechner, chairman of the *Americanism Commission* of the Twenty-third District of the *American Legion*, Department of California, testifying before the committee in February of 1943 presented a number of photostatic documents together with a report recently compiled by the *Americanism Commission* of which he is chairman.



Among these documents is a translation by the United States Army Intelligence Department quoting the Rev. Shinryu Umehara, Japanese Buddhist priest, who had made a trip to the Pacific Coast and Hawaii for the purpose of inspecting the Japanese language schools. He stated March 27, 1934: "I felt while I was in America that the existence of Japanese schools and Buddhist organizations in the Japanese communities is grand, for they are the mother-bodies for fostering the national conscience, Japan's civilization and Japan's spirit."

Dr. Lechner pointed out that the most powerful Japanese directed organization reaching across the Pacific to weld the Japanese student in America to the Imperial Empire is the *Institute for the Education of Over-Sea Japanese*. He stated that this organization was founded on November 25, 1933 with its headquarters in Tokyo. The purpose and objective of this organization was stated in *Osaka Mainichi*: "The Institute of Over-Sea People's Education is an organization for infusing the Japanese spirit into the second generation of Japanese abroad. In other words, leave the second generation in the land of their residence but don't let them forget the Japanese spirit. In buying, select Japanese goods; in voting, cast ballots for politicians friendly to Japanese." Dr. Lechner pointed out that this objective was meant particularly for the Japanese-Americans living in Hawaii where their vote is a decisive factor.

Dr. Lechner called the committee's attention to an article which appeared in the *Rafu Shimpō*, a Los Angeles Japanese daily newspaper, owned by an alien Japanese, under date of Monday, February 17, 1941, as follows:

*"Re-educational Plan for the Promotion of the Fatherland"*

"The Niseis who were born and raised in the foreign land are to come to the Fatherland far away to find the company of the other sex. But they are confronted with difficulty coming from the differences of their habits and customs with those of the Fatherland. Here comes the problem of 'Re-education of the Nisei.'

"Meantime, to make the abroad compatriots understand the position of the Fatherland under the new regime of Pan-Asiatic principles, and to unite them to act for the realization of 'Enlightened Asia,' re-education of Nisei is necessary. So, Imperial Educational Association made a budget of yen 100,000 for the education of Nisei. For this purpose, the Committee on Over-Seas Education of the Association in cooperation with the Department of Education and the Department of Foreign Affairs of the government and the Goain (Institute for the Promotion of Asia), elected secretaries and established an office for educational guidance of the Nisei. The functions of the office at present are as follows:

- "1. Investigation of the educational conditions of Nisei, and of the living conditions of the teachers abroad.

"2. Establishment of the fundamental plan for the education of Nisei.

"3. Assistance in sending good teachers.

"At present, among the teachers abroad who are teaching Nisei, a good number of them want to come to the Fatherland. Meantime, many of the teachers here in this country have the desire to go abroad to fulfill their ambitions. A proper disposal of this situation alone would make a new atmosphere in the educational field. So, this new project of the association will be successful in every way."

The Japanese language schools scattered throughout the State were strikingly similar to the *Workers' Schools* of the *Communists*, the summer camps of the *German-American Bund* and the *Italian* language schools. The ideologies were radically different, of course, but in each case a scheme for world domination was being taught youngsters; a racial superiority, along with a contempt and disrespect for America's "decaying democracy." There existed one significant difference, however, in that the *German*, *Japanese* and *Italian* language schools, taught children who were descended from parents of foreign extraction, whereas the *Communist Workers'* schools and the *Young Peoples' Study Classes* took on all comers of whatever nationality or race.

Dr. Yu-Shan Han testified at some length concerning the Japanese language schools in southern California. (Volume IX, pp. 2692-2715.) In the third lesson of the primer used in these schools, Dr. Han stated there appeared a phrase, "*March forward, soldiers, march forward soldiers.*" He emphatically declared that Japanese children, even though born in the United States, were indoctrinated from birth with a deep reverence for the *Samurai*. The Japanese ambition to conquer and dominate the entire world is the basis of Japanese ideology and teaching. He stated that Japanese families abroad were held strictly responsible for the lack of courage of their sons on the battlefield and this responsibility caused all Japanese parents to instill a religious-warrior fervor in the Japanese male youth and accounts for the fanaticism of the Japanese in battle.

Dr. Han touched on the deep loyalty of the Japanese, both *Nisei* and *Issei*, to the Emperor of Japan and illustrated his point by stating that a Japanese teacher in Long Beach collected tinfoil and sent it back to Japan.

Masao Kubose was a *Buddhist* minister in charge of a church located at 118 North Mott Street in Los Angeles. (Volume X, pp. 2998-3002.) He stated that *Buddhist* priests had taught in some of the Japanese language schools in California. He stated that most *Buddhist* churches maintained Japanese language schools and that the *Buddhist* priests taught the Japanese children. He believed that the Japanese language schools promoted harmony between parents and their children. He said that there were no *Shinto* groups in Northern California but believed that they did exist in Southern California.

P. D. Perkins, former "Public Relations Advisor for the Japanese Consulate" in Japan, stated that he was somewhat familiar with the curricula of the Japanese language schools in the United States. (Vol-

ume IX, pp. 2716-2747.) "My first Japanese teacher," he stated, "was the teacher of a Japanese language school." He said that in many cases these instructors were *Buddhists* or *Shinto* priests. He disagreed with other witnesses by stating that instead of a high degree of parental discipline exercised by parents over children in Japan, that, to the contrary, "the child rules the father, not the father the child." He ventured the opinion that it depended wholly on the individual Japanese as to whether he grows up to become a good citizen or not and he believed that the fact that the individual was born of Japanese parents who happen to be fanatics in their devotion to Japan had no bearing on the matter.

Carl Kazufumai Sato, American-born Japanese, stated that he was a produce salesman in a wholesale market until it was closed. (Volume X, pp. 3002-3004.) He stated that "now I am doing what I can to help the people in our church." He admitted having attended the Japanese language school "until it got too hard and I quit." He contended that he had never heard Japanese propaganda at the school he attended. He claimed to have no knowledge of *Shinto* priests teaching in the Japanese language schools and stated that he was connected with the *Buddhist* church. He stated that the *Buddhist* religion had nothing to do with Japan and he claimed that he had no knowledge of *Shinto* sects.

## 5

## JAPANESE IMPERIALISM

The long planned and long range program of the Japanese to dominate the white races might have been clearly seen in the so-called *Decade System* of Baron Okubo, who, with his followers, believed that the Japanese Empire should adopt the method of the Occidental world in building a strong and economically sound nation. The intense belief in the divinity of the Emperor and the sense of racial superiority in the minds of the Japanese have led them to believe that they are destined for world domination. Baron Okubo divided the Empire's work into periods of 10 years each. His plan may be said to have been carried out in its entirety. Okubo, however, was not sufficiently war-minded to satisfy the military clique of Japan and he was assassinated in 1877. Another plan was formulated and added to the *Okubo Plan*: an aggressive program which has culminated in war against the white world. The *Tanaka Memorial*, written by a Japanese Premier, declares unequivocally that America must first be crushed before Japan can expect permanently to dominate the Pacific.

Many critics of the *Tanaka Memorial* looked upon it as the fantastic dream of an unbalanced mind; the weird, imaginative excursion of a Japanese sadist. Dr. John Lechner stated that it was therefore regarded with skepticism and ridiculed by American leaders.

Dr. Lechner stated that it was not until an official document was discovered in the possession of two Japanese naval commanders visiting in "Little Tokio" at Los Angeles, written by one Kinoaki Matsuo, powerful *Black Dragon*, and key man in the Japanese Naval Intelligence Service, that interest in the *Tanaka Memorial* was revived. He stated



that Matsuo's analysis of the impending war, called "*The War Between Japan and the United States*," furnished an audacious blue-print of the various stages of the war.

He stated that Matsuo outlined each step in the plans of Japanese aggression. Matsuo outlined the Japanese plan to move northward into Alaska, striking simultaneously at Hawaii in the second stage of the war. He anticipates help from the Japanese in Hawaii when the Japanese Navy makes its bid for the islands. The third stage of the war, according to Dr. Lechner's interpretation of Matsuo's work, is an all out attack on California, Oregon and Washington, with the destruction of the Panama Canal. Dr. Lechner stated: "Matsuo does not hesitate to express with all the ego and fanaticism of the Japs that the Japanese forces will attempt large scale invasion of the coastal areas. Again, Matsuo expresses the conviction of the Japanese War Council, that effective cooperation may be anticipated from the *Issei* and *Nisei* residing on the Pacific Coast. Particularly when Japan would begin to crush the 'impregnable fortresses' of the Allied nations in the South Pacific, Matsuo intimates, would increased significance be given to her expectation of help from her Fifth Column in the United States. Revelations of Japanese ruthlessness and plans for wholesale sabotage made a speedy, effective disposition of the Japanese problem on the Pacific Coast more imperative."

Dr. Lechner reported plans promulgated among the Japanese agents to spread bacteria germs in the event such a step proved advantageous in undermining the morale of the American people in the final stage of the war. He stated that this is to be accomplished by dropping vials containing germs to spread bubonic plague and typhoid from collapsible airplanes to be carried to the shores of the Pacific Coast by large Japanese destroyer-submarines.

P. D. Perkins declared that he had "never heard" of pressure being brought on Japanese residents in the United States by the agents of Japan and that he had never heard of threats made against the members of families in Japan if American residents failed to obey Japanese mandates. (Volume IX, pp. 2716-2747.) (Perkins evidently desired to evade this issue.) He stated that he did not believe that the *Tanaka Memorial* or the *Okubo (Decade System)* exerted much influence upon the Japanese people. He stated that there is too much conflict between the Japanese for anyone to agree on a central plan (p. 2728). (Perkins apparently evaded this issue also and would not be drawn out on the present dominant faction in Japan.) He admitted that the Emperor of Japan was a figurehead but that he exerts "personal power." He pointed out that the Emperor had put down an uprising on February 26, 1937, and likewise admitted that the leaders who had been demoted at that time are now back in power. He was willing to admit that the *Okubo* and the *Tanaka* plans exert some influence on the present Japan program, and a "partial influence on the younger element."

He explained the meaning of the term "*Bushido*," the moral code of *Sumurai*. He stated that it is a military code and that it calls for frugal living, etc. He commented that he had never seen anyone who practiced *Bushido* very faithfully.



He claimed that part of his duties for the Japanese Government consisted in acting as a "liaison agent" (p. 2731). He declared that he did not represent the Japanese Government in the United States.

He caught the "last boat" back to the United States on October 30, 1941, the *Tatsu Tamaru*. He did not return to the United States to stay; "I expected to go back to Japan; I had no way of knowing about the war." He had made a trip to the United States in 1940, arriving in Los Angeles in May. He registered with the United States Department of State July 10, 1940, and returned to Japan on August 23, 1940. He claimed that he had not received pay from Japan while in the United States, "during the time I was registered as an agent" (p. 2734). He denied having received money from Japan for the period between May 1, 1940, and August 1, 1940. He claimed that he had received no pay whatsoever from Japan prior to the time he registered as an agent of the Japanese Government with the United States State Department (p. 2734), but later (p. 2735) stated: "I was in New York from about July 1st to about the 4th or 5th of August \* \* \* and they were paying my expenses; the men who were with the Consulate General there \* \* \*". He stated that while in New York he was advising the Japanese Consulate attaches "on what was happening back in Tokio." On being pressed for elaboration, he explained that he was merely relating the political gossip current in Japan.

He claimed that his translating work for the Japanese Government was confined to American newspapers and that the Japanese Government employed Englishmen to translate the newspapers of the British Empire.

He ate in the same restaurant in Tokio where the German diplomats took their meals and stated that he did this because it was the "only place to eat." He claimed that he could not travel in the same class with the diplomatic corps because of the smallness of his salary, 500 yen a month. Sometimes, he admitted, he received extra money. He explained that 500 yen in Tokio had the buying power of about \$450 in America. (Perkins testified at one point that his salary of 500 yen a month was sent to his home in South Pasadena, and at another point (p. 2737-8) he stated that he received it in Tokio.)

He stated that the Japanese were unable to understand the slang used in the American newspaper articles because their English teachers had been British or Canadian. He stated that his job in translating headings from American newspapers consisted largely in translating the meaning of American slang phrases for the Japanese. He said that the Japanese Government was only interested in articles which pertained to Japan "or references to American history." They were also interested in reports on relationship between Japan and the United States.

During his first four years in Japan, Perkins taught in the education department and served as an advisor to American companies in Japan, helping them secure "a correct sales approach." He also assisted with the writing of manuscripts on Japan.

He stated that he had been working for one faction of the Japanese Government and checking on whether or not other political factions were being set up against the others. He related the incidents of a

strike in the State Department in Japan in which the younger men were pitted against the older men. He claimed that it was this type of news that he carried to the Japanese Consulate in New York. He denied that he had carried documents of any nature to the United States.

He admitted that his fare to and from Japan had been paid by the Japanese Government and explained that this arrangement was made for all teachers who go to Japan.

While in New York he had conveyed "inside" information to the Japanese Consulate of the relations between Japan, Germany, Italy and Russia "at the time Germany shook hands with Russia." He stated that factions had grown up in Japan over the issue of collaboration with Soviet Russia. Oshima and Shiratori were "very much" pro-Axis. "The consul in New York was not, *unfortunately*," Perkins added. When pressed to explain what he meant by "*unfortunately*," he stated that it was meant for the man and not as opinion on his part (p. 2743). The Japanese acting-Consul in New York at the time of the bombing of Pearl Harbor was not pro-Axis, he explained.

He stated that he would have been interned had he remained in Japan.

He did not believe that the United States Government ought to take chances at this time, and stated that he believed that it would be better for the Japanese to be out of the coastal area, because some one might make trouble and "blame it on the Japanese"; they would be forced to "take the rap for it."

He had helped the American-born Japanese who were in Japan for educational purposes. He stated that many of them were homesick for America; missed Thanksgiving and Christmas celebrations. In this connection he declared that the training of American-born Japanese in Japan depended on the financial ability of the parents and claimed the Japanese Government did not finance *Nisei* training "They don't want the *Nisei* back there, especially the girls. Men, yes; they have use for men, but a girl, under the Japanese code gets married when she's 21 \* \* \* so they are a nuisance."

He admitted that he had contact with the Japanese Consul in Los Angeles since returning from Japan. He denied having made any report to the Consul and stated that he called on him merely because he knew his son in Japan.

## 6

### JAPANESE PROPAGANDA

Togo Tanaka is an American-born Japanese. (Volume X, pp. 2843-2889.) He was born in Portland, Oregon, and was brought to southern California when he was three months old and has resided in the City of Los Angeles since that time. He attended the Los Feliz Elementary School and the Thomas Starr King High School, the Hollywood High School and the University of Southern California, where he graduated in 1936. He majored in Political Science. He stated that he was no relation, as far as he knew, to Baron Tanaka, after whom the Japanese *Tanaka Memorial* is named.

Since graduating from the University of Southern California, Tanaka has been employed on the staff of the English section of *Rafu Shimpō*, a Japanese daily newspaper published in the City of Los Angeles. The newspaper was dual in character, containing both an English and a Japanese language section. He stated that these two sections were edited by different staffs. Tanaka was the editor of the English section. He became the English editor of *Rafu Shimpō* about six months after he had associated with the newspaper. The paper had its circulation principally in southern California among the Japanese, some State-wide circulation and a small circulation in Hawaii. Hiroshi Zuski was the managing editor of the Japanese language section of the *Rafu Shimpō*. The English editors had voice on the policy of the paper only in the English language section. He had never expressed himself in reference to the policy of the Japanese section. His knowledge of the Japanese language was very limited, according to his testimony.

He admitted that after Pearl Harbor he had come to realize that the Japanese section of *Rafu Shimpō* was subversive. He also admitted that many articles and much of the material printed in *Rafu Shimpō* had been sent from Japan and had appeared in the paper in its original form. The paper made considerable use of reprints because of its limited staff. He admitted, under examination, that much of this material was pro-Axis in flavor.

He stated that there were three Japanese daily newspapers in the City of Los Angeles before Pearl Harbor and contended that *Rafu Shimpō* was the oldest and the largest. He branded the other Japanese language newspapers as pro-Axis.

He had been the publicity manager of the *Japanese American Citizens' League* and had handled publicity for this organization on the *Rafu Shimpō*. This was the largest *Nisei* organization in southern California and the most active. It was composed of 20 or 21 chapters. The organization had a Coordinating Committee known as the *United Citizens' Federation* which was composed of delegates from about 30 different organizations, including fruit-stand workers' unions, Y. M. C. A., Y. W. C. A. and Buddhist groups.

He placed the average age of the *Nisei* at around 21 years and the average age of the *Issei* at 59 to 60.

He admitted that most of the existing Japanese organizations were dominated by the *Issei* because of their more mature years. He stated that as the *Issei* passed away and the *Nisei* came into adulthood they more and more were taking over the organizations and, because of this situation, the *Issei* influence was waning. The influence of the *Issei*, or alien older generation, it was explained, was partly due to the fact that the older Japanese held the purse-strings of the community. Because the Japanese *Nisei* showed great respect and reverence for *Issei* parents and obeyed them, they did not attempt to change the pro-Japan attitude of their parents.

He stated without equivocation that the 1940-41 Directory of *Rafu Shimpō*, published by the older generation group on the paper, was about nine-tenths subversive.

The older generation, or pro-Japan group, influenced the thinking of the younger *Nisei* generation on the matter of the Sino-Japanese war. This accounted for the *Nisei's* activity in propagandizing the



Japanese cause against China. The *Issei* influence was very strong in this connection. The *Nisei* had been taught that the Japanese were embarking on a great missionary crusade in China and building a New Order in the Far East. He stated that the non-Japanese, Caucasian American propagandists who were hired by Japan, did the same sort of propagandizing and he named "Wiggie" Williams one of the hired propagandists for Japan. ("Wiggie" Williams was subsequently indicted for failing to register as a Japanese agent with the United States Department of State.) Tanaka believed that the *Nisei* had been drawn into this ideological position because of emotional ties and that the younger generation of American-born Japanese found it impossible to become objective in face of their parents' prejudice.

He stated that the agencies that had been set up by the Japanese Consulate on the West Coast had disseminated much of the pro-Japan propaganda in relation to the Sino-Japanese war. He admitted that funds had been collected in the Japanese and Japanese-American societies for the prosecution of the Japanese war in the Far East and that this drive had started back in 1937 at the outbreak of hostilities in China and had continued through 1940 when the feeling had grown tense between the United States and Japan. He admitted that *Rafu Shimpō* had aided and had advertised these collections for the Japanese war effort in China, but added that the *Rafu Shimpō* had also engaged in "very good American activities."

He declared that there was considerable reluctance on the part of the *Nisei* to admit subversive activities on the part of themselves or their parents, which was quite natural because of dual loyalties and partly because they were confused. He stated that they tried to "gloss over" these things.

He was familiar in a general way with the Japanese language schools in southern California. The *Rafu Shimpō Year Book* listed these schools in its issues. He believed that Shintoism is worship of the Japanese Emperor and stated that the Shintoists were rabid militarists and very imperialistic.

He claimed that he did not know the exact meaning of the term "*Yamato Domoshi*" but believed that it referred to the Japanese race and culture. He admitted that "one reads in the legends" about the three Japanese symbols, the mirror, the jewel and the sword. The fanatic teachings of the Japanese "under the military clique" demanded that the Japanese people believe that they were actually descended from the Sun Goddess. It was his opinion that the *Nisei* in the United States did not generally believe this fiction and he stated that pro-Japanese consider Japan their homeland and believe that it is their God-given mission to do something for her. It was his opinion that the American-born Japanese who were educated in the United States were not generally pro-Japan; that only about 3 or 4 per cent of the *Nisei* were in the pro-Japan column.

Because he believed that Shintoism is not a religion in the strictest sense of the term, but an ideology subversive and dangerous to the Government of the United States, he stated that Shintoism has no place in this Country.

Like most Americans born of alien parents, he believed the language schools contribute considerably to bridging the gap between the *Issei*



and the *Nisei* in that these schools give the children an understanding of their parents and the beliefs and language of their parents. He stated that he believed the American-born Japanese have benefited considerably from the Japanese language schools and that this education had helped many of them to secure jobs where knowledge of the Japanese language was essential. He ventured the opinion that these schools could be separated from subversive indoctrination. He suggested that such schools be brought under the supervision of boards of education. He was willing to admit that there had been, perhaps, "too much indoctrination going on" in the Japanese language schools in California. He admitted, under examination, that those persons who spoke and thought in Japanese, were the type who would be most apt to be loyal to Japan and Hirohito, while those who spoke and thought in English were more apt to be loyal to the American ideology and the United States.

He stated that the Japanese Consular offices in Los Angeles contacted Japanese-American students in the universities and schools for the purpose of obtaining personnel for Japanese Government work.

He claimed to know nothing of the rumor that the *Nisei* had received threats for their lack of cooperation with Japanese Consular agents. Generally, he stated, the *Nisei*, who have relatives living in Japan, avoid answering questions concerning subversive activities on the part of the Japanese in the United States. He knew of *Issei* who feared retaliation by the Japanese Government on relatives in Japan, but stated that this fear was greatly diminished by the growing fact of permanent Japanese residence in the United States. He said that there were very few Japanese in the United States who desired to return to Japan since 1924 when immigration from Japan was stopped. He stated that the ties between Japanese residing in the United States and relatives in Japan was not as close as the relationship between persons recently arrived from Europe and their relatives across the water.

He admitted that the majority of *Issei* are Japanese in their views and more or less thoroughly indoctrinated. He stated that this was not true in all cases. Many Japanese who came to the United States when they were very young, although counted as aliens, are American in their viewpoint. He ventured the hope that this group would receive special recognition.

Prior to December 7, 1941, the *Nisei* generally, regarded the *Japanese Imperial Veterans' Association* as "simply a society of old men." (The members of the *Imperial Veterans' Association* are Japanese who served in the Russo-Japanese war.) He admitted that, after the Federal Bureau of Investigation roundup of these veterans, that the *Nisei* learned that these members of the *Imperial Veterans' Association* had been doing more than getting together for the purpose of drinking saki. He admitted that the meetings of the *Imperial Veterans' Association* had been the centers of Japanese subversive activities in California.

He had heard "everything" concerning the activities of the Japanese fishing fleet off of California. He stated that the truth was "somewhere in between" the two extremes that had been brought to his attention; that not all of the fishing boats harbored spies, but that undoubtedly, some of them were engaged in this practice. He had heard of the Japanese fishing boats hoisting Japanese Flags when out

to sea and he had heard of the "fishermen" taking soundings and photographs. He had no personal knowledge of any of these things.

He stated that many of the volunteer evacuees to Manzanar were entering into the situation in a spirit of adventure. He stated that some were bitter about it and that others were "taking it with a shrug." He felt that Manzanar should not be referred to as a "concentration camp."

Questioned regarding the *Rafu Shimpo Directory* for 1940-41, he admitted that the picture plates in the book showed Shinto priests, Shinto altars, pictures of the Emperor and Empress and other pictures, illustrating the pro-Japan leanings of the book. He stated that "we have always ripped" the pages containing the pictures of the Japanese Emperor and Empress out of the directory because the *Nisei* felt that it had no place in an American book. He identified a Japanese character on a page at the beginning of the book and explained that it meant "*Khakko Ichiu*" and, translated, it signified the Japanese "*New Order*" in the Far East. He stated that this was another page that was ripped out by the *Nisei* before the book was passed out. Characters appearing beside the names of certain Japanese listed in the directory, according to Tanaka's testimony, referred to the individual's "Ken," or Japanese "clan" or "state." It indicated where the roots of the family of the individual were.

He admitted that the directory had always been printed in Japan and stated that this was because the rates for printing were cheaper, even when the cost of transportation was included. It was distributed free of charge to advertisers and subscribers to *Rafu Shimpo* and used as a circulation builder. It listed everyone of Japanese descent of whom information could be obtained.

He explained that an illustration showing a map of the Pacific with secret American battleship information was an illustration to a story in a Japanese magazine, "*King*" (*Ken*); that it was pro-Axis and was the work of pro-Axis authors. He stated that this was typical of all magazines which came over from Japan. Japanese editorial writers on the *Rafu Shimpo* had to overcome and work against such material coming out of Japan.

The editorial policy of the *Rafu Shimpo* after December 7, 1941, was in support of the United States against Japan. Tanaka filed a number of copies of the issues of the *Rafu Shimpo* with the Committee in proof of this assertion.

He contended that community hysteria constituted a serious problem for the loyal *Nisei*. He hoped that the Americans could help the situation by attempting to secure a balanced picture of *Nisei* activities.

He admitted that *Rafu Shimpo* had maintained a Tokio Bureau for news and business arrangements. Around 10,000 copies of the directory had been printed and most of them had been distributed in southern California. A few were left in Japan and the State Departments of Japan and the United States had received copies.

Tanaka concluded his testimony by stating that he believed that many of the Japanese, and especially the younger Japanese-Americans, had been merely "misdirected" in their so-called subversive activities. He begged the Americans to give the Japanese and the Japanese-Americans credit for the things they had done in developing and furthering community interest and welfare.

## JAPANESE SUBVERSIVE ORGANIZATIONS

Dr. John Lechner testified that as late as April 15, 1941, the Japanese *Nisei* in the Los Angeles area were challenged to indicate their loyalty to the United States Government by conducting a house-cleaning of subversive elements within the Japanese colony and cooperating with the Federal Bureau of Investigation in routing subversive individuals and groups. To this end, Dr. Lechner stated, a conference was held at a Japanese restaurant in Los Angeles and plans were laid for a mass demonstration on May 10, 1941. He stated that more than 1,000 *Nisei* gathered at the Hollywood Legion Club House in Los Angeles where the meeting was held. He stated that both Fred Tayama and Togo Tanaka, the most active leaders among the local *Nisei*, ignored the challenge for cooperation against un-American activities existing in the Japanese colony. Both Tayama and Tanaka vehemently denied the existence of subversive groups and individuals among the Japanese and Tayama angrily refused to organize any effort for cooperation with the Federal Bureau of Investigation. Nothing was done to indicate that these American leaders of Japanese ancestry were disposed to cooperate in counteracting Japanese espionage in California. Dr. Lechner listed the Japanese representatives who attended the April 15th meeting as Bob Sato, Executive Secretary of the *Japanese Hotel Clerks' Union*, A. F. of L., Robbin Keneko, President, *Japanese Produce Union*, Fred Tayama, President, Los Angeles Chapter *Japanese American Citizens' League*, Shigemi Aratania, Vice President, Los Angeles Chapter, *Japanese American Citizens' League*, Togo Tanaka, Editor, English section, *Rafu Shimpo*, H. Hori, President, *Japanese Chamber of Commerce and Industry*, S. Nagata, Vice President, *Japanese Chamber of Commerce and Industry*, and Ted Akahoshi, Executive Secretary, *Japanese Produce Merchants' Association*. Shuji Fuji, a Communist, writing in the September 1, 1941 issue of the *Doko Shi*, Japanese publication in Los Angeles, urged "immediate action to rout out by public denunciation, every sign of organization, activity, policy and propaganda that inclines to promote the pro-Nazi element in Japan among us, such as the *Japanese Military Service Men's League*." Shuji Fuji branded the *Japanese Military Service Men's League* as a dangerous fifth column structure among the local Japanese.

The *Japanese Military Service Men's League* is reported to be the work of Tadaaki Ilzuka.

The *Imperial Comradeship Society* is allegedly the American arm of the *Imperial Black Dragon Society*, the most powerful and most feared secret organization in the Japanese Empire. The *Imperial Black Dragon Society* is said to have been organized over 50 years ago for the purpose of eradicating Occidental influence in the Far East. The Dragon leaders have fostered an intensified and deep hatred for the British and the Americans. Tadaaki Ilzuka reorganized and strengthened the *Imperial Comradeship Society* and Dr. Lechner estimated its strength at the end of 1941 as 4,800. The ostensible leadership of the society was in the hands of Sakugaro Kubota, a retired



Japanese officer, whose son, stated Dr. Lechner, is Takaki Kubota, an American-born citizen and an active leader in the "patriotic" *Japanese-American Citizens' League* of Los Angeles. The *Imperial Comradeship Society* and the *Japanese Military Service Men's League*, stated Dr. Lechner, had 74 branches in 65 localities and exerted a powerful influence on the entire Japanese-American population on behalf of Japan.

The *Japanese-American Citizens' League* under the leadership of Takaki Kubota collaborated with the *Imperial Comradeship Society* and the *Japanese Military Service Men's League* in a campaign to sell Japanese war bonds on the Pacific Coast. The Japanese Minister of Finance, Seinen Ikeda, requested the *Japanese-American Citizens' League* to raise 1,000,000 yen to be deposited in the *Yokohama Specie Bank* in San Francisco.

Representatives of the committee, in preparing for public hearings on Japanese activities, inspected maps of the interior valleys of the State, whereon were depicted with the greatest fidelity highways, country lanes, bridges, police, fire and radio stations, hospitals, airports, and the detailed topography of the area. These representatives obtained considerable evidence of Japanese "Vegetable" Associations spotted throughout the agricultural regions of California soliciting funds from their members for the purchase of Japanese war bonds from the Japanese Consulate in San Francisco.

The committee's representatives also inspected photographs of the San Pedro fishing boats far out at sea, flying the Japanese flag. Japanese-Americans told committee representatives that Americans should no longer laugh at the industrious little Jap fishermen because they were "foolishly" taking soundings along the coast when they could easily buy Geodetic Survey maps which contained the information that they apparently desired. The Japanese fishermen knew that. What they were actually doing was finding whether or not the ocean floor at designated localities was soft and level and sandy, or whether it was rough and rocky to such an extent that it might injure the belly of a submarine, such as the one which lobbed its shells off the coast of Santa Barbara at American oil installations.

Dr. Yu-Shan Han, Chinese lecturer and educator, stated that the Japanese *Black Dragon Society* is both a military and "underhanded" organization. (Volume IX, pp. 2692-2715.) He stated that the members of the organization perpetrated vengeance on the enemies of Japanese plans in China. The *Black Dragon Society* indulges in sabotage, blackmail and assassination.

He testified concerning Japanese Fifth Column activities in China. He related incidents of sabotage and espionage in China by the Japanese. He told of Japanese disguised as *Buddhist* priests who measured the distances in the interior of China for future marches of the Japanese armies. He stated that agents of Hirohito tabulated the metals in the Chinese temples and other places for future Japanese confiscation.

Dr. Han related instances of *Black Dragon* kidnappings and *Black Dragon* terror in China. He said that the *Society* maintains an extremely efficient espionage system in China. The members of the *Society* had detected his return to China and had been bold enough to publish the fact in the newspapers. Dr. Han smiled and said that he



"beat it." He stated that the *Black Dragon Society* sows seeds of discord and is efficient in disseminating sugar-coated propaganda. He stated that the Japanese are highly trained in sabotage and expressed the opinion that it would be very foolish for the people of the United States to trust any of them during this time, whether they were born in the United States or not.

Japan had been an admirer of Germany for a considerable length of time and this admiration has been manifested by the Japanese in China. All German Nationals had been treated well in the Far East by the Japanese. He stated that the Japanese do not feel friendly to the Americans in the Orient. It was his opinion that the German Nazis have been putting pressure on the Japanese in China to compel them to follow policies beneficial to Germany's war aims.

He declared that the Japanese troops had been very brutal to Chinese captives and that they had been particularly vicious and cruel in torturing Chinese women. Chinese books were destroyed and the Japanese invaders took whatever caught their fancy in occupied territories. He had watched the Japanese load the property of civilians into steam launches on Soochow Creek across from the university where he had taught. He saw a Japanese Colonel take a valuable painting at the point of a gun in Hanchow.

Although he believed the Japanese people had been suffering severely because of heavy war expenditures over the past several years, that, because of their training, they would not complain. The Chinese people will resist to the very end, Dr. Han declared, because they were convinced that life would not be worth living if they were conquered by the Japanese.

P. D. Perkins was teaching the Japanese language at the University of Southern California when he testified February 24, 1942. (Volume IX, pp. 2716-2747.) He stated that he had taken the place of a Japanese on leave in the Department of Asiatic Studies under Dr. Chaening. Perkins was born in Windsor, Vermont. He had resided in Japan since 1935 and had taught English in a school in Kyoto, Japan, from 1935 to 1939. In 1939 he went to Tokio as a "*Shokutain*," or a "specialist." He stated that he visited in the United States in 1940 and returned again to Tokio and remained there until October 30, 1941 when he returned to the United States. He established residence and a bookstore in South Pasadena in 1940 and his wife remained there to sell books which were sent from Japan. He was acquainted with Ralph Townsend and a Mr. Williams, both of whom were convicted as agents of Japan, because, stated Perkins, "they were in the United States and I was in Japan." (p. 2718.)

On July 10, 1940, Perkins registered with the United States Department of State as an agent of the Japanese Government. He claimed that he had been released from this registration on January 9, 1942. He registered, he claimed, because he had been notified by the State Department that it would be necessary for him to do so. He had listed himself as a "public relations" counsel for the Japanese Consulate in New York. He stated that his duties were "a little bit technical," and explained that they were actually "not duties," but financial arrangements with the Japanese Government. He contended that the Japanese Government refused to allow any foreigner to send more than

100 yen out of Japan and that this amount was not sufficient for the living expenses of his family in the United States. One hundred yen, he explained, amounted to about \$23.50 in American money.

After the *Matsuoka Ministry* came into power in Japan, Perkins stated, pro-American friends asked him to resign from his position there. "Friends and former students" arranged for him to transfer out of the State Department in Tokio so that he would be "beyond their control," and thus enabled him to get funds out of Japan. Perkins had registered with the United States Department of State as "Public Relations Advisor for the Japanese Consulate" and this also was his title in the Personnel Office in Tokio.

Being closely examined in reference to his duties, Perkins explained that about 90 per cent of his work consisted in translating American newspaper headlines and by-lines into the Japanese language or "the Japanese equivalent." These translations, he admitted, were then turned over to the Japanese *State Department* in Tokio. It is to be noted that Perkins did not turn the translations over to the department for which he was supposed to be working, the Japanese Consulate. His salary for this work from 1930 until 1940 amounted to 500 yen a month.

He stated that he "thought very highly of Yoshida Kuno," now deceased. Yoshida Kuno once taught the Japanese language and culture at the University of California at Berkeley and also at Stanford University. Perkins stated that he had taken courses under Kuno at Stanford.

He had a "very general" knowledge of the *Okubo Decade System*. He stated that the Okubo family was "one of the main families" of Japan and that the *Okubo* program was a plan for the expansion of Japan as a world power. He also was familiar with the *Tanaka Memorial* in a general way.

He claimed that the literature sold in his bookstore in South Pasadena was neither pro- nor anti-Japanese and described it as consisting merely of "language books" used in the university and in the Army and Navy Academy. He emphatically stated that these books did not contain propaganda and that the books he had given away were "only review copies." He admitted that he had once distributed a book comprised of the addresses on the Sino-Japanese conflict given in America by Yakachuro Suma, a Japanese. He admitted that Suma was the *Director of the Information Bureau of the Foreign Office in Japan* and that he had formerly been attached to the Embassy in Washington. "He was my superior, after Mr. Obai." (p. 2723.) He had brought the book of addresses with him from Japan. (The Director of the Information Bureau of the Foreign Office of Japan is similar to the German Propaganda position held by Dr. Goebbels in the Nazi Ministry of Education and Enlightenment.) Under further questioning Perkins admitted that Yakachuro Suma had published the book in question for him. He had "less than 50" of the books on hand at the time of testifying and stated that he had received "either \$2 or \$2.50 apiece for them." (p. 2724.) Perkins offered in evidence the Customs slip listing the books he had brought with him from Japan. He stated that he had also submitted this list to the United States Consular Office in Tokio.

Joseph Shinoda, a wholesale florist, testified that he was born in Oakland and lived in Southern California for about 20 years. (Volume X, pp. 3120-3126.)

He stated that he had known George Knox Roth for about a month and a half at the time of testifying. He denied that he had contributed money to Roth though he admitted having offered to "help him on some other expenses, but he refused." These "expenses" were explained as expenses that would necessarily arise out of trying to "help us"—the Japanese-American citizens. "We felt, \* \* \* we had something to contribute and we didn't think the things that were being thrust upon us were to our best interests \* \* \*." He stated that the offer of assistance to George Knox Roth was made at the Biltmore Hotel in Los Angeles. He had become acquainted with Roth while he (Shinoda) was "temporarily in the produce business" at the Seventh Street Terminal. Roth came there and he had seen him several times in Little Tokio.

Tokie Slocum is a Japanese member of the *American Legion*. (Volume X, pp. 3038-3048.) He had been active for several weeks before testifying in assisting Federal and State investigating groups concerned with the Japanese problem. He admitted having known George Knox Roth for about two months.

He was chairman of the *Anti-Axis Committee*, succeeding to the chairmanship after Fred Tayama had vacated it. He stated that the *Issei* looked upon the *Anti-Axis Committee* as a "policing group." A lack of discipline existed in the committee and there was much dissension and he believed that the disruption was possibly due to pressure from the *Issei*. (Alien Japanese.) He was also the chairman of the Intelligence Unit of the *Anti-Axis Committee*. The membership of this group was drawn from various organizations and was representative of the Japanese community. He claimed that the *Anti-Axis Committee* had investigated the Japanese language schools and that the committee had clamped down on them when the schools tried to reopen. He had heard of large sums of money being collected through the Japanese vegetable associations for Japan and that the money was reported being sent to Japan through the Japanese Consuls to help the war effort of Nippon. He branded the *Japanese Veterans' Association* as a pro-Japanese patriotic organization. He stated that there were a large number of alien vegetable growers in Southern California and because of the money they had invested in their ventures, it would necessarily be expeditious for them to attempt to prevent evacuation.

Joe Shinoda had invited George Knox Roth to appear before the *Anti-Axis Committee* and Slocum had seen Roth a half a dozen times since then. It was possible, he believed, that Shinoda had given Roth money for his radio broadcasts. He stated that Shinoda owned the *San Lorenz Nursery* which is the largest Japanese nursery in Southern California. He had overheard Shinoda tell Roth that he (Shinoda) would underwrite something. This conversation took place in the Biltmore Hotel.

Tokie Slocum denied having given George Knox Roth money in *Simon's Restaurant* as had been alleged.



He stated that he was a naturalized citizen of the United States by a special Act of Congress in honor of his services in World War I. He served in France with Sergeant York.

He declared that he had been "sandwiched in between two political feuds" and felt that city councilman Roy Hampton had been careless in his statements. He emphatically denied that he had been a "go-between" giving money to Roth raised by the Japanese.

City Councilman Edward L. Thrasher stated that shortly after the declaration of war, 39 or 40 Japanese employees under Los Angeles city civil service were informed that they would be forced to retire. (Volume X, pp. 3126-3129.) He stated that George Knox Roth appeared before the Civil Service Commission of the City of Los Angeles and demanded of the Commission that the Japanese be retained in their jobs. Councilman Thrasher placed the date of Roth's appearance before the Commission as around March 1, 1942.

Thrasher was later informed by a representative of the Mayor's office that Roth had appeared before the Mayor and had insisted that the Japs be kept on the pay roll.

Thrasher later observed a number of Japanese congregating in Councilman Norris E. Nelson's office in the City Hall. He learned that Roth was appearing in Nelson's office with the Japanese, attempting to induce Nelson to intercede for them to retain them on the city pay roll. According to Thrasher, Roth offered Nelson large insurance contracts from the Japanese if Nelson would intercede in their behalf. Thrasher testified that he received this information from one of the Japanese who had attended the meeting in Councilman Nelson's office. He concluded his testimony by stating that Councilman Norris E. Nelson was in the insurance business.

George Knox Roth first testified October 15, 1941. (Volume III, pp. 845-861.) He had been subpoenaed in connection with the testimony of Tom Kirk regarding alleged wire-tapping activities in connection with Los Angeles city politics and elections. At that time, Knox testified, he had been working as a stenographer in the Department of Agriculture for the State of California and that this employment had ceased about a week before his appearance before the committee. He had been connected with the Clifford E. Clinton organization up to January 1, 1940. He offered the committee a book entitled *Los Angeles County Government; Departmental Services, 1934*, and read portions from it by Dr. Samuel C. May from the University of California outlining Dr. May's political philosophy.

After Pearl Harbor, Roth started a series of radio broadcasts over Radio Station KMTR in Los Angeles. The theme of these broadcasts, generally, opposed the evacuation of the Japanese from California's coastal area. The broadcasts were alleged to be under the auspices of the *Public Affairs Committee of Los Angeles*. The committee's representatives obtained transcriptions of Roth's broadcasts and he was subpoenaed March 24, 1942, for examination concerning them. (Volume X, pp. 2908-2932; 2966; 2973-2987.)

He stated that he was the secretary of the *Public Affairs Committee of Los Angeles*. He was extremely vague and evasive as to just what the *Public Affairs Committee of Los Angeles* was, who its organizers were, the identity of its members and when it came into being. He



stated that "Late in 1940 a group of former college friends \* \* \* felt that something ought to be done \* \* \* to improve conditions in local affairs." Acting on this "feeling" of his friends, Roth stated that he mailed out about 200 letters addressed to persons whom he knew to be interested in municipal and county affairs, and thus a *Public Affairs Committee* was "organized." It apparently had no constitution, by-laws or regulations and did not have a president, a board of directors or officers other than Roth himself. He stated that the organization met from time to time with "different ones." He claimed that he had held these meetings "for the past three months"; the last one having been held two weeks previous. He stated that the policies of the organization were the policies of the persons who contributed funds to it.

He stated that he was born in Denver, Colorado, and had resided there until 1920 when he came to Los Angeles. He did special research work under Samuel May at the University of California and attended Claremont College and the University of Southern California, where he graduated with a Masters' Degree in June of 1934. He stated that he became interested in politics about that time and had worked in Upton Sinclair's *Epic* campaign. Later he was engaged in the *Unemployed Cooperatives*. He stated that he headed the Department of Rehabilitation under the Los Angeles County board of supervisors and functioned in this capacity until June 1, 1936, when it was abandoned.

He became an investigator for Clifford E. Clinton in October of 1938 and continued in this position until March of 1939. He was again employed in this capacity in June of 1939 and continued until January of 1940. He then served with the *Citizens' Independent Vice Investigating Committee* (CIVIC). Later he was employed in the State Department of Agriculture as a stenographer and severed his connection with this department on February 28, 1942. He stated that his actual duties with the Department of Agriculture were those of a "bench chemist." He claimed that it was his job to analyze the "sprays." He was not allowed to go to those places where vegetables were displayed except when picking up samples offered by commission merchants. He stated that Japanese aliens and citizens came to his laboratory "in response to a summons" or "came in for information which was given by the chief chemist."

He claimed that the administrative assistant of the State Department of Agriculture, Mr. Cramer, had notified the *Tolan Investigating Committee* (investigating the Japanese situation in California) that he had not been employed in the State Department of Agriculture since February 28, 1942, and that this accounted for the discrepancy in his testimony before the Tolan Committee. He explained this by stating that a vacation period had been extended to him from February 28 to March 8, 1942. He added, "I didn't realize I was severed from the pay roll."

He admitted that his radio broadcasts discussed the effect of the evacuation of the Japanese from southern California. The first broadcast in the name of the *Public Affairs Committee* was on the evening of February 28 or March 1, 1942. He broadcast six times a week following the first broadcast, from 7.15 to 7.30 p.m. over Radio Station KMTR. He contended that he did not have a list of the names of the members of the *Public Affairs Committee* but stated that there were some 25 people

on the committee. It was these people, Roth explained, who contributed the money to him out of which he paid for the broadcasts. The members of the *Public Affairs Committee* did not have membership cards and the organization did not maintain a bank account in the name of the committee. He stated that he did not keep books but estimated that he had received \$625 or \$635 altogether.

He admitted having stated over the radio that he hoped the Army would listen to reason and that the Japanese citizen-farmers would be permitted to remain in the coastal areas to produce vegetables. He stated that he had given statistics to indicate how vegetable production in California would suffer if the Japanese were evacuated and estimated that \$60,000,000 worth of produce would not be produced if the Japanese were sent away. He stated that this figure was based on statistics given to the Tolan Committee and predicted on public records. He contended that Caucasians are unable to produce vegetables as efficiently or as inexpensively as the Japanese. He stated that his radio broadcasts pertained to Los Angeles County conditions. (Transcriptions of his broadcasts indicated strong pro-Japanese feeling and contained such allegations as "the Japanese have been and are our friends," etc.)

He denied the allegations of Los Angeles city councilman Roy Hampton that he had received money from a Japanese in Simon's Restaurant in downtown Los Angeles on March 11th or 12th of 1942.

Under close questioning he finally admitted he had received some money from persons of Japanese descent for his *Public Affairs Committee* broadcasts and finally estimated that the amount was "something like \$510." He said that the money had been given to him by close personal friends and he refused to name these persons. He first contended that the Federal Bureau of Investigation would object if he gave the committee the names of the Japanese who had contributed funds to him for the broadcasts. He was excused while the chairman of the committee telephoned the Federal Bureau of Investigation. The bureau not only denied Roth's statement but sent two representatives to the Assembly Chambers in the State Building where the hearing was being held. Roth conferred with them in the corridor of the building and was told that the Federal Bureau of Investigation had no objection to him testifying. He was recalled to the stand and the questions were put in many ways and he still refused to name the Japanese. Charges were preferred against Roth and he was tried and convicted for violation of Penal Code Section 87 in the Municipal Court of Los Angeles.

Fred Masaru Tayama was a former restaurant operator, insurance broker and, at the time of testifying, an evacuee at Manzanar. (Volume X, pp. 2961-2965—2968-2972—2988-2990.) He was born in Honolulu and had received a Bachelor of Science degree in electrical engineering from the *A. R. Muir Institute of Technology* of Chicago. He stated that he had resided in southern California since 1929.

He was familiar with the *Japanese-American Citizens' League* with headquarters located at 2031 Bush Street in the City of San Francisco. He stated that there were 66 chapters and approximately 20,000 members with about 7,000 of them in southern California. He stated that to be eligible for membership in this organization, the applicant must be an American citizen of Japanese parentage, 18 years of age

or over. He stated that the organization checked up on the birth certificates of applicants for membership and that applicants were compelled to sign an oath of the truth of the statements contained in their application. He stated that he was, at the time of testifying, the chairman of the Southern California District Council of the *Japanese-American Citizens' League* and that he had held this position since September of 1941. He stated that the chairman heads 20 chapters in the Southern District Council, which covers San Luis Obispo south with one chapter in Phoenix, Arizona.

After December 7, 1941, the *Japanese-American Citizens' League* had created an *Anti-Axis Committee*. It had been formed voluntarily and Tayama had called the *Nisei* leaders together in Los Angeles immediately upon receipt of the news of the attack on Pearl Harbor. He stated that by 5 p.m. on the day of December 7, 1941, the *Anti-Axis Committee* had been organized in the office of the *Rafu Shimbun*. An Intelligence Unit was set up in the *Anti-Axis Committee* to assist Federal officials with problems pertaining to Japanese-Americans and aliens and to report on subversive activities.

He was also a member of the Japanese Y. M. C. A. and served on its Board of Directors. He was a member of the Japanese Union Church (Christian). In support of his contention that he had been expatriated from Japanese dual citizenship, he offered the committee a letter from the Japanese Consul General in San Francisco dated December 10, 1925, confirming his expatriation. He stated that he had been advised in 1923 that he must apply to the Japanese Consul General for military extension or exemption and learned, at that time, that he was considered a citizen of Japan and subject to military duty. He investigated and learned the details and found that he had been registered by relatives in Japan. With this knowledge he took steps to expatriate himself.

He contended that he had been "too busy with other affairs" to learn of subversive activities on the part of the Japanese-Americans in Los Angeles prior to December 7, 1941.

He placed the average age of the *Nisei* at around 19½ or 20 years. Because they were mostly minors, he stated that, therefore, they do not control the business organizations of the Japanese and do not have much influence. He believed that the *Issei* had endeavored at all times to maintain the traditions of Japan in the United States. It was his opinion that if the war had been deferred for five or six years until the *Nisei*s would have had an opportunity to have taken over the Japanese organizations and the operation of the businesses; had become heads of families, etc., the situation would have been far different from what it was at the time of testifying. He stated that the *Issei* expected to be placed in detention camps in the event of war with Japan and said that the *Nisei* were willing to go.

He had heard of the *Black Dragon Society* as an organization headed by an elderly man, Mitsuru Toyama, who lived in Japan.

He presented the committee with a copy of a radiogram purported to have originated in Honolulu and signed by the *Chamber of Commerce* there, denying rumors of Japanese Fifth Column activities in Honolulu on December 7, 1941.



He believed that the majority of the *Issei* are loyal to Japan and that the majority of the *Nisei* are loyal to the United States. He believed that this was because the *Issei* had been refused United States citizenship, and felt that if they had been permitted to become citizens, they might have been loyal.

He had known Tomo Kasurui, Consul of Japan who had been located in Los Angeles. He stated that Kasurui was the spokesman for the Japanese Foreign Office in Japan, at the time of Tayama's testifying. He stated that Kasurui had confided to him in 1935 that there was apt to be a conflict between the United States and Japan.

### 8

#### ACTIVITIES OF JAPANESE EVACUEES

Dr. John Lechner stated that a tremendous movement is on foot to soften up the American people in reference to the Japanese in the relocation centers. He stated that the Japanese in the centers are taking advantage of this situation. (Volume XVI, pp. 3933-3980.) In this connection he offered the committee a sheaf of notes that were made by a Japanese-American at one of the camps. He stated that the notes were in the Japanese-American's own handwriting. He explained that the Government had decreed that Japanese-American citizens and other Japanese in the evacuation centers were not permitted to listen to radio broadcasts, but that the Government had given permission to small groups to act as committees to listen to radio news broadcasts of the day and then, in turn, to rebroadcast over a camp radio-broadcasting system, the news as compiled by the Japanese committee for the benefit of the evacuees. These broadcasts, of course, were in the Japanese language. He stated that the notes taken by his Japanese informant are significant in that they prove that all of the information rebroadcast to the Japanese evacuees was pro-Jap. The Japanese losses were never rebroadcast. The following translations from some of the broadcasts are typical:

"France might as well fly the swastika."

"Tokio is waiting for a complete collapse of the Soviet."

"When the Japanese attack Siberia it will be sudden and decisive."

"Japanese Russian propaganda is very active against the Communists and the Communist United States."

"When Russia is beaten she will become like China."

"Britain, after losing Singapore and Hong Kong, can not expect to get them back in British hands again."

"Why should India remain under British rule to make India a British sphere which will eventually turn India into future British frontier?"

"Unless Britain can influence Jinnah and Nehru against Gandhi's idea, which is too late, Britain can not turn India's tide to British satisfaction."

"Big, important meeting in Moscow is another development of Allies' discord."



"Nazi blitz speed is astonishing."

"All of the Pacific will be blacked out and Japanese may attack the Pacific Coast with submarines."

"Japanese air force is wiping out the United States-Chinese air force."

"Japanese activities in Australia are on the increase. The Australians say the air strength is not sufficient to check the Japanese assault."

"Japanese planes attack Queensland for the first time."

"Four Japanese planes bomb Tourinville. Japanese also bomb Darwin. Japanese threat via Buna also serious."

"One-twentieth of the United States population is in Australia. Japanese secretly landed in Australia a month ago when Japanese landed in New Guinea. Japanese again landed at Buna. Allies have not checked their threat. New United States plane, Mustang, 1,400 horsepower, may out-do Japanese Zero. Burma Japanese may invade in China or India."

All of these excerpts are from the rebroadcast of August 5, 1942. On August 4, 1942 similar broadcasts were made. The following are typical:

"Japanese destroy 55,000 tons of Allied shipping in last week. Japanese sent more reinforcements. Allies advancing Buna-Gona area. Japanese submarine sinks British ship. Another large naval engagement coming. British attack Burma force and lose."

"Big quake in north of New Zealand. Japanese cruiser was bombed for second time, but Japanese established an air field in Coocoda. Gandhi says: 'Unless Allies give complete independence India may welcome Japs.' The Japanese at Burma are preparing to start fresh movement into India. Next Friday is the deadline for India's independence. Two hundred and nineteen Japanese planes attack United States air base."

Dr. Lechner stated that no censorship whatever is exercised on the part of the War Relocation authorities.

On July 28, 1942:

"Japanese landed in Australia in submarines. In New Guinea Japanese set up at Coocoda, 50 miles from Moresby. Japanese attack Darwin and Tourinville. In New Guinea the Japanese are advancing by bicycle troops."

On July 27, 1942:

"Allies attack Buna. More Japanese landed at Buna; more at Gona, 160 miles north of Buna. Japanese attack British force near Moresby. Tojo said: 'Japan holds the initiative in the Western Aleutians; Japan will go the limit to crush the United States and Britain.'"

On the same date the Japanese announcer stated:

"United States is losing this war because they can not fill orders for spare parts. Nazis using transport planes. United States is trying to convert bombers into cargo planes. C. I. O. Auto Workers' Union demands double pay for Saturdays, Sundays and holidays. During the first six months of the war 4,000 seamen's lives were lost. India's situation is more critical. Gandhi demands negotiation with British to grant India complete and immediate independence or India will become turmoil of trouble. Our (United States) June production is behind schedule. Gandhi says: 'Britain is India's friend. India neither sides with nor rejects the United States or the Axis countries. India asks the United States, China and Stalin to induce Britain to accept India's independence plea, but no one acts.' Gandhi has political power but not military power—naturally India relies on Japanese aid. Britain today ordered all essential commodity dealers closed. What next?"

On July 21, 1942:

"Japanese attack Fort Moresby with 41 planes. 'Don't neglect Australia for Japanese pilots are darn good and are a good match for United States fliers.'"

Under date of July 19, 1942:

"Japanese carried out their plans. India will become yoke of Japan after this Friday."

On August 7, 1942:

"Only 1 per cent of United States production, or three days production in Australia. How can Australia stop the Japanese? United States is losing this war unless it can produce more war material, and the United States can make this a total war. Only a trickle of supplies come into Australia. Japanese are undoubtedly occupying many important coastal regions on the continent of Australia. We are beaten in India, Turkey and losing in Siberia and Australia. If Russia gives in the United States must lose China and Australian interests. There may be a negotiated peace."

Dr. Lechner testified that it was his opinion that the United States Government is making a big mistake in the civilian administration of the Japanese relocation centers. He stated emphatically that he agreed with the *American Legion* that the administration of the camps should be under the supervision of the Army and not in civilian hands. He told of a Mr. Myers, who had had no experience before his association with the War Relocation Board or Authority, and who knew nothing of the Japanese, being sent to the West Coast as an expert in charge of the Japanese relocation centers. He stated that Mr. Myers

had delivered an address on the Fourth of July, 1942, in which he apologized to the 12,000 Japanese at Manzanar for the big mistake that the United States Government had made in evacuating them in the first place. Dr. Lechner rendered the opinion that every able-bodied Japanese male should be put to work in agricultural centers under strict Army control.

He related incidents occurring at Manzanar in which groups of 10, 12 and 15 Japanese were allowed to travel through Inyo County in trucks without any restriction whatsoever.

He related an incident which occurred at Camp Lordsburg, New Mexico. He stated that a number of Japanese prisoners captured during the Solomon Islands campaign were brought to the relocation center at Lordsburg and interned there with the Japanese evacuees. He stated the civilian administration of the camp permitted the Japanese prisoners to mingle and talk with the evacuees in the Japanese language. On October 29, 1942, Camp Bulletin Number 56 was issued in mimeographed form by the evacuees. It was in the Japanese language. The bulletin described the number of Japanese prisoners who had been brought into the camp a day or two before and gave minute details as to where they had come from and named the boat that brought them to the United States; information, Dr. Lechner contended, withheld from our own metropolitan newspapers. He stated that the Japanese prisoners from the Solomon Islands painted an encouraging picture of Japanese victories for the Japanese-Americans in the camp, and as a result, the camp was "all fired up." The following morning saw a big demonstration staged by both the Japanese-American evacuees and the Japanese prisoners. He stated that there were several thousand Japanese participating in the demonstration, marching up and down through the camp, singing and having a "great time." A loyal Japanese, placed in the camp by the Federal Government, and whose name was withheld, reported that two or three officials in charge of the camp felt quite happy concerning the demonstration. One of them said: "Our policy for the relocation board is pretty good; we are giving them all the leeway possible; look how happy they are!" The Japanese informant turned to the official and said: "Do you know what they are singing?" The official answered, "It doesn't make any difference. They are happy." The Japanese informant then told the official that "They are singing the *Japanese National Anthem*." The official became alarmed and said, "They can't do that here!" The Japanese informant then stated: "If you will look at the flag-pole you will see *what* they can do!" The official looked at the flag-pole and saw a home-made Japanese Flag flying from it. During the night the Japanese had run up the Japanese Flag. Dr. Lechner stated that his report revealed that it took the threat of Army machine-guns to enable a man to take down the Japanese Flag.

Dr. John Lechner testified that on August 8, 1942, nearly 500 *Kobei*, *Issei* and *Nisei* gathered in Mess Hall 15, at Manzanar, under the chairmanship of Ben Kishi. (Volume XVI, pp. 3933-3980.) The meeting, Dr. Lechner stated, was conducted in the Japanese language by the consent of the center administration and was purportedly called for the purpose of discussing living conditions. He stated that the meeting developed into a bitter denunciation of Manzanar policy. He stated



that one of the scheduled speakers, Kujohi Hashimoto, calling himself a *Kibei-Nisei*, hinted that he dared not say how the *Kibei-Nisei* felt regarding this country. Joe Kurihara, born in Hawaii, sprang to his feet and demanded the floor. Kurihara is reported to have said:

"I have never been in Japan, but in my veins flows Japanese blood; the blood of *Yamato domashii*. We citizens have been denied our citizenship rights; we have no United States citizenship; we are 100 per cent Japanese."

Dr. Lechner stated that a roaring applause and stamping of feet echoed this declaration on the part of Joe Kurihara. When Carl Yoneda, another scheduled speaker and the chairman of the War Participation Committee, attempted to speak on the need for cooperation with the Government of the United States in winning the war, Dr. Lechner stated that he was "booed" and "jeered," so that only a portion of his speech could be heard. Masajo Tanaka spoke next, and said:

"I am a *Kibei-Nisei*, but the *Kibei-Niseis* are not American; they are Japanese. (Loud applause.) *The Kibeis are not loyal to the United States* and they might as well know about it! But the *Kibeis* should use their citizenship rights for their own benefit. I can not understand why there are a few *Nisei* who still talk about their citizenship rights, and about American democracy."

Dr. Lechner stated that, realizing the temper of the meeting would be revealed to the authorities at Manzanar and that such meetings in the future might be banned, some of the *Issei* were heard to remark that "The Japanese soldiers will soon be here to liberate us."

He stated that some time before the meeting in question, at a private conference between Ted Akahoshi, *Issei* Chairman of Block leaders at Manzanar, and two other individuals, Akahoshi made the following statement in the heat of an argument concerning certain government orders:

"I want to say this, and I want this to be kept just among us three. If one of you should happen to tell it to someone else, I am going to deny it. If Japan loses this war, we—and I include you citizens, too—will all become slaves of this country. If Japan wins, we will then tell them how to run this country."

9

PRO-JAPANESE SYMPATHIES IN THE UNITED STATES

Dr. John Lechner contended that there now exists in the United States a nationally organized movement to soften the American public against the time when the Japanese-Americans will be released from internment centers. (Volume XVI, pp. 3933-3980.) He described this effort as "a tremendously powerful movement." He stated that there are several organizations now engaged in a campaign to discredit the



United States Army's policy of evacuating the Japanese and the policy of the Government in holding the Japanese in concentration or restricted areas. Beginning at page 3963 of Volume XVI, Dr. Lechner states:

"This group is comprised largely of church and educational leaders.

"Here is an article which was written by Norman Thomas, head of the Socialist Party, and distributed by the *Post-War Council*.

"I understand that several hundred thousand (copies) were sent out. This is a seathing indictment against the United States policy employed so far as the Japanese are concerned, and he (Norman Thomas) advocates the immediate release of all Japanese-Americans. Two months ago Dr. Palmer announced that he had over 1,600 leading ministers in this country who had signed up as active members. (Churchmen's Committee for Christian Peace; Dr. Albert Palmer, chairman and head of the Chicago Seminary.) Palmer's statement on the unconditional surrender of Japan is this, as is described. In such things as these we are getting the first announcement of a very carefully worked out plan of all of these groups I am going to mention, for a negotiated peace with Japan. Speaking of unconditional surrender he said, 'This goal is not likely to be reached by any method of total military victory; some kind of negotiated peace is a desirable alternative.' This statement was made in December, 1942.

"They claim to have 12,000 or more active members throughout the United States. The principal theory is that war is not compatible with the teachings of Christ. In addition to that there is the *National Committee for Prevention of Wars*. This organization held its National convention in Philadelphia, November 11, 12, and 13, 1942. One of the aggressively active leaders is Theodore Walser, an American missionary to Japan for twenty-three years.

"He spoke before the members of the Pilgrim Church, one of the large churches in Washington, D. C. This was his statement: 'Japan was justified in her attack on Pearl Harbor.' He gave for his reason, first, that America had no right to interfere with Japan's 'Asia for the Asiatics' policy in the Far East. Secondly, Japan is only doing what America did to Mexico and to Central and South American Republics.'

"The *National Committee for the Prevention of War* in its convention adopted the following aims for 1943, and I list five or six points. First, is a negotiated peace with the Axis powers, following Dr. Albert Palmer's idea. Second, to give financial and moral aid to conscientious objectors; three, to give financial aid and scholarships to Japanese-Americans so that they may complete their university education; four, to release the Japanese from the relocation camps and give the relocation civilian authori-

ties power to act, because they were, apparently, from their statements, already conscious of the fact that they were wielding a great deal of influence over these civilian authorities. Five, give favorable publicity to the Japanese-Americans and the Japanese point of view in the public press, and particularly stress that point of view in church publications throughout America; set up an employment agency to aid the Japanese as fast as they are released from the relocation camps.

"Incidentally, one point here about the church publications. From our information it is very apparent that a definite policy is being employed to create a favorable attitude toward Japanese-Americans in this country, and so favorable that naturally we will build up a sympathetic attitude for Japan. That is what we call the 'softening-up process' so that these various organizations can put across with full speed, by the end of 1943, a terrific campaign for a negotiated peace with Japan, and it is a very clearly worked out scheme.

"As an indication of how far they will go \* \* \*, from December 4th to December 14th in Quebec, Canada, the *Institute of Pacific Relations*, which has a very powerful branch here, held what they called 'a Pacific conference' for the purpose of discussing post-war problems in the Pacific area. At that conference the leaders refused admission of a Korean participant, although they claimed that they were interested in establishing the Atlantic Charter of the Four Freedoms in all of the subjugated nations in the world. Finally after a threat was made to expose the *Pacific Conference* held by the *Institute of Pacific Relations*, they agreed to allow a Korean as an observer. The opposition came from some of the missionaries who came from Japan, representing the Far East.

"Underneath that whole conference was this underlying motive, to build there at that Pacific Conference in Quebec the structure for the cooperation of the *Institute of Pacific Relations* for a negotiated peace and the leaders in that conference were former missionaries and educators of Japan. Why they had this antipathy for the Korean was because they felt that if he were a part of the conference he would expose the things that were going on inside. That is a matter of fact that Mr. Haan testified to.

"The purpose of these groups, as I stated, is to soften American public opinion against Japanese and pave the way for a negotiated peace with Japan."

Dr. John Lechner, it should be stated, is an ordained minister.

## PART VII

## MANKIND UNITED

## INTRODUCTION

Early in 1934 a small group of people assembled in the Hotel Leamington in Oakland. A mysterious individual known only as "*The Voice*" or "*The Speaker*" was the principal figure at the meeting. He was meticulously attired, slender and aloof. He affected a Messiah attitude and when his eyes were not dreamily intent in contemplation on matters far removed from his mundane surroundings, they glowed with intense magnetism on the little group who reverently drank in his every utterance.

He told them a strange and fantastic story. He went back to a Christmas Day in 1875 and told of the meeting of a group of mysterious men. Their names were never known and *never will be known*. *The Voice* designated them as "*The Sponsors*." They had gathered from the four corners of the globe, projecting their physical bodies through space, as *The Voice* was able to project his own at unbelievable speed, covering the distance between the United States and China in but a few seconds. They had gathered to discuss the deplorable conditions existing in the world—even in 1875. They had not only gathered to discuss the situation but met with a full determination to do something about it. They solemnly resolved to launch a world-erudade against war and poverty and out of the discussions of the meeting emerged an organization which became known as "*Mankind United*."

It was *The Sponsors* who contacted the superhuman race of little creatures with large metallic heads who dwell in the center of the earth, passing the time controlling earthquakes and floods. The support of this race of little supermen was enlisted in the erudade against war and poverty and the supernatural powers of the little creatures were placed at the disposal of *The Sponsors*. Supernatural control over men, mystic forces and devices were to be placed in the hands of *Mankind United* when the designated day came. These powers, controls and mystic forces included devices and apparatus whereby traffic might be brought to a halt and airplanes stopped in midflight; steel melted from a distance of miles and shells and ammunition rendered incapable of exploding. The little creatures with large metallic heads would gladly lend of their powers in making all instruments of war ineffective.

The eyes of *The Voice* must have glowed with mystic intensity and meaning as he warned his listeners of the death they would meet if they ever dared to reveal the secrets of *Mankind United*.

Since that Christmas Day in 1875 *Mankind United* had spread throughout the world. The intervening years had seen branches established everywhere. A subsidiary or auxiliary organization was established, the *International Institute for Universal Research and Administration*. The members of this scientific institute, working, no doubt,



with the little creatures in the center of the world, developed hitherto unknown, tremendous and mysterious forces to be harnessed and used when the proper time came to establish *Mankind United* in control of all the governments of the earth.

*The Voice* spoke to the little group of starry-eyed people in the Leamington Hotel in mysterious terms. He told of the *International Legion of Vigilantes*. It was related to them under solemn oaths of secrecy. *Mankind United* fought a vicious and heartless group of exploiters and slavers known as the *Hidden Rulers*. These powerful rulers were determined ruthlessly to crush *Mankind United*; it was a war to the death between the two groups. The *Hidden Rulers* controlled the world's wealth and knew that if the crusade initiated by *The Sponsors* succeeded that they would be completely destroyed.

*Der Tag* was near at hand, *The Voice* notified his entranced listeners. *The Sponsors* had determined that the time had come for action. *Alas!* There was a catch to it. Before *Mankind United* might take over all the governments of the earth, *The Sponsors* had decided that *Mankind United* must have not less than 200,000,000 members. The time, however, was ripe, *The Voice* declared, and he had been selected to bring the 200,000,000 members into the crusade of *Mankind United*. He had been granted supernatural powers for this purpose and, because of the magnitude of the job assigned to him, had been given hundreds of "doubles,"—"automatons," resembling him in every detail and endowed with his conscience and will, so that he might actually be in many places simultaneously performing the many duties imposed upon him by *The Sponsors*. Within two or three seconds his physical body, or those of his "doubles" might be transported to any given place in the world. It was nothing at all for him to go to sleep in San Francisco and wake up a few seconds later in China or India. This art of "leaping through the air with the greatest of ease" had been brought to such perfection that *The Voice* was able to travel from San Francisco to a ship in mid-Atlantic in but a few seconds and find himself in a state-room on the ship. It was a very convenient arrangement because *The Voice* was not only able to transport himself in this miraculous manner but was able to bring bales of documents and other physical material with him, without the inconvenience of customs and immigration officials.

The selected few who had met with *The Voice* in the Leamington Hotel in Oakland had been signally honored. To them was assigned the task of organizing *Mankind United* in California. *The Sponsors* had caused a book to be written and it was appropriately entitled "*Mankind United*." They were to go forth and recruit members for *Mankind United* and to sell copies of *The Sponsors'* book. The volume itself had mysterious and supernatural qualities that would be explained to all of the members at a later day. The job before them for the present was to find 200,000,000 people to buy the books so that the day of reckoning for the *Hidden Rulers* and the existing governments of the world would be hastened.



## 1

## MANKIND UNITED FANTASY

Literature of the organization was soon in circulation and the membership grew at such a pace that it became necessary for *The Voice* to divide the State of California into bureaus. The men who conducted these bureaus became known as "Bureau managers." The *Nordic Service Bureau*, the *Latin Service Bureau*, the *Ray of Light Bureau*, the *Star of the East Bureau* and more than a hundred others sprang into existence throughout California. A pioneer edition of the book *Mankind United* sold for \$100 a copy. Ordinary volumes, printed and bound in the same manner as the \$100 copy, sold for \$20 each and even as low as \$2 each. The membership fees were \$20. By 1935 and 1936 groups were meeting throughout the State and learning of the little creatures with large metallic heads who dwell in the center of the earth and who control the earthquakes and the floods. They began to hear the stories of the miraculous devices invented and developed by the *International Institute for Universal Research and Administration*; of death rays and strange inventions that could paralyze automobile traffic and bring airplanes to an abrupt halt in midflight. Each *Mankind United* Bureau group believed that they were small units of a world-wide organization waiting only for the appointed day to end war and poverty and to take over all the governments of the world simultaneously. They spoke in awe and reverence of *The Voice* or *The Speaker*, as he was sometimes called. They believed *The Voice* was merely a connecting link between the bureaus and *The Sponsors* of the great international organization.

In 1940 and 1941 the citizens of San Francisco, Los Angeles, Fresno and other cities in California, might have seen yellow mimeographed circulars generously and profusely circulated in downtown districts. They advertised the secret showing of a motion picture and outlined a method whereby an interested party might view the film. Devious ways and means were provided for gaining permission to view the mysterious picture. Absolute secrecy was demanded of each applicant who was granted this privilege. The Fact-Finding Committee on Un-American Activities in California learned that these films were being exhibited during this period both at the headquarters of the *German-American Bund* and the Communist Party headquarters in San Francisco and in Los Angeles.

Within a few days of the bombing of Pearl Harbor investigators for the committee learned that the bureaus of *Mankind United* throughout the State had suddenly become beehives of activity. Members had been ordered by bureau managers to lay in supplies of food and clothing, to secure blankets and water in sealed containers in preparation for the time of confusion and siege which would necessarily be incident to *Mankind United* taking over the government. They were ordered to cooperate in the preparation of large maps detailing the location of airplane factories, shipyards, police and radio stations, hospitals, tunnels, railroad lines and bridges. They were ordered to time themselves in order to ascertain how long it would take to go from certain central points to the homes of non-members within certain specified limits.

Bureau managers were summoned to San Francisco for a conference with *The Voice* and returned to tell their respective members that they must not purchase United States War Bonds or Stamps. The members were informed by the bureau managers that military units such as the *Women's Auxiliary Army Corps* had been formed for the purpose of providing the armed forces of the United States with uniformed prostitutes. They were informed that the government had deliberately sent most of the armed forces abroad in order to leave the Nation defenseless against invasion and that the few remaining troops were being rapidly shifted about the country to create an illusion of a large protective force at home. They were told that President Roosevelt had personally ordered the bombing of Tokio in his desire to provoke Japanese retaliation in a bombing of the Pacific Coast. This was desirable on the part of the President, they declared, in order to create an excuse for the declaration of martial law so that he might be set up as a permanent dictator.

The members of the committee were convinced of the subversive character of the organization and its leaders. In this mystic realm of strange mental distortions several thousand distressed people were groping through the mist of their own befuddlement in search of some panacea for their ills; activated by an insane web of fantasy spun from the brain of a designing charlatan and working with frantic zeal to thwart the war effort of their own government.

The committee decided to subpoena the known leaders of the organization. Those called to testify are as follows:

George Gouverneur Ashwell	Guy McKinley Wright
Arthur Lowber Bell	Chester Cleveland Cook
Dr. Eugene Wadsworth Brown	Walter Henry Chris Peters
P. J. Cardoza	Eugene W. Laisne
A. Ray Elsea	Bay Burns Sharp
Willard E. Franke	Dema Jane Fleming
Fern Ruth Lewis	John William Peck
Orlando Meniketti	James Everett Coe
Cora Wickham	Robert M. Schuler

## 2

## MANKIND UNITED IN SOUTHERN CALIFORNIA

Mrs. Fern Ruth Lewis has been a resident of San Bernardino for 15 years. (Volume X, pp. 3004-3027.) She had been a member of *Mankind United* for about two years. She had become affiliated through her acquaintance with a woman she had met in a beauty shop where she was working as a cosmetologist. The woman gave her (Lewis) a copy of *Mien Kampf* and Mrs. Lewis gave her \$5 as her initiation fee for membership in *Mankind United*. The woman told Mrs. Lewis of a miraculous "ray machine" that was to be demonstrated by the organization at a cottage near Lake Arrowhead. Mrs. Lewis became a member of the *Ruth-Ann Bureau*, headed by Dr. Eugene W. Brown. The bureau met in Los Angeles and had between 50 and 100 members.

Dr. Brown told the members of the *Ruth-Ann Bureau* that they were all protected by the Federal Bureau of Investigation. Mrs.

Lewis stated that the bureau was in possession of maps of all cities along the coast of southern California and that these maps were displayed in meetings of the *Ruth-Ann Bureau*. Dr. Brown told the members that if the inactive affiliates failed to obey the orders of the active members that dire things might happen to them. "You know what the *Gestapo* did to the people of France!" Mrs. Lewis reported Dr. Brown as significantly declaring. She described the maps of the areas in question as being very thorough and stated that the homes of members of *Mankind United* were marked with colored pins indicating active and inactive members. The white pins were for the active members and the pink pins for those who were inactive. She said that all public buildings were marked and that the number of employees working in the buildings were listed together with any members of *Mankind United* who might also work with them. She never learned the exact purpose of the maps, although she claimed that Dr. Brown had hinted that they were to be used for sabotaging the war effort when the time came.

Following the news of the bombing of Pearl Harbor, Dr. Brown had advised the members to lay in supplies of food and bedding. All members of *Mankind United* were to be ready when sabotage hit the country so that they would be prepared to take over the government. He warned them that they should lay in sufficient food for three months and should be supplied with boiled water, first aid kits, etc. He strongly indicated that there would be general chaos at some time in the very near future. The active members of *Mankind United* had little to worry about, according to Dr. Brown, as he indicated that they would be protected. He told them to ascertain how long it would take each of them to go to each others homes in their particular community because when the "message" came, it must be relayed to each of the members and that "an hour was all the time" they would have.

Mrs. Lewis stated that Dr. Brown told the purchasers of the book, "*Mankind United*," that there was a secret message contained in it and that this message could be clearly brought out with a simple household appliance. She declared that she had ruined two books attempting to find the message.

The map for the City of Los Angeles was very thorough, Mrs. Lewis stated. It indicated everything very clearly in the area, including tunnels and power outlets.

The objectives of *Mankind United*, as outlined by Dr. Brown were the achievement of complete unity of all people and the establishment of equal wages and equal living conditions. This objective was to be attained by the use of force and the world-wide sabotage of war efforts. Mrs. Lewis told the committee that she had come to the conclusion that the members were held in the organization by *fear* and that the real purposes of its leaders were being concealed from the members and the general public. She stated that she believed the organization to be subversive. She estimated the number of members in southern California as more than 11,500. She had heard of *The Speaker* and had also heard him referred to as *The Voice*.

The place where the demonstration of the ray machine was held was alleged to have been located in Cajon Pass and was known to be the



headquarters of the *Nazis*. She stated that the caretaker of the place was a German who could barely speak English.

Dr. Brown had exhibited a picture to the members of *Mankind United* in San Bernardino and Mrs. Lewis stated that during the showing of the film he "pranced up and down and had the people in tears through fear."

She had heard Dr. Brown tell of *The Speaker's* ability to transport himself about the earth at will and of the little men in the center of the earth who controlled the earthquakes and floods.

She stated that while the regular initiation fee was \$20 she had only paid \$5.

A man by the name of Eugene Messenger collected the membership money in San Bernardino for delivery to Dr. Brown in Los Angeles.

She stated that Dr. Brown had reported to the membership a meeting of bureau managers which had been held in San Francisco, in September of 1939. He stated that an army of 10,000 saboteurs were ready in the United States.

Mrs. Lewis testified that she knew of groups of *Mankind United* in Colton, but that there were none in Riverside to her knowledge.

A. Ray Elsea had been the manager of the *Ray of Light Bureau of Mankind United* since December of 1938. (May 12, 1942 Hearing, pp. 87-104.) He had been a student of metaphysics. He admitted having heard *The Voice* speak. He had heard *The Speaker* tell of his travels and of having "lost consciousness" and waking up in other parts of the world. He denied ever having heard of saboteurs maintained by *Mankind United* and regarded the accomplishments of the organization in the same light as the miracles performed by Jesus. He denied ever having heard of instructions from *The Speaker* regarding the preparation of maps.

He stated that the source of his income was through the "normal channels" of bureau collections and that he devoted his entire time to the work of the bureau and lived by it. He claimed that he made financial reports at bureau manager meetings and that the money collected by him was turned over to a Mrs. Bess D. Comfort and a Mrs. Erwin, who constitute a financial committee for the purpose of receiving money. A Max Miller of the *A. P. Roberts Bureau* of Palo Alto also served on the "financial committee." He denied having any knowledge of the disposition of the funds.

He was able to recall a description of the mechanisms of *Mankind United* published in the bulletins of the organization. The committee had heard of a device allegedly developed by the *International Institute of Universal Research and Administration* which, when properly in operation, caused people's eyes "to pop out of their head." Mr. Elsea admitted that he believed that this device had been described in the text of the book, "*Mankind United*" or some of the organization's literature.

Dr. Wadsworth Brown was subpoenaed and testified February 24, 1942 (Volume IX, pp. 2658-2678). He was drugless physician and doctor of chiropractic by training and his profession was that of "lecturer." He was a graduate of the Los Angeles College of Chiropractic and had resided in Los Angeles since 1916.



He was not acquainted with a man by the name of Arthur L. Bell and had only heard of this individual through the newspapers and the Federal Bureau of Investigation. He was acquainted with a man who was known by the name of George Ashwell and had known him for about three years. He had met him at various gatherings of "teachers and seekers,"—seekers after the truth. While he was not acquainted with Arthur L. Bell, he admitted having seen and heard *The Speaker*, who was sometimes also referred to as *The Voice*. He stated vaguely and mysteriously that he had seen one who *seemed* to be *The Speaker* or *The Voice* on many occasions, intimating that it might not have been, after all. He had heard *The Voice* mention an apparatus which could destroy all war machinery (p. 2668). "We are against war because it causes suffering and poverty," he added. He believed the international bankers represent the "hidden powers" that cause wars. All instructions to the bureau managers and its members come "through" *The Speaker*, he alleged.

He averred that *Mankind United* had existed since Christmas day in 1875. He had belonged to the organization since August of 1938 and was the manager of the *Ruth-Ann Bureau*. He had knowledge of the *Ray of Light Bureau* in Los Angeles and the *George Ashwell Bureau*, whose location he did not indicate. He knew of no other bureaus. The *Ruth-Ann Bureau* had sold between two and three hundred copies of the book, "*Mankind United*." He claimed to know nothing of the financial status of Arthur L. Bell or the organization of *Mankind United* in California. He had no knowledge of where the books were printed. He remembered having attended bureau managers meetings but could not remember when or where or how many he had attended or who was present with him. He claimed to know nothing of "trained saboteurs" maintained by the organization.

He knew vaguely of the *International Registration Bureau* but did not know where it was located or anything about it. He claimed he had never heard of "the little men in the center of the earth with metallic heads who control floods and earthquakes." He would not dispute their existence.

He denied that *Mankind United* actually had members. He explained that there was no actual membership in the organization and its supporters were only interested persons. The objective of the organization was "security and abundance" for the "persons interested." Being pressed for the number of members in the *Ruth-Ann Bureau*, he finally stated that it consisted of "possibly a thousand" persons who were merely "interested." He stated that the goal of *Mankind United* for membership (or "interested persons") is 200 million people. He stated mysteriously that the policies of the organization change "sufficiently to cooperate with the law" (p. 2676). The bureau managers receive no salary. They do receive certain revenues from the sale of books.

He admitted having seen the organization's motion picture, "*Dealers in Death*."

He stated that there was no accounting of the funds in the organization and that it was not deemed necessary. The members do not demand audits and the bureau managers never question the disposition of the money they turn into the San Francisco headquarters.

Dr. Brown was recalled May 12, 1942 (May, 1942, Hearing, pp. 2-62 and 104-109). At this hearing he reiterated much of his previous history. He stated that the greater part of his duties as the manager of the *Ruth-Ann Bureau* was relaying messages to "interested people" from *The Speaker*. He stated that these messages came on the average of once a month and that the *Ruth-Ann Bureau* put out bulletins conveying the messages to its members or "interested people."

The last meeting of the bureau managers was held on May 4, 1942. "At least one of him," (meaning one of *The Speaker's* doubles) was present and he "thought" that less than 20 bureau managers were in attendance. He contacted George Ashwell while in San Francisco for the meeting. The meeting was held in the St. Francis Hotel. At that time he received instructions from *The Speaker*.

*The Speaker* occasionally sent messages by telegraph to bureau managers and Dr. Brown identified one such telegram of February 14, 1942, which was signed "*Division Superintendent*." He stated that the telegrams were sometimes signed "*Department A*."

He had never heard of Mrs. Ruth Lewis until he read her name in the Los Angeles newspapers after she had testified before the committee. He later found her name on his records as an "enrollee." He ventured the opinion that she was a "detective." He stated: "We are not quite as green as we might look" (p. 19).

He explained that he had become interested in *Mankind United* because of the similarity of its philosophy to Edward Bellamy's "*Looking Backward*." He had then joined the *Faith Grace Bureau*, which was headed by Bess D. Comfort. This bureau was located on South Vermont Avenue in Los Angeles and the meeting place was at Ninth and Grand. He had known Ray A. Elsea, the manager of the *Ray of Light Bureau*, since the fall of 1938, although he had never attended any of the meetings of the *Ray of Light Bureau*. He stated that he knew Mrs. Gertrude W. Erwin, who was manager of the *Hall-Gardner Bureau*. He identified other bureau managers.

He received some revenue from the sale of health food products and had filed an income tax return for the year 1941. His bookkeeper, Alice Erdman, was responsible for making tax returns for the *Ruth-Ann Bureau*. "We are told to lean backwards," he commented, "in obeying the law \* \* \*" (p. 27).

He related some of the "peculiar happenings" concerning the "doubles" of *The Speaker*. He identified bulletins, telegrams, and other documents connected with the organization which were entered in the committee's record. He stated that his files for the bureau were maintained at 1325 Ingraham Street in Los Angeles and that it included the lists of "registrants" with their addresses. Marion Huff kept a set of books for the San Bernardino Division of the *Ruth-Ann Bureau*. She maintains a "captain's unit" there, he added.

He stated that the chief source of the bureau's income was from collections taken at the meetings. He described these collections as "love offerings."

He declared that *Mankind United* was divided into four territories in the State and that a bureau manager was in charge of each county. The counties were broken down into districts when the membership warranted and each district was divided into areas and the areas into

sections. He explained that the entire structural plan of *Mankind United* had not been completely put into operation and that the districts had been abolished at the time he testified. The bureaus had taken them over.

He claimed that no fee had been paid by him in order to become the bureau manager. He had purchased books, forms, etc. At the time of testifying, he claimed that no new bureau managers were being appointed. He admitted that his bureau had carried out instructions to map certain areas and to clock the time it took to get to members' homes. He stated that a report on these matters had been sent to San Francisco but hedged in naming to whom it was sent. The reason for the mapping and timing was explained as preparation for a time of chaos and the belief that "there will be an uprising of fifth columnists synchronized with an invasion from the outside." He stated that the United States Government would break down at the critical moment and that it would then be necessary for the people to have food and supplies. Therefore the members of *Mankind United* had been instructed to store necessary food and supplies in advance. He stated that the "inventions in the hands of *The Sponsors*" would enable *Mankind United* to come into power.

The *Ruth-Ann Bureau* had five captains and 30 lieutenants since February of 1940. He "did not know" the number of "enrollees" or the number of "registrants" carried on the rolls of the *Ruth-Ann Bureau*. He estimated that there were around 200 "registrants" and 400 "enrollees." He explained that the statements printed in the bulletins claiming more than the figures quoted by him were "rather loose statements."

The term "pioneer" was explained as indicating those who had purchased the "Pioneer Edition" of the book, "*Mankind United*" for \$100 per copy.

He denied that he had ever threatened any of the members with physical violence. He claimed that *The Speaker* told a southern California meeting of bureau managers that "This organization will never do anything to sabotage or act as a channel of espionage of this country's armed equipment" (p. 60).

He branded as ridiculous allegations concerning a *Mankind United* apparatus which would cause the eyeballs of people to pop out and claimed that the organization had never been told of any such equipment. He added that if there existed apparatus capable of sabotaging the war effort it would be used to stop all, not a part, of war machinery. He added that the "warmongers" were those who were portrayed in such motion pictures as "*Dealers in Death*."

He concluded his testimony by declaring that the doors of *Mankind United* were open to all races and all creeds.

### 3

#### MANKIND UNITED IN CENTRAL CALIFORNIA

The committee subpoenaed eight witnesses in its investigation of *Mankind United* in Fresno, May 22 and 23, 1942.

John William Peek had affiliated with *Mankind United* in the latter part of April, 1939 (Volume XI, pp. 3208-3294). He had attended a



meeting of the organization the Wednesday night preceding the hearing. The meeting was presided over by Bay Burns Sharp. There were about 30 people present and the meeting was held at the corner of Kearney and Arthur Streets, in the home of Walter Henry Chris Peters.

Peck recalled that he had known A. R. Lawn since May of 1939. He recalled having received a bulletin from *Mankind United* in reference to the disaffiliation of Lawn. The bulletin had explained that Lawn had voluntarily resigned and the affiliates of his bureau would be informed of the bureau to which they would be transferred.

Peck admitted having heard of the *International Institute of Universal Research and Administration*, of the *Universal Service Corporation*, the *Pacific Registration Bureau*, the *Division Superintendent*, *The Voice*, *The Speaker*, the *Hidden Rulers* and the *Unknown Sponsors*. He stated that all of these organizations and individuals had been mentioned from time to time. No one had ever taken the trouble to tell him who *The Sponsors* were and the *Hidden Rulers* had never been referred to by name. He had heard of strange and mysterious mechanisms and devices having power to paralyze human animation and motor traffic. He had been told of a device which had been developed by *Mankind United* or one of its affiliate-organizations which had the power to melt steel at a distance of 30 miles. He recalled that Dr. Lawn had described this device to him. He recalled hearing of an experiment which had been demonstrated somewhere south of the City of Fresno. He had been told that all highway traffic had been tied up for a period of 20 minutes and that police cars going to investigate failed to operate their motor vehicles during the time of the tie-up. Peck had been informed that the traffic tie-up was the result of the operation of the device developed by *Mankind United*. Discussions concerning the success of the experiment took place between the members of *Mankind United* in March of 1942.

He had been told that the organization was controlled in California by an individual known only as *The Voice* or *The Speaker*. He had been told that the *Division Superintendent* was the same individual otherwise described as *The Voice* or *The Speaker*.

He knew Harry Smith Simmons and admitted having attended meetings of the *A. P. Burns Bureau* with him. He had heard Carol Purcell speak at meetings of *Mankind United* during the previous two months.

He stated that he had been present at a meeting when Bay Burns Sharp had spoken concerning the bombing of Tokio. Sharp had stated in substance that the Yanks had bombed Tokio for the purpose of bringing the present conflict home to the people of America, and that this act was to be the final step used by subversive forces in bringing the war to America. Sharp declared in substance that the bombing of Tokio would result in the Japanese bombing the West Coast, and that martial law would follow. Sharp stated that the armed forces and equipment of the United States were being sent out of the country, leaving the Nation defenseless. Peck stated that there had been talk at the meetings concerning the possibility of the bubonic plague stalking California and of germicidal warfare.

He was recalled to testify May 23, 1942 (Volume XI, pp. 3295-3305). He told of a meeting which had been conducted by a woman by name



of Howard in the Spring of 1940 of active affiliates of the *Star of the East Bureau* which was then under the management of Dr. A. R. Lawn. He stated that Mrs. Howard presided and that there were 15 affiliates present.

He claimed that he had been invited to become a bureau manager and that the invitation had been extended to him by Dr. Lawn around the twenty-second of October, 1939. He stated that there did not appear to be particular qualifications necessary for a bureau manager and at the time the invitation was extended, qualifications were not discussed. Dr. Lawn requested him to take charge of all of *Mankind United* in Fresno County. He did not accept the invitation and Dr. Lawn continued to press him to do so. Subsequently, qualifications for bureau managers were discussed at Peek's home. Bay Burns Sharp, Peek and his wife were present during the discussion. Sharp wanted to know why Peek had not taken a more active part in the affairs of *Mankind United*. Peek told him that it was because he had certain doubts and that there were certain questions in his mind, which, up to that time, had not been answered. Sharp expressed a desire to discuss the questions with Peek and called at his home later in order to clear up the points in Peek's mind. This discussion, which was on or about the first of March, 1942, included the spiritual phases as well as all of the mechanical phases and principles of *Mankind United*. Financial requirements and other qualifications for bureau managership were also discussed.

Peek stated that Sharp told him that the application for enrollment would cost \$20. This amount would cover the cost of certain classes which Peek must attend and which would be held at a later date. Eight dollars and thirty-three cents was necessary for certain equipment and "protection," also to be supplied at a later date. The equipment consisted of printed matter, such as bulletins and instructions, and the "protection" was described as applying to every form of "protection" the witness might need. On March 6, 1942, Peek paid Sharp \$1 which was part payment on the bureau managership's pledge and at a later date he applied \$18 on the enrollment fee of \$20. He testified that he had never completed his qualifying requirements in order to become a bureau manager and that, in fact, he had never actually been a bureau manager.

He told of a meeting at Walter Henry Chris Peter's home on March 18, 1942, when mysterious radio transmitting equipment developed by *Mankind United* was discussed. This equipment was to be used, he was told, in giving a world-wide program of *Mankind United*. Other mysterious devices were also discussed which, it was said, were to be given to members of *Mankind United* to enable them to tune in on the world-wide program of the organization.

Peek stated that he had heard Sharp declare that everything that *Mankind United* could do to hold back the war effort would result in the saving of millions of lives.

Walter Henry Chris Peters admitted having attended a meeting of *Mankind United* at his residence on the Wednesday preceding the hearing (Volume XI, pp. 3171-3177). He declared that he had been interested in the movement for about three years and that he first became affiliated in the latter part of 1939. His wife, Winona Peters, was also

interested and had been so for about the same length of time. Many of the meetings were held in his home or at the home of a Mrs. Marks. He was a "lieutenant" of the *A. P. Burns Bureau* and had been so "commissioned" for a year or longer. He did not know who had appointed him a "lieutenant," and, as a matter of fact, admitted that "nobody had appointed him." When he came to think about it, he did not know exactly how he had obtained the title of "lieutenant." When asked to describe his duties in the capacity of "lieutenant," he stated that he did not know what the duties were because he "had never performed them." He said that he did not sign his title to correspondence because he "did not have correspondence." After thinking the matter over he stated that he *had been elected* a "lieutenant" after all, but was unable to remember who "elected" him, but "guessed" that it must have been those who comprised the local group interested in *Mankind United*. He did not know whether the vote electing him had been oral or written or who had presided at the meeting when the vote was taken or when the meeting was held. He was able to recall that Dr. Lawn was the bureau manager at the time he had been made a "lieutenant." He stated that there were captains in connection with the *Mankind United* movement and that the captain in Fresno happened to be his wife, Winona. He knew as little about her "commission" as he knew about his own. He stated that he did not know whether she had been elected or appointed and could not remember whether or not he was present at the time she received her "captaincy." He did not know what the duties of the captain were.

He received bulletins from the organization from time to time but claimed that he did not know where the bulletins came from.

Chester Cleveland Cook had been a chiropractor in Watsonville and salesman for the *Aluminum Cooking Utensil Company* in King City. At the time of testifying, May 22, 1942, he was residing in Hanford with his wife and four children (Volume XI, pp. 3150-3170).

He was familiar with *Mankind United* and had been a member for about three years. He ventured the belief that the *Universal Institute for Research and Administration* was the parent body or the "institution" behind *Mankind United*. He stated that it had been created on December 25, 1875. He did not know where the headquarters were located. He had heard of the *Pacific Coast Registration Bureau*, but did not know its location. He had heard of the *Universal Service Corporation* but could not recollect anything concerning it at the time of testifying. He declined to identify a book entitled "*Question and Answer Bulletin B*" which contained "Forms 97 and 98," published by the *Pacific Coast Division of the International Bureau*. He stated that he would first have to confer with legal counsel before making such identification. He explained that he did not personally desire to refuse to answer the question but that he did not want to get into trouble. After being advised of his rights before the committee, Cook admitted that he had seen the exhibit and that he was familiar with "*Question and Answer Bulletin C*." He also was familiar with a printed sheet entitled "*Mankind United Creed*."

Much of Cook's testimony was similar to that of other witnesses and he corroborated former testimony concerning the structure of the organization, its divisions and bureaus, bureau management and bureau

administration under a "manager," "captains" and "lieutenants." He testified, in addition, that seven divisions had been planned for Fresno County to be known as "districts" and that each district was to be divided into ten "areas" and each area in turn was to be divided into "sections."

He had been acquainted with Bay Burns Sharp for a year and a half and had met him in Tulare County. Sharp had always been in charge of the *A. P. Burns Bureau* with its headquarters in Fresno. The *A. P. Burns Bureau* had jurisdiction over Fresno, Tulare, Kings and Madera Counties.

He claimed that he had never heard anyone connected with *Mankind United* referred to as *The Speaker*. He had heard of the "Superintendent" of the *Pacific Coast Registration Bureau* and had seen this designation in printed matter. He admitted that he had heard of an individual connected with *Mankind United* referred to as *The Voice*.

He had become affiliated with the movement originally through a book which had been sent to him by Dr. A. R. Lawn from Salinas. Dr. Lawn, at that time, he stated, was the manager of the *Star of the East Bureau*. He denied ever having heard of the *A. P. Roberts Bureau*.

His entire family belonged to *Mankind United* in Hanford. There were others who had belonged but they were now away doing defense work "or something." He held meetings of the movement in his home on Braydon Avenue in Hanford and presided over them. He stated that he believed that "*Mankind United* belongs to the affiliates" of the movement and that "the affiliates did not belong to *Mankind United*." He believed that a unit of the organization existed in Visalia but stated that most of the meetings in the valley were held in Fresno at the Peters residence.

He recalled having seen a motion picture entitled "*Dealers in Death*" but could not state whether or not it was sponsored by *Mankind United* or the *Registration Bureau*. In the next breath he said that *Mankind United* was a subdivision of the *Registration Bureau*. He denied ever having seen a motion picture entitled "*Things to Come*" sponsored by either the *Registration Bureau* or *Mankind United*. He admitted having seen two motion pictures in connection with the activities of the organization. "*Dealers in Death*" was shown on either Irving Street or Dowdy Street in Hanford. The other picture had been exhibited on some camp ground, "or something," in Visalia. He had read of mysterious mechanisms developed by the Research Department of *Mankind United* or the *International Institute for Universal Research and Administration*. He understood that these mechanisms might be inventions, or forces, or vibrations, "or something" of the *International Institute for Universal Research and Administration*.

The fundamental and basic principle of *Mankind United*, according to Cook, was opposition to war from a Christian standpoint. He stated that when a certain number of individuals become sufficiently interested in the movement and sufficient money is raised to warrant the release of a certain program "(concerning which nobody knows very much)," there would then ensue a 30 day educational program which would be released to all the people affiliated with *Mankind United*. This would happen when there existed a "representative audience," of at least 200,000,000 people. He denied that he had ever heard of the hidden



race of little men with metallic heads who are alleged to be destined to play an important part in the final accomplishment of *Mankind United's* goal. He stated that the heads of great church organizations had been offered "this great power to end war and bring about a new world" but the heads of the churches had not appeared willing to "take it up."

Dema Jane Fleming had been acquainted with Bay Burns Sharp since February of 1942 (Volume XI, pp. 3271-3280). She had attended several meetings of the *A. P. Burns Bureau of Mankind United* and had heard Sharp state that the bombing of Tokio was an invitation to the Japanese to bomb the West Coast of the United States. Sharp had explained that the "powers that be" "(probably the government)," intended to declare martial law in order to bring about a dictatorship in the United States. Sharp contended that the only way this dictatorship could be prevented would be to put over the program of *Mankind United* and thus bring forth all the equipment in the organization's possession for the purpose of stopping the war. Mrs. Fleming stated that she had learned that this equipment was capable of suspending animation in a human being and that whole armies could be disarmed while in such a state. *Mankind United*, she had been told, was prepared to use this force and disarm the armies of the world just as soon as the required number of persons were secured. Sharp had stated that the armed forces of the United States were being sent abroad, leaving the United States inadequately defended and that troops were being shifted back and forth to make the people believe that a sufficient number were left to defend the country. She stated that she had heard Sharp state on several occasions that *Mankind United* was in possession of a technique for "throwing monkey-wrenches into the war effort." She had also heard this statement made by a Mr. Simmons. Sharp had stated that for every day he or the defensive branch of the organization did something to hold back the war effort in the United States that "we are saving millions of lives."

On the evening before testifying, Mrs. Fleming stated that John William Peck had come to her house and asked her to go to his home to meet Mr. Sharp who was coming over to discuss the committee's subpoenas and the contemplated hearing. She accompanied Peck to his home and Mr. Sharp told them that he had consulted an attorney by the name of Collins in reference to the subpoenas received from the legislative committee. Sharp, according to Mrs. Fleming, laid down a line of conduct which he stated he intended to follow before the inquiry. He stated that he intended to make the examiner angry and advised those present at the meeting of ways and means to avoid answering questions. He told them that a "lapse of memory" was a good subterfuge for refusing to answer questions. He told them that people who were subpoenaed by such committees could refuse to answer questions and "stand on their Constitutional rights."

Mrs. Fleming stated that John William Peck had given her a copy of T. W. Hughes' book, "*The Truth About England*."

Eugene W. Laine is an optometrist in Fresno, California (Volume XI, pp. 3177-3210.) He first became interested in *Mankind United* when a Dr. Wallace in Sacramento gave him a book to read entitled "*Mankind United*." He frankly declared that the idea of *Mankind United* "captivated" him.



He later contacted Dr. Lawn of Salinas. Lawn came to Fresno and later sent Dr. Laisne several sets of the books. Laisne then induced some of the doctors in Fresno to interest themselves in the movement, as he sincerely believed it was worthy of consideration at the time.

The book itself declared that the movement had been organized on December 25, 1875, and that it was international in scope—“world-wide.” He knew of the *International Institute for Research and Administration* and the existence of a corporation in a nebulous state which, some time in the future, when a sufficient number of people had become interested, would be brought into full existence to be known as the *Universal Service Corporation*. The movement had as one of its basic objectives the economic security and happiness of all the people. Another basic principle was the assurance of world-wide peace based on the doctrines of the Christian religion.

Dr. Laisne testified that he saw an individual in the St. Francis Hotel in San Francisco who was referred to as *The Voice* or *The Speaker*. He saw him from a great distance. He stated that there were several thousand people in attendance at the meeting in question. He had never heard of Arthur L. Bell.

He could not recall whether he first affiliated with the *Ray of Light Bureau* or the *Star of the East Bureau*. He had been asked to make contributions to the movement through the purchasing of copies of the book “*Mankind United*” and, because of his great enthusiasm in the beginning, he contributed some seven or eight hundred dollars in addition to contributing office work and space for the local bureau. He still had some 50 or 60 copies of the book.

He had heard of the *Ruth Ann Bureau* in southern California and of the *George Ashwell Bureau* in the City of San Francisco. He claimed that he had attempted to contact George Ashwell on a number of occasions but had never been able to do so.

He had never been a bureau manager. He stated that Dr. Lawn had appointed a Mr. Dibble as bureau manager in Fresno and that Mr. Dibble came down from San Francisco and spent considerable time in the valley.

He pointed out that rumors of mysterious mechanisms and devices allegedly developed by the Research Department of *Mankind United* or one of its affiliate organizations, was the chief inducement used in recruiting new members into the organization. The first mechanism described to prospective recruits was a contrivance that, when attached to home radios, enabled them to listen in to radio programs that no one else could hear—*Mankind United* programs, or programs of one of the other organizations, such as the *Universal Service Corporation*, the *Institute of Universal Research and Administration*, etc. The members had become very enthusiastic over the descriptions of this contrivance and it was the high point in selling the organization. Dr. Laisne had never seen one of the contrivances or attachments and declared that he had never heard of anyone who had seen one. Leaders of the movement claimed from time to time that *Mankind United* had stopped Hitler “from doing this or doing that, by his forces, underground forces, that nobody knew except the man at the head.” Among the other developments of the *Institute of Universal Research and Administration* was a

device which, when properly operated, paralyzed all electrical apparatus.

Dr. Laisne identified the subject matter of a mimeographed bulletin marked "*A. P. Burns Bureau*, P. O. 77, Palo Alto, California" as typical of claims made by the organization. The bulletin described a situation in which "all over the earth, very suddenly, every weapon of modern warfare is rendered useless, bombers refuse to fly, warships float aimlessly \* \* \*." The bulletin asked the following question: "Do you suppose that humanity would cooperate with a plan—work with a movement that would render useless all machines of death, if such a plan was offered them?"

He testified that no one had ever explained to him how bombers could be rendered incapable of flying or how explosives might be rendered incapable of exploding, but admitted that he had heard these statements made and that *Mankind United* was alleged to have developed the means of performing these very miracles.

He finally severed his affiliation with the organization because of the many inconsistencies that it promulgated. Promises were continually being made and repeated from time to time of certain things that were about to take place and contradictory statements were frequently made. He came to the conclusion that no good could come from that sort of thing and that the men behind the organization were taking an unfair advantage of people who were merely striving to better their lives and their neighborhoods.

Laisne said that Dr. Lawn was "quite an individual." He stated that he exercised an evangelistic influence over people. He confronted Dr. Lawn repeatedly with statements that he had made and pointed out to him that the organization had no right to sell 50-cent books for \$2; that if the leaders were really sincere, no one should be kept from reading the books because of their price. He wanted to know where the profits made by the books went. He never found out. After a conversation of this kind with Dr. Lawn, in Dr. Laisne's office, no more meetings were held in his office. The next meeting was held on Ash Street in Fresno and Dr. Laisne attended for the purpose of attempting to right the wrong which he felt he had done to people and friends who had become involved in the organization due to his early enthusiasm.

Among other things, *Mankind United* bulletins always advertised the "thirty-day program" which was always "just about to be released"—the thirty-day program in which the radio "gadget" would be distributed to the faithful and through which *The Sponsors* would outline the new world order. This "thirty-day program" was invariably postponed due to unforeseen contingencies and lack of funds.

Dr. Lawn had told Dr. Laisne that it was very necessary to conceal the identity of the leaders of the movement and that it was for this reason that the California link between the membership and *The Sponsors* was only referred to as *The Speaker* or *The Voice*. To reveal his identity would be to place him in grave danger; that he would be "done away with" in some fashion or persecuted so that the work could not continue. He had been told that the movement originated in England and that the *Hidden Rulers* also were in that country. The great objective of *Mankind United* was continually to combat the *Hidden Rulers*. These rulers, he had been told, were men who exercised

great power over money and who, ultimately, desired to subject all of the people to slavery. The *Hidden Rulers* would be automatically removed when a sufficient number of people had affiliated with the movement; when *Mankind United* reached the 200,000,000 mark, the *Hidden Rulers* would simply be replaced. All existing governments, Dr. Laisne had been told, were controlled by the *Hidden Rulers* and consequently all governments must be removed from the control of the *Hidden Rulers*.

He testified that he had heard of a device which allegedly had been developed by *Mankind United*, which could paralyze traffic and that he had been told that it could be used to control or upset existing conditions. Dr. Lawn had conveyed this information to him and the members had discussed it very seriously.

Bay Burns Sharp had called on Dr. Laisne some two or three months before and had attempted to induce him again to come back into the movement. He had refused to do so. Laisne was acquainted with John Peek and had known him for two or more years.

He stated that he believed the majority of the members of *Mankind United* hoped the miraculous things that had been told them concerning the movement were true rather than *actually* and fully believing them and that they had placed their confidence in the speakers who brought them the messages.

The purpose of the San Francisco meeting attended by Dr. Laisne was to inform the bureau managers and the members why the "thirty-day program" which had been set for a certain day, would not take place. The fault, they were told, by *The Speaker* was in the people for failing to interest a sufficient number of others in the movement. *The Speaker* admonished the members for failing properly to perform and declared that there were slackers among them who had not done their duty. *The Speaker* said that the "thirty-day program" *would have* taken place, as scheduled, had the bureau managers and the members not failed. Inasmuch as they had failed, and the "thirty-day program" was postponed, it would be necessary for them to reorganize. The "thirty-day program" depended upon securing of 200,000,000 affiliates and the quota for California was 200 thousand. A new organizational structure was outlined with a new set of terms, such as "captains," "lieutenants," etc. The price of the book "*Mankind United*" was to be boosted to \$200. Dr. Laisne said that *The Speaker* at the San Francisco meeting was "very dictatorial."

Bay Burns Sharp gave his occupation as carpenter (Volume XI, pp. 3211-3270). He was the manager of the *A. P. Burns Bureau* of *Mankind United* and had occupied this position for four years. He stated that the bureau has jurisdiction over Tulare, Kings, Fresno and Madera Counties. The organization had been active in Visalia and still functioned there under his supervision. He testified that the *A. P. Burns Bureau* had received its name from the word "Palo Alto," the initials being in reverse, and that "Burns" was taken from his middle name, thus making up the designation, "*A. P. Burns Bureau*." He had selected the title for the bureau himself.

He had become interested in *Mankind United* and had become a bureau manager because of the "ideals presented and promulgated in the book called '*Mankind United*'." He had applied for affiliation in



the organization through the *A. P. Mason Bureau*. Max Mason, the manager of the *A. P. Mason Bureau*, had mailed or transmitted his application to *The Voice*. He stated that shortly after making application, he assumed his duties as manager of the *A. P. Burns Bureau*.

Sharp was familiar with the *International Institute of Universal Research and Administration* but denied that it was a part of *Mankind United*. The *International Institute of Universal Research and Administration* was the whole and *Mankind United* was a part, he declared. He claimed that there existed a branch of the *International Institute of Universal Research and Administration* in California but did not know where its headquarters were located. He added that there was no way of corresponding with the California unit.

He admitted having attended a meeting of bureau managers "last week—last Sunday." When asked where the meeting was held, he stated "I think I will have to refuse to answer. I am under oath not to divulge that place" (p. 3216). When asked if the meeting was held in Room 210 of the St. Francis Hotel in the City of San Francisco, he again refused to answer (p. 3217).

He identified a photograph of Dr. Eugene Wadsworth Brown, manager of the *Ruth-Ann Bureau* of Los Angeles. When shown a photograph of Arthur L. Bell, he refused to identify him but stated that he would do so as "a form," or "a figure." He was willing to state that the individual portrayed in the photograph was known to him as *The Speaker*, *The Voice* and "*The Superintendent*." He was willing further to describe him as the Superintendent of the *Pacific Coast Division* but added that the *Pacific Coast Division* "has never been accurately described, excepting as we understand it is the Pacific Coast of the *International Institute of Research and Administration*." He was willing further to admit that the individual portrayed in the photograph had been present at the bureau manager's meeting in San Francisco "for a part of the meeting."

Upon being cautioned regarding his refusal to answer questions properly put to him and germane to the investigation, Sharp stated that it appeared to be "immaterial" whether he answered the questions or not as the committee apparently knew the answers anyway. He thereupon admitted having attended a meeting in Room 210 of the St. Francis Hotel in San Francisco on or about April 7, 1942, and on Sunday, March 27, 1942, and March 8, 1942.

He identified a manuscript which had been taken from a shorthand transcription of a speech made by *The Voice* or *The Speaker* and admitted that its substance was familiar to him. The manuscript was entitled "*Re-Mankind United. Remarks of Arthur L. Bell, The Speaker, to approximately 250 bureau managers of Mankind United assembled in the Italian Room of the St. Francis Hotel, San Francisco, at 8.30 p.m., September 23, 1939.*"

He was familiar with the contemplated *Universal Service Corporation*, and the *Pacific Coast Registration Bureau*. He denied ever having heard of the *North American Bureau of Registrations, Classifications and Standards*. He did not know the number of people affiliated with *Mankind United* and had never heard the matter discussed. He explained that there were no "members" in the organization; that "affiliates" were known as "registrants" and "enrollees." The *A. P.*



*Burns Bureau* had 280 registrants and enrollees. He made monthly reports to the division superintendent at regular meetings. These reports were made in person to *The Speaker*. The money collected by him for the sale of books were always taken to San Francisco together with such other contributions he had received and turned over to a committee of three persons.

He recalled the exhibition of a motion picture throughout the valley entitled "*We Are Not Cattle*" and admitted having received one copy of the film. He superintended the exhibition of the film and admitted that it had been used by groups other than *Mankind United*.

The place of business for *Mankind United* in the valley was maintained in his home. He contended that the books of the organization were not kept there. He claimed that he did not have access to them except periodically and then for a very short time. He did not know where the books were kept. He contended that he did not know how or who took them to their hiding place. When pressed for an explanation, he stated that he "had a way" of contacting certain people who would bring the books to him when needed. The books were taken away after he used them and he gave instructions which were "issued in a way I do not know where they go." He contended that it was impossible to secure the books upon short notice. It would be necessary for him to notify certain people, who in turn would contact others who would know where the books were kept. When pressed for the name of the person he would first notify in order to secure the books, he appealed to the committee to protect him from the necessity of revealing the procedure by which the books were hidden. When pressed for an answer, he finally stated that he would contact his Fresno County Captain, Mrs. Winona Peters. He contended that he did not know what Mrs. Peters would do after he contacted her, or whom she would contact. He explained this procedure was necessary to protect the organization from sinister groups that were working against it.

Much of Sharp's testimony corroborated the evidence given by other witnesses in reference to the structural organization of *Mankind United* within the State of California. He stated that Fresno County's seven *Mankind United* districts had been mapped and that he had personally done the mapping. He admitted that the work of mapping had gone on throughout the entire State. The maps indicated residences of active affiliates of the organization and the residences were indicated by various colors. The inactive affiliates were shown by white-pins and the active enrollees were designated by green-pins. He admitted that he had received instructions from the division superintendent to ascertain the time it would take to go to the front or rear doors of residences in different areas and admitted that this had been done in his jurisdiction by estimation. He explained that the purpose of this record was to determine in advance the length of time it would take in case of an extreme emergency to make contact with the affiliates of the organization.

He had never heard of a Jew affiliating with *Mankind United*.

He contended that *Mankind United* was not an international organization but that the *International Institute of Universal Research and Administration* was international. He admitted, under questioning, that he had never seen or met a representative of the *International*

*Institute of Universal Research and Administration* from a foreign country.

He was familiar with T. W. Hughes' book, "*The Truth About England*" and admitted having read it. He stated that it had been circulated by individuals connected with the organization but not by the organization itself. He said that the book was derogatory to the British Empire.

He testified that he had heard it stated that the *Hidden Rulers* were responsible for the present war and that he had made such statements, with qualifications, himself.

He admitted having heard of strange mechanisms and devices in connection with *Mankind United*. He had seen statements in department bulletins to the effect that, should necessity arise, *Mankind United* would control ammunition so that it would fail to function.

He contended that the organization was opposed to Communism but that the bureau managers had never received instructions from the division superintendent to combat it. He added that it was not the objective of *Mankind United* to combat any group, but merely to mind its own business.

He conducted a meeting of the organization on the previous Wednesday and told the affiliates in attendance that they should "read between the lines" of the bulletin, particularly the bulletin issued on May 4, 1942. He explained that he had meant, by this statement, that the bulletins contained a "deep spiritual significance." He denied that he had stated that the bulletin of May 4, 1942, had been issued because of a statement allegedly made by Winston Churchill regarding the use of poison gas. He had stated, according to his testimony, that American soldiers had actually been gassed and had already returned from foreign lands. He explained that he had received this information from sources in San Francisco. He had told the audience that the warring nations were making no attempt to bomb factories or war manufacturing plants and explained that he had received this information from the bulletin issued by the division superintendent. He admitted that he had stated, in substance, that the United States was making no attempt to defend the Philippines, which was proof, in his opinion, that the leaders of the United States were not interested in the colonies and that "our leaders" would rather see the colonies taken by a foreign power and have people slaughtered rather than to grant them just rights. He admitted having stated that the air raid wardens would soon visit the homes of the people for the purpose of seeing that they were buying war bonds and stamps in sufficient quantities.

He admitted (with qualifications) most of the allegations made by Mrs. Fleming in reference to the meeting held the night before the inquiry in reference to the conduct of witnesses appearing before the committee. He stated that he had not had "a lapse of memory" so far because "it was unnecessary."

He denied that he had stated that subversive forces had caused Tokio to be bombed but admitted having said that "war forces, powers behind war, some power," caused Tokio to be bombed. He admitted that he had said that Tokio was bombed due to the fact that the persons responsible for the bombing wish to provoke an attack by the Japanese on the United States. He had said that an attack on the United States

would be an excuse for the *Hidden Rulers* to bring about a state of martial law and that martial law would lead to the establishment of a dictatorship in this country. He denied having ever stated that members of *Mankind United* were entrenched in high governmental positions in Washington, D. C., but admitted having stated that the organization had sources of information in *all* departments of Government.

He admitted addressing a meeting at the home of Mrs. Marks in Fresno and having stated in substance that "every day we, or our defense branch (of *Mankind United*) can do things to hold back the war effort, we are saving millions of lives."

He was acquainted with the following bureaus: *George G. Ashwell Bureau*, *A. P. Roberts Bureau*, *Sunshine Bureau*, *Faith Grace Bureau*, *Ray of Light Bureau*, *Jessie Addison Bureau*, *Hall Gardner Bureau*, *Literary Service Bureau*, *Star of the East Bureau*, *Olive Branch Bureau*, *True Equality Bureau*, *Guiding Light Bureau*, *Progressives Bureau*, *A. P. Mason Bureau*, *Kathleen Bureau*, *A. P. Burns Bureau*, *Tatum-Washburn Bureau* and the *Three Names Bureau*. The *Olive Branch Bureau* was located at 468 Perkins Street, in Oakland, and was operated by Ruby S. Lutz.

Bay Burns Sharp was recalled for examination the following day, May 23, 1942 (Volume XI, pp. 3306-3322). He produced a sheaf of mimeographed sheets, printed on a golden colored paper, and identified them as duplicates of the file in the *A. P. Burns Bureau* and stated that they were department bulletins issued by *Mankind United* and the *Pacific Coast Registration Bureau*.

He related in detail the structure of the organization and described its "centers," "districts," and "bureaus." He explained the difference between a "registrant" and an "enrollee." A "registrant," he explained, is one who became affiliated with the organization through the purchase of a book whereas an "enrollee" was one who had signified a desire to affiliate by enrolling for classes of instruction. He explained the complicated system of bookkeeping used by bureau managers and the use of colored stickers pasted before and after the names of "registrants" and "enrollees."

He had never served in the armed forces of the United States. He admitted that no particular effort had been made by the organization to encourage its members to join either the Navy or the Army. He claimed that the affiliates are instructed to comply with every law and that shortly after the enactment of the Selective Service Law, the division superintendent had issued a bulletin, ordering all affiliates to comply with the law.

When questioned regarding the so-called classes of instruction, he stated that enrollees paid \$20 for class instruction and that the classes will be held when 20,000 enrollees have been signed up. The payment of the \$20 is in expectation of taking class instruction when the required number of enrollees in a Division are attained. He stated that only one class had been released, a small group, less than the required 20,000. As far as he knew, he testified, there had never been class instructions given to 20,000.

Robert M. Schuler is a radio engineer and, at the time of testifying, was employed by the police department in the City of Fresno (Volume



XI, pp. 3330-3334). He testified that on May 21, 1942, he had been sent to 326 Peralta Way, in Fresno, and had installed equipment designed to record a conversation in that residence. He independently recalled the entire conversation and produced records and identified them. While he did not have an occasion to see the people engaged in the conversation, he testified that he had good reason to believe that they were Bay Burns Sharp and James Everett Coe.

James Everett Coe testified that he resided at 326 Peralta Way in the City of Fresno (Volume XI, pp. 3322-3329). He testified that he was acquainted with Bay Burns Sharp and had known him since April of 1942. He had never affiliated with the *Mankind United* movement but had attended its meetings from time to time. He stated that he had heard Mr. Sharp, in various meetings, remark that the organization of *Mankind United* was in the process of "throwing monkey wrenches" into the machinery of the United States war effort.

He recalled meeting with Sharp in his home on Thursday, May 21, 1942. He stated that only Sharp and himself were present. The conversation between them lasted a little over an hour and a half. He said that Sharp discussed the war effort of the United States with him and made certain derogatory statements concerning the armed forces of the country. He reiterated many of the statements attributed to Sharp by witnesses who had already testified.

At this point of the proceedings, Robert M. Schuler, of the police department of the City of Fresno, played the records taken of the conversation between Sharp and Coe. The following are quotations from the recordings:

"\* \* \* when we realize that our own Nation is doing nothing in the world to bring about peace; that it has no intention of doing anything to bring about peace, one begins to realize many things. \* \* \* Our own Chief Executive wants to fight through to the limit, even though it means poverty and suffering and death for us right at home \* \* \*."

"We have no protection from our own government. \* \* \* We have nothing to protect ourselves with; it has all been shipped out, all been given away \* \* \*."

"We have nothing to protect ourselves with. San Francisco could be bombed any time, Los Angeles, Fresno, any other town \* \* \*. We have no fighter planes whatever \* \* \*. When you analyze the whole thing, you see that we are not trying to stop the war. We are only trying to keep it going \* \* \*."

Sharp told Coe that at the time of the first World War, over 90 per cent of the farms throughout the United States were privately owned by the individual farmer, but that today, as a matter of fact, as long as 10 years ago, less than 10 per cent of the farm land was privately owned in the United States. All "they" need to do, he stated, to enslave us is to own the land, which they will do and are doing by manipulating money, so-called, to impoverish the people. When a man puts \$18.75 in a \$25 Bond, the dollar will become valueless.



"Consequently," he said, "if and when the government ever does repay the \$25, that \$25 will be valueless." He stated in substance that the bonds, in time, would not be worth the paper they were written on. "As a matter of fact," he added, "it is today, as you can't cash it in today, but the time will come when it will be absolutely rescinded, extended."

In response to a question from Coe concerning the term "they," Sharp replied: "Subversive forces, the world's hidden rulers, a group of people that amount to a limited number of families in whose hands is the absolute control of the financial structure of all the world, not only in the United States but the world." He further elaborated on this subject by stating that five individuals control and dictate to all other dictators. He added that these five individuals dictate when wars are to be fought, what the purpose of the war is to be and how it is to be handled. He stated that the National Government of the United States is not a government of the people, or "representative of the people." He stated that a Congressman, even though he desired to do everything for the people, found that when he arrived in Washington that his hands were tied.

He stated that if, by any chance, the organization (*Mankind United*) should fail to complete its job, that the tempo of killing would increase so rapidly that it would be "right here upon us." "It is only the defensive branch of our organization that has kept that from happening since 1937. When the quota is reached, and when 'they' have the financial backing with which to bring into the territory equipment already prepared; when they have 2,048 new bureaus trained to receive and use the equipment," then nothing in the world can stop "them."

He outlined the "thirty-day program" and described it as a world-wide election. He stated that "the organization" was ready to act, both in Germany and in Russia. He told of the special radio attachment which will be used to enable affiliates to tune in on the broadcast for the "thirty-day program" and stated that certain other equipment would also be released to the 2,048 bureau managers.

Coe desired to know what would happen if, becoming a bureau manager, he then was drafted. Sharp assured him that it would take some time for training before he would be sent out of the country and that before that happened, the program of *Mankind United* would be on. Sharp stated that within 60 days following the completion of the bureaus that the "thirty-day program" could be expected. He explained that it was very doubtful if Coe would ever be called by the draft board in May because the draft board's plans had been "somewhat obstructed." He explained that the organization was delaying, "holding them up, delaying them—delaying the machinery of the war board, the war—not the production of the material or anything of that kind, just setting monkey wrenches in the way of the plans of the coordinators." He pointed out that "throwing wrenches into the war activity" was probably the best trained branch of the organization and one that had been operating for many years. He claimed that the organization had mechanical means for "protecting" itself. He told Coe that it possessed a power that might be described as "*different rays*" and that these "*rays*" could be sent great distances and then exploded.

He stated that when the "thirty-day program" got under way that nothing in the world would be able to stop it. When the program started the war would come to an end and any soldier who refused to carry out the order ending the war would find that the shells in his gun would not fire. The war would be stopped, Sharp reiterated, even if it became necessary for the organization to use the mysterious powers in its possession. If people should refuse to listen to reason, Sharp elaborated, *The Sponsors* always had an ace up their sleeve and if they had sufficient support behind them, they would not hesitate to use it. All that was needed was 20,000 people who would sign up to take the classes and to buy the books in California.

The transcription of the conversation between Coe and Sharp brought out clearly most of the allegations made concerning Sharp and his activities as the bureau manager for Fresno County.

## 4

## MANKIND UNITED IN NORTHERN CALIFORNIA

Orlando Meniketti is an accordion teacher in San Francisco (Volume V, pp. 1494-1501). He testified that Arthur L. Bell had come to his place of business in Oakland several years before and had arranged to take accordion lessons. After Bell had taken some lessons, he asked Meniketti for the use of his students list. Bell told him about a race of little men with metallic heads who lived in the center of the earth controlling earthquakes and floods and who had the power to "snuff us out like that." (Meniketti snapped his fingers to illustrate what Bell meant.) He stated that Bell was a very mysterious and dreamy sort of individual. He had told Meniketti of journeys he had taken while asleep, and, among other things, told him that he had been responsible for *Technocracy*.

Meniketti concluded his testimony by stating that Bell had not been a very good music student.

Willard E. Franke had appeared very anxious to testify concerning *Mankind United* and Arthur L. Bell until called to the stand December 2, 1941 (Volume V, pp. 1464-1471). He stated that he had been connected with the organization and had met Arthur L. Bell in Oakland. He became very frightened as he testified and was obviously afraid to admit knowing Bell, or in saying anything further. He finally admitted that he had been a bureau manager and had contracted to dispose of 500 copies of the book "*Mankind United*." He apparently had done so and was given a ring as a reward.

Referring to Arthur L. Bell who was present in the hearing room, he stated, "this man here is not the same man" that he had met as Arthur L. Bell in Oakland.

He had previously written a letter exposing Arthur L. Bell as a "scheming promoter" and when the letter was shown to him on the witness stand he refused to identify it, and stated that he did not write it. He became evasive and more frightened. He admitted having written another letter in which he had agreed to turn over certain information. He finally admitted having said in a letter that Bell had a "million dollar racket" and that "Al Capone was a piker compared to Bell." He explained that he was very angry at the time he wrote it.

He admitted knowing George Ashwell and stated that he had sent him a check for \$300 for the last consignment of *Mankind United* books. The check was sent to Department A, *International Registration Bureau*. He had put \$100 or more in the organization.

When asked his opinion concerning the trips Bell was alleged to have taken when asleep, he answered: "Who knows? They *can* be true."

When Franke was excused from the witness stand, he approached the committee and stated half apologetically: "*After all he may be able to do the things they say he does.*"

Guy McKinley Wright was once a "center manager" for *Mankind United* at 529 Adams Road in Oakland (Volume VI, pp. 1758-1767). He had served in this capacity for a little over four years and was acquainted with Arthur L. Bell and George Ashwell. He had sold several *Mankind United* books and had turned the funds over to the bureau manager. He believed that the manager kept half of the funds. He stated that the bureau manager bought the books for \$1.25 each and sold them for \$2.50. He became a "lieutenant" to the bureau manager.

He declared that many elderly people had been attracted to the organization and stated that he felt very sorry for some of them. The talk of stopping war and creating a world based on love and kindness was emphasized by the speaker, particularly at large meetings when five or six thousand people were in attendance. The old people sold their valuables, cashed life insurance policies and raised money in every way possible to contribute it to the organization so that a world in which mankind would be united could soon be realized. The great day had once been set for April 29, 1939, and when the promised Utopia failed to materialize, many of the supporters of the organization lost heart. Wright considered the organization a cruel racket to obtain money.

In 1937 a dozen bureaus existed in the East Bay with thousands of members. Many people had bought "centers" in the bureaus which amounted to contracting for a number of books which they agreed to distribute. The price of a "center" was \$62.50 and many people bought a number of them. A great deal of money was spent in preparing the meeting halls and in getting ready for "the wonderful time" when there would be "music in the air" and "certain codes would come through little *gadgets* and the *International Headquarters* would speak to everyone who was properly equipped." The "*gadget*" was to be attached to an ordinary radio receiving set. Wright stated that he had never seen one of them. College professors, doctors, lawyers, dentists and many apparently intelligent people had been taken in by the "hokus-pokus." He claimed that one man from the University of California was one of its most sincere workers. He believed that the people had been hypnotized.

Around Christmas time in 1938 the members of *Mankind United* were informed that there existed 176,000,000 members in the world and that when this number was augmented to 200,000,000 the *millennium* would arrive. The day was set for the following Easter and eternally postponed from that day to other days while the money kept rolling in, and the people went down to poverty.

He told the committee of renting a summer home with his son and spending between \$35 and \$40 in fixing it up in readiness for the



mysterious radio program and stated that many people did similar "silly things."

The book "*Mankind United*" was issued in many different "editions" and each edition varied but slightly from those preceding it. Everyone had to buy a new edition to replace the old one, thus exploiting those who were already working in the movement. He stated that one "edition" contained the change of but three words.

No one was permitted to know Arthur L. Bell and the members were forbidden to even pronounce his name. Bell had warned everyone, including George Ashwell and other close "lieutenants," that they must not come near the platform when he was speaking. Wright stated that Bell placed himself "just a little above God Almighty." He believed that the bureau managers had become hypnotized by Bell and that they actually believed the tales that were rumored concerning Bell's mysterious disappearances and journeys to far places.

He recalled a meeting of *Mankind United* at the San Francisco Civic Auditorium. There were some 7,500 in attendance. The purpose of the meeting was to inform the members of the postponement of the millenium from Christmas, 1938, to Easter of 1939. Wright stated: "I saw more downhearted people than I ever saw in my life before, including in the World War." Many old people felt that they would not live to see the millenium and they "wobbled out of the building almost fainting."

He claimed that Bell ridiculed other orthodox religious beliefs, the Catholics and Christian Scientists in particular.

He recalled a little old lady who had sat beside him in the meeting of May 20, 1939, and who had spoken in awed tones of *Mankind United* as a movement of "love and kindness." Some people had put several thousand dollars into the movement and many old people were left with nothing to live on with a life expectancy of less than 10 years. "Bell bled the people dry of their money," Wright contended, and then told them that it might be 1951 before the millenium would arrive. He once had challenged the bureau managers and asked them why they did not corner Bell and force him to prove the existence of the radio "gadget." He stated that the bureau managers replied that they had faith in Bell and that Bell had faith in his superiors and so all the way up to the *International Headquarters*. When Wright asked them "Where are those *International Headquarters*?" the bureau managers had replied, "underground."

The last meeting attended by Wright was on either the fifteenth or the twenty-second of June, 1939. He said he just "dropped out" after that.

P. J. Cardoza was engaged in the bookbinding business in the City of San Francisco (Volume V, pp. 1350-1360). He testified that he had bound the "*Mankind United*" books for Arthur L. Bell since 1936. Bell had always paid in cash, he said, and always picked the books up personally, instead of having them delivered. He had no difficulty in readily identifying Bell who was in audience at the hearing room. The last job he had done for Bell was on February 8, 1941.



He listed the amounts collected from Bell for binding the books as follows:

1936 -----	\$448.00
1937 -----	1,576.97
1938 -----	13,094.00
1939 (approximate) -----	21,000.00
1940 -----	1,740.00
1941 (incomplete) -----	1,610.00

George Gouverneur Ashwell was the manager of the *George Ashwell Bureau of Mankind United* (Volume V, pp. 1509-1542). He testified that Arthur L. Bell was known throughout the organization as *The Speaker* and that he was never referred to by name. He stated that he had heard him referred to as *The Voice of a Right Idea*. He admitted that he had once operated the *44834 Discussion Club* in connection with his bureau at 26 O'Farrell Street in San Francisco but that the club no longer exists. He explained that the name of the club was taken from the time necessary for one to earn his keep in a model society—4 hours a day, 4 days a week, eight months a year, and added that *the rest is a mystery*.

He claimed that the *Mankind United* system was based on Christian principles. He testified as to the sale of the books and the system governing "registrants" and "enrollees." He claimed that he used his own money to live on and did not make much out of the organization.

He stated that he had heard of Arthur L. Bell's mysterious trips and that he believed them. He contended that a great mystery surrounds *The Voice* and that it is done for his protection because he is "a great leader of mankind" and therefore his life is always in jeopardy.

He offered into the committee's records a copy of a *Fortune Magazine* article pertaining to "Arms and the Men," from which he contended the picture, "*Dealers in Death*" was made.

He said that he regarded patriotic organizations as "stuffed pillows."

He explained that important people in the *Mankind United* movement are able to identify each other with symbols and that their credentials consist of such indicia as torn postage stamps, etc.

## 5

### THE VOICE

Arthur Lowber Bell could not be completely sure that he was appearing before the committee in person or whether he might be one of his doubles (Vol. V, pp. 1361-1428; 1447-1463). He spoke in a soft, confident and faintly tolerant manner. He explained that "doubles" had been prepared for him and were substituted for him in the conduct of his business because of the heavy schedule that had been imposed upon him. He stated that the "doubles" received their orders from his superiors in the organization and that he could not give their identities. With the assistance of his "doubles" he was enabled to be in many places at the same time. The members of the committee had hardly recovered from the shock of this statement when Bell sent them reeling again by blandly stating that he was often placed in a coma by his "superiors" and, while in that condition, whisked to various points in

the world where his presence was required. He illustrated this statement specifically by relating an instance when he lost consciousness in San Francisco and recovered aboard a British merchant vessel in mid-Atlantic a short time later.

He claimed that he had been connected with *Mankind United* for about 22 years. He identified the *International Institute of Universal Research and Administration* as one of the affiliates of *Mankind United*, and explained that it was formerly known as the *International Legion of Vigilantes in California*, prior to 1934. The *Pacific Coast Division of International Registration Bureau* was also identified as one of *Mankind United's* organizations. He was familiar with the *International Discussion Club*, or *International 44834 Club* of 26 O'Farrell Street in San Francisco. He stated that it was no longer active. He identified several *Mankind United* bureaus and admitted that he had had something to do with the establishment of each. He claimed that the organization was world-wide but became very vague concerning bureaus outside of California. He named the *Donaldson Printing Company* as the printers for *Mankind United* books and admitted that the books had been bound by the *Cardoza Bindery*. He identified several bulletins, forms, pamphlets and manuals of the organization. He admitted that *Mankind United* had advertised and exhibited the picture, "*Dealers in Death*," but denied any knowledge of the same film having been used by the Communist Party and *German-American Bund* units in California.

He outlined membership qualifications and the details of training members. He stated that applicants paid \$20 for a "course of instruction" and admitted that only one lesson had been given in California so far. Applicants receive "a great many instructions" and a "field kit" containing manuals, etc., he added.

He was willing to admit that over 150,000 volumes of the *Mankind United* book had been sold, or given away. Seventy thousand had sold for the tidy sum of \$97,500 during 1939. Many of the books were sold through the organization's bureaus and the bureau managers retained half of the sales price. He claimed that he made no profit from the books but that a deficit remained to him which was met by his relatives. The records, he explained, had become "tangled" as a result of Federal investigations. He stated that the *Timely Books Bureau* was one of *Mankind United's* organizations and denied that it had any connection with "*Sound Money Press*."

He explained that the leaders of *Mankind United* must remain anonymous for their personal protection and the organization from attacks by "subversive influences." He met the leaders and sponsors of the organization from time to time but claimed that they had so altered their voices and appearances that they could not be described. He claimed that he did not know their names. He received all instructions from this mysterious source. He frankly admitted that the chief objective of the organization was to render all instruments of war useless but that this great plan would not be put into effect until a certain number of members had affiliated with the organization. He claimed that there were Communists working in the post offices throughout the country and for this reason *Mankind United* had been compelled to devise its own system of communications and no longer used the United States mails.

He told of receiving messages on the train while traveling up and down the Pacific Coast and told of once being awakened in his Pullman berth. He explained his unique method of travel; how he went to sleep and woke up in a foreign country. He claimed that he could make a round trip to China, for instance, in a matter of a few hours. He never bothered to use passports or other conventional methods while traveling. He became very specific in reference to the mid-Atlantic episode. It was on the day that war was declared on England, September 3, 1939. He merely went to sleep in San Francisco and woke up on the Steamer, *City of Richmond* in the mid-Atlantic. He explained that he took "vital records" from a *Mankind United* messenger and changed places with one of the regular passengers so that his presence was not noted. He could not explain the mechanism of these mysterious trips. He once brought back a large amount of luggage, 18 or 20 trunks, which were not inspected by customs officials. He was informed by "message" that war was to be declared and ordered to pick up important documents. He claimed he had been making these "Magic Carpet" trips for the last 20 years.

He explained tolerantly that machines had been developed by certain agencies which were capable of vibrating the eyes out of the sockets of persons within a radius of 100 miles and that large power plants could be created that would exterminate "1,000,000,000 persons." He calmly stated that *Mankind United* intended to destroy this type of machinery by methods now being perfected.

He claimed that he had used over 200 names during his various travels (p. 1447).

He could not recall ever depositing funds in any bank in the City of San Francisco. If funds had been deposited credited to him, he stated, it might have been done by one of his many "doubles."

When questioned by Assemblyman Kellens as to the source and explanation of his mysterious powers, he replied that he could no more expect the members of the committee to understand his methods and powers than to expect an African savage to understand a radio.

He claimed that his wife, Ruby V. Bell, sometimes accompanied him on his mysterious trips. He added that she was not, however, connected with his work.

He concluded his testimony by offering into the committee's records a letter from Senator Gerald P. Nye in which the Senator praised the motion picture "*Dealers in Death*."

The committee started the investigation of *Mankind United* before the bombing of Pearl Harbor. A number of witnesses were questioned and a mass of documentary evidence was analyzed by the committee and its representatives. It appeared to be a racket of considerable magnitude but the members of the committee were not convinced at that time that the organization was engaged in out and out un-American activities. It all was good business, of course, for Arthur Lowber Bell and as *The Speaker* or *The Voice* he continued to live in splendor in his residence in the exclusive Cathedral Apartments atop San Francisco's Knob Hill at the expense of the poor people he was hoaxing and victimizing.

When the committee learned of the activity of the bureaus of *Mankind United* shortly after Pearl Harbor, the laying in of supplies of

food and clothing, blankets and water in sealed containers, the mapping of cities showing airplane factories, shipyards, police and radio stations, hospitals, tunnels, railroad lines and bridges, the committee decided to look closely into the matter. From that time the committee and its investigators were convinced of the seditious character of the organization and cooperated closely with agents of the Federal Bureau of Investigation in ferreting out the facts concerning the bureaus, its managers and members. The result of this close cooperation has resulted in the indictment by a Federal Grand Jury of Arthur L. Bell, George G. Ashwell, Harold Von Norris, Max Miller, Jacob Gloecker, Eugene Wadsworth Brown, Shanna Jakeman, A. Ray Elsea, B. B. Sharp, Homer G. Wilcox, Lawrence Cook, Maude Askew, Pauline Kelso, J. F. Burke and Ed Gilson.



## PART VIII

## RECOMMENDATIONS

The committee finds that Communism, Naziism, and Fascism are distinguished one from the other only in minor details. Each *ism* is fully as subversive and un-American as the other. The committee finds that all three *isms* have been directed and subsidized by foreign governments. The committee finds that the sympathies of the adherents of the three groups are whole-heartedly with the foreign government to which they owe their allegiance. The committee finds that the philosophies, activities and objectives of all three groups are inimical to the Constitution, Democracy and traditions of the United States. The committee finds that the *Communist Party*, the *German-American Bund* and the *Fascist* organizations in the United States have a common objective in the destruction of our form of Government by sabotage, force and violence. The general and ultimate objective of the three groups is the substitution of the totalitarianism of their respective fatherlands for our constitutional Democracy.

It should be emphasized that the committee has barely scratched the surface of subversive activities in California. The members of the committee and the committee's attaches have labored diligently, and in many cases at their own expense, in ferreting out the facts. Due to lack of funds members of the committee traveled to Los Angeles in the latter part of 1942 at their own expense in order to conduct hearings on certain phases of the investigation. The committee, during its existence, has continually been under the handicap of insufficient attaches to carry on compilation, filing and coordination of evidence and material. In spite of these handicaps, the committee has gathered voluminous evidence, as this report indicates.

The *very existence* of a committee such as the Joint Fact-Finding Committee on Un-American Activities in California has acted as a deterrent to un-American groups and, to some extent, has served as a brake to more brazen and open activities against the Government and our institutions. An energetic and active committee in this field is the greatest bulwark of protection for Americanism and Democracy. Subversive organizations wither and die under the glaring light of publicity. The *Communists*, the *Nazis* and the *Fascists* have little influence among Americans who are *aware* of their tactics and objectives.

All of these *isms* will live after the war. The *Nazis* and the *Fascists* may be beaten on the battlefields but the vicious and inhuman ideas they have unleashed will live to plague the world after their originators have disappeared. Communism will be activating the minds of ignorant men and women, offering escapes to frustrated and inferiority-complexed people who grope through fogs of confused thinking hopelessly seeking a place in a topsy-turvy world of their own making. Those of us who cherish our American traditions, the Constitution and the American Way of Life, dare not relinquish, through smug apathy,

all that our forefathers have established for us. Eternal vigilance is the price we must pay.

New *fronts* will replace the old ones and new leaders will carry on the activities of the Browders, the Kunzes and the Schwinn. New "*lines*" will be projected tomorrow. *We must be vigilant!*

Your committee therefore recommends:

1. That a similar committee be empowered and authorized to function for 1943 and 1944. It recommends that sufficient funds be appropriated to provide an adequate staff of attaches and competent investigators.

2. Enactment of a State law to prohibit any person in California from knowingly participating in the activities of any organization receiving financial support from a foreign government.

3. Exerting influence on Congress to deny citizenship to any person born in the United States who is subject to dual citizenship in the country of his or her parents' birth.

4. Strengthening the act of 1940 denying the Primary Ballot to subversive political organizations such as the Communist Party.

5. Strict enforcement of the Subversive Registration Act of 1941.

6. Enactment of legislation prohibiting any person not eligible to United States citizenship from commercial fishing off the coast of California.

7. Enactment of legislation providing for the disbarment of attorneys who are members of the Communist Party or other subversive and un-American groups.

8. Legislation authorizing and mandating governing boards of all professions to exercise disciplinary action including the revocation of licenses of members of the respective professions who are members of subversive and un-American groups.

9. Enactment of legislation charging the State Board of Education with the responsibility of investigating complaints filed against members of the teaching profession holding credentials issued by the State Board where such members are charged with being members of, or participating in, subversive and un-American activities.

10. Establishment by law of a rebuttable presumption of subversive and un-American activities in accord with established historical policies and "*lines*" of subversive groups and organizations.

11. Enactment of legislation to provide procedure for the ousting of subversive employees from civil service status in the Government of California.

12. Memorialize Congress to cancel the citizenship of any former alien who, since receiving citizenship, has been a member of any subversive organization.

13. Enactment of State legislation prohibiting aliens from holding elected or appointed offices in any labor union within the territorial boundaries of California.

14. Enactment of legislation designed to supervise and censor foreign language broadcasts and the foreign language press.

15. Enactment of appropriate legislation prohibiting any person who is a member or affiliated with any organization or group dominated by a foreign government or which advocates the undermining, weakening or the overthrow of the Government of the United States by force and violence, from occupying any office or position, supported in whole or in part by public funds in the State of California.

16. Enactment of legislation providing for the right of private industry, engaged wholly or in part in the production of armaments or other materials essential to the war effort or our National defense, to discharge any known, proven or admitted persons connected with the *Communist Party*, the *Nazi Bund*, *Fascist* organizations or other groups whose objectives are inimical to the United States.

17. Recommended to Congress that pro-Axis Japanese in the various camps be segregated and that the control of all Japanese activities be placed in the hands of the United States Army for the duration of the war.

18. That State legislation be enacted mandating compulsory courses of Americanism in the tax-supported schools of the State emphasizing American history, American heroes and leaders and its traditions contrasted with the techniques, tactics and totalitarian objectives of the vicious *isms* extant in the world today.

19. Enactment of State legislation bringing all foreign language schools under the strict supervision and control of the State Board of Education.

In concluding, the committee wishes to reiterate what it stated in the beginning of this report. We are fighting a *total* war. We should demand nothing less than *total* victory. It is the responsibility of the Legislature to enact suitable laws for the protection of the community, the State and Nation from subversive attack and sabotage, *but laws are not enough*. We must instill a *fighting faith* in our people if our Democracy, our Flag, our Constitution and our American Way of Life are to be preserved for posterity.

Respectfully submitted.

JACK B. TENNEY, Chairman

HUGH M. BURNS

NELSON S. DILWORTH

JESSE RANDOLPH KELLEMS, Ph.D.

JAMES H. PHILLIPS.

## APPENDIX A

## Assembly Concurrent Resolution No. 13

## CHAPTER 28

*Assembly Concurrent Resolution No. 13—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.*

[Filed with Secretary of State January 27, 1941]

WHEREAS, These are times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist aggression. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our liberties and our freedom by force, threats and sabotage and to subject us to the domination of foreign powers.

Recent announcements by responsible officials of the Federal Government indicate the seriousness of the problem. In his message to the Congress on January 3, 1941, the President said: "The first phase of the invasion of this hemisphere would not be the landing of regular troops. The necessary strategic points would be occupied by secret agents and their dupes—and great numbers of them are already here, and in Latin America." State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That there is hereby created a Joint Fact-Finding Committee on Un-American Activities in California which shall investigate, ascertain, collate and appraise all facts causing or constituting interference with the National defense program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially; and be it further

*Resolved*, That in addition to other duties imposed upon the committee, the committee shall investigate the activities of groups and organizations whose membership includes persons who are members of the Communist Party, the Fascist organizations, the German Nazi Bund, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the preparation of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program; and be it further

*Resolved*, That the committee shall consist of four members of the Assembly, appointed by the Speaker thereof; and three members of



the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such rules may be exercised by the committee after the final adjournment of this session; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;

(9) To file a report with the Legislature during any session of the Fifty-fourth Legislature and with the Legislature during the regular session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly, the Sergeant-at-Arms of the Senate, or other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodation and meals an allowance of eight dollars (\$8) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the Contingent Funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## APPENDIX B

## House Resolution No. 277

(Assembly Journal, 1941, page 4328)  
[Adopted June 13, 1941]

*Relative to the creation of an Assembly Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.*

WHEREAS, These are times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist aggression. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our liberties and our freedom by force, threats and sabotage and to subject us to the domination of foreign powers.

Recent announcements by responsible officials of the Federal Government indicate the seriousness of the problem. In his message to the Congress on January 3, 1941, the President said: "The first phase of the invasion of this hemisphere would not be the landing of regular troops. The necessary strategic points would be occupied by secret agents and their dupes—and great numbers of them are already here, and in Latin America." State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

*Resolved by the Assembly of the State of California,* That there is hereby created an Assembly Fact-Finding Committee on Un-American Activities in California which shall investigate, ascertain, collate and appraise all facts causing or constituting interference with the National Defense Program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially; and be it further

*Resolved,* That in addition to other duties imposed upon the committee, the committee shall investigate the activities of groups and organizations whose membership includes persons who are members of the Communist Party, the Fascist organizations, the German Nazi Bund, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the preparation of this State for National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program; and be it further

*Resolved,* That the committee shall consist of five members of the Assembly, appointed by the Speaker; and be it further



*Resolved*, That the committee shall continue the work of the Joint Fact-Finding Committee on Un-American Activities in California, created by Assembly Concurrent Resolution No. 13; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such rules may be exercised by the committee after the final adjournment of this session; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;



(9) To file a report with the Legislature during any session of the Fifty-fourth Legislature and with the Legislature during the regular session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly, or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

*Resolved*, That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## APPENDIX C

## Senate Concurrent Resolution No. 8

## CHAPTER 37

*Senate Concurrent Resolution No. 8—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.*

[Filed with Secretary of State January 30, 1943]

WHEREAS, These are times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist aggression. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our liberties and our freedom by force, threats and sabotage and to subject us to the domination of foreign powers.

State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That there is hereby created a Joint Fact-Finding Committee on Un-American Activities in California which shall investigate, ascertain, collate and appraise all facts causing or constituting interference with the National defense program in California or rendering the people of the State, as a part of the Nation, less fit physically, mentally, morally, economically or socially; and be it further

*Resolved*, That in addition to other duties imposed upon the committee, the committee shall investigate the activities of groups and organizations whose membership includes persons who are members of the Communist Party, the Fascist organizations, the German Nazi Bund, or any other organization known or suspected to be dominated or controlled by a foreign power, which activities affect the conduct of this State in National defense, the functioning of any State agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by State funds, or any political program; and be it further

*Resolved*, That the committee shall consist of three members of the Assembly, appointed by the Speaker thereof; and two members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except

when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act only during this session of the Legislature, including any recess hereof;

(9) To file a report with the Legislature during the session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the

sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution;

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the California Highway Patrol and all officers and members thereof shall furnish such assistance to the committee as the chairman may direct; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents ( $\$0.05\frac{1}{2}$ ) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day (no expenses or mileage shall be payable during the session of the Legislature except that this shall not prevent the payment of expenses or mileage during the constitutional recess); and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.



## COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Tickle, ordered printed in the Journal:

THE STATE OF UTAH

HOUSE OF REPRESENTATIVES, SALT LAKE CITY, March 31, 1943

Mr. Rolland A Vandegrift, Legislative Auditor  
State Capitol, Sacramento, California

DEAR MR. VANDEGRIFT: I am requested, as Secretary of the Joint Legislative Budget Committee, established by the last Legislature to communicate our thanks to you for your help on our budget for the coming biennium, and to request some information from you concerning the setting up of the personnel and the procedures to be employed in formulating policy.

You will no doubt recall that I wrote to you last year, following your trip to Utah. I am instructed to get from you your recommendations concerning the number and the type of people needed to carry on the work, along the lines undertaken in your State. And to receive the names of any individuals who might be qualified to assume the position of executive secretary or auditor. The committee feels that you are in a position to know the type of a person we need and to be able to make suitable recommendations.

We would appreciate receiving copies of your 1941-1943 Budget Act, the 1943-1945 Budget Act and any reports your committee may have made to the California Legislature.

I am having some copies of the amended resolution made and will send you a copy of the same; also a list of the members of the committee.

Yours truly,

QUAYLE CANNON, JR

Secretary of Joint Legislative Budget Committee

S. J. R. No. 4

By Senate Appropriations Committee

Relating to Legislative Budget Committee to ascertain facts of function, economy and finance of State Government. A joint resolution amending the Joint Rules of the House of Representatives and the Senate of the State of Utah by adding Joint Rule No. 45, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the Contingent Funds therefor.

**Be it resolved by the Legislature of the State of Utah:**

THAT a new rule, to be numbered 45, is hereby added to the joint rules of the house of representatives and the senate to read as follows:

45.: In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the legislative budget committee.

It shall be the duty of the committee to make and continue a study of the funds required to be raised and provided for the proper functioning of the business of the state of Utah and of the budget requirements of the state of Utah and of all of its various departments and institutions asking for appropriations of money by the legislature and providing for the appropriation and apportionment of the same by legislative action, with a view of reducing the cost of the state government, and securing greater efficiency and economy therein.

The study herein contemplated to be made shall be a continuing study and the committee shall make and complete, before December 1st of each legislative year, beginning 1944, a written report in condensed form of its study and findings and recommendations to the ensuing legislature, and a copy of such report shall be mailed to each member elect of the legislature on or before December 1st of each such legislative year.

The committee shall consist of five members of the house of representatives and five members of the senate. The house members of the committee shall consist of the speaker and four other members of the house appointed by the speaker; provided that not more than three members thereof shall belong to the same political party during each session of the Utah state legislature hereafter held, and including the 25th legislature. The senate members of the committee shall consist of the president and four other members of the senate appointed by the president, provided not more than three members thereof shall belong to the same political party during each session of the Utah state legislature hereafter held, and including the 25th legislature. The committee shall select its own chairman.

The members of said committee shall serve for a period of two years, or until their successors are appointed and shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of

any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The committee shall have authority to appoint an executive secretary who shall be a person trained in finance and government; to fix his compensation and to prescribe this duties, and to appoint such other clerical, technical and other employees as may appear necessary. The committee may meet either during sessions of the legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the state of Utah at any time or times fixed by it.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of eight dollars (\$8) per day and travel expenses which shall be not more than five and one-half cents (\$0.05½) per mile.

The standing legislative budget committee hereby created shall have access to all public records of the state of Utah and of every department thereof, and shall upon its organization as a committee cause to be made and make a study of the financial condition of the state of Utah, all of its sources of revenue and the designated use, if any, of all money of the state and all money to be raised under existing laws, all appropriated and unused funds, and the proper requirements of the state of Utah and all of its departments, and agencies, in the proper conduct of the business of the state of Utah.

The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the state auditor, and the state auditor shall draw his warrants upon the certification of the chairman, and the treasurer shall pay the same to the chairman of the committee to be disbursed by him.

Upon the organization of the legislature at any succeeding session, all authority, powers, duties, papers and records, personnel or staff, and any unexpended balance in any funds appropriated for the use of the committee, shall be temporarily transferred to a pro tempore legislative budget committee consisting of the Speaker and four other members of the house of representatives appointed by him and the new president and four other members of the senate appointed by him, until the committee as hereinabove provided for is appointed or selected when all such authority, powers, duties, papers and records, personnel or staff and all funds available for the use of the committee shall revert to such committee.

*Be it Further Resolved*, that a sum of twenty-five thousand dollars (\$25,000) or so much thereof as is necessary is appropriated from the contingent funds of the house of representatives and senate, to be expended equally from the contingent funds of the house of representatives and senate in carrying out the provisions of this resolution.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 919**—An act to amend Sections 3284, 3285 and 3286 of the Streets and Highways Code, relating to proceedings for the sale and redemption of delinquent property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, and Swing—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 21**—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 5 of Article XIII thereof, relating to property taxation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo,

McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—Senator Carter—1.

Resolution ordered transmitted to the Assembly.

**Senate Joint Resolution No. 22**—Memorializing Congress of United States to act favorably on U. S. Senate Resolution No. 114.

Resolution read.

**Motion to Re-refer Senate Joint Resolution No. 22**

Senator Breed moved that Senate Joint Resolution No. 22 be re-referred to Committee on Rules.

**Motion to Table**

Senator Hatfield moved that Senate Joint Resolution No. 22 be laid on the table.

Roll call demanded by Senators Burns, Hatfield, and Deuel.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Brown, Collier, DeLap, Dillinger, Gordon, Hatfield, Rich, Swing, Tickle, and Ward—11.

NOES—Senators Burns, Carter, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Tenney—20.

The President stated the motion by Senator Breed to re-refer Senate Joint Resolution No. 22 to Committee on Rules, was before the Senate.

Motion carried.

Senate Joint Resolution No. 22 re-referred to Committee on Rules.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Judah:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion.

Respectfully submitted.

SENATOR JUDAH

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.



## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Burns:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain and otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Respectfully submitted.

SENATOR BURNS

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 9, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 1093:** By Senator Judah—An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion.

Referred to Committee on Natural Resources.

**Senate Bill No. 1094:** By Senator Burns—An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain and otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Referred to Committee on Agriculture.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 100

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set



opposite their names, payable weekly, beginning April 9, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
David Levering, Page .....	\$2 50
Gird Levering, Page .....	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Judah, Kenting, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelby, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.  
 NOES—None.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section, to be numbered Sec. 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

#### Withdrawal of Motion

Senator Seawell moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 370 was re-referred to Committee on Financial Institutions.

Motion carried.

Senate Bill No. 370 re-referred to Committee on Financial Institutions.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1039

Senator Donnelly moved that Senate Bill No. 1039 be withdrawn from Committee on Welfare and Institutions, for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1039**—An act to add Section 1556.5 to the Welfare and Institutions Code, relating to wages of orphans and other needy children.

Bill read second time.

#### Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "1556.5", and insert "1556.6".

##### Amendment No. 2

In line 2 of the title of said bill, before "orphans", insert "minors, and determining the ownership thereof for the purposes of aid to".

##### Amendment No. 3

On page 1, line 1, of said bill, strike out "1556.5", and insert "1556.6".

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 9, inclusive, and insert "1556.6. Notwithstanding any other provision of law, for the purposes of this chapter the earnings of any minor over the age of 18 years shall not be considered to be the property of his parent nor subject to the control of his parent."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**REPORTS OF STANDING COMMITTEES****Committee on Elections**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 391

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 1017

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 240

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

BREED, Chairman

Above reported bill ordered to second reading.

**Committee on Public Utilities**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 363

Senate Bill No. 858

Senate Bill No. 734

Assembly Bill No. 399

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

PARKMAN, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 2—An act to amend Section 691 of the Fish and Game Code, relating to striped bass;

Senate Bill No. 184—An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission;

Senate Bill No. 385—An act to amend Section 307 of the Agricultural Code, relating to meat;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 465**—An act to add Sections 89.5, 89.6, 89.7 and 89.8 to the Agricultural Code, relating to the powers and duties of district agricultural associations, and the use of county fair property and declaring the urgency thereof and providing that this act shall take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the ninth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 420

Senate Bill No. 718

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 55

Assembly Bill No. 70

Assembly Bill No. 228

Assembly Bill No. 283

Assembly Bill No. 330

Assembly Bill No. 448

Assembly Bill No. 639

Assembly Bill No. 640

Assembly Bill No. 641

Assembly Bill No. 717

Assembly Bill No. 1113

Assembly Bill No. 1114

Assembly Bill No. 1115

Assembly Bill No. 1150

Assembly Bill No. 1247

Assembly Bill No. 1353

Assembly Bill No. 1370

Assembly Bill No. 1392

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 55**—An act to amend Section 4 of the California Water Storage District Act, relating to giving of notice of proposed organization of a water storage district to landowners.

Referred to Committee on Water Resources.

**Assembly Bill No. 70**—An act to amend Section 21.5 of the Municipal Court Act of 1925, relating to mileage of judges of the municipal court in any city or city and county of the first and one-half class.

Referred to Committee on Local Government.

**Assembly Bill No. 228**—An act to amend Section 341a of the Code of Civil Procedure, relating to personal property left by tenants, guests or patients.

Referred to Committee on Judiciary.

**Assembly Bill No. 283**—An act to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for

participation in religious exercises or for moral and religious instruction.

Referred to Committee on Education.

**Assembly Bill No. 330**—An act to amend Section 42 of the Probate Code, relating to exemptions from restrictions on devises or bequests.

Referred to Committee on Judiciary.

**Assembly Bill No. 448**—An act to add Section 740.5 to the Welfare and Institutions Code, relating to minors believed to be mentally unsound, authorizing the juvenile court to order commitments for observation, and providing for subsequent proceedings in relation to such minors.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 639**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 29 of, and to add two new sections to be numbered 7.1, 8.1, and 18.1 to, the Corporation Income Tax Act, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 640**—An act to amend Sections 4, 4a, 5, 6, 8, 9, 11, 12, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 31, 32 and 35 of, and to add two new sections to be numbered 8.1, 9.1 and 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add four new sections to be numbered 7.2, 8.1, 8.2 and 34.2 to, The Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 717**—An act to amend Sections 22727, 22728, 22729, and 22730 of the Water Code and Sections 2 and 3 of the act entitled "An act relating to the liability of irrigation districts, their officers and employees," approved July 20, 1935, relating to filing of verified claims with the officers, employees and secretary of the board of directors of irrigation districts as a condition precedent to the filing or maintaining of actions against irrigation districts, their officers and employees and the payment of claims.

Referred to Committee on Water Resources.

**Assembly Bill No. 1113**—An act to add Sections 1521.5, 2166, 3047.5 and 3448 to the Welfare and Institutions Code, relating to the property of persons receiving public assistance.

Referred to Committee on Welfare and Institutions.



**Assembly Bill No. 1114**—An act to repeal Section 1600 of the Welfare and Institutions Code, relating to the publishing of names of children in orphan asylums.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1115**—An act to add Sections 2143, 3092, and 3463 to the Welfare and Institutions Code, relating to disputes between counties as to responsibility under the public assistance laws.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1150**—An act to add Section 8653 to the Revenue and Taxation Code, relating to the use fuel tax.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1247**—An act to amend Section 25301 of the Water Code, relating to bonds of irrigation districts.

Referred to Committee on Water Resources.

**Assembly Bill No. 1353**—An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Referred to Committee on Judiciary.

**Assembly Bill No. 1370**—An act to amend Section 96 of the Labor Code, relating to assignments of claims.

Referred to Committee on Labor.

**Assembly Bill No. 1392**—An act to amend Sections 6301, 6321, and 6502, to amend and renumber Sections 6443 and 6444 of and to add Section 6443 to, the Public Resources Code, relating to leases or exchanges of land by the State Lands Commission.

Referred to Committee on Natural Resources.

#### ADJOURNMENT

At 4.55 p.m., on motion of Senator Slater, the President pro tempore declared the Senate adjourned until 10 a.m., Saturday, April 10, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

NINETY-SEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, April 10, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by the Rev. Raymond Renwald, Chaplain of the Cathedral Church.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator Burns, on motion of Senator Tenney.

Senator Biggar, on motion of Senator Fletcher.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant and Mrs. Palmer of New York State.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bertha Sublett and Mrs. Augusta Vance, both of Redding.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to First Lt. Fred R. Jenks, Troop Carrier Group, of the U. S. Air Force.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 524

Senate Bill No. 676

Senate Bill No. 722

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 23

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 526

Senate Bill No. 699

Senate Bill No. 83

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered to unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 168

Senate Bill No. 779

Senate Bill No. 413

Senate Bill No. 785

Senate Bill No. 461

Senate Bill No. 945

Senate Bill No. 469

Senate Bill No. 947

Senate Bill No. 481

Senate Bill No. 976

Senate Bill No. 602

Senate Bill No. 1080

Senate Bill No. 732

Senate Bill No. 946

Senate Constitutional Amendment No. 13

And reports the same correctly engrossed.

SEAWELL, Chairman

## MOTION TO PRINT IN THE JOURNAL

Senator Seawell moved that the Governor's letter of transmittal and the Report of his Committee on Old Age Pensions be printed in the Journal.

Motion carried.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, April 7, 1943

*To the Members of the Senate*

GREETINGS: I am transmitting, herewith, copies of the reports received by me from members of the Citizens Committee on Old Age Pensions which I appointed on February 17th to study and report on the pension problem as it now confronts California.

This committee, comprised of 17 men, selected by organizations with a known interest in the pension problem, has filed a majority and a minority report. In addition, several members have submitted additional reports in regard to certain aspects of the problem.



All of these I am transmitting with the hope that they will prove helpful in your deliberations. The substantial majority of the committee has agreed that the amount of the pension should be increased to \$50 per month. This recommendation was made after mature consideration, and it is my belief that it is a recommendation worthy of full consideration by the Legislature.

It was not my expectation in the naming of a committee so pronouncedly representative of the cross-section of the pension viewpoint in the State that they should be unanimous in their agreement, on all aspects of the problem. I believe you will be encouraged however to learn the number of points in which there was almost unanimous agreement, and it is my hope that all such nearly unanimous recommendations will be given your careful consideration.

In transmitting these recommendations to you, I do so with the knowledge that they do not contain a final solution of the problem, for the issue of old age security will never be finally solved until there is a national old age pension which disregards state boundaries. It is my hope, however, that from out of your analysis of the recommendation of this committee will come action which will constitute an improvement in the situation which now prevails.

Respectfully,

EARL WARREN, Governor

### REPORT OF CITIZENS' STATE-WIDE COMMITTEE ON OLD AGE PENSIONS

Submitted to the Honorable Earl Warren, Governor of California  
March 31, 1943

#### Personnel of Citizens' State-wide Committee on Old Age Pensions

RALPH T. FISHER, *Chairman*

Vice President, American Trust Company  
Oakland, California

HARRISON W. CALL  
Republican State Assemblyman  
Redwood City, California

JOHN C. CUNEO  
Townsend National Recovery Plan and  
Joint Welfare Committee  
Modesto, California

C. O. HOOPER  
Vice President, California Farm  
Bureau Federation  
Calipatria, California

WILLIAM B. HORNBLOWER  
Fraternal Order of Eagles  
San Francisco, California

GEORGE A. JANSSEN  
County Supervisors' Association  
of California  
Oakland, California

RAY JUDAH  
Republican State Senator  
Santa Cruz, California

THOMAS F. KEATING  
Democratic State Senator  
San Rafael, California

VERNON KILPATRICK  
Democratic State Assemblyman  
Los Angeles, California

A. J. McFADDEN  
Past President, State Chamber of  
Commerce  
Santa Ana, California

GEORGE H. McLAIN  
Citizens' Committee for Old Age  
Pensions  
Los Angeles, California

ROY G. OWENS  
Pay Roll Guarantee Association  
Los Angeles, California

LATRENCE PALACIOS  
International Representative, Laundry  
Workers A. F. L., and Secretary of  
San Francisco Laundry Workers  
Union  
San Francisco, California

NATHAN T. PORTER  
Townsend Party Candidate for  
Governor, 1942  
Los Angeles, California

C. A. RICKS  
General Welfare Federation of  
America  
Martinez, California

GEORGE SEHLMAYER  
Master, California State Grange  
Sacramento, California

FRANK SLARY

President, Alameda County C. I. O. Council, and  
President of United Automotive Workers, Local 76  
Oakland, California

SACRAMENTO, CALIFORNIA, MARCH 31, 1943

The Honorable Earl Warren, Governor of California  
Sacramento, California

DEAR GOVERNOR WARREN: Your Committee on Old Age Pensions, which you appointed in late February, begs leave to submit herewith its report.

Sessions of the committee were held in Sacramento on February 25th; in San Francisco on March 2d and 3d; in Los Angeles on March 11th and 12th; and in Sacramento on March 17 and 18, 1943. A concluding meeting was held in Sacramento on March 30, 1943, to review the findings of the committee and to approve its report.

The data employed by the committee were derived from six principal sources:

First, public hearings were arranged in each one of the cities where our sessions were held. The equivalent of three days' time was devoted to those who wished to present their oral views to the committee.

Second, many scores of letters and pension programs were reviewed by the committee. These were referred to a subcommittee for study in order that the subcommittee might give the benefit of its analysis and conclusions to the parent committee.

Third, the various State departments were of real assistance. The Department of Finance, the Attorney General's Office, and the Department of Social Welfare all made themselves available to your committee and answered innumerable questions at every session.

Fourth, the welfare directors of several of the principal counties of the State attended our meetings and answered inquiries of the committee out of their wide personal experience.

Fifth, the Federal Social Security Board was represented at a number of our meetings to interpret the status of the Federal Act and its relation to the California Old Age Security Law.

Sixth, the research staffs of the California Taxpayers' Association and the State Chamber of Commerce, as well as of the Department of Social Welfare, provided the committee with much indispensable statistical and factual material.

In addition to those State departments and organizations already mentioned, invitations to attend our sessions were extended to such bodies as the California Real Estate Association, State Supervisors Association, Property Owners Association of California, Bureau of Public Administration of University of California, the general managers of our larger Chambers of Commerce, and others.

The personnel of our committee represents widely divergent viewpoints. Many of them have devoted a great deal of time to the general problem of old age assistance and in some instances they represent particular programs of old age pensions. Others of the committee come from the ranks of agriculture, labor, business and the professions. Still another group comes from both houses of our own State Legislature. As a result there is some divergence of views both as to the philosophy behind the idea of old age assistance and as to the best and most practical methods of meeting those needs of our aged citizens. However our committee is unanimous in recognizing the need.

The factual data presented to the committee were comprehensive and were considered to be adequate to arrive at recommendations.

The committee did not consider the study of revenue of the State to be in its purview.

The committee adopted in its parliamentary procedure a rule that a majority of the committee voting at any meeting would be necessary in order to make a recommendation effective with the further proviso that not less than nine members of the committee shall have indicated their concurrence in the final report. A minority report, dissenting as to certain items, is included.

Recommendations approved by a majority of the committee follow.

We trust that this report may prove to be of use to you as Governor and to the Legislature as they seek to solve this most persistent and perplexing problem.

Faithfully yours,

RALPH T. FISHER  
Chairman

HARRISON W. CALL

JOHN C. CUNEO

C. O. HOOBER

WILLIAM B. HORNBLOWER

GEORGE A. JANSSEN

H. R. JUDAH

THOMAS F. KEATING

VERNON KILPATRICK

A. J. MCFADDEN

GEORGE H. McLAIN

ROY G. OWENS

LAURENCE PALACIOS

NATHAN T. PORTER

C. A. RICKS

GEORGE SEHLMAYER

FRANK SLABY

## I—INTRODUCTION

### A—Creation of Committee and Scope of Work

The Governor indicated the scope of the committee when he publicly announced the appointment of the committee on February 17, 1943. The statement is as follows:

Every thinking person must realize that old age security is our most fundamental social problem and that an industrial system which arbitrarily rules

out productive employment because of age and irrespective of fitness must provide an honorable means of livelihood in lieu thereof.

This principle cuts across local and state lines and recognizes that the problem can only be finally and satisfactorily solved on a national basis and then not on the basis of charity but as a matter of right.

Here in the progressive State of California, which has always been first in such matters, we must remain ever zealous in our search for betterments which point toward ultimate solution. We must permit no circumstances to arise which mar the benefits now afforded. We must realize that with the increased cost of living, people cannot maintain themselves on \$40 per month. Whatever the amount fixed by the Legislature, we must see that it is distributed to those entitled thereto in a manner free from needless red tape and humiliating delay. It must be distributed in a manner reflecting the cheerful willingness and concern of a warm-hearted State.

The committee now being appointed, constituting as it does a cross-section of the pension thought of the State, should be able to eliminate those political considerations which have so often confused discussions of pension matters and not only initiate immediate reforms within our present abilities but also bring us nearer the day of final solution of the problem. It is with hope and expectation that I have called into service the committee which is now launching its study.

The chairman of the committee subsequently received the following letter from the Governor which further commented on the scope of the committee:

FEBRUARY 25, 1943

*Mr. Ralph T. Fisher, Chairman, Citizens Committee on Old Age Pensions  
Sacramento, California*

DEAR MR. FISHER: I desire to thank you for your gracious acceptance of the chairmanship of my Citizens Committee on Old Age Pensions. It is both an important and a difficult assignment but I know that your experience and ability to approach involved problems in a fair and judicial manner will make it possible for you to lead the committee in formulating a sound pension program for our State.

It is not necessary, I presume, for me to say to you that the committee, as constituted, represents a wide divergence of opinion concerning both the present needs and the ultimate solution of the old age security question. However I believe that the members, selected as they were by groups interested in the problem, will make an earnest effort to reconcile these differences, at least to a degree that will bring forth a sound program based upon present conditions, including our relationship with the Federal Government. They will do this, I trust, in a sincere effort to improve the present condition of our senior citizens and to pave the way for the ultimate solution of the problem.

It seems to me that there are at least four fields for exploration by the committee.

First: The sufficiency of the present pension.

Second: The reasonableness of administrative practices for the present system.

Third: The basic question of qualification for pension.

Fourth: Forward looking legislation expressing California's objectives and committing the State to immediate action if and when the Federal Government will authorize it under its Social Security legislation.

In the consideration of these subjects, it seems to me that, although California has gone as far as any of the States up to the present time, we must give full consideration to the continuing advance in the cost of living and to the fact that people can not now live on \$40 a month.

It also seems to me that, whatever the pension amount may be, in this day when manpower is so badly needed, no one should be opposed to its being augmented with such earnings as might be derived through part time employment.

There is another opinion which I am prompted to express as a result of my observations and that is that to deny a pension to a thrifty senior citizen who has accumulated a home and a modest amount of other property (insufficient to maintain himself) is not only doing an injustice to that individual but is, generally speaking, putting a penalty on thrift and a premium on improvidence.

I also believe that the ultimate solution of our problem is a National pension system that will cut across state lines and be uniform in its application throughout the country.

Improvement can undoubtedly be made in present administrative practices involving as they do any excessive amount of time in the granting of a pension in the first instance and in reestablishing the right after temporary



surrender, as well as bureaucratic practices humiliating to the recipient. These practices call for a reexamination looking forward to corrections. I realize that some of these defects can not be remedied by the State of California alone but, where such is the case, it would seem to be reasonable that the State should declare its policy and encourage the Federal Government to do likewise. We should, I believe, through legislation, declare our readiness to act if and when the Federal Government, through Act of Congress, authorizes similar action throughout the Nation.

I have expressed my views for the purpose of indicating to you what I had in mind in creating the committee. I do not intend thereby to limit the scope of your inquiry and trust that you will take any further action that, in your opinion, will tend toward a solution of our old age problem, which, in my opinion, is the greatest social problem of the day.

Inasmuch as there are conditions calling for immediate remedy, I trust that the committee will be able to report at a sufficiently early date to assist the present Legislature in the formulation of necessary legislation.

Again assuring you and the members of the committee of my appreciation of the valued public service which I am sure you will all render, I am, with best wishes,

Sincerely,

EARL WARREN, Governor

### B—Present Status of Aged Assistance

In its briefest form the present system of old age assistance in California is as follows:

Any qualified citizen 65 years of age with five years' out of nine years' residence in the State, whose personal property does not exceed \$500 in value and whose real property is not assessed at over \$3,000, may receive up to \$40 per month on what is known as the flat-payment plan; or may receive under the so-called "budget plan," income from other sources up to the amount of his actual needs. Under the latter plan the public contribution is limited to a maximum of \$40 per month as in plan number one, but income from other sources may be enjoyed without penalty of deduction up to the amount of the individual budget. Plan one has been in operation for several years past; plan two was made available beginning only last October (1942). Of the amount allowed in each case, the Federal Government contributes 50 per cent up to a maximum of \$20, plus certain administrative expenses. The State and county contribute the balance, share and share alike.

### II—SUMMARY OF RECOMMENDATIONS

1. A need exists for an increase in amount of assistance, and it is recommended that the amount of grant should be increased from \$40 to \$50 per month, to take effect as soon as possible, the State to assume the additional cost of this \$10 increase.
2. Outside income should be allowed without deduction up to an amount which, added to the public assistance, does not exceed \$75 per month, and up to this amount budgetary statements should not be required. However, since this recommendation was voted, the Federal Social Security Board through its executive director, Oscar M. Powell, has declared the recommendation to be inconsistent with the Federal Social Security Act.
3. Property eligibility should be amended to allow possession of real property in which the assessed value of the property does not exceed \$3,500 (in place of the present limit of \$3,000), in cases where a man and wife live together. Also, the code should be amended at this point to make allowances for those occasional cases where property is assessed at over \$3,000 (or \$3,500 for man and wife), but where encumbrances on such property operate to reduce the owner's actual equity therein to less than \$3,000 (or \$3,500 for man and wife). Upon the death of either husband or wife where they have jointly possessed real property assessed at between \$3,000 and \$3,500, the survivor should be allowed a period of one year to make the necessary adjustment to conform to the limit permitted for a single recipient of aged assistance. Personal property limit should be increased from \$500 to \$600 per person.
4. A duplicate warrant for a grant should be issued expeditiously when the original has been lost or destroyed.
5. In case of dispute, the confidential file of a person applying for or receiving aid should be open for inspection by either himself or an authorized agent.
6. Responsibility of relatives should be continued with a modification of the scale of contribution to allow for the contributors' increased cost of living and Federal taxes.
7. The present county administration under State supervision should be continued.
8. The statutes should be revised and rules and procedures should be simplified so that applicants for and recipients of aid will not be harassed or humiliated.



9. Medical, dental, and clinical care should be continued as a county expense as provided under existing law.
10. Attorney fees and court costs in case of court decision in favor of a recipient of aid should be borne by the State.
11. No advisory county welfare board should pass upon any application for aid, and it must be passed upon directly by the board of supervisors. Provision should be made to give 30 days' notice to an applicant or recipient to appear and show cause why the board's action is unsatisfactory. The right to appeal to the State Social Welfare Board shall not be impaired.
12. The committee reports the necessity for revision of the Federal Social Security Act as follows: (1) Contributions by the Federal Government to the State, to be on a matching ratio of two to one; (2) Age requirement to be reduced to 60 years; (3) Outside income to be allowed up to \$15 per month without deduction; and recommends that Congress be memorialized to that effect.

### III—REPORT ON RECOMMENDATIONS

In one of its early meetings the committee adopted a program of items for consideration in subsequent meetings. All members were privileged to and did participate in the adoption of this agenda. The recommendations which are submitted are in conformity with this adopted program.

#### 1. Need for Increase in Amount of Assistance

The committee considered the increase in cost of living as it related to the amount of assistance. It was pointed out that the cost of living has increased from an index of 102.3 in 1940 to 123.9 in January 1943 (Los Angeles Area). It was unanimously agreed that the amount of assistance should be increased above the present \$40 that amount. Consideration of the amount of increase included a range in payment from \$45 to \$75.

Many members of the committee were committed by previous actions of the groups which they represented to \$60 per month.

A large amount of data relating to taxes and the taxpayer's ability to pay for increased governmental expenses was placed before the committee. However, the method of financing an increase in the amount of aid was considered, by the majority of its members, to be outside the purview of the committee.

If all other conditions remain the same, so that the case load would continue at approximately the same level, costs for varying amounts of grants would be as follows:

#### Biennial Cost of Assistance—State Department of Welfare Estimate

(From Appendix 3)

##### Age 65 and Over

Grant	Amount of total Cost	Distribution	
		Federal	State and County
\$40	\$129,900,000	\$64,900,000	\$65,000,000
45	150,800,000	67,600,000	\$83,200,000
50	168,400,000	69,800,000	98,600,000
60	203,600,000	70,200,000	133,400,000

It was noted that the cost of a \$50 grant without any increase in case load would be \$168,400,000. In view of the fact that the Federal Government now contributes on the basis of its limit of one-half of \$40, the increased cost would be placed entirely on the State or the State and counties. The Federal cost would amount to \$69,800,000 as compared with a cost to the State and counties of \$98,600,000. Since the committee recommends that the additional cost be assumed by the State, the counties cost would continue at \$32,500,000 and the State cost would amount to \$66,100,000 or an increase of \$33,600,000 for the biennium.

Opinion was expressed in the committee that the case load for aged assistance is now declining. All statistical evidence indicated, however, that the present reduction is due to increased employment of persons in the aged group who might otherwise apply for assistance. Also many responsible relatives are now receiving greater earnings so that they are in a position to provide for their parents.

Statistical evidence presented to the committee indicates that the number of assistance may increase substantially after the war and thus increase the cost materially.

A majority voted to increase the grant from \$40 to \$50.

#### 2. Outside Income (Earnings)

Prior to July, 1941, the law provided that recipients of aged assistance could earn and retain income of several types in the amount of not to exceed \$15 per month. The Legislature repealed this provision in 1941 at the instance of the Federal Social Security Board.

In September, 1942, the State Social Welfare Board with the consent of the Federal Social Security Board issued a directive which permitted persons on aged assistance to earn and retain certain sums of money provided that a need was demonstrated for the additional amounts. It was required that a budget be developed to show the need in each individual case and a supporting affidavit was required to be signed by the recipient. The Federal Social Security Board has given approval to this procedure on an experimental basis.

It may be of interest to state that in the relatively brief period since October, 1942, some 16,500 individuals or about 9 per cent of the total have elected to adopt the budget procedure.

The committee considered that an extensive use of the budget and affidavit procedure was not without its drawbacks because of the necessity of investigation into the individual's living conditions; and agreed that it would be better to allow persons to earn and retain income which together with the public grant would not exceed \$65. It was felt that this latter alternative would encourage industry and thrift on the part of those receiving assistance, would relieve the draft on public funds and would contribute additional manpower in the present emergency. It would likewise improve the living standards of the recipients.

To determine whether such practice would be within the provisions of the Federal Social Security Act, a hypothetical amendment to the California Welfare and Institutions Code was approved by the committee and telegraphed to the Federal Social Security Board in order to get their reaction to the principle involved. The proposed amendment was as follows:

2020. The minimum income per month on the basis of need for the support of any aged person in this State is hereby determined and declared to be sixty-five dollars (\$65) per month.

The amount of aid to which any applicant shall be entitled shall be that sum, not to exceed forty dollars (\$40) per month, which when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, equals sixty-five dollars (\$65) per month. If, however, in any case it is found the actual need of an applicant exceeds sixty-five dollars (\$65) per month, such applicant shall be entitled to receive aid in an amount, not to exceed forty dollars (\$40) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

On March 19th the committee received notice of disapproval from the executive director of the Federal Social Security Board. The telegram is as follows:

MARCH 19, 1943

*Ralph T. Fisher, Chairman*

*Governor Warren's Committee on Old Age Pensions  
306 State Capitol, Sacramento, California*

Proposed amendment of Section 2020 of California Welfare and Institutions Code as quoted your telegram of March 17, 1943, in effect provides for flat assistance payment of \$40 per month without regard to individual's income or resources, unless individual's income and resources are in excess of \$25 per month. This is because amendment assumes existence of a universal minimum need of \$65 per month, which is \$25 or approximately 60 per cent higher than maximum grant payable under the law. Any plan developed pursuant to this amendment that would give effect to a universal minimum of need, thus excluding from consideration income and resources up to a specific amount, could not be found by the Social Security Board to be consistent with the act of Congress which requires that all other income and resources of the individual claiming old age assistance be considered in determining his need.

OSCAR M. POWELL

It is assumed that the State can continue (on an experimental basis) the present practice of allowing earnings to be retained when a need is demonstrated. However, the Federal Social Security Board presumably must ultimately approve the procedure or reject it.

The committee went on record as believing the basis of need should be established at \$75. However, in view of the decision of the Federal Social Security Board above quoted, no ceiling of "determined need" can become effective under the present Federal law.

### **3. Property Eligibility**

The Welfare and Institutions Code provides that the ownership of real property shall be limited to \$3,000 of assessed value. This limitation applies both to a single person (Sec. 2164) and to the combined real property of husband and wife (Sec. 2165). It appears to the committee that the \$3,000 limitation for husband and

wife may be too stringent and that the limitation might be increased to \$3,500 in such cases.

In some instances applicants are denied aid because the assessed value of their property exceeds \$3,000 although their *equity* in such property may be less than \$3,000 by reason of the fact that money is owing against it. The committee does not believe that this is the intent of the act.

**The Committee Recommends:**

(3) The provisions of the code relating to property eligibility should be amended to allow possession of real property in which the assessed value of the property does not exceed \$3,500 (in place of the present limit of \$3,000), in cases where a man and wife live together. Also, the code should be amended at this point to make allowances for those occasional cases where property is assessed at *over* \$3,000 (or \$3,500 for man and wife), but where encumbrances on such property operate to reduce the owner's actual equity therein to *less than* \$3,000 (or \$3,500 for man and wife). Upon the death of either husband or wife where they have jointly possessed real property assessed at between \$3,000 and \$3,500, the survivor should be allowed a period of one year to make the necessary adjustment to conform to the limit permitted for a single recipient of aged assistance. Personal property limit should be increased from \$500 to \$600 per person. The latter recommendation was transmitted by the Governor and originated with Colonel Archibald Young, Chairman of the State Welfare Board.

**4. Issuance of Duplicate Warrants**

It has been brought to the attention of the committee that county warrants which are issued for aged assistance are lost occasionally and that statutes regulating counties in the issuance of warrants have provisions which prevent expeditious issuance of duplicate warrants. A long delay in the receipt of assistance in such cases will, of course, work hardship on individuals.

**The Committee Recommends:**

(4) That the Welfare and Institutions Code be amended to provide an expeditious procedure for the issuance of duplicate warrants by the county auditor.

**5. Inspection of Confidential File by Applicant**

It was brought to the attention of the committee that the case or confidential file of the applicant or recipient of aid is not always available for his inspection and is not open to the authorized agent of the applicant. The origin of this practice is found in the Federal Social Security Act requiring that all records be kept confidential. The committee believes that it may be essential at times that the individual or his authorized agent examine the files.

**The Committee Therefore Recommends:**

(5) That the Welfare and Institutions Code be amended to provide that applicant or recipient of aid or his authorized agent be permitted in case of dispute to inspect his case or confidential file.

**6. Responsibility of Relatives**

The committee inquired into the cost of and social factors relating to full or partial support of aged persons by responsible relatives. The cost of collections from responsible relatives was also analyzed.

At the present time there are about 25,000 cases for which contributions are made by relatives. The contributions to this group average over \$9 per case per month and total \$5,500,000 per biennium or \$2,750,000 per year.

It was developed by the committee that if relatives' responsibility were eliminated many persons not now on assistance could legally apply for and receive aid. Estimates from independent sources indicate that the cost of providing aged assistance to this group would increase the cost by over 15 per cent or \$12,000,000 per annum for new cases at the present rate of \$40. The total increase would thus be \$15,000,000 per year for present and new cases due to the abandonment of relatives' responsibility.

The total cost of administering aged assistance (both State and county) is around \$3,000,000 per year. The committee was unable to ascertain what part of this amount was due to the cost of making collections from responsible relatives, but it was agreed by welfare administrators that it was only a fractional part of \$3,000,000. The committee concluded that the cost of collections is insignificant in comparison with the increased cost of relieving relatives from responsibility.

The committee inquired into social factors relating to relatives' responsibility but makes no report thereon.

The committee reviewed the relatives' responsibility scale in the Welfare and Institutions Code in the light of increased cost of living and Federal taxes as affecting the contributing relative.



**The Committee Recommends:**

(6) That the responsibility of relatives be continued, but that the relatives' responsibility scale be modified according to the following schedule. It is believed this will in considerable measure answer present complaints arising from this provision and remove some of the asserted hardships connected with it.

Relatives' Contribution Scale										
A. Monthly income of responsible relatives in one family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contribution										
Under 155-----	0	0	0	0	0	0	0	0	0	0
155 to 174-----	5	0	0	0	0	0	0	0	0	0
175 to 194-----	10	0	0	0	0	0	0	0	0	0
195 to 214-----	15	0	0	0	0	0	0	0	0	0
215 to 234-----	20	0	0	0	0	0	0	0	0	0
235 to 254-----	25	5	0	0	0	0	0	0	0	0
255 to 274-----	30	10	0	0	0	0	0	0	0	0
275 to 294-----	35	15	5	0	0	0	0	0	0	0
295 to 314-----	40	20	10	5	0	0	0	0	0	0
315 to 334-----	45	25	15	10	0	0	0	0	0	0
335 to 354-----	50	30	20	15	5	0	0	0	0	0
355 to 374-----	55	35	25	20	10	5	0	0	0	0
375 to 394-----	60	40	30	25	15	10	0	0	0	0
395 to 414-----	65	45	35	30	20	15	5	0	0	0
415 to 434-----	70	50	40	35	25	20	10	0	0	0
435 to 454-----	75	55	45	40	30	25	15	5	0	0
455 to 474-----	80	60	50	45	35	30	20	10	0	0
475 to 494-----	85	65	55	50	40	35	25	15	5	0
495 to 514-----	90	70	60	55	45	40	30	20	10	0
515 to 534-----	95	75	65	60	50	45	35	25	15	5
535 to 554-----	100	80	70	65	55	50	40	30	20	10

**7. Present Type of Administration to be Continued**

The committee examined into the present form of administration of aged assistance wherein the counties are responsible for the administration of aid and the State supervises the counties. Taking everything into account, representatives of the State Social Welfare Board state that the combination of county administration and State supervision is the best procedure.

No factional material was presented which would warrant the committee recommending a change in the form of administration. It appeared that State law and State Department of Welfare rulings were in some part responsible for criticism of county administration. (See 8 following.)

**The Committee Recommends:**

(7) That the present county administration of assistance under State supervision of counties be continued, but with some relaxation in administrative requirements.

**8. Revision of Statutes, Rules, and Regulations**

It was related to the committee that the enforcement of the Welfare and Institutions Code together with rules and regulations of the State Social Welfare Board and the counties sometimes exposes applicants or recipients of aid to humiliation and embarrassment. The committee has no sworn testimony on this matter or knowledge of the number of such instances which may have occurred. However, it was apparent that both the law and rules and regulations should be amended so as to decrease the number of points of friction between social workers and recipients of aid.

**The Committee Recommends:**

(8) That the Welfare and Institutions Code and rules and regulations of both the State Social Welfare Board and the counties be modified.

A subcommittee was appointed to look into and recommend to the committee as a whole on these matters. While the limitations of time prevented the committee as a whole from discussing them to the point of recommending specific action, nevertheless, the committee recognizes that there are many of these items which are entitled to earnest consideration and with that in view a copy of the subcommittee's report is appended in full to this report.

**9. Medical, Dental, and Clinical Aid**

Analysis of medical assistance to recipients of aged assistance showed that the statutes now provide and the counties give medical assistance, including hospitaliza-



tion and clinical service. The Welfare and Institutions Code permits individuals to stay in a county hospital two months without deduction from their monthly aid.

**The Committee Recommends:**

(9) That medical, dental, and clinical assistance should be continued at county expense.

**10. Attorney's and Filing Fees**

The committee examined into filing fees and attorney costs when a court decision favored the recipient of aid. Testimony indicated that court cases are rare.

**The Committee Recommends:**

(10) That the law be changed with respect to court costs or attorney's fees in litigation with respect to aged assistance, so that the State pays the costs when the decision is in favor of the recipient.

**11. Board of Supervisors' Responsibility for Approval of Aid**

It was brought to the attention of the committee that several counties have welfare boards which are established by charter, and that those welfare boards, instead of the board of supervisors, approve or reject applications for aged assistance. However, in the case of rejections, the applicant is informed that the board of supervisors has rejected the application.

The committee concluded that advisory welfare boards do not provide uniform procedure in the administration of aged assistance, and further concluded that it is properly a responsibility of the board of supervisors to pass on applications for aged assistance.

It was also brought to the attention of the committee that in some counties, especially large ones, the board of supervisors passed on recommendations in a perfunctory manner. The committee concluded that a procedure should be established which permits applicants for aged assistance to carry an appeal on decisions directly to the board of supervisors.

**The Committee Recommends:**

(11) That no advisory county welfare board should pass upon any application for aid, but it must be passed upon directly by the board of supervisors. Provision should be made to give 30 days' notice to an applicant or recipient to appear and show cause why the board's action is unsatisfactory. The right to appeal to the State Social Welfare Board shall not be impaired.

**12. Revision of the Federal Social Security Act**

The committee gave careful consideration to the Federal Social Security Act. Considerable material was presented on Title II, relating to old age and survivors insurance, and Title I, relating to assistance to the needy aged.

It was pointed out that some 55 per cent of workers in California were under old age and survivors insurance prior to war activity and that in large part those who are under the act will not receive benefits which the committee believes are adequate for a reasonable standard of living. The committee has concluded that Title II, which gives a pension to a person as a right, does not provide an adequate long-term program.

In view of the fact that Title II (Old Age and Survivors Insurance) does not provide an adequate solution for the support of the aged in California, the committee has concluded that Federal participation under Title I (Aid to the Needy Aged) should be liberalized.

**The Committee Reports the Necessity For:**

Revision of Title I of the Federal Social Security Act as follows: (1) Contributions by the Federal Government to the State to be on a matching ratio of two to one; (2) Age requirement to be reduced to 60 years; and (3) Outside income to be allowed up to \$15 per month without deduction; and recommends that Congress be memorialized to that effect.

**Other Points Considered by Committee**

A number of other items were discussed extensively. These included lowering of age eligibility, allowances for funeral expenses, and also self liquidating stabilization credit and gross-transactions tax as a means of pension financing.

Respectfully submitted,

RALPH T. FISHER, Chairman  
HARRISON W. CALL  
C. O. HOOPER  
WILLIAM B. HORNBLOWER  
GEORGE A. JANSSEN  
H. R. JUDAH

THOMAS F. KEATING  
A. J. McFADDEN  
LAURENCE PALACIOS  
GEORGE SEHLMAYER  
FRANK SLABY

## IV—APPENDICES

## APPENDIX 1

## Report of Subcommittee on Improvement of Administrative Practices

MARCH 30, 1943

*Mr. Ralph T. Fisher, Chairman**Governor's Old Age Pension Committee**State Capitol, Sacramento, California*

DEAR MR. FISHER: Your Subcommittee on Improvement of Administrative Practices would suggest points of correction in the law that the administration of the so-called old age pension in California might be more dignified and humane. In order to accomplish the task we have been given, we have gone into minute detail and considered section by section the Social Welfare Code.

- (1) Inasmuch as the State Social Welfare Board administers a very large department, it is our opinion it should be a full-time board.
- (2) The members of the board should be compensated on a full-time basis and their terms should be staggered so that no one Governor could control the board.
- (3) Much severe criticism was presented to the general committee regarding the activities of social workers and it is our opinion that there is room for much reform in this department in administering old age assistance.
- (4) Every applicant shall be given an itemized report setting forth the amount of deductions, if any, made from his grant.
- (5) Any new rules and regulations shall be filed with the Secretary of State 30 days prior to effective date, and copies shall be available to people upon request.
- (6) The State department should be given authority to try social workers accused of maladministration or order the case to be tried before the State Personnel Board, and if found guilty the State shall have the power to suspend the social worker for a reasonable period of time, and after two such suspensions the employee may be dismissed.
- (7) The unnecessary language in Section 2180 of the Welfare and Institutions Code should be stricken out and the section should be made to read as follows:  
"Application for aid under this chapter shall be made to the board of supervisors of the county in which the applicant resides. An applicant may apply in person or the application may be made by another in his behalf. This application may be made in writing or reduced to writing upon the standard form prescribed by the State Department of Social Welfare, and a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for aid under this chapter. All statements in the application shall be verified, under oath, by the applicant."
- (8) The clause pertaining to insurance policies shall be so worded that no insurance policy may be valued at more than its present cash value to the recipient, and premiums on insurance policies may not be deducted from the recipient's award—no matter by whom paid.
- (9) Personal effects include clothing, furniture, household equipment, food-stuffs and fuel, and shall not be considered as personal property, and the assessed value shall be considered in both real and personal property and then only net values after deductions of all encumbrances.
- (10) Trust deeds should be considered as mortgages, and not as personal property, in the matter of determining eligibility bearing on personal property.
- (11) Applicant's affidavit shall be deemed prima facie evidence, and the county given 30 days' time in which to investigate and to affirm or deny the application.
- (12) Payments shall begin as of the first day of the month following date of application.
- (13) The county board of supervisors may reconsider previous denials eliminating necessity in those cases of appeal to the State Board, and must upon written request of the applicant hold a public hearing to determine the sufficiency of the application.
- (14) A transcript of the hearing shall be made and the cost borne by the department.
- (15) The present provision of the law should be amended to provide that the applicant may reapply when the condition which resulted in his application being rejected has been eliminated.

- (16) Add language to Section 2003 to read: "In case of doubt the applicant shall be given the benefit of the doubt."
- (17) In Section 2005 after the words, "other suitable home", add the words: "of his own choosing."
- (18) In Section 2008 add this language: "Any applicant or recipient of aid under this chapter, and any person connected with the administration of such aid, or other person, who knowingly violates any provision of this chapter for which no penalty is specifically provided, is guilty of a misdemeanor."
- (19) In Section 2009 provide "that the public designation of any building or place used for aid under this chapter may not make any reference to charity or indigency."
- (20) Require that the State or County Welfare Department shall mail a copy of any bulletin, policy rule or the law itself to any recipient upon demand.
- (21) In Section 2160 provide under (7) "that free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid."
- (22) Any place of abode of recipient or applicant, whether it be a house, boat, trailer, or other habitation, shall be deemed to be real estate for the purposes of this act.
- (23) All means of determining eligibility filed by applicant on affidavit before a judge of the superior court, shall be deemed to be sufficient evidence, in the absence of other factual data.
- (24) Add "that no person connected with the administration shall dictate how the recipient shall spend the aid granted to him."
- (25) Provide that all offices used for administration shall easily be accessible to the aged or maimed, and shall be either on the ground floor or served with an elevator and operator.
- (26) Provide that absence from the State, not in excess of 90 days of any calendar year, shall not be considered evidence to establish residence elsewhere, nor to interrupt receipt of aid.
- (27) Estates shall not be considered until they are available to the client for occupation or use, or until an income is available therefrom to the client.
- (28) Provide an urgency clause for immediate passage of enactment.
- (29) Provision should be made for the simplification of the responsible relatives affidavit form; for instance, a very brief initial form could be sent to the relative for the purpose of determining whether that relative has an income in his or her own right. This relates to the married daughter, primarily. Unless the married daughter has a separate income she shall not be required to make relatives' contributions. If the answer indicates a separate income, then a more elaborate form could follow.
- (30) The committee should recommend that the state department review all present requirements of the State and counties governing the complete operation of the application and renewal process, and that anything of an unnecessary nature be eliminated.

Respectfully submitted.

VERNON KILPATRICK, Chairman  
GEORGE SEHLMAYER  
H. R. JUDAH

## APPENDIX 2

### Old Age Security

#### COUNTY WELFARE DIRECTORS ASSOCIATION

January 1, 1930

Age—70 years

Citizenship—15 years

Residence—15 years

Property (Real)—Market value \$3,000. Applicant could be required to transfer property to county.

Personal Property—Silent.

Responsible Relatives—No child or person able and responsible under the law to support.

Amount of Aid—Budgeted strictly according to need. All contributions or income deducted. Total aid plus income from all sources not to exceed \$1 per day.

*September 1, 1935* (Social Security Act became law August 14.)

Age—65 years. (Social Security Act did not make age of 65 mandatory until January 1, 1940.)  
 Citizenship—No time requirement. (Security Act.)  
 Residence—During Federal participation five years out of last nine years and one year immediately preceding application. (Social Security Act.)  
 Property (Real)—Assessed value \$3,000. Applicant or combined property of applicant or spouse. Transfer of property to county repealed. Provided for placement of liens by county.  
 Personal Property—\$500.  
 Responsible Relatives—Amended 1931. Has no husband, wife, parent or child able to support.  
 Amount of Aid—All income deducted. Minimum income \$20, maximum \$35 from all sources.  
 Debt—All aid granted constituted a debt of such person.  
 Institution Inmates—May make application and aid shall commence upon release.

*April 1, 1936*

Effective date of Federal participation under Social Security Act. \$15 maximum Federal grant per case.

*September 1, 1937*

Age—No change.  
 Citizenship—No change.  
 Residence—No change.  
 Property (Real)—No change.  
 Liens—Released by Legislature. Later found unconstitutional (Supreme Court).  
 Forbid the further placing of liens.  
 Personal Property—\$500. Insurance policies of \$1,000 face value or less, and more than five years old, exempt when evaluating personal property.  
 Responsible Relatives—Who is not receiving adequate support from husband, wife or child. If relative was able to support, prosecution mandatory.  
 Amount of Aid—Provides for \$35 per month from all sources. Certain income exempt deduction, up to \$15 per month, such as services, income from property owned and occupied. *Aid payable in advance.*  
 Debt—Provision of 1935 repealed.  
 Hospitalization—Aid paid for 30 days while in hospital.  
 Chapter 8, Statutes of 1938 effective May 1, 1938, provided for an appropriation of \$6,000,000 to the counties resulting in the counties receiving approximately \$3.96 per case per month for 12 months.

*October 1, 1939*

Age—60 years when, as and if the Federal Government shall provide funds (Section 2160a).  
 Property (Real)—Provided certain agreements to be taken on property (Section 2226).  
 Responsible Relatives—Exempt from prosecution if they did not file a California Income Tax Return.  
 Debt—Created by Section 2229. Claims filed against estates.  
 Hospitalization—Aid paid for 60 days while an inmate.

*January 1, 1940*

Amount of Aid—Automatically increased from \$35 to \$40 maximum. (Amendment to Social Security Act.) California law already provided for Federal increase (Section 2025) \$20 Federal maximum grant per individual.

*February 23, 1940*

Property (Real)—Agreement provision repealed (Section 2226).  
 Debt Clause—Section 2229 repealed. Claims no longer filed against estates.  
 Responsible Relatives—Section 2224 amended. Exempted from further investigation or prosecution responsible relatives who did not file a California Income Tax Return.

*November 5, 1940*

Liens—Liens filed against property of the recipient of aid up to September 1, 1937, released by constitutional amendment. Also included mortgages and debts. Adds Sections 12 and 13 to Article XVI of the Constitution.

*February 18, 1941*

The Attorney General ruled that inmates of State institutions when released under guardianship of a State official as provided for in Section 6600 of



the Welfare and Institutions Code were eligible for Old Age Security. The Social Security Board advised that Federal funds would not be allowed for this group. (There have been few applications to date under this program.)

#### July 1, 1941

All income and currently used resources of recipients must be considered. Exempts casual income and inconsequential resources. No limitations on outside income if need for same exists. The amount of such income must be allowed to equal that need.

Former maximum grant of aid of \$35 (if Federal funds were withdrawn) raised to \$40.

#### September 13, 1941

Transfer of property of applicant or recipient allowed if life estate is reserved (2007.5).

Degree of responsibility of relative of OAS for support—contributions fixed by graduated scale and enacted into law (2181).

### APPENDIX 3

TABLE 1

#### Minimum Biennial Costs<sup>1</sup> of Old Age Security With Age Limit Reduced to 60 Years<sup>2</sup>

Source of funds	Age 60 and Over <sup>a</sup>		Age 60-64 <sup>a</sup>	Age 65 and Over <sup>a</sup>	
	Amount	Increase over present basis		Amount	Increase over present basis
A. \$40 Maximum Grant					
Federal -----	\$64,900,000			\$64,900,000	
State -----	54,300,000	\$21,700,000	\$21,700,000	32,600,000	
County -----	54,100,000	21,700,000	21,700,000	32,400,000	
Total -----	\$173,300,000	\$43,400,000	\$43,400,000	\$129,900,000	
B. \$45 Maximum Grant					
Federal -----	\$67,600,000	\$2,700,000		\$67,600,000	\$2,700,000
State -----	66,200,000	33,600,000	\$24,600,000	41,600,000	9,000,000
County -----	66,200,000	33,800,000	24,600,000	41,600,000	9,200,000
Total -----	\$200,000,000	\$70,100,000	\$49,200,000	\$150,800,000	\$20,900,000
C. \$50 Maximum Grant					
Federal -----	\$69,800,000	\$4,900,000		\$69,800,000	\$4,900,000
State -----	76,800,000	44,200,000	\$27,500,000	49,300,000	16,700,000
County -----	76,800,000	44,400,000	27,500,000	49,300,000	16,900,000
Total -----	\$223,400,000	\$93,500,000	\$55,000,000	\$168,400,000	\$38,500,000
D. \$60 Maximum Grant					
Federal -----	\$70,200,000	\$5,300,000		\$70,200,000	\$5,300,000
State -----	100,000,000	67,400,000	\$33,300,000	66,700,000	34,100,000
County -----	100,000,000	67,600,000	33,300,000	66,700,000	34,300,000
Total -----	\$270,200,000	\$140,300,000	\$66,600,000	\$203,600,000	\$73,700,000

<sup>1</sup> Payments to counties for hospital care cases excluded. All OAS administrative costs excluded.

<sup>2</sup> See Table 2 for costs on basis of 15 years State residence requirement for persons under 65.

<sup>3</sup> Minimum average caseload estimated at 195,000.

<sup>4</sup> Minimum average caseload estimated at 48,000 (prewar employment conditions assumed).

<sup>5</sup> Minimum average caseload estimated at 147,000.

NOTE: Caseloads substantially higher than those indicated are to be expected as the result of increasing the amount of the maximum grant, or otherwise liberalizing eligibility requirements. However, since no tangible data are available for measuring the extent of the probable increases, these estimates have been limited to minimum caseloads and costs.

For purposes of these estimates it has been assumed that the specified age, residence and grant provisions have been in effect for some time prior to the beginning of the biennium and are in effect during the entire biennium.

TABLE 2

**Minimum Biennial Costs<sup>1</sup> of Old Age Security With Age Limit Reduced to  
60 Years and 15 Years State Residence<sup>2</sup> Required  
for Recipients Under 65 Years**

Source of funds	Age 60 and Over <sup>3</sup>		Age 60-64 <sup>4</sup>	Age 65 and Over <sup>5</sup>
	Amount	Increase over present basis		
A. \$40 Maximum Grant				
Federal -----	\$64,900,000			\$64,900,000
State -----	47,800,000	\$15,200,000	\$15,200,000	32,600,000
County -----	47,600,000	15,200,000	15,200,000	32,400,000
Total -----	\$160,300,000	\$30,400,000	\$30,400,000	\$129,900,000
B. \$45 Maximum Grant				
Federal -----	\$67,600,000	\$2,700,000		\$67,600,000
State -----	58,800,000	26,200,000	\$17,200,000	41,600,000
County -----	58,800,000	26,400,000	17,200,000	41,600,000
Total -----	\$185,200,000	\$55,300,000	\$34,400,000	\$150,800,000
C. \$50 Maximum Grant				
Federal -----	\$69,800,000	\$4,900,000		\$69,800,000
State -----	68,600,000	36,000,000	\$19,300,000	49,300,000
County -----	68,600,000	36,200,000	19,300,000	49,300,000
Total -----	\$207,000,000	\$77,100,000	\$38,600,000	\$168,400,000
D. \$60 Maximum Grant				
Federal -----	\$70,200,000	\$5,300,000		\$70,200,000
State -----	90,000,000	57,400,000	\$23,300,000	66,700,000
County -----	90,000,000	57,600,000	23,300,000	66,700,000
Total -----	\$250,200,000	\$120,300,000	\$46,600,000	\$203,600,000

<sup>1</sup> Payments to counties for hospital care cases excluded. All OAS administrative costs excluded.

<sup>2</sup> See Table 1 for costs on five-year residence basis.

<sup>3</sup> Minimum average caseload estimated at 180,600.

<sup>4</sup> Minimum average caseload estimated at 33,600 (prewar employment conditions assumed.)

<sup>5</sup> Minimum average caseload estimated at 147,000. Increased costs for this age group shown on Table 1.

NOTE: Caseloads substantially higher than those indicated are to be expected as the result of increasing the amount of the maximum grant, or otherwise liberalizing eligibility requirements. However, since no tangible data are available for measuring the extent of the probable increases, these estimates have been limited to minimum caseloads and costs.

For purposes of these estimates it has been assumed that the specified age, residence and grant provisions have been in effect for some time prior to the beginning of the biennium and are in effect during the entire biennium.

State Department of Social Welfare  
Division of Research and Statistics  
March 16, 1943

## APPENDIX 4

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

Miss Martha A. Chickering, Director

SACRAMENTO, NOVEMBER 25, 1942

DEPARTMENT BULLETIN No. 143—Revised, D

TO: COUNTY BOARDS OF SUPERVISORS  
COUNTY WELFARE DEPARTMENTS  
COUNTY AUDITORS

SUBJECT: Old Age Security—Budgetary Method of Determining Need  
Food Allowance

On the basis of recent pricing, the Social Welfare Board on November 19, 1942, adopted \$15.97 as the food requirement for an individual living alone. This figure should be substituted for \$12.85 in the budget schedule appearing in Department Bulletin No. 143—Revised, B, page 3. When all meals are purchased in restaurants, \$27.95 is allowed rather than \$22.49 as stated in the budget schedule.

When new applicants or those requesting restoration of aid elect to have need determined on a budget basis, the revised food item shall become effective immediately. Any necessary adjustment in the grant of those currently receiving aid shall be made as soon as administratively possible following the request of the recipient. If no request is made, any necessary change shall then be made when there is occasion to adjust the grant for other reason, but in no event shall the adjustment in the grant be made later than the anniversary month for reinvestigation of eligibility.

Very sincerely yours,

MARTHA A. CHICKERING,  
Director, Department of Social Welfare

SACRAMENTO, SEPTEMBER 26, 1942

DEPARTMENT BULLETIN No. 143—Revised, B

TO: COUNTY BOARDS OF SUPERVISORS  
COUNTY WELFARE DEPARTMENTS  
COUNTY AUDITORS

SUBJECT: Old Age Security—Budgetary Method of Determining Need

*I. Statement of Policy*

The Social Welfare Board on September 15, 1942, adopted the following policy:

California wishes to provide, on an actual individual measurement of requirements, a type of public assistance to its aged citizens commensurate with the maintenance of the continued well-being of the recipient as well as the provision for the necessities of life.

In order to adjust California's methods of computing aged aid to the general rise in cost of living since July 1, 1941, and provide under the law for facility in computing excess need occasioned by increased cost of items required for the standard of living in California, a schedule will be set up as a guide by which recipients having income or desiring to earn additional income in agriculture or otherwise and desiring further to be of service to their country in the emergency may receive such assistance as is necessary which, together with such income, will meet their needs as determined under such guides.

The object is to secure grants of aged aid in an amount which, when added to their income, will meet the entire need of the recipient of aged aid so determined.

The range of items in the guide shall be adjusted to the quantity and quality required by each individual recipient in determining his continuing need. Consideration of income and resources will be made in the light of the total need so established.

The guide will, of course, be indicative only and will be modified as the operating experience of the agency dictates such modification.

## *II. Nature of New Rulings*

Rulings to implement the above stated policy were adopted on September 23, 1942, and became effective October 1, 1942. The new rulings established under the excess need provision of Section 2020, provide that income (except casual income and inconsequential resources) received may be applied toward total need as measured by a budget which takes into consideration the general rise in the cost of living since July 1, 1941. The difference between total need, as measured by the budgetary method, and the income, represents the amount of aid to which the recipient is entitled except that in no case may the grant of aid exceed \$40 a month, and in no case may the grant of aid plus income be less than \$40.

Bulletins 143 Revised, 143 Revised A, and 170 remain in effect, and the policies and procedures as set forth herein are to be followed in addition to those appearing in the above-mentioned bulletins.

## *III. Recipients to Be Notified*

It is important that each recipient be informed of the new policy and that an explanation be given of the possible advantages accruing to him should he elect to have his total income applied to his total needs as determined by a budget guide. Therefore, a statement shall be mailed to each recipient of aid not later than November 1, 1942, as follows:

### **Old Age Security Notice to Recipient of Aid**

The Social Welfare Board, in view of the increase in the cost of living since July 1, 1941, adopted on September 15, 1942, a policy with the object of securing grants to recipients of old age security in the amount which, when added to their income, will meet their entire needs.

The policy recognizes that under the California Old Age Security statute, all income (except casual income and inconsequential resources) must be considered in determining the grant of aid, and it is necessary that you continue to notify the county welfare department promptly of any changes in your income.

The grant of aid to which you may be entitled has not heretofore been determined on the basis of a budget. With the exception of those recipients having need in excess of \$40 a month, the aid paid has been the difference between the income received and \$40 a month. In accord with the above policy adopted by the Social Welfare Board, if you have income from any source and wish to have the grant of old age security computed on the basis of your total need as determined by a budget, it is your privilege to request the county welfare department to determine your grant of aid in that manner. If you decide to have your old age security so computed, it will be necessary for you to give detailed information to the county welfare department in regard to your expenditures and living plan as otherwise it will not be possible for the county to prepare a budget to establish the amount of your individual needs.

The largest amount of aid that may be granted remains at \$40. Therefore, if your grant of aid is now \$40 for the reason that you have no income, and if you are not in a position to earn additional income in agriculture or otherwise, there could be no advantage to you in requesting that your need be determined on a budgetary basis, and you will wish that no change be made.

If you have income from any source, and are uncertain which is the better method to choose, the county welfare department will tell you the effect, if any, a change to the budget basis will make in your grant of old age security.

## *IV. Recipients Who May Benefit by New Rulings*

Under the provisions of Section 2020 of the Welfare and Institutions Code, the excess need provision of the section is of benefit only to those applicants or recipients who are in receipt of income other than casual income or that resulting from the use of an inconsequential resource. Thus the determination of the grant on a budgetary basis will probably be of immediate benefit only to those recipients who are in receipt of income which is ordinarily considered in determining the grant of aid. However, should recipients at present without income and therefore receiving a \$40 grant, secure employment, or begin to receive income from another source, they may elect to have their grant computed in accord with the budgetary method which takes into account excess need resulting from the general rise in the cost of living.

When a recipient elects to have his total need computed by means of the budgetary method, any necessary adjustment in the grant shall become effective as soon as administratively possible.



## V. Measurement of total need by use of budget schedule.

## A. Budget Schedule

The following schedule has been set up as a guide for measuring the requirements of an individual living alone.

Food -----	\$12 85	(\$22.49, if all meals are purchased in restaurants)
Housing—as paid, for example -----	20 00	
Utilities—as paid with following minima -----		
Electricity -----	1 72	
Gas -----	2 10	
Water -----	1 50	
Other, for example, heat -----	2 00	
Household operations -----	3 31	
Clothing -----	4 57	
Incidentals and personal needs -----	10 00	
Transportation -----	3 00	
Other needs -----		
	<hr/>	
	\$61 05	

## B. Explanation of Items of Need in Budget Schedule.

## 1. Food.

If the recipient prepares his meals at home or eats with a household group, the figure \$12.85 is used. If he takes all his meals out, use \$22.49. If he boards or pays room and board, the amount as paid is used.

## 2. Housing.

(a) If the recipient pays rent, the amount paid is used. If two or more persons share the same quarters, the recipient's prorated share of the total rental is used.

(b) If the recipient receives free rent, the estimated value of such free housing as determined by the county represents the amount of housing need. While due regard may be given to the actual value of such housing, the evaluation shall take into consideration the worth of the housing to one who has only limited funds available for his needs.

(c) If the recipient lives in a home which he owns or in which he has an interest, the item of "Housing" is the sum of the costs of ownership and the net value of occupancy, if any, as determined under Bulletin No. 142 Revised. The expenses of ownership include taxes, insurance, assessments, required encumbrance payments, and in addition, the average cost of minor repair and upkeep, which shall be allowed at the rate of \$2 a month. (The expense of occasional repair which is not met through the normal upkeep allowance and which is necessary to provide safe, healthful housing or to minimize deterioration, should be included as a separate item of need.)

When the recipient has an interest in the home with other persons, his prorated share of the expenses of ownership shall be added to the value of occupancy, if any, in determining the item of housing, i.e., home owned jointly with wife, one-half of expenses of ownership plus occupancy value, if any; if owned jointly by three persons, one-third of the expenses of ownership plus occupancy value, if any.

## 3. Utilities.

Those utilities or services actually used by the individual represent his need. The amounts given in the budget schedule are the minima for a person living alone. If there is need for wood, coal, oil, garbage service, etc., the items are specified in the amount of the average cost as reported by the recipient.

When there are two or more members of the household, the recipient's prorated share may be less than the minimum established for those living alone. If he reports that he pays only such prorated share, the amount as paid by him is the item of need. Should he pay in full the utility bills because others in the household, such as an ineligible spouse, are unable to meet their share, the recipient may be allowed the amount as shown in the budget schedule since this amount represents the extent of his need which would have to be met were he living alone.

## 4. Household Operations.

This includes cleaning supplies, replacement of ordinary household supplies and equipment, etc., and is the minimum for the individual recipient.

## 5. Clothing.

This covers minimum need for purchase of new clothing and for clothing renovation.

## 6. Incidentals—Personal Needs.

This item includes a wide variety of expenditures, as determined by the individual's personal habits and needs; for instance, haircuts, toothbrushes and tooth powder, home medicine cabinet supplies, insurance, recreation, newspaper, community activities, etc.

## 7. Transportation.

This is for ordinary transportation needs. There may be recipients who, because of their physical condition, have little use for transportation as such, but in lieu thereof require extra messenger and delivery service. In the rare case in which there is no need for transportation, this item will be omitted.

## 8. Other Needs.

In addition to the items specifically set forth in the budget schedule, there may be other requirements in the individual case such as those indicated in Bulletin No. 143 Revised A, under "Excess Need," as medical care, dentures, etc.

## C. Examples of Determination of Grant by Means of Budget Schedule.

1. A single recipient lives in his own unencumbered home, assessed value \$800. Taxes average \$3 per month, and payments on a street assessment average \$1.05 per month. Upkeep is \$2 per month. His son contributes \$10 per month.

<i>Total need</i>		<i>Income</i>	
Food	\$12 85	Net value of occupancy	\$ 4 00
Housing—		Contribution from son	10 00
Taxes	3 00		
Assessments	1 05	Total income	\$14 00
Upkeep	2 00		
Net value of occupancy	4 00		
Electricity	1 72		
Gas	2 10		
Water	1 50		
Clothing	4 57		
Household operations	3 31		
Incidentals	10 00		
Transportation	3 00		
Total need	\$49 10		
Total income	\$14 00		
Grant	\$35 10		

(The grant may be made in the amount of \$36. See page 10. Difference between need and income.)

2. A single recipient lives in his own home, assessed value \$800 on which required monthly payments of \$10 are made on an encumbrance. Taxes average \$3 per month, and payments on a street assessment average \$1.05 per month. Upkeep is \$2 per month. His son contributes \$10 per month.

<i>Total need</i>		<i>Income</i>	
Food	\$12 85	Net value of occupancy	none
Housing—		Contribution from son	\$10 00
Encumbrance	10 00		
Taxes	3 00	Total income	\$10 00
Assessments	1 05		
Upkeep	2 00		
Net value of occupancy	none		
Electricity	1 72		
Gas	2 10		
Water	1 50		
Household operations	3 31		
Clothing	4 57		
Incidentals	10 00		
Transportation	3 00		
Total need	\$55 10		
Total income	10 00		

\$45 10      The grant shall be \$40

3. A single recipient receives free rent and utilities in a rear cottage owned by a sister. The county has determined the value of free rent and utilities to be \$14.00 per month. There is no other income.

<i>Total need</i>		<i>Income</i>	
Food	\$12 85	Value of free rent and	
Rent and utilities	14 00	utilities	\$14 00
Household operations	3 31		
Clothing	4 57		
Incidentals	10 00		
Transportation	3 00		
<b>Total need</b>	<b>\$47 73</b>		
<b>Total income</b>	<b>\$14 00</b>	(The grant may be made in the amount of \$34. See page 10 difference between need and income.)	
<b>Grant</b>	<b>\$33 73</b>		

4. a. A recipient lives alone in his unencumbered home, assess value \$2,600. Net value of occupancy is \$8, taxes average \$7 per month, upkeep is \$2. He has earnings of \$5 per month. He has need for dentures and has made arrangements to purchase them, paying \$8 a month for four months.

<i>Total need</i>		<i>Income</i>	
Food	\$12 85	Net value of occupancy	\$ 8 00
Housing		Earnings	5 00
Taxes	7 00		
Upkeep	2 00	<b>Total income</b>	<b>\$13 00</b>
Net value of occupancy	8 00		
Electricity	1 72		
Gas	2 10		
Water	1 50		
Household operations	3 31		
Clothing	4 57		
Incidentals	10 00		
Transportation	3 00		
Dentures	8 00		
<b>Total need</b>	<b>\$64 05</b>		
<b>Total income</b>	<b>\$13 00</b>		

\$51 05      Grant is \$40.

- b. Should the above recipient, not wishing to give detailed information regarding his expenditures, or for other reasons, wish to have his excess need determined under the method set forth in Bulletin No. 143-Revised, the computation would be as follows:

<i>Outgo</i>		<i>Income</i>	
Basic needs	\$40 00	Use of home	\$ 8 00
Excess need	8 00	Earnings	5 00
		Grant	35 00
	<b>\$48 00</b>		<b>\$48 00</b>

5. A recipient in feeble physical condition pays \$40 per month board and room in a rest home, where all services are provided. He is unable to leave the house, and has no need of transportation. He has income of \$21 per month from O. A. S. I. benefits.

<i>Total needs</i>		<i>Income</i>	
Board and room	\$40 00	O. A. S. I.	\$21 00
Clothing	4 57		
Incidentals	10 00		
<b>Total needs</b>	<b>\$54 57</b>		
<b>Total income</b>	<b>\$21 00</b>		
<b>Grant</b>	<b>\$33 57</b>	(The grant may be made in the amount of \$34. See page 10—Difference between need and income.)	

6. A recipient owns an unencumbered home, assessed value \$1,200, value of occupancy \$5, in joint tenancy with his wife and son. The wife is also a recipient. The son pays his share of household expenses, but does not make a contribution. Taxes average \$5.50 per month. The recipient has O. A. S. I. benefits of \$20. His only excess need is that resulting from the increase in the cost of living.

<i>Total needs</i>		<i>Income</i>	
Food -----	\$12 85	Net value of occupancy----	\$5 00
Housing -----		O. A. S. I.-----	20 00
Net value of occupancy	5 00		
\$5 50 taxes			\$25 00
\$2 00 upkeep			
One-third of \$7 50 -----	2 50		
Share of utilities-----	2 00		
Household operations----	3 31		
Clothing -----	4 57		
Incidentals -----	10 00		
Transportation -----	3 00		
Total need -----	\$43 23		
Total income -----	\$25 00		
Grant -----	\$18 23	(The grant may be made in the amount of \$19. See page 10—Difference between need and income.)	

#### VI. Recording in the County Case Record

##### A. Budget Work Sheet (Form Ag M518) Required

In all cases in which the amount of the grant is determined on the basis of total need as established by the budgetary method, the case record shall include Form Ag M518, Budget Work Sheet, on which shall be recorded the full detail of the budget, the source and amount of income to be applied toward total need, and the verifications. Casual income or the value of the use of an inconsequential resource is not considered in determining the grant of aid and shall not be entered on Form Ag M518.

##### B. Instructions for Use of Budget Work Sheet, Form Ag M518

The Budget Work Sheet, Form Ag M518, a copy of which is appended, will ordinarily be completed in longhand and shall be retained in the county record. Complete the identifying data in the upper right hand corner, and indicate if the recipient is living as a member of a household group. If so, enter the number of individuals in the household.

#### Need

##### 1. Food (Leave blank if board and room is paid)

Enter the amount for food in accord with the recipient's living plan, i.e., \$12.85 if living alone or as a member of a household group, and \$22.19 if he eats all meals in restaurants. No verification of the amount is required and no entry is necessary in the "How verified" column.

If the recipient takes his meals on a board basis, enter the amount paid for board. Verification shall be made, either through receipts in the recipient's possession, by his personal affidavit, or otherwise, and the method used is indicated in the "How verified" column.

If the recipient pays board and room, leave the "Food" item blank, and also leave blank all other items above Item 5, "Board and room." (See instructions for Item 5)

##### 2. Housing (Leave blank if board and room is paid)

If the recipient lives in other than his own property, enter the rental paid or his prorated share if two or more persons share the same quarters. If free rent is contributed by another, enter the estimated value as determined by the county.

When rent is paid, the amount shall be verified, either through receipts or the recipient's personal affidavit or otherwise, and the method of verification entered in the "How verified" column. In the case of free rent contributed by another, enter "worker's evaluation" or some other appropriate statement in this column.

If the recipient lives in his own home, complete the appropriate items for costs of ownership, including a \$2 allowance for upkeep. If there is a net value of occupancy under the provisions of Bulletin 143-Revised, enter this amount also. If there is no net value of occupancy, enter "none" for



this item. Record the total expenses of ownership and net occupancy value, if any. (See page 4 (c) regarding expenses of ownership when the recipient owns an interest in the property with one or more persons.)

In the "How verified" column, indicate the method by which taxes, encumbrances, etc. were verified, i.e., tax receipts, mortgage book, etc.

### 3. Utilities (Leave blank if board and room is paid)

Enter the average cost for the particular utility in the appropriate space. When there is no need for the particular utility enter "none." If an amount is allowed for a utility or service other than as listed, specify opposite "other." (See page 4, Item 3)

### 4. Household Operations (Leave blank if board and room is paid)

Enter the amount shown in the budget schedule. No entry is required in the "How verified" column. (When household furniture or equipment is inadequate or substandard to a point where the expense of securing necessary items is in excess of the cost of ordinary household operations, the cost of necessary replacement or of augmenting the present supply should be included under item 9 of Form Ag M518. Refer to Bulletin 143 Revised A, page 2, Item 6.)

### 5. Board and Room

Enter the amount as paid. Verification is necessary, either through receipts in possession of the recipient or by his personal affidavit, or otherwise. In the "How verified" column state how the amount was verified.

(Items of need above Item 5 do not apply to persons living on a board and room basis.)

### 6. Clothing

Enter the amount shown in the budget schedule. No entry is required in the "How verified" column. (See Bulletin 143 Revised A, page 2, Item 6, if additional need for clothing exists, and enter under Item 9 of Form Ag M518.)

### 7. Incidentals

Enter the amount shown in the budget schedule. No statement is required in the "How verified" column.

### 8. Transportation

Enter the amount as shown in the budget schedule unless the facts definitely establish that the recipient has no need for transportation and does not have other expenses in lieu of it, such as expense for delivery or messenger service, etc. No entry is necessary in the "How verified" column unless the transportation item is omitted, in which case give the reason either in that column or under "Remarks."

### 9. Other Needs

Specify the particular need and show the amount for each need. In this space is entered only those needs which are in addition to the need items specifically set forth in the budget schedule. Verification must be made in accord with the provisions of Bulletin 143 Revised A for the particular item of need, and be recorded in the "How verified" column, together with a statement of the probable period over which the need will continue.

### 10. Total Need

Enter the sum of the individual items of need.

### Income

Include only that income which is other than casual income or results from the use of an inconsequential resource. (The necessary detail regarding casual income and inconsequential resources must, however, be recorded elsewhere in the case record. See Bulletin 143 Revised A, page 10, item 4.)

Specify each source from which income is received, including the net value of occupancy, if any, and the amount received from each source, together with the method of verification. Record the total amount of income received from all sources.

### Summary

**Total Need.** Enter the total need which is the amount recorded opposite Item 10 in the "Need" section of the form.

**Total Income.** Enter the total income received from all sources as recorded in the section immediately above the "Summary" section of the form.

Difference between Need and Income. Enter that amount which is the result of subtracting the total income from the total need. If the difference between total need and total income is in odd cents, the grant may be computed in that figure which represents the next highest whole dollar.

Amount of Aid Recommended. Enter the amount of aid recommended.

Remarks. For comment as the worker may desire.

Budget Computed By. The signature of the work computing the budget, and the date, are to be shown here.

#### Affidavit of Recipient

When the amount of need for board and/or board and room, rent, or utilities, is verified by the recipient's statement of his expenditures for one or more of these items, his affidavit is required and may be secured in this space. (This space is otherwise left blank.)

#### C. Recording of Grant Adjustment Under Budgetary Method

A copy of the notice of change (Form Ag 232) making any necessary adjustment in the grant records the adjustment amount and date on which the adjustment became effective.

### VII. Reporting to State Department of Social Welfare

#### A. Current Cases

When a recipient elects to have his grant determined by the budgetary method and adjustment in the grant is necessary that fact shall be reported in the usual manner by submission of a Notice of Change, Form Ag 232, to the SDSW. The amount of total need is entered in Column 6 and in Column 7 the notation "Form Ag M518 on file" is made.

It is no longer necessary to report on the Notice of Change the particular items of need which resulted in total need exceeding \$40 or the method of verification which established the need to be in excess of \$40. The verification of those items of need for which verification is required shall be included in the case record, usually on Form Ag M518, Budget Work Sheet.

#### B. Applications

When the grant of aid is computed by applying income to total need as determined by the budgetary method, that fact shall be reported on the Certificate of Eligibility, Form Ag 201, under "Conditions of Eligibility." Complete Item 11 of Form Ag 201 by entering the amount of total need in the "yes" space. Under "How verified" enter "Form Ag M518 in file."

The verification of those items of need for which verification is required shall be included in the case record, usually on Form Ag M518, but the method of verification of any particular item of need shall no longer be reported to the State Department of Social Welfare.

#### C. Restorations

When the grant of aid is computed by applying income to total need as determined by the budgetary method, that fact shall be reported on the Notice of Change, Form Ag 232, by inserting on that form in Column 6 the amount of total need. In Column 7 of Form Ag 232 insert "Form Ag M518 in file."

It is no longer necessary to report on the Notice of Change the particular items of need which resulted in total need exceeding \$40, nor the method of verification which established the need to be in excess of \$40. The verification of those items of need for which verification is required shall be included in the case record, usually on Form Ag M518, Budget Work Sheet.

A supply of the Budget Work Sheet, Form Ag M518 is forwarded to each County Welfare Department under separate cover. Additional forms may be obtained upon request to the Department of Social Welfare, 616 K Street, Sacramento. A supply of the Notice to Recipient of Old Age Security is also forwarded to each county welfare department.

Very sincerely yours,

MARTHA A. CHICKERING  
Director, Department of Social Welfare



## APPENDIX 5

## Summary of Governor's Budget

The Budget was employed by the committee in its deliberations and is made a part of the appendix to this report, but is transmitted herewith under its separate cover as a matter of convenience.

## APPENDIX 6

Excerpt from Assembly Journal of January 8, 1943, pages 174-176

## COMMUNICATIONS

The following communication was received, and on motion of Mr. Kilpatrick, ordered printed in the Journal:

DEPARTMENT OF SOCIAL WELFARE  
SACRAMENTO, January 6, 1943

*Mr. Vernon Kilpatrick, Member of the Assembly  
State Capitol, Sacramento, California*

MY DEAR MR. KILPATRICK: The following information is being sent to you in response to your verbal request of December 28, 1942. I am writing to Mrs. Buhler of the Office of Legislative Counsel, as per your instructions, to say that we are sending the information directly to you.

*Present Basis*

If the law remains unchanged, we estimate that the total cost of Old Age Security for the 1943-1945 Biennium would approximate \$130,000,000 shared as follows:

Federal .....	\$65,000,000
State .....	32,600,000
County .....	32,400,000

This estimate is based upon the assumptions of an average case load of 147,000, and an average monthly grant of \$36.75. It may be that the case load will run somewhat lower, and that the average grant may run somewhat higher, but this is our "best guess" at this time.

*\$60 at Age 60*

The total cost for Old Age Security for the 1943-1945 Biennium, if the maximum grant were increased to \$60 and the minimum age decreased to 60 years, is estimated at \$233,000,000 shared as follows:

Federal .....	\$70,400,000
State .....	81,800,000
County .....	81,100,000

Here we have assumed an average grant of \$56.75 and have assumed that approximately 36,900 persons aged 60-64 years would be added to the case load over a period of 18 months beginning July 1, 1943. If this group were on aid for the entire biennium, the total cost would be more than \$250,000,000. Under peace time conditions the number aged 60-64 would probably exceed 48,000 persons. Assuming that many additional recipients aged 60-64 were on aid for an entire biennium, the total cost of the program would exceed \$265,000,000.

As you are aware, of course, the Federal Government does not participate in aid to aged persons under 65 years.

The above estimates are based upon our case load estimate for recipients aged 65 and over, shown under "Present Basis" above.

We have no tangible evidence upon which to estimate the probable increase in case load which might result from the increase of the maximum grant to \$60. It is very likely that intake would increase substantially, and that discontinuances would decline somewhat under these circumstances.

*\$60 at Age 65*

If the maximum grant were increased to \$60 without changing the minimum age, we estimate the total cost of Old Age Security for the 1943-1945 Biennium at approximately \$200,700,000 shared as follows:

Federal .....	\$70,400,000
State .....	65,400,000
County .....	64,900,000

The case load and average grant assumptions are the same as above. Here again we are unable to predict the effects of such a change upon the size of the case load.



*\$50 at Age 65*

If the maximum grant were increased to \$50 without changing the minimum age, the total cost of Old Age Security for the 1943-1945 Biennium would probably approximate \$165,300,000 shared as follows:

Federal -----	\$69,000,000
State -----	48,300,000
County -----	48,000,000

If the county share were limited to \$10 per case, the Federal share would be unchanged, the State share would approximate \$60,900,000 and the county share \$35,400,000. If the county share were set at one third of the total grant, less the Federal share, the State share would approximate \$64,200,000 and the county share \$32,100,000.

It is likely that such an increase in maximum grant likewise would have the effect of increasing intake and decreasing discontinuances, just how much we are unable to say.

*\$50 at Age 60*

If the maximum grant were increased to \$50 and the minimum age decreased to 60, the total cost of Old Age Security for the 1943-1945 Biennium would approximate \$192,000,000 shared as follows:

Federal -----	\$69,000,000
State -----	61,700,000
County -----	61,300,000

This estimate assumes an average grant of \$46.75, and approximately 36,900 persons aged 60-64 added to the case load in 18 months beginning July 1, 1943. If this group were on aid for the entire biennium, the total cost would approximate \$206,000,000. Moreover, if one assumes that 48,000 persons aged 60-64 (our estimate of the probable addition under peacetime conditions) were on aid for the entire biennium, the total cost of old age security would approximate \$230,000,000. As you know the amount of the Federal share would not be affected by the addition of persons under age 65, hence, the increased cost due to such an addition would have to be met by the State and counties.

*Support from Responsible Relatives*

You asked what would be the probable cost of changing the minimum income, below which no support from responsible relatives is required under the Relatives Contribution Scale (Section 2181 of the Welfare and Institutions Code) from \$95 to \$195. The only information we can give you on this question is as follows:

Such a change might very well result in discontinuance of relatives' contributions to 90 per cent or more of old age security recipients now receiving such contributions. We estimate the total value of such contributions would approximate \$5,400,000 per biennium. (We expect to have a revised estimate based upon more recent information some time during the next three or four weeks.)

How many persons now fully supported by responsible relatives would cease to receive such support and successfully apply for old age security if the proposed change were made effective is anybody's guess. The number might be very substantial, but we have no tangible basis for an estimate.

*State Support and Administration of General Relief*

In November, 1942, there were approximately 31,300 persons who received a total of \$411,411 in aid payments. General relief at this rate would cost approximately \$9,900,000 per biennium. At \$20 per person the cost would approximate \$14,800,000 per biennium.

It is probably not very realistic, however, to assume the present wartime situation as typical. During the fiscal year ending June 30, 1940, the average monthly case load for county indigent aid included approximately 72,000. Such a case load at \$20 per person would cost approximately \$34,600,000 per biennium.

The administrative cost for county indigent aid as reported to this department for September, 1942, (latest month available) amounted to \$128,315. (This includes \$11,700 reported as the administrative cost of "other welfare programs.") If the administrative cost continued at this level for a biennium, the total biennial administrative cost would approximate \$3,100,000.

In addition to the above questions which you discussed with me personally, the letter from Mrs. Buhler raises this question:

What is the estimated increase of cost under the present law which the department believes will be incurred due to the liberalization in granting aged aid which the department has recently put into effect?

It is practically impossible for us to give any sort of definitive reply to this question at the moment. According to the best evidence at hand, there were, at the end of December, approximately 8,500 old age security recipients receiving aid on the budget basis. The average grant in October, 1942, was \$36.52. This increased to \$36.75 in November, and we tentatively estimate a further increase to about \$36.92 for December. This would amount to an increase in the average grant of

40 cents since October. The average grant had remained relatively static at about \$36.50 since October, 1941.

We expect to have more information on this subject very soon and will communicate with you when it becomes available.

You will appreciate that the above estimates are "best guesses" from the information at hand, and that the dynamic character of economic developments might make them "bad guesses" six months hence. Should more recent information relevant to these problems become available to us, we will call any major revisions in the estimates to your attention.

We hope this information will be helpful to you, and we shall be glad to give you any further information we can.

Very sincerely yours,

MARTHA A. CHICKERING, Director

By PHILIP E. KELLER, Division of Research and Statistics

#### APPENDIX 7

##### Notes for Governor's Pension Committee

California Taxpayers' Association has been working in the field of governmental finance since 1926. Its staff works constantly with public officials and civic groups to furnish information on expenditures, revenues, tax burdens, and governmental efficiency. It is the purpose of the association to assist State and local officials to keep tax burdens at a minimum consistent with adequate public service. We are submitting for your consideration these notes on taxes and expenditures, with especial reference to public assistance. We hope they will be helpful to you in your study and recommendations, regarding the establishment of an amount of assistance which is within the taxpayers' ability to pay.

##### Population

The population of California and its distribution in age groups is of primary importance in considering the cost of aged assistance. The population for the State has grown consistently. The census for each decade is as follows:

##### California Population

1900	-----	1,485,053	census
1910	-----	2,377,549	census
1920	-----	3,426,861	census
1930	-----	5,677,251	census
1940	-----	6,907,387	census
1943	-----	7,660,000	estimated

California Taxpayers' Association's estimate of population for California for January, 1943, is 7,660,000. The distribution of this estimated population by counties is shown in Appendix Table 1 (January, 1943, Tax Digest).

The growth of the total population, however, does not show the growth by age groups. The aged portion of California's population is increasing constantly both in number and in relation to total population, as shown in the following table:

##### Persons in California Over 60 and 65

	60 and over	65 and over
1920 Census	321,819	200,301
1930 Census	573,687	366,125
1940 Census	854,966	555,247
1943 Estimate	930,000	610,000
1945 Estimate	980,000	640,000
1950 Estimate	1,120,000	730,000
1960 Estimate	1,390,000	910,000

The influx of war workers in the State is composed mainly of younger persons. The estimates included in the above distribution are for aged persons, based on a projection which is independent from the total population. This has been agreed by statistical authorities to be a reasonable procedure in forecasting for the purpose of estimating old age assistance.

It is evident from the increase in the aged group that it is not safe to make estimates of cost at the present level. The trend in the aged group of 65 and over has been so definite for 30 years that an estimate can reliably be made for 1945 and perhaps for 1950. The estimate for 1960, being based on a past trend which may be upset, may not be fully accurate but is of sufficient value to be indicative.

##### California Governmental Expenditures

Public expenditures for all governmental purposes by all jurisdictions in California, including Federal payments for welfare, have increased from \$497,725,000 in 1931-32 to \$765,391,000 in 1941-42. ("Income and Expenditures of Government in California," Table 6, page 60.) This is an increase of \$267,666,000, or 54 per cent.

The largest increase in expenditures is for welfare which increased from \$28,127,000 in 1931-32 to \$122,876,000 in 1941-42 (Appendix Table 6); this is an increase of \$94,749,000. This increase was for all forms of public assistance. However, the largest increase was in aged assistance which cost \$2,991,000 in 1931-32, and had increased to \$69,182,000 in 1941-42.

#### *Tax Burden Increase*

The tax burden for State and local government increased from \$43.83 per capita in 1920 to \$78.74 in 1930, \$91.86 in 1940, and \$100.51 in 1942. ("Income and Expenditures of Government in California," Table 3, page 54.)

The Federal tax burden in California has also increased markedly. In 1931-32, Federal tax collections were \$19.82 per capita; this was a decrease from the range of \$30.44 to \$33.42 from 1925 through 1929. In 1941 the burden increased to \$73.13 and the 1943-44 Federal Budget calls for taxes which will average \$310 per capita in California, without additional taxes which apparently will be imposed.

The combined Federal, State and local tax burden in California was \$117.13 in 1930 and dropped to \$81.76 in 1933. The 1944 burden is estimated to be at least \$410 per capita.

#### CALIFORNIA PER CAPITA TAX COLLECTIONS

Year ending June 30	State and local	Federal collections in California	Total
1930	\$78 74	\$38 39	\$117 13
1931	77 84	28 56	106 40
1932	70 84	19 82	90 66
1933	60 10	21 66	81 76
1934	59 80	30 59	90 39
1935	63 65	35 27	98 92
1936	71 59	38 51	110 10
1937	78 85	50 56	129 41
1938	88 78	56 73	145 51
1939	90 14	53 27	143 41
1940	91 86	54 27	146 13
1941	94 79	73 13	167 92
1942	100 51	128 05	228 56
1943*	100 00	220 00	320 00
1944*	100 00	310 00	410 00

\* Estimate based on budget.

#### *State General Fund Income*

Any increased expenditure for aged assistance by the State of California would have to be paid from State General Fund revenues, as other fund revenues are earmarked for specific purposes. The tax structure of the State of California was greatly changed in 1933. The biennial revenues for the General Fund since that time are as follows:

#### General Fund Revenues

1933-35	\$192,190,000
1935-37	287,497,000
1937-39	347,071,000
1939-41	378,093,000
1941-43 Estimate	497,473,000
1943-45 Estimate	468,044,000

It is evident from these figures that the revenues for the General Fund, prior to the war expenditures in California, were considerably less than \$400,000,000 per biennium. The present large revenues due to war expenditures cannot be expected to continue in the postwar period. Revenues in the postwar period will probably fall well under \$400,000,000 per biennium. The sources of revenue for the General Fund are numerous but the major portion of the income is received from a few taxes, as shown in the following tabulation estimating General Fund revenues for 1943-45 and taken from the Governor's Budget:

#### Estimated General Fund Revenues 1943-45

	Amount	Per cent
Retail sales and use tax	\$201,000,000	42.9
Bank and corporation franchise taxes	103,000,000	22.0
Personal income tax	71,400,000	15.3
Alcoholic beverage taxes and licenses	25,300,000	5.4
Insurance tax	19,350,000	4.1
Inheritance tax	15,000,000	3.2
All other income	32,990,000	7.1
Total	\$468,040,000	100.0



*General Fund Expenditures and Deficits*

During the 1930 decade, expenditures of the General Fund generally exceeded the revenues, indicating that expenditures were too great for the revenue structure to support, thus causing a deficit. The General Fund deficit for the decade is as follows:

*General Fund Deficit*

1931-33	-----	\$42,413,000	Deficit
1933-35	-----	26,108,000	Deficit
1935-37	-----	745,000	Surplus
1937-39	-----	23,652,000	Deficit
1939-41	-----	8,127,000	Deficit

In addition to this deficit, the State of California went into long-term debt by issuing bonds for \$44,000,000 for unemployment relief, and redemption requirements are being paid over a period of years. One of the bond issues was for \$20,000,000, and this is being paid by the counties in the form of deductions from gas tax subventions.

Most of the more important State taxes are definitely related to business activity. When the volume of business increases, the tax yields increase. An extreme accentuation of this condition is being experienced as a result of wartime expenditures in California. In the postwar period and in later periods of economic depression, the present State taxes will probably decrease very substantially in yield and deficits will probably occur unless expenditures are reduced.

The present basic tax structure was developed, as previously stated, after 1933 and did not experience the full impact of the depression. What the yields of the several taxes would be in the event of a depression as serious as the last is difficult to estimate, but the several indexes, which are useful in forecasting, indicate that the loss of revenue would be quite serious. Therefore, the State would either have to levy new taxes, increase tax rates, or reduce present forms of expenditures drastically. The setting up of new expenditures or new expenditure levels must, therefore, be seriously studied.

An inspection of the General Fund revenues as shown above indicates that increases in rates of taxes, other than retail sales and income, would not produce large returns in revenues.

California has utilized practically all forms of taxation. The few remaining types would be unlikely to yield large amounts of revenue. Other forms of taxes would be borne by approximately the same taxpayers.

*Property Taxes*

Ad valorem taxes on property have been used exclusively to meet local expenditures since 1911, when the State discontinued this tax for general purposes. Property taxes have proved in the past to be the most stable type of revenue producer. During the depression, however, tax delinquency was very serious and many local governments experienced difficulty in obtaining enough revenue to meet expenditures. It was necessary to curtail expenditures as much as possible. Salaries were reduced in some instances and capital outlay was greatly curtailed. Some jurisdictions issued long-term bonds to meet relief costs (in addition to the State's issues).

Property taxes are believed by many to be so burdensome at the present time that many plans have been proposed to decrease them.

*Taxpayer Ability to Pay*

In considering tax burdens, it is necessary, of course, to consider Federal taxation. All Federal tax rates are now very large: corporation and personal income taxes take up to 80 per cent of net income. Federal taxes will very likely be increased further before the war is over and must bear more heavily on the smaller income groups. While burdensome taxes have been imposed to pay a substantial part of war expenditures out of current income, it is inevitable that heavy taxes will be required in the postwar period to pay war obligations.

The Federal income tax exemptions at the present time are \$500 for a single person, \$1,200 for married persons or heads of households, and \$350 per dependent. The exemption for a family without dependent children is \$1,200, which is well above the subsistence level, but the single person and children exemptions may be considered to be near subsistence. From the table of income distribution in California (page 6), it is evident that a large part of the burden of increased taxes will have to be borne by persons making between \$500 and \$1,800 per year. Any additional taxes which are imposed on this group will reduce the standard of living of individuals correspondingly, and in the lower range will bring additional persons closer to subsistence levels. This will, in turn, engender new social problems. Whether these taxes are direct, indirect, or multiplying (such as a transactions tax), makes little difference in the purchasing power of the individual.



*Old-Age and Survivors Insurance*

Congress passed a Social Security Act in 1935, which includes a plan for annuities (Title II) in which the employer and the employee match in contributions into a fund. This plan gives to each person included under the act a pension as a right.

The plan is intended to eliminate public assistance to aged persons. It also provides insurance to the dependents of persons in the system. The act, however, does not include all workers. In 1940 (prior to war expansion of industry) it was estimated that there were two and one half million workers in California. Of this number, an average of 1,384,000, or 55 per cent, were under old-age and survivors insurance and were making contributions into the system. (Average income \$1,620 per year.) Domestic and agricultural employees are not included in the system; employees in agricultural packing or processing plants are, however. Many governmental employees in California are under an actuarial pension system, adding 4 per cent to the 55 per cent under old-age and survivors insurance.

Average individual contributions into, and benefits from, the system will differ between States, as the average income in the several States is extremely varied, and the contribution is based on a percentage of earnings. Correspondingly, the annuity which employees will receive in lower income States will be substantially less than that in the higher income States. California had one of the highest average individual incomes in the United States in 1939; this information, secured in the 1940 census, does not show the effect of war expenditures. States with over \$900 of average income were as follows:

**States With Median Income Over \$900—1939**

Nevada -----	\$1,061	Ohio -----	\$ 964
Michigan -----	1,058	New York -----	962
California -----	1,020	Washington -----	959
New Jersey -----	998	Illinois -----	954
Connecticut -----	975	Massachusetts -----	937
Utah -----	969		

Only three States had a median which exceeded \$1,000, and eight States ranged between \$900 and \$1,000. The number of States arranged in \$100 brackets is as follows:

**Median Income of States, Arranged in \$100 Brackets**

<i>Income Range</i>	<i>Number of States</i>	<i>Income Range</i>	<i>Number of States</i>
\$372 to \$400 -----	2	\$700 to \$799 -----	5
400 to 499 -----	5	800 to 899 -----	11
500 to 599 -----	6	900 to 999 -----	8
600 to 699 -----	8	1,000 to 1,061 -----	3

*Old-Age and Survivors Insurance Benefits*

Persons under old-age and survivors insurance contribute 1 per cent of their earnings into the system up to \$3,000 per year; the employer matches the contribution, making a total of 2 per cent.

According to the United States census, the income in the various income brackets in California for the 1939 period was as follows:

**Income Distribution in California—1939**

	<i>Per cent distribution</i>		<i>Per cent distribution</i>
Less than None -----	6.3	Less than \$1,600 -----	73.8
\$100 -----	8.3	1,800 -----	78.3
200 -----	11.8	2,000 -----	84.1
400 -----	20.9	2,500 -----	92.1
600 -----	29.6	3,000 -----	94.8
800 -----	39.0	4,000 -----	97.1
1,000 -----	48.7	5,000 -----	97.8
1,200 -----	56.8	5,000 and over -----	98.8
1,400 -----	66.1	Not reporting income -----	1.2

It is evident that slightly over one-half of the persons in California earned less than \$1,200 per year, or \$100 per month during 1939. A person in the Federal Social Security Insurance System, after working 40 years at an average salary of \$100 per month, would receive a benefit of \$35 per month if he were living alone, and \$52.50 per month if he had a wife (over 65) or one dependent. Additional dependents would result in larger annuities.

Contributions into and benefits from old-age and survivors insurance are limited to an income of \$3,000 per year. According to the above income distribution only

4 per cent of the people in California earned more than \$3,000 a year in 1939. In peace time, it is unlikely that there would be many persons who would earn at least \$3,000 a year at age 25 and thereafter for 40 years so as to produce a maximum benefit which would amount to \$56 monthly for an individual, and for an individual with a wife and one dependent \$84.

Under the Federal Social Security System, the combined contributions of the employee and employer are placed in a trust fund where they accumulate, together with interest earnings, to meet the annuity payments. The old-age and survivors insurance is not on a full actuarial basis; the system was established that way at the beginning but it appeared that the fund would become so huge that contributions were modified. It will be necessary, as the benefits paid out become greater, to increase the amount of tax on the employee and employer.

The important consideration is that the payments into the fund at the present time by the employee and employer are actuarially insufficient to meet future payments from the fund. In order to build up actuarial benefits which would afford anything more than subsistence living, it would be necessary to require average contributions amounting to about 8 per cent of an individual's pay. These would be met by the employee and the employer, and should be considered as a part of salaries and wages.

Benefits for persons who are in income brackets materially less than \$100 a month, under any acceptable system, will be small and it is likely that they will be near subsistence levels.

#### *Governmental Employee Pensions*

Federal, State, and local government employees are not included under old-age and survivors insurance. Several governmental jurisdictions in California (including the State) have retirement systems wherein the employee and the unit of government match contributions paid into actuarially sound systems. Pensions to governmental employees are considered to be deferred compensation; thus they are a part of the salary plan. For governmental employees, as for example the State of California, the average contribution is around 4 per cent for the State and 4 per cent for the employee. The contribution is dependent upon the age at which the employee entered the system. If an employee were to enter at age 45, the percentage of contribution would necessarily be higher in order to build an annuity than if he entered at age 21.

An employee in the service of the City of Los Angeles, for example, for 40 years at an average pay of \$100 per month, would receive somewhat less than \$60 per month benefit, as compared with \$35 for the single person under old-age and survivors insurance and \$52.50 if he has a wife or one dependent.

#### *History of Amount of Aged Aid*

Needy aged assistance was approved by the electorate of California in a constitutional amendment which was ratified in 1928. The Legislature established this form of assistance by statute in 1929 and authorized assistance up to \$1 per day; the amounts of assistance were based on budgetary needs. In 1935 the Legislature amended the act to provide aid of \$35 per month to needy persons not living with relatives or in a private home. When the Federal Government began to participate in aged aid, the maximum participation was one-half of \$30 per month. When the Federal amount was increased to half of \$40, the Legislature passed the \$5 difference to the recipients of aid and not to the taxpayer. The amount of aged aid in California, as shown above, has been established by arbitrary procedures.

Prior to the time the Federal Government entered the aged aid program, the eligible age in California was 70 and the residence requirement was 15 years immediately preceding the application, or 40 years with five years immediately before application. With the entry of the Federal Government into the program, the State was required to decrease its residence requirement from 15 years to five years and its age requirement from 70 to 65 years.

#### *Aged Aid in Other States*

Colorado is the only State which has authorized aid in excess of \$40 per month. While \$45 has been authorized, the State has generally been unable to pay the amount; the average aid in December, 1942, was \$41.06.

There are only 13 States which allow as much as \$40 per month. The maximum amounts of assistance permitted by law in each State are shown in Appendix Table 5. The average monthly amount of assistance paid is shown in Appendix Table 2.

The number of persons receiving aged assistance varies among the 48 States; some States have a larger percentage of population over 65 than others. The number per 1,000 persons over 65 receiving aged aid and the percentage of population 65 years and over (according to the 1940 U. S. census) are shown in Appendix Table 3.

#### *Ability to Bear Increased Welfare Costs*

As previously stated, there is considerable doubt that the revenue structure of California in peace time could bear increased governmental expenditures other than

those which have already been established. This is also evidenced by the fact that, whenever a cost becomes burdensome and difficult to pay, attempts are made to transfer it to some other government where the effect is less visible. For example, it is commonly believed that property cannot bear so much of the aged aid cost as is now being levied upon it and there are many persons who believe that all or part of the burden should be transferred to the State. If the amount of aid were to be increased to some very large amount, let us say \$60, it would become evident to many people that the State could not bear the burden, and an attempt would be made to transfer the burden to the Federal Government. In the whole process, it is forgotten that a taxpayer is a taxpayer no matter to which layer of government he is paying taxes. During the 1930 decade the State had to go deeply into debt to finance its welfare costs. The increased cost of welfare and other expenditures of the Federal Government during the 1930 decade (expenditures so great that Federal taxes to pay them were politically inexpedient) showed up in the Federal debt which on June 30, 1941, totaled \$48,961,000,000.

When property taxes are deemed too high to continue carrying or to meet a burden of expenditures in a community, it should be considered an indication of lack of ability to pay; and so, instead of attempting to transfer the cost to invisible sources, it may be better to investigate the public expenditure program to determine where curtailments can be made.

#### *Postwar Effect on Employment*

Analysis of acceptances and severances from the old age rolls indicates that the rolls are declining mainly because there have been fewer applications and, therefore, fewer additions. This is, in large part, due to the increased war activity and demand for manpower. In December, 1940, 27.5 per cent of the persons aged 65 and over in California were receiving aged aid; in January, 1943, the percentage had dropped to 25 per cent.

The elderly person is generally in the marginal group so far as employment is concerned. It may be presumed that in the postwar period many such persons will be released from war industry and other employment, and will apply for aged assistance. It is conceivable that 35 per cent of the persons 65 and over will be eligible for and receive aid without any relaxation in the present laws.

#### *California's Economic Future*

In order to pay taxes, it is necessary to have pay rolls, and payrolls come from agriculture, industry, and commerce. If the tax burden in California becomes excessive in comparison with other States, it will have the inevitable effect of strangling agriculture and driving industry out and thereby decreasing pay rolls. Taxes are a part of business overhead and must be met in the price structure.

#### *Migration to California Because of Increased Benefits*

It is the belief of many persons that there has been migration of aged persons to California, not only due to the climate but also because the amount of aged assistance is larger than that of most States. It may be considered that the amount of benefit paid in California is already so out of line with that of the Nation (see Appendix Table 2) that additional amounts will be further inducement to migration to this State. The tax burden in California is already great and it is doubtful that the California tax system could care for the aged from other States.

#### *Cost of Living in Relation to Recipients of Aged Assistance*

The cost of living for an individual is dependent to a large extent on whether a person is living alone or with his family, whether he owns his own home or rents, whether he lives in a metropolitan or rural area, his health condition, and other factors.

Complete statistics are not available as to the number of recipients of aged assistance who are living alone. In 1940-41 they numbered 31 per cent of acceptances. In 1940-41, 24 per cent of acceptances were home owners.

The cost of living index as reported by the United States Bureau of Labor is based on the average of persons renting their homes. The 24 per cent of persons on aged assistance who own their own homes are not affected by the increased cost of rentals, as reported by the United States Bureau of Labor for the two metropolitan areas in California. It may be presumed that the fixed charges which they may have in carrying the debt on the home would remain the same.

The rents which are reported in the United States index are for the two metropolitan areas: Los Angeles and San Francisco. There are many places in the State where rents have not increased at all. Also there are areas where rent ceilings have been fixed. These considerations, together with the fact that nearly 24 per cent of aged aid acceptances in 1940-41 owned their own homes, indicate that the United States cost of living index, as relating to rents, is not valid either for general usage or in the problem this committee is considering in California.

The cost of living index includes many items. Among them is the operation of automobiles, which has been distinctly curtailed by gas rationing. Many items of merchandise which are included can no longer be purchased. The items which are



needed by all individuals are clothing and food. Food is being rationed and it will be necessary for every person in the United States to adjust himself to restricted menus. While the price of meat is very high at the present time, in many areas it is impossible to purchase it. In future rationing, it has been announced that each person will receive  $1\frac{1}{2}$  pounds of meat per week.

The cost of food index, as developed by the United States Bureau of Labor, is based on a peacetime condition and has not been corrected for a wartime economy wherein shortages have developed and rationing is in effect. While the cost of food has unquestionably risen, the extent will not be known until the effect of rationing is known. The index, as reported by the United States Bureau of Labor, is not valid under present conditions and should not be used to evaluate current living problems.

Many persons on old age assistance are living in households wherein other members of the family are receiving public assistance. The report for 1940-41 shows that out of a total of 28,200 acceptances, 8,291 lived in households with other forms of public assistance; this is close to 30 per cent.

#### *Estimates of Cost*

The number of persons who are receiving old age assistance in California reached a maximum of 158,723 in December, 1941. Since that time the roll has decreased and, in December, 1942, numbered 153,896. The number receiving assistance is approximately 25 per cent of the total number of people in California who are 65 and over.

The saturation point in aid to the aged has been discussed and attempts to determine it have been frequently made. Some persons may believe that, in view of the fact that old age assistance has leveled off at approximately 25 per cent of the number 65 and over, the saturation point has been reached. There appears to be no saturation point with respect to aged assistance. The number who apply for and receive aid is dependent on the generosity of the people as expressed in statutory eligibility requirements. A liberalization of any feature of eligibility in the past has brought a greater number on the roll.

If the present legal provision for the responsibility of relatives for support of needy members of their families is eliminated and assistance is regarded as a right, rather than based on need, the cost will become huge. It is estimated that to give \$60 per month per person over 60 years as a right would cost nearly \$700,000,000 per year in California in 1943 and would increase. The cost under similar conditions for persons over 65 would be over \$400,000,000. The total expenditures for all forms of government in California, exclusive of direct Federal expenditures, totaled \$765,000,000 in 1941-42. Thus a liberalized program of aid to the aged could nearly double expenditures.

If relative responsibility were eliminated in determining eligibility, the costs of aged assistance would increase. There are around 25,000 cases at the present time in which relatives contribute \$5,750,000 each biennium, or \$2,875,000 per year. This cost would be transferred from the relatives to the public.

Statements have been made that the cost of administering relative responsibility is greater than the amount offset. The entire cost of administering old age assistance is around \$3,300,000 per year; so it is obvious that, aside from other factors, the return of \$5,750,000 would warrant the expense.

Eliminating relative responsibility would result in additional persons applying for aid and qualifying for it. It is not unlikely that a number would thus qualify which would be more than equal to the number on the roll with relatives at the present time, thus causing an increase in cost of at least \$12,000,000 per year which, together with the \$2,875,000, would amount to \$14,875,000. If all persons were to shift the responsibility of relatives to the public, the cost would be very much more.

The cost can increase substantially even though assistance is given as a matter of need instead of right. Calculating on a need basis, the following estimates of cost have been made for varying amounts of assistance in the post-war period:

#### *Estimated Annual Cost at Age 65*

<i>Amount of Aid</i>		<i>Per cent to receive assistance</i>	<i>Annual cost</i>
<i>Full rate</i>	<i>Average because of deductions</i>		
\$40	\$38	35	\$102,000,000
50	46	45	159,000,000
60	54	55	228,000,000

#### *Annual Cost Distribution*

<i>Federal</i>	<i>State and County</i>	<i>Total</i>
\$51,000,000	\$51,000,000	\$102,000,000
69,000,000	90,000,000	159,000,000
84,000,000	144,000,000	228,000,000

When it is considered that earnings in California have been less than \$100 per month for half the population, it can readily be conceived that the number qualify-



ing for large amounts of assistance would become large and would approach the number who are 65 and over. In estimating costs, it may be well to remember this and consider every bar in eligibility that is let down brings the number closer to the entire group over the age limitation.

## CALIFORNIA TAXPAYERS ASSOCIATION, March 12, 1943

TABLE 1  
Population Estimates  
California Counties

	Census		Estimate for January		
	April 1930	April, 1940	1941	Revised, 1942	Preliminary, 1943
Alameda	474,883	513,011	523,500	553,300	581,000
Alpine	241	323	370	360	350
Amador	8,494	8,973	8,800	9,000	8,600
Butte	34,093	42,840	43,700	44,500	44,200
Calaveras	6,008	8,221	8,400	8,460	7,500
Colusa	10,258	9,788	9,840	9,500	9,500
Contra Costa	78,608	100,150	107,100	126,000	176,000
Del Norte	4,739	4,745	4,360	3,600	3,900
El Dorado	8,325	13,229	13,500	13,200	12,200
Fresno	144,379	178,565	181,000	185,700	180,000
Glenn	10,935	12,195	12,000	11,900	11,400
Humboldt	43,233	45,812	44,800	45,000	47,700
Imperial	60,903	59,740	60,300	58,400	60,200
Inyo	6,555	7,625	8,470	9,500	10,100
Kern	82,570	135,124	139,400	140,100	135,000
Kings	25,385	35,168	37,300	37,100	35,000
Lake	7,166	8,069	8,430	8,000	7,900
Lassen	12,589	14,479	14,800	15,200	16,100
Los Angeles	2,208,492	2,785,643	2,830,000	2,975,000	3,000,000
Madera	17,164	23,314	24,500	24,900	23,900
Marin	41,648	52,907	54,800	57,600	64,800
Mariposa	3,233	5,605	5,200	5,100	4,600
Mendocino	23,505	27,864	27,600	27,100	26,600
Merced	36,748	46,988	48,300	49,400	46,700
Modoc	8,038	8,713	8,900	9,100	9,300
Mono	1,360	2,290	2,030	2,040	1,950
Monterey	53,705	73,032	79,800	84,800	83,500
Napa	22,897	28,503	32,100	36,300	42,000
Nevada	10,596	19,283	19,000	17,800	17,000
Orange	118,674	130,760	130,900	137,900	145,000
Placer	24,468	28,108	27,700	27,700	25,000
Plumas	7,913	11,548	12,750	13,500	13,800
Riverside	81,024	105,524	106,200	110,900	115,000
Sacramento	141,999	170,333	177,400	186,900	195,000
San Benito	11,311	11,392	11,100	11,700	11,400
San Bernardino	133,900	161,108	163,700	168,100	178,000
San Diego	209,659	289,348	323,500	397,200	400,000
San Francisco	634,394	634,536	640,900	651,000	681,000
San Joaquin	102,940	134,207	134,500	136,400	144,300
San Luis Obispo	29,613	33,246	37,700	44,300	43,000
San Mateo	77,405	111,782	117,100	126,400	133,000
Santa Barbara	65,167	70,555	69,500	75,100	71,000
Santa Clara	145,118	174,949	176,300	184,500	193,000
Santa Cruz	37,433	45,057	45,100	43,000	41,000
Shasta	13,927	28,800	31,600	34,900	36,800
Sierra	2,422	3,025	3,100	3,000	3,100
Siskiyou	25,480	28,598	29,600	29,700	28,400
Solano	40,834	49,118	54,600	77,800	104,000
Sonoma	62,222	69,052	67,800	70,600	74,000
Stanislaus	56,641	74,866	75,300	78,000	81,000
Sutter	14,618	18,680	18,700	19,600	21,000
Tehama	13,866	14,316	14,600	14,400	14,000
Trinity	2,809	3,970	3,850	3,600	2,700
Tulare	77,442	107,152	111,400	113,400	110,000
Tuolumne	9,271	10,887	11,500	10,300	9,000
Ventura	54,976	69,685	70,000	70,700	70,700
Yolo	23,644	27,243	27,200	28,400	30,000
Yuba	11,331	17,034	17,800	18,100	19,000
State totals	5,677,251	6,907,387	7,070,000	7,425,000	7,660,000

TABLE 2

**Average Old Age Assistance Payments by States**  
December, 1942

<i>State</i>	<i>Old age assistance</i>	<i>State</i>	<i>Old age assistance</i>
Alabama -----	\$9 84	Montana -----	\$23 56
Alaska -----	29 81	Nebraska -----	20 85
Arizona -----	37 22	Nevada -----	31 49
Arkansas -----	14 71	New Hampshire -----	24 07
CALIFORNIA -----	36 91	New Jersey -----	23 43
Colorado -----	41 06	New Mexico -----	19 08
Connecticut -----	29 88	New York -----	28 95
Delaware -----	13 07	North Carolina -----	10 40
District of Columbia -----	27 62	North Dakota -----	19 13
Florida -----	14 40	Ohio -----	26 97
Georgia -----	9 29	Oklahoma -----	21 92
Hawaii -----	16 51	Oregon -----	24 71
Idaho -----	26 80	Pennsylvania -----	25 87
Illinois -----	27 57	Rhode Island -----	24 93
Indiana -----	20 90	South Carolina -----	10 15
Iowa -----	22 06	South Dakota -----	19 56
Kansas -----	24 27	Tennessee -----	12 36
Kentucky -----	10 20	Texas -----	20 05
Louisiana -----	14 40	Utah -----	27 08
Maine -----	21 70	Vermont -----	17 97
Maryland -----	20 12	Virginia -----	10 62
Massachusetts -----	34 23	Washington -----	33 74
Michigan -----	22 01	West Virginia -----	17 17
Minnesota -----	22 88	Wisconsin -----	24 16
Mississippi -----	9 05	Wyoming -----	26 78
Missouri -----	19 67		
		Average -----	\$23 43

TABLE 3

**Old Age Assistance**  
December, 1940

<i>State</i>	<i>Number per 1,000 Persons Over 65 receiving aged aid</i>	<i>Per cent of population 65 Years and over 1940 census</i>	<i>State</i>	<i>Number per 1,000 Persons Over 65 receiving aged aid</i>	<i>Per cent of population 65 Years and over 1940 census</i>
Alabama -----	149	4.8	Nevada -----	346	6.1
Arizona -----	353	4.8	New Hampshire -----	138	9.7
Arkansas -----	241	5.4	New Jersey -----	113	6.7
CALIFORNIA -----	275	7.9	New Mexico -----	216	4.3
Colorado* -----	460	7.4	New York -----	132	6.8
Connecticut -----	138	7.4	North Carolina -----	234	4.4
Delaware -----	121	7.8	North Dakota -----	233	6.0
District of Columbia -----	85	6.1	Ohio -----	251	7.7
Florida -----	290	6.8	Oklahoma -----	520	6.2
Georgia -----	243	5.1	Oregon -----	212	8.5
Idaho -----	287	6.0	Pennsylvania -----	148	6.8
Illinois -----	251	7.2	Rhode Island -----	128	7.6
Indiana -----	235	8.3	South Carolina -----	217	4.2
Iowa -----	249	8.9	South Dakota -----	344	6.8
Kansas -----	183	8.5	Tennessee -----	235	5.9
Kentucky -----	288	6.6	Texas -----	349	5.4
Louisiana -----	296	4.9	Utah -----	453	5.5
Maine -----	165	9.4	Vermont -----	154	9.5
Maryland -----	149	6.7	Virginia -----	129	5.7
Massachusetts -----	237	8.5	Washington -----	283	8.2
Michigan -----	237	6.3	West Virginia -----	181	5.4
Minnesota -----	297	7.6	Wisconsin -----	220	7.7
Mississippi -----	221	5.2	Wyoming -----	297	4.7
Missouri -----	333	8.6			
Montana -----	349	6.3	Total United States -----	231	6.8
Nebraska -----	269	8.1			

\* Colorado pays old age aid to persons 60 and over. In computing the number of persons 1,000 over 65 receiving aid, 3,608 persons less than 65 have been excluded.

TABLE 4  
Persons Receiving Assistance in California

Year	Month	Aged	Blind	Children	County Indigents
1931	January	6,307	1,076	13,017	*
1932	January	9,887	1,472	14,340	*
1933	January	12,659	1,996	16,988	*
1934	January	15,144	2,296	18,851	*
1935	January	19,805	3,216	20,112	*
1936	January	24,463	3,936	22,298	*
1937	January	65,755	4,542	24,331	*
1938	January	100,834	5,324	30,757	86,759
1939	January	125,846	6,190	36,204	78,623
1940	January	134,740	6,933	39,963	74,729
1941	January	151,740	7,285	42,230	72,653
1941	February	152,614	7,286	42,221	69,981
1941	March	153,594	7,291	42,396	69,592
1941	April	154,527	7,295	42,485	67,694
1941	May	155,503	7,292	42,402	66,349
1941	June**	156,329	7,290	42,431	64,508**
1941	July	156,943	7,268	42,028	98,843
1941	August	157,723	7,281	41,377	88,932
1941	September	158,463	7,309	41,009	70,780
1941	October	158,326	7,306	40,263	66,197
1941	November	158,402	7,279	39,759	63,986
1941	December	158,723	7,287	39,899	67,098
1942	January	158,478	7,268	39,665	69,243
1942	February	158,590	7,294	39,325	68,260
1942	March	158,550	7,265	38,742	66,121
1942	April	158,312	7,237	38,203	62,298
1942	May	158,032	7,202	37,515	56,034
1942	June	157,597	7,217	36,685	53,785
1942	July	156,968	7,149	35,000	49,093
1942	August	156,602	7,111	33,497	43,946
1942	September	155,937	7,091	32,136	39,136

\* Not reported.

\*\* The SRA was discontinued June 30, 1941.

TABLE 5  
Maximum Amounts of Old Age Assistance

State	Per month	State	Per month
Alabama	\$30	Missouri	*
Alaska	45	Montana	no limit
Arizona	40	Nebraska	\$30
Arkansas	15	Nevada	40
CALIFORNIA	40	New Hampshire	30
Colorado	45	New Jersey	40
Connecticut	per week 9	New Mexico	no limit
Delaware	25	New York	no limit
District of Columbia	30	North Carolina	30
Florida	30	North Dakota	30
Georgia	30	Ohio	40
Hawaii	30	Oklahoma	30
Idaho	40	Oregon	30
Illinois	40	Pennsylvania	*
Indiana	40	Rhode Island	40
Iowa	*	South Carolina	no limit
Kansas	no limit	South Dakota	30
Kentucky	30	Tennessee	25
Louisiana	no limit	Texas	30
Maine	30	Utah	30
Maryland	*	Vermont	*
Massachusetts	*	Virginia	20
Michigan	40	Washington	30
Minnesota	30	West Virginia	30
Mississippi	30	Wisconsin	40
		Wyoming	40

\*Note—Iowa \$25 per month maximum plus \$5 per month additional when necessary for care of physical or mental condition.

Maryland \$30 per month, person requiring medical care \$40 per month.

Massachusetts \$30 per month single person; \$50 for married couple.

Missouri \$30 per month single person; \$50 for married couple.

Pennsylvania \$30 per month single person; \$25 per month for each of two or more eligible persons in the same family.

Vermont \$30 per month single person; \$45 per month married couple.

TABLE 6

## Expenditures for Welfare in California by State, County, and Federal Agencies

	1931-32	1932-33	1933-34	1934-35	1935-36
Grand Total Welfare.....	\$28,126,694	\$48,509,092	\$62,324,543	\$146,049,578	\$139,779,363
State participation.....	\$4,452,353	\$6,138,239	\$5,632,709	\$31,647,597	\$34,048,423
County participation.....	23,674,341	42,370,853	38,801,821	31,974,590	33,635,421
Federal participation.....			17,890,013	82,427,391	72,095,519
State Department Social Welfare.....	167,309	177,286	108,737	116,975	140,305
County Welfare Departments.....				2,486,802	3,442,493
WELFARE AID					
Indigent Aid.....	\$7,716,149	\$26,544,525	\$39,426,185	\$118,613,519	\$105,314,936
State SRA (Inc. Admin.).....			\$194,796	\$24,396,951	\$26,195,194
County indigent.....	\$7,716,148		21,341,376	11,589,177	8,425,458
Federal—WPA and FERA.....		\$26,544,525	17,890,013	82,427,391	70,694,284
Aged Aid.....	\$2,990,686	\$3,624,124	\$4,138,820	\$4,964,880	\$8,635,227
State share.....	\$1,495,343	\$1,812,062	\$2,069,410	\$2,482,440	\$3,616,996
County share.....	1,495,343	1,812,062	2,069,410	2,482,440	3,616,996
Federal share.....					1,401,235
Blind Aid.....	\$701,080	\$910,736	\$1,091,092	\$1,323,850	\$1,592,304
State share.....	\$350,540	\$455,368	\$545,546	\$661,925	\$796,152
County share.....	350,540	455,368	545,546	661,925	796,152
Federal share.....					
Children's Aid.....	\$2,558,246	\$2,531,636	\$2,621,094	\$2,549,572	\$3,315,879
State share.....	\$1,784,466	\$2,043,262	\$2,297,249	\$2,549,572	\$2,706,435
County share.....	773,780	488,374	323,845		609,444
Federal share.....					
HOMES AND HOSPITALS					
State.....	\$654,695	\$1,650,261	\$416,971	\$1,239,734	\$593,341
Veterans' Home—Men.....	\$459,502	\$728,942	\$289,822	\$203,965	\$269,922
Veterans' Home—Women.....	22,015	21,848	20,073	23,113	33,281
T.B. subsidy to counties.....	173,178	899,471	107,077	1,012,656	290,138
Counties.....	\$13,338,530	\$13,070,534	\$14,521,644	\$14,804,246	\$16,744,878
Homes for aged.....	\$13,338,530	\$13,070,534	\$14,521,644	\$2,268,917	\$2,394,711
Hospitals (excluding T.B. subsidy).....				12,535,329	14,350,167



TABLE 6—Continued  
Expenditures for Welfare in California by State, County, and  
Federal Agencies—Continued

	1936-37	1937-38	1938-39	1939-40	1940-41	1941-42
Grand Total Welfare...	\$198,797,161	\$198,035,777	\$232,178,081	\$227,083,118	\$448,933,791	\$492,874,775
State participation...	\$21,993,441	\$48,238,785	\$72,018,006	\$71,785,943	\$61,082,796	\$25,239,312
County participation...	40,970,356	50,482,324	49,997,659	57,600,707	58,808,067	75,438,756
Federal participation	125,833,364	99,314,668	110,252,376	97,696,468	309,042,928	392,196,707
State Department						
Social Welfare...	155,225	157,873	238,193	411,816	632,840	1,866,372*
County Welfare						
Departments	4,091,503	5,004,630	5,415,858	5,318,886*	5,671,005	5,600,000*
WELFARE AID						
Indigent Aid	\$145,236,351	\$124,459,877	\$143,909,787	\$128,571,163	\$38,172,330	\$19,629,600
State SRA						
(Inc. Admin.)	\$21,265,701	\$32,796,714	\$45,444,591	\$50,090,730	\$26,485,314	
Counties Indigent	10,521,887	11,663,163	12,391,196	11,822,433	11,687,046	\$19,921,000*
Federal—						
WPA and FERA	118,445,763	80,000,000	86,074,000	66,658,000		
Aged Aid	\$23,469,163	\$38,758,845	\$49,017,825	\$57,685,814	\$98,478,527	\$69,181,797
State share	\$6,432,485	\$10,826,475	\$19,718,521	\$15,241,494	\$17,148,168	\$17,223,688
County share	6,432,485	10,826,475	7,665,799	15,103,196	17,081,174	17,223,688
Federal share	10,604,193	17,105,895	21,633,505	27,341,124	64,249,185	34,734,421
Blind Aid	\$1,898,372	\$2,900,791	\$3,531,182	\$3,968,083	\$1,204,767	\$1,076,576
State share	\$568,165	\$985,045	\$1,217,290	\$1,269,134	\$1,243,975	\$1,223,419
County share	568,165	985,045	1,215,219	1,266,211	1,239,864	1,219,997
Federal share	762,042	930,701	1,098,673	1,432,738	1,721,928	1,632,160
Children's Aid	\$4,084,149	\$5,533,344	\$7,334,625	\$8,760,467	\$10,001,583	\$9,992,186
State share	\$2,099,185	\$2,780,649	\$3,400,770	\$3,715,742	\$4,017,235	\$4,005,919
County share	568,598	1,474,623	2,487,657	2,690,129	2,922,913	2,998,108
Federal share	1,021,366	1,278,072	1,446,198	2,324,596	3,061,735	2,988,459
HOMES AND HOSPITALS						
State	\$1,472,680	\$692,029	\$1,998,381	\$997,027	\$1,545,524	\$811,544
Veterans' Home—						
Men	\$532,502	\$349,696	\$956,622	\$603,898	\$432,090	\$398,947
Veterans' Home—						
Women	22,680	24,998	43,228	41,042	39,167	45,387
T.B. subsidy to counties	917,498	317,335	998,531	852,087	1,074,267	\$67,310
Counties	\$18,389,712	\$20,528,388	\$20,731,930	\$21,339,892*	\$20,206,115	\$20,500,000
Homes for aged	\$2,550,679	\$2,510,488	\$2,983,158	\$2,923,329*	\$2,715,891	\$2,800,000*
Hospitals (excluding T.B. subsidy)	15,839,033	18,017,900	17,748,772	18,416,563*	17,490,254	17,700,000*

Derived from: Controller's "Biennial Report" and "Financial Statistics of Cities and Counties"; State Relief Administration, "Review of Activities"; State Department of Finance, "Expenditures for Social Welfare and Relief"; San Francisco Controller's Annual Report, and State Department of Social Welfare, "Public Assistance" Reports. The continuity of reporting as between these several agencies is limited; the data will therefore be affected by accrual periods. The SRA expenditure for 1934-35 is in most part from the \$24,000,000 bond issue. Data designated with (\*) is partly estimated. State Department of Social Welfare also administers probations. Data designated with (\*\*) includes surplus commodity and WPA cooperation administrative expense.

TABLE 7

Estimated Effect of Relieving Counties of One-half of Their  
Present Share of Old Age Aid

	County share for Jan., 1943	Amount of relief	County valuation—1942	Tax rate per \$100
Alameda	\$67,952.39	\$407,714.34	\$479,148,322	\$0.085
Alpine	141.75	850.50	1,437,338	.059
Amador	2,119.00	12,714.00	16,871,005	.075
Butte	17,605.72	105,634.32	46,163,045	.229
Calaveras	2,475.87	14,855.22	11,577,950	.128
Colusa	3,137.66	18,825.96	20,997,490	.090
Contra Costa	8,709.25	52,255.50	151,628,375	.034
Del Norte	2,249.96	13,499.76	4,853,710	.278
El Dorado	4,015.50	24,093.00	16,115,183	.150
Fresno	34,181.06	205,086.36	297,877,470	.069
Glenn	4,106.62	24,639.72	21,270,570	.116
Humboldt	13,861.72	83,170.32	47,146,175	.176
Imperial	5,167.10	31,002.60	38,184,371	.081
Inyo	2,233.12	13,398.72	16,070,657	.083
Kern	19,276.07	115,656.42	298,449,800	.039
Kings	5,334.37	32,006.22	92,921,385	.034
Lake	3,883.19	23,299.14	9,517,914	.245
Lassen	2,307.99	13,847.94	16,243,818	.085
Los Angeles	612,057.69	3,672,346.14	2,748,439,351	.134
Madera	5,960.39	35,762.34	31,294,959	.114
Marin	6,405.20	38,431.20	51,730,138	.074
Mariposa	1,985.01	11,910.06	5,146,626	.231
Mendocino	8,272.12	49,632.72	25,183,178	.197
Merced	7,427.63	44,565.78	54,675,690	.082
Modoc	2,207.83	13,246.98	12,840,115	.103
Mono	583.86	3,503.16	5,859,420	.060
Monterey	9,449.39	56,696.34	101,475,801	.056
Napa	5,896.60	35,379.60	25,982,225	.136
Nevada	4,603.30	27,619.80	18,362,255	.150
Orange	28,852.35	173,114.10	195,677,345	.088
Placer	6,076.35	36,458.10	37,607,416	.097
Plumas	2,165.72	12,994.32	23,944,675	.054
Riverside	30,839.05	185,034.30	94,033,530	.197
Sacramento	34,958.56	209,751.36	166,970,085	.126
San Benito	2,106.36	12,638.16	15,685,710	.081
San Bernardino	44,529.02	267,174.12	152,035,650	.176
San Diego	69,914.41	419,486.46	265,760,793	.158
San Francisco	105,335.98	632,015.88	831,544,267	.076
San Joaquin	23,931.87	143,591.22	137,404,905	.105
San Luis Obispo	9,953.60	59,721.60	43,669,432	.137
San Mateo	10,822.51	64,935.06	132,353,035	.049
Santa Barbara	13,439.29	80,635.74	116,531,160	.069
Santa Clara	33,938.89	203,633.34	174,177,270	.117
Santa Cruz	18,704.18	112,225.08	38,791,083	.289
Shasta	5,931.54	35,589.24	38,198,657	.093
Sierra	766.25	4,597.50	3,024,525	.152
Siskiyou	6,966.84	41,801.04	28,027,170	.149
Solano	4,411.51	26,469.06	48,653,979	.054
Sonoma	21,376.36	128,258.16	68,967,337	.186
Stanislaus	16,505.33	99,031.98	70,768,345	.140
Sutter	4,555.02	27,330.12	25,591,769	.107
Tehama	5,015.00	30,090.00	20,692,155	.145
Trinity	2,205.77	13,234.62	3,540,690	.374
Tulare	19,814.73	118,888.38	98,910,245	.120
Tuolumne	4,094.09	24,564.54	15,538,785	.158
Ventura	12,614.96	75,689.76	104,977,411	.072
Yolo	7,401.06	44,406.36	39,188,324	.113
Yuba	5,440.08	32,640.36	19,965,295	.163

## APPENDIX 7(a)

## Notes for Governor's Tax Committee

California Taxpayers' Association has been working in the field of governmental expenditures and revenues since 1926. Its staff works constantly with governmental officials and civic groups to furnish information on expenditures, revenues and tax burdens. It is the purpose of the Association to keep tax burdens at a minimum consistent with adequate public service. The work includes State and local governments.

In local government the amount of expenditure determines the property tax levy, as, in most part, expenditures are paid from this form of revenue. In local government, tax levies are determined each year and tax rates are fixed accordingly.

In State government the expenditure budget is adopted biennially, but State taxes are fixed only periodically by the Legislature and are not systematically regulated with the adoption of each budget. The result has been that at times tax yields have been inadequate to pay for expenditures and the State has incurred a deficit, and at other times taxes are in excess of expenditure needs and a surplus has accumulated.

California Taxpayers' Association, in its work with reference to State taxes, would not take a stand on the reduction of any particular State tax. Its Board of Directors, however, has resolved that the association recommend that the Legislature reduce the flow of revenue into the State General Fund during the 1943-45 biennium, so that the General Fund shall be more nearly in balance by Jan. 1, 1945.

We are submitting for your consideration, in an appendix, tables relating to both taxes and expenditures. In part, these tables are published regularly as an integral part of our work. Other tables are being supplied which have been especially prepared for your committee.

The association has periodically published a series of data called "Income and Expenditures of Government in California." This series is now complete from 1900 through 1942. In 1940 the material was published as a supplement to the January number of the Tax Digest and includes a description of California taxes and expenditures. In the official reports of State and local governments, expenditures relating to subventions are generally duplicated; we have eliminated such duplications and show the expenditures in the final agency. The data are brought up to date in the February, 1943, Tax Digest, but the descriptive matter has not been repeated.

Included in the February issue are also other data relating to the work of your committee. The expenditures of State government are included in summary, and in departmental detail, for the period 1937-38 through 1941-42. Also included are tax levies by the counties, schools, and special districts for each of the 58 counties for the period 1939 through 1943.

The population for the State and for each county is shown in Tables 16 and 17. The intercensal population estimates for the period 1930 to 1940 are shown in Table 16, page 79. Estimates for 1941, 1942, and 1943 are shown in Table 17, page 80. The estimated annual population of the State from 1900 through 1942 is shown in Table 7, page 61.

A summary of population estimates with percentage of change since 1940 is shown in Table 18, page 81. The counties are segregated into significant groups, which include the bay area, southern California, Sacramento area, counties which are gaining, and those which are static or losing. Of the total estimated increase for the State since the last census amounting to 752,000, 330,000 is shown in the bay area and 366,000 in southern California.

California Taxpayers' Association has estimated population by counties since the 1930 census. These population estimates have been used in deriving per capita expenditures and revenues and are also used in dealing with administrative problems in government.

*Income in California*

In the period prior to the tremendous war expenditure in California, nearly half of the wage or salary workers received from salaries, wages, and income from other sources less than \$1,000 per year; and nearly three-quarters received less than

\$1,600 per year. According to the United States census, the income in various income brackets was as follows:

## Income Distribution—1939

	<i>Per cent distribution</i>		<i>Per cent distribution</i>
None -----	6.3	Less than 1,800-----	78.3
Less than \$100 -----	8.3	Less than 2,000-----	84.1
Less than 200 -----	11.8	Less than 2,500-----	92.1
Less than 400 -----	20.9	Less than 3,000-----	94.8
Less than 600 -----	29.6	Less than 4,000-----	97.1
Less than 800 -----	39.0	Less than 5,000-----	97.8
Less than 1,000-----	48.7	5,000 and over-----	1.0
Less than 1,200-----	56.8	Not reporting income-----	1.2
Less than 1,400-----	66.1		
Less than 1,600-----	73.8	Total-----	100.0

These data show income far less than those which are commonly supposed. It has been observed that there is a tendency on the part of the public to believe that the earnings of most individuals are materially larger than actual.

The census income data, being prewar, do not show the effect of war expenditures. In 1939 California had one of the highest average individual incomes in the United States. In that year the median income for California salaries, wages, and other sources was \$1,020, which was exceeded only by Nevada with \$1,061 and Michigan with \$1,058. States over \$900 are as follows:

## States With Median Income Over \$900—1939

Nevada -----	\$1,061	Ohio -----	\$ 964
Michigan -----	1,058	New York -----	962
California -----	1,020	Washington -----	959
New Jersey -----	998	Illinois -----	954
Connecticut -----	975	Massachusetts -----	937
Utah -----	969		

Only three States had a median which exceeded \$1,000, and eight States ranged between \$900 and \$1,000. The States are arranged in \$100 brackets as follows:

<i>Income Range</i>	<i>No. of States</i>	<i>Income Range</i>	<i>No. of States</i>
\$ 372 to \$ 400 -----	2	\$ 700 to \$ 799 -----	5
400 to 499 -----	5	800 to 899 -----	11
500 to 599 -----	6	900 to 999 -----	8
600 to 699 -----	8	1,000 to 1,061 -----	3

The National income of the United States was estimated by the United States Department of Commerce to be \$70,674,000,000 in 1939. Current estimates of the National income for 1943 vary from \$110,000,000,000 to \$125,000,000,000. This tremendous increase in the National income is caused by war activity; it has been reported that California is receiving 10 per cent of war contracts. The effect of this, together with increased agricultural activity, will be increased individual incomes in California.

*Manpower*

The manpower problem as it relates to the war effort has two effects on government in California—in the first place, government has in some instances been required to increase some services because of the increased population around the war industry centers and Army camps; in other instances, the need for governmental service has decreased. In the second place, government has a manpower problem of its own. Many employees have felt it their patriotic duty to become more closely allied with the war effort by going to the armed forces or war industries; many have been inducted into the Army.

Some governmental jurisdictions have attempted to maintain the same amount of service as previously rendered, in spite of the fact that most civilian services have seriously declined. In most instances, governmental employees are working a short week and certain jurisdictions are attempting to recruit new employees in a war labor market. Many jurisdictions have tried to retain their employees through increased salaries and raises, which has caused a substantial increase in governmental expenditures. There are few instances where increased working hours have been required to offset increased pay.

The recent order of War Manpower Commission requiring a 48-hour week for both essential and nonessential workers includes State and local governmental employees according to statements publicized on February 11. The order is now effective in limited areas, but must be extended to cover most of California in order to be fully useful.



### *Government Should Show Decreased Expenditures*

With the exception of the Federal Government in its relation to the war effort, all units of government should show both decreased spending and tax requirements. Capital outlays in the form of equipment and buildings are no longer purchasable because of priorities. Materials and supplies containing critical materials are closely rationed. This reduction should more than offset the increase in commodity prices of other items. Personnel has decreased and will continue to do so, as nonessentials are curtailed by the War Manpower Commission. As previously stated, decreases in employment have been offset by increased salaries and wages.

### *Governmental Units in California Counties*

Governmental units in California are shown by counties for 1940-41 in Table 19, page 82, of the appendix. The total is 4,287 and the distribution between the several units is as follows:

Incorporated cities .....	284*	Junior college districts .....	14
Elementary school districts .....	2,533	County special districts .....	1,094**
High school districts .....	266	Number of counties .....	58*
Unified school districts .....	39		
		<b>Total .....</b>	<b>4,287</b>

\* San Francisco City and County included.

\*\* Figure not complete.

Each one of these units has the power to levy a tax. In the case of school districts, the board of supervisors fixes the tax rate, but has no authority to reduce the tax requirement established by a school district, so long as statutory limits are not exceeded.

### *State and Local Expenditures*

During the first three years of the 1930 decade, expenditures for the State, counties, cities, schools and districts totaled close to \$500,000,000, as shown in Table 6, page 60, which gives the amount for each type of government and the total. With an increasing population, the per capita expenditure decreased from \$87.16 in 1930 to \$83.71 in 1932 (Table 7, page 61). In 1934 the expenditure turned upward, but the per capita was still decreasing.

In 1942 expenditures swelled to \$765,391,000, an increase of \$302,733,000 in a decade. The per capita jumped from \$83.71 to \$103.08, an increase of \$19.37 or 23 per cent. Of the \$19.37, the State increased \$10.43 and the counties \$8.78. The State increase does not include aid to the needy aged, blind, and dependent children which is shown in county costs, nor does it include State apportionments for public schools, shown as a part of public school costs under the school heading. State expenditure increases are discussed later.

Expenditures for cities have fluctuated, dropping from \$21.01 in 1932 to \$18.41 in 1934, they climbed to a peak of \$24.85 in 1939, and in 1942 dropped to \$22.13. Per capita expenditures for schools followed a somewhat similar fluctuation; they were \$25.89 in 1932 and \$26.86 in 1942 for each man, woman, and child in the population.

### *State and Local Income*

Income for State and local governments totaled \$520,728,000 or \$91.72 per capita in 1930 (Table 2, page 53). In 1933 per capita income dropped to \$71.49 and in 1942 it increased to \$118.29, with a total income of \$878,287,000. State revenue in 1942 is in part diverted to local governments.

### *Subventions to Local Government*

The major purpose in giving subventions to local governments is to transfer a part of the burden from property taxes to other forms of taxation. In the State of California this process has occurred repeatedly.

In several of these subventions to local governments, larger subsidies proportionately are given to smaller units of government than to the larger ones: For example, each county receives \$30,000 of gasoline tax subventions from the one-cent gasoline tax receipts allocated to counties, and the balance is divided in proportion to motor vehicle registrations. Smaller elementary, high school, and junior college districts, because of the formula of apportionment, receive proportionately more State aid than do the larger districts. The effect of these larger subventions to the smaller units is shown in Table 37, page 124, which shows a larger per capita subvention to such counties and school districts.

As local expenditures and property tax levies get larger because of increased governmental activities, pressure develops to shift the burden from the property tax base by transferring it to State taxes. This form of diversion of State revenue has been accomplished by two methods: (1) Part of the tax receipts are apportioned to local governments; and (2) the State assumes an expenditure from its treasury and taxes for such purpose.

The taxes which the State collects and shares locally are: gasoline, motor vehicle "in lien," motor vehicle and liquor licenses, and horse racing fees and licenses. In apportioning these moneys to the counties, the State has imposed rather rigid restrictions on their expenditure. The local expenditures which the State shares and pays for from State taxes deposited in the General Fund are: needy aged, dependent children, and needy blind assistance; apportionments to elementary, high and junior college districts, vocational education, contributions to the teachers' retirement benefits, free textbooks, aid to tubercular patients in county institutions, and salaries of superior court judges.

The taxes which the State levies and apportions directly to local government are shown in Table 20, pages 83 and 84, for the period 1933 through 1942. In 1942 the amounts totaled \$94,212,000, of which the State retained \$46,359,000, the counties received \$29,642,000, the cities \$16,147,000, and the agricultural districts \$2,064,000. The taxes levied by the State and apportioned from its treasury in 1942 for local expenditures totaled \$231,215,000, of which the State retained \$127,819,000; \$24,896,000 was apportioned to counties and \$78,500,000 for ADA apportionments to school districts.

The totals of these two categories are as follows:

State	\$174,178,000	Schools	\$78,500,000
Counties	54,538,000	Other districts	2,064,000
Cities	16,147,000		
		Total	\$325,427,000

The total State and local tax collections in California and the amount of taxes collected by these governments per capita are shown in Table 3, page 54. Starting in 1900, the per capita tax burden was \$19.42. By 1929-30 the amount had increased to \$78.74. In 1933-34, with the change in taxation and depression forced economies, the per capita burden dropped \$59.80. The amount collected has increased each year since that time, and in 1941-42 amounted to \$100.51 per capita.

#### State Tax Revenues

A history of tax collections for the State government since 1900 is contained in Table 5, pages 57 to 59. The period covered is from the fiscal year 1899-1900 through 1941-42, and the fundamental changes in the State tax structure are clearly evident. Through 1911 the property tax was the main source of revenue for the State; it yielded \$7,891,000 in that year out of a total tax revenue of \$11,651,000. It was succeeded in the following year by the utility gross receipts tax, which brought in substantial revenues through 1935 and was discontinued with the return of utility property to local rolls for taxation. The utility gross receipts tax increased from \$6,617,000 in 1912 to \$27,913,000 in 1935. This then was a minor revenue compared with tax revenue amounting to \$154,177,000. With the repeal of the utility gross receipts tax, the corporation tax was modified to include utilities with other corporations.

The retail sales tax came into effect in 1933-34 with a yield of \$33,244,000; in 1941-42 the receipts had swelled to \$132,576,000.

The personal income tax became effective in 1935-36 and brought in \$6,526,000; in 1941-42 the yield was \$29,039,000.

The unemployment insurance tax was started in 1936-37 and jumped from \$62,562,000 for the fiscal 1938, the first full year of collections, to \$102,676,000 in 1941-42. These tax receipts are held in trust in the Federal Treasury for the specific purpose of providing benefits for unemployment, and they are not available for general State expenditures. It is, however, a tax upon all persons affected by the act and must be considered in determining the individual's total tax burden.

The General Fund of the State of California is dependent at present on a few taxes for its major income. These, for the biennium 1943-45, unless taxes are reduced by the Legislature, are estimated in the State Budget to be as follows:

	Amount	Per cent
Retail sales and use tax	\$201,000,000	42.9
Bank and corporation franchise taxes	103,000,000	22.0
Personal income tax	71,400,000	15.3
Alcoholic beverage taxes and licenses	25,300,000	5.4
Insurance tax	19,350,000	4.1
Inheritance tax	15,000,000	3.2
All other income	32,994,000	7.1
Total	\$468,044,000	100.0

The General Fund receives revenue other than taxes: the amount, however, is relatively small in relation to the total. The period 1932-33 through 1939-40 is shown in Table 21, pages 85 to 90. Similar data for 1940-41 and 1941-42 are shown in Table 22, pages 91 and 92.

*State Expenditures*

Expenditures for State purposes have increased markedly in a decade, as previously indicated in citing the rise from \$14.63 in 1932 to \$25.06 in 1942. Expenditures are shown in summary for the five-year period 1937-38 through 1941-42 on page 43, and by department and function on page 44. Similar data for the decade 1929-30 to 1939-40 are shown in Table 23, pages 93 to 98. Significant trends in State expenditure will be discussed in the section relating to the State Budget.

*State Postwar I Expenditures*

The expenditures for the State of California for 1915-16 (exclusive of the San Francisco Harbor) are shown to be \$33,317,000 in Table 24, page 99. In 1941-42 the expenditures had increased to \$50,348,000 and in 1923-24 to \$85,633,000. These increases were largely found in expenditures of the Industrial Accident Commission, State Highway Commission, University of California, Department of Agriculture, Reclamations Commission, mental hospitals, bond requirements, and payments to local governments in the form of motor vehicle licenses, gas tax, and support for elementary and high schools.

*Comparison of Prewar I Expenditures With Prewar II—State*

Prewar I expenditures for the State of California (1915-16) compared with Prewar II (1940-41) are shown in Table 25, pages 104 and 105. In this period, State expenditures increased from \$35,274,000 to \$277,244,000.

The major expenditures or functions which contributed to this large increase were: The State Board of Equalization (with its Liquor Control Division), Department of Industrial Relations, Department of Motor Vehicles, Division of Highways, University of California and State colleges, Department of Agriculture, Department of Natural Resources, unemployment relief, mental hospitals, bond interest and redemption, State employees' retirement, and subventions to local governments.

Subventions to local governments increased from \$9,067,000 to \$148,525,000. These were for elementary and high schools, junior colleges, categorical aids, gasoline and other taxes.

*State Bonded Debt*

State bonds outstanding totaled \$140,804,000 in July, 1942. The detail of the several issues is shown in Table 26, page 106. Totals by general and special funds are summarized in Table 27, page 107.

*Local Government*

Counties, cities, schools, and other districts receive most of their revenue from property taxes (Table 1, page 52, lines 11 and 12). The expenditures for those jurisdictions (excepting special districts) are detailed in succeeding sections but are summarized by counties in Table 33, page 118. This table shows the 1941 expenditures for each type of government, the total for each county, and the per capita expenditure. The average per capita expenditure for all jurisdictions within the counties was \$80.15; Napa was lowest with \$52.32; and Alpine highest with \$174.87.

Also marked in variation are per capita property tax levies which for 1941-42 ranged from \$21.46 in Solano County to \$62.60 in Kern. Both total levy and per capita levy are shown for each county for 1938-39 and for 1941-42 in Table 34, page 119.

*Property Valuations*

Per capita assessed valuations vary materially among counties, ranging in 1941 from \$739 for San Diego to \$3,853 for Alpine (Table 32, page 113). The total valuation for each county for the period 1938 through 1942 inclusive is shown in Table 28, page 109. The succeeding tables show for each county for 1942 the operative and nonoperative values (Table 29); land, improvements, personal property, and exemptions (Table 30).

*County Tax Rates and Levies*

County tax rates are widely variable, both among the 58 counties and from year to year in the same county, as illustrated in Table 35, page 120. This table shows for the three years, 1941 through 1943, not only the total rate for each county, but also the respective rates for general county purposes, county bonds, county library, junior college tuition, and road districts. (Cities and special districts are not included.) The lowest rate for countywide purposes in 1942-43 was in Kings County.

*County Expenditures*

County expenditures per capita are summarized by major classification in Table 36, page 124, for the period 1935-36 through 1941-42. Some classifications show increases and others show decreases. Protection to person and property has increased in cost from \$1.77 to \$2.22 in the period. Interest on debt has decreased from \$0.36 to \$0.16, and redemption of debt has decreased from \$0.56 to \$0.46.



The cost of charities and corrections has more than doubled in the last six years, going from \$7.82 to \$16.94 for 1941-42. This is a slight drop from the \$17.56 high for 1940-41.

Per capita payments in each county for 10 types of county activities for 1940-41 are shown in Table 37, page 124. Per capita county payments for general government averaged \$3.74 throughout the State, and ranged from a high of \$34.40 for Alpine County to \$2.52 for Tulare County. Payments for charities and corrections averaged \$17.56 per capita, and ranged from \$41.45 in Trinity County to \$7.42 in Solano County. Detail for each county for per capita payments for protection to persons and property, health and sanitation, highways and bridges, recreation, education which includes county payments only for education, interest on debt, redemption of debt, and miscellaneous are also shown.

Per capita costs have increased yearly in almost every county during the period 1935-36 through 1940-41 (Table 38, page 125).

#### *County Subventions*

Up to 1937 common property taxes were the main source of revenue for county expenditures other than highways, which have benefited from large subventions in the form of shared State taxes for many years. Following the adoption of the Federal Social Security Act in 1938, subventions particularly for social welfare, play a much greater part in county finance. The first subvention to counties was for children's aid and started before 1900. The second was the apportionment from motor vehicle license fees in 1915. In 1924 the gas tax was put into effect and apportionments started. Blind aid was started in fiscal 1930 and aid to the needy aged started in fiscal 1931. In 1935 the Legislature transferred automobiles from property taxation by the counties to the State, and the first apportionment of the motor vehicle "in lieu" tax to the counties and the cities was made in fiscal 1936. Liquor licenses were first apportioned in 1933-34. Data shown in Tables 8, 9, 10, 11, 12, pages 62 to 66, inclusive, are Federal and State subventions.

#### *Tax Burdens in Counties*

Expenditures, assessed valuations, population, and geographical and economic factors enter into property tax burdens. The population at January 1, 1941, of the 58 counties, county expenditures per capita, valuations per capita, and population in unincorporated areas, and the subventions per capita are shown in Table 39, page 126. The counties are listed in the order from the lowest rank in expenditures, and are grouped and averaged in series of 10. The results of such averages are extremely interesting and are as follows:

#### **County Government**

1940-41

Rank for lowest expenditure	Expenditure per capita	Valuation per capita	Population in unincorporated area	Subvention per capita	Property tax burden per capita
1 - 10-----	\$23.93	\$ 595	38%	\$10.03	\$13.90
11 - 20-----	29.55	1,080	50	13.98	15.57
21 - 30-----	35.24	1,364	60	15.27	19.97
31 - 40-----	41.23	1,322	65	17.15	24.13
41 - 50-----	49.52	1,308	73	22.29	27.23
51 - 57-----	77.35	1,894	84	40.94	36.41

The subventions are largely for welfare and highway purposes. Expenditures per capita vary from an average of \$23.93 for the least expensive group of counties to an average of \$77.35 in the highest—this is more than triple the lowest average. Assessed valuations vary from an average of \$959 per capita to \$1,894, which is nearly double. The population in unincorporated areas varied from 38 per cent to 84 per cent, which is more than double. The average subventions per capita vary startlingly, ranging from an average of \$10.03 in the first group to \$40.94 in the last, leaving for local revenue payments \$13.90 in the first group to \$36.41 in the last group.

From this table and summary it is apparent that the State and Federal Governments already give large subventions to the counties with higher per capita expenditures.

#### *Local Bond Requirements*

Bonded debt for counties, cities, schools, and special assessment districts, together with the total, is shown for each county in Table 40, page 127, for June 30, 1941. The per capita total debt in each county is also shown; the variations are extreme, ranging from an average of \$3.70 in Plumas County to \$143.42 for Los Angeles, with no debt in Alpine and Mono counties.



The interest and redemption requirements for the corresponding debt are shown for 1940-41 in Table 41, page 128, in both total amount and per capita. The per capita payments range from \$0.11 in Plumas County to \$14.80 in Los Angeles, with no payments in Alpine and Mono.

### *Tax Rates of Cities*

Tax rates in at least 78 California cities dropped for 1942-43, the current fiscal year, when compared with rates for 1941-42. In 109 cities the rate showed no change, and in 54 of the cities reporting the city tax rate went up. Table 42, pages 129 and 130, shows tax rates for 283 California cities for 1941-42 and rates for 241 cities reporting for 1942-43.

### *Property Tax Levies of Cities*

Total and per capita tax levies for each of the California cities for 1939-40, 1940-41, and 1941-42 are shown in Table 43, pages 131 to 134. The per capita levies for cities are based on 1940 census data and, where population has changed considerably, levies will be either higher or lower than that shown. It should be noted that the levies shown are for cities only; counties, schools, and frequently special districts also have property tax levies. Cities receive revenues from State and Federal subventions and, in a great many cases, from licenses and other fees.

### *Bonded Debt of Cities*

Thirty-nine California cities had no bonded debt outstanding at June 30, 1941. Per capita debt outstanding for cities ranged from a high of \$4.110 per capita in Vernon, a next to the highest of \$263.05 in San Clemente, to a low of \$0.43 in Gridley followed by 39 cities with no bonded debt owing. Vernon, an industrial area, had a population of 850 in 1940, and a bonded debt outstanding of \$3,493,209 at June 30, 1941. Table 44, pages 135 to 138, shows total and per capita bonded debt outstanding at June 30, 1941, population according to the 1940 census, and debt payments of each California city for fiscal 1941.

Due to the \$1 tax limitation for sixth class cities, and limitation of charters in others, tax levies have not increased in cities as they have in other units of government.

### *School Enrollment*

The number of children enrolled in the public schools does not follow population trends. To study school cost trends it is necessary to examine school enrollments. Elementary school unit costs are lower than those of the high school; so it is desirable to summarize trends in the respective grades. It is also useful to segregate kindergarten enrollments from the elementary grades. Day school enrollments since 1928 are detailed in Table 45, page 139, and are summarized for selected years as follows:

	Kindergarten	1-8	Grades 9-12	13-14	Total
1931-32	78,573	770,436	258,315	22,006	1,129,330
1934-35	63,925	755,446	284,211	26,835	1,130,417
1937-38	65,110	782,529	331,542	31,870	1,211,051
1940-41	70,596	767,957	362,534	44,059	1,245,146

It may be observed that kindergarten enrollment was less in 1940-41 than in 1931-32. This is also true of the elementary school (grades 1-8). High school enrollment (grades 9-12), however, increased by 104,219 to 362,534 or 40 per cent. Junior colleges, with a total enrollment of 44,059 in 1940-41, almost exactly doubled in the period. High school and junior college enrollments today are down in most places, due to the demands of the armed services and war industries.

While enrollments determine, in a large degree, the number of teachers required, costs are measured by attendance, the unit being average daily attendance (hereafter referred to as A.D.A.) Costs vary widely between grades, schools, and districts.

### *Elementary School Costs*

Average elementary school costs per A.D.A. have increased yearly from 1933-34 as follows:

School year	Average cost per A.D.A.	School year	Average cost per A.D.A.
1932-33	\$86.67	1937-38	\$98.13
1933-34	85.17	1938-39	102.36
1934-35	88.74	1939-40	105.17
1935-36	92.60	1940-41	105.99
1936-37	93.68		

The total expenditure for current purposes by elementary school districts in California during 1940-41 was the greatest on record, despite the fact that the average

daily attendance was 24,807 less than it was nine years before. The all-time high record of A.D.A. in elementary schools, including kindergarten but excluding grades 7 and 8 in junior high school, was 655,455 in 1931-32. Only 630,648 A.D.A. were reported for 1940-41, yet the current expenditure by elementary school districts was several millions of dollars greater.

Each year since 1933-34 there has been an increase in the total current expenditure of elementary schools exclusive of capital outlay and bond interest and redemption. In 1933-34 the total current expenditure was \$55,099,193; for 1940-41 it was \$66,839,494.

The state-wide averages indicate that the general trend of school expenditures has been sharply upward. The range of current expenditure per A.D.A. is wide, certainly far greater than the difference in the quality or quantity of education offered to the pupils.

The expenditures of the 209 elementary districts in California with more than 450 A.D.A. have been broken down into their major elements of teachers' salaries, auxiliary expense, and other current expense, and the results are shown in Table 47, pages 140 to 143. The 209 districts account for about 75 per cent of the total attendance and 80 per cent of total elementary expenditures.

Table 46, page 140, shows averages for groups of districts within certain limits of size as measured by A.D.A. For example, one group contains all districts having attendance of more than 4,000, the next takes in those districts with attendance between 2,000 and 4,000.

The reason for tabulating the data in Table 46 in several small groups, rather than in one large group, is to illustrate the effect of the size of the district upon the unit costs. Groups IV and V, which include districts ranging from 676 A.D.A. to 1,250 A.D.A., have unit costs which "on the average" are noticeably lower than the median or average unit costs in groups above or below that range in size. Districts with over 4,000 A.D.A. average \$20 to \$25 higher total current expenditure per A.D.A. than the middle-size districts. Spot checks of districts with less than 450 A.D.A. indicate that their unit costs are frequently somewhat higher than in the larger districts.

The expenditure for teachers' salaries is and should be the largest single item in the cost of schools. However, the fact that it varies from a low of \$36.76 to a high of \$122.40 per pupil in the 209 elementary school districts indicates that many districts might make substantial economies and still maintain a high standard. In particular, the number of pupils per teacher and the trend of enrollment should be studied to see if positions that fall vacant need be refilled.

School accounts carry a classification called auxiliary agencies and coordinate activities, in which are recorded the expenditures for a number of services, such as pupil transportation, civic center activities, cafeteria expense, and nursing services, all adjuncts of the regular school program, but not a part of it. The cost per pupil for these auxiliary items varies from a low of \$0.02 to a high of \$25.87. The smaller rural schools which have a pupil transportation problem usually spend more per pupil for auxiliary agencies than the larger urban districts.

Current expense other than for teachers' salaries and for auxiliary agencies includes administration, schoolroom and library supplies, maintenance of school plant, operation of school plant, and certain fixed charges, such as rent and insurance. Among the 209 elementary districts studied, the extreme variation for the "Other Current Expense" per pupil was from a low of \$10.72 to a high of \$77.39 per A.D.A. The group medians range from a low of \$21.01 in the districts with 451 to 550 A.D.A. to a high of \$28.07 in those with over 4,000 A.D.A.

### *Secondary School Costs*

The unit costs of secondary schools, which include high schools and junior colleges, are materially higher than those for elementary grades. Secondary school costs per A.D.A. from 1932-33 through 1940-41 average as follows:

<i>School Year</i>	<i>High Schools</i>	<i>Junior Colleges</i>
1932-33 -----	\$148.21	\$171.87
1933-34 -----	140.70	187.06
1934-35 -----	148.34	176.94
1935-36 -----	151.24	190.18
1936-37 -----	153.54	199.68
1937-38 -----	157.78	199.68
1938-39 -----	160.59	183.33
1939-40 -----	166.48	182.78
1940-41 -----	170.90	201.49

During the eight years from 1931-32 to 1939-40 A.D.A. in the high schools of California increased about 33 per cent and in the district junior colleges by about 100 per cent. During 1940-41 high school A.D.A. increased only a little more than 2 per cent, and preliminary checks indicate that for this current 1942-43 school year there will be a substantial decrease. The shortages of children observed for eight years in our elementary schools have carried through to the upper school

grades. In addition, young people are going into the armed services, war industries, or less essential employment. Careful studies made in the past indicated that if school enrollments and attendance followed their normal prewar trends, declines might be expected in junior high schools (grades 7 to 9 inclusive) until 1946 and in the senior high school level (grades 10 to 12 inclusive) until 1949. In former years, high school and junior college budgets were often increased year after year in anticipation of larger attendance.

On the junior college level (grades 13 and 14), the wartime economy has introduced a new factor not previously anticipated. Many of our young people, who in normal times might have remained in junior college, are now being drawn into the armed forces of the Nation and into both war and civilian industry. Junior college A.D.A., which in eight years grew 100 per cent, decreased 1.4 per cent in 1940-41, the school year immediately preceding Pearl Harbor. While this was a small loss, it marked a turning point in the trend which is now obvious.

The amount of the loss in A.D.A. in each high school and junior college will vary according to the circumstances within the district, and some may even increase, contrary to the general trend.

#### *Per Pupil Costs Rising*

The average current expenditure per A.D.A. in California high schools and junior colleges was higher in 1940-41 than for any year since 1932-33. While the average was higher, there are many districts which were below the average and others which exceeded the average. Table 49, page 145, shows the unit costs for 1939-40 and 1940-41 of the 176 California high school districts which had more than 300 A.D.A. in 1940-41 and of the 17 junior college districts in the State. The statewide averages show a sharp upward trend in the cost per pupil during recent years. Each district, of course, has its own peculiar problems, which are reflected in its expenditures; however, the range of current expenditure per A.D.A. is so wide that the costs of many districts appear to be distinctly out of line with the averages.

In Tables 48 and 49, pages 144 to 148, the total unit costs have been broken down into three major elements: Teachers' salaries, auxiliary agencies, and other current expense. Each of these three major classifications of costs is governed by a different set of circumstances. Frequently districts are quite similar in one of these three major classes of expenditure and differ widely in another.

#### *Comparisons*

High school and junior college costs are directly affected by the number and level of grades maintained. The cost of instruction in grades 7 and 8 in junior high schools is usually less than in the regular four-year high schools, and in grades 13 and 14 of the junior college level it is frequently greater; therefore the districts in Table 49, pages 145 to 148, have been grouped by levels of instruction offered. In order to furnish a ready measure for comparison, Table 48, Part 2, shows median or midpoint averages for groups of districts within certain limits of size measured by A.D.A. For example, one group contains all districts having an attendance of more than 5,000; the next group takes in those with an A.D.A. between 1,000 and 5,000.

In addition, size appears to have a decided effect upon the unit costs of high schools in this State. Lower median costs have a tendency to appear in the group between 1,000 and 5,000 A.D.A. The median average unit cost of districts with more than 5,000 A.D.A. is substantially higher than for other groups in the same type of school. Below 1,000 A.D.A. there is a definite trend toward high unit costs in the smaller schools.

Because teaching is the basic function of schools, the expenditure for teachers' salaries should be a more equitable basis of comparison among the several districts than the other classifications of expenditure. In the regular four-year high schools (grades 9 to 12 inclusive) the cost per A.D.A. for teachers' salaries varies from a low of \$60.04 to a high of \$161.38. The median average per pupil cost of teachers' salaries for the group of high school districts with more than 5,000 A.D.A. is from \$14 to \$32 higher than the median average for the groups below 5,000 A.D.A.

The cost per pupil for auxiliary items in the high schools and junior colleges varies from a low of less than one-half cent to a high of \$43.45. There is a very definite tendency for the per pupil cost of auxiliary agencies to be low in the larger districts and high in the smaller districts. Here, again, the principal factor in this trend is pupil transportation, which is a relatively unimportant factor in the thickly populated urban areas but becomes an item of major importance in the rural districts.

Among the 176 high school districts and 17 junior college districts studied, the extreme variation for "Other current expense" per pupil was from a low of \$27.65 to a high of \$121.75.



*Elementary School District Tax Rates*

Property tax rates in the numerous elementary school districts in California show wide variations (Table 48, page 144). No tax was levied in 299 districts in 1941-42. The distribution of tax rates in 10-cent brackets is as follows:

	No. of districts
No tax	299
Less than \$0.10 per \$100	362
Over \$0.10 and including .20	375
Over .20 and including .30	311
Over .30 and including .40	254
Over .40 and including .50	225
Over .50 and including .60	196
Over .60 and including .70	128
Over .70 and including .80	257
Over .80 and including .90	80
Over .90 and over	17
Total	2,504

Many of the very small school districts receive enough money from the school apportionments to pay for all teacher and current expense cost. Occasionally a tax is levied for extraordinary building maintenance. The higher rates are caused in some part by bond interest and redemption requirements.

*California's School Costs Compared With Nation*

California's average school cost per pupil in A.D.A., amounting to \$148.43 in 1940-41, was exceeded only by costs in the State of New York, according to data published by the United States Office of Education. Only 16 States had costs which exceeded \$100 per A.D.A. Only eight States exceeded \$120 per A.D.A. These are as follows:

1. New York	\$160.24	5. District of Columbia	\$136.71
2. California	148.43	6. Illinois	125.89
3. New Jersey	147.05	7. Connecticut	123.14
4. Nevada	138.07	8. Massachusetts	120.86

The average cost for the continental United States in 1940-41 was \$92.38 per A.D.A.; the annual costs for the period 1879-1880 through 1940-41 are shown in Table 51, page 150, together with the data by states for 1940-41 showing average daily attendance, instructional staff, expenditures and average salaries, current expenditures, and the average per pupil in A.D.A. cost.

The average salaries paid teachers show California to be the third from the highest, with \$2,373. New York was highest, with \$2,591, and District of Columbia second, with \$2,456.

*Federal Income and Expenditures*

Federal income and expenditures, other than Federal subventions to the State and local governments, are not included in "Income and Expenditures of Government in California." Both Federal Government receipts and expenditures for 1941 and 1942, shown in Tables 52 and 53, page 162, are taken from a statement by Henry Morgenthau, Jr., Secretary of the Treasury. In this statement expenditures are classified as general, war activities, revolving funds, and transfers to certain administrative funds. General expenditures are shown to drop from \$6,221,000,000 in 1941 to \$6,050,000,000 in 1942. War activities have, of course, increased tremendously in this period and continue to increase.

Federal aid to States, Territories, and local governments, by purpose, is shown in Table 54, page 163, for the year 1941; and Federal aids to States by purpose are shown in Table 55, page 163, for selected years from 1925 to 1941. These show an increase from \$113,600,000 in 1925 to \$744,200,000 in 1941. Federal subventions to California governments for the years 1929 to 1942 are shown in Table 14, page 67.

Federal aid in each of the 48 States, including both grants and shared revenues for State and for local government, are shown for 1941 in Table 56, page 164.

A description of the Federal Tax System starts on page 165. The description relates to the Federal Tax System as a whole, describing the several sources of revenue and detailing some of the larger taxes. Customs revenue made up a substantial part of the Federal total prior to World War I, as shown in Table 57, page 172. Total revenue has varied materially up to 1939-40. In 1919-20 the total revenue amounted to \$5,738,000,000. The amount declined to reach a low of \$1,878,000,000 in 1932-33, and then went to \$5,679,000,000 in 1939-40, which may be considered to be the last of the Prewar II expenditures. The Federal Budget estimate of revenue under existing taxes for 1943-44 is \$34,767,000,000.



Federal taxes related to the population of the United States are shown in Table 58, page 173. In 1919-20 the per capita tax amounted to \$54.28. The drop during the depression brought the burden to an even \$15 in 1932-33. By 1940-41 the burden was again above the 1919-20 level, amounting to \$58.45. The budget for 1943-44 calls for \$255 per capita, based on existing tax laws.

Details of receipts from the personal income, pay roll, and corporation income taxes are shown in Tables 59 and 60, pages 174 and 175. Taxes on commodities, services, and occupations are contained in Table 61, page 176. The detail of motor vehicle taxes is shown in Table 62, page 177, and that for inheritance, gift, and other taxes on transactions in Table 63, page 178.

#### *Federal Tax Burden in California*

As previously shown, income in California is high compared with that of the Nation. For that reason people in California pay a larger part of Federal taxes than taxpayers in most other States. The average of the Federal burden for the Nation as a whole is \$755 as previously stated. Figuring the portion of the burden which will fall on California (Table 64, page 181), it becomes evident that the California burden will be about \$310 per capita in 1943-44 (based on existing laws). This is an increase from \$30.59 in 1933-34. Increases in Federal taxation will increase this burden.

#### *California's Ability to Bear Tax Burden*

A Federal tax burden in California of \$310, plus an estimated State and local tax burden of about \$100, gives a total of \$410 per capita. This is a terrific burden of taxation. Under normal conditions a tax as severe as this would curtail the standard of living of most persons. However, the stopping of production of many items which go into a normal standard of living, together with the rationing of many essential items, is going to reduce the standard of living of almost every person in California.

It has been pointed out by authorities in State Departments that the reduction of several of the State taxes, including corporation and income taxes, will not be a complete reduction to the California taxpayer. It is estimated that a large part of such reduction would flow into the Federal treasury because such items would not be deductible in making out the Federal tax statements. Thus, the taxpayers in California would still have a very heavy tax burden in spite of any State tax reduction that the Legislature in its wisdom may make.

#### *Salaries and Wages*

Salaries and wages have been increased by a large number of governmental jurisdictions in the State of California, including the State Government, to offset increases in the cost of living. While these increased costs have been in some degree offset by vacancies in positions, with the corresponding savings in pay rolls, the cost of service has frequently increased to the taxpayer.

In 1942 the State placed in effect a salary increase of \$15 for each employee. This \$15 increase was included in the Governor's Budget for the Fiscal Biennium 1943-45 and was stated to amount to some \$10,000,000.

The Legislature recently passed an act providing, for the balance of the current biennium, salary increases of \$25 per month for employees receiving under \$300 a month, and \$20 for those over \$300. The increased salary cost by the recent action is roughly estimated to amount to \$6,000,000, and would give salary increases totaling \$16,000,000. In considering the total revenues of the State and the surplus, this amount is apt to appear small. However, it exceeds the estimated yield of inheritance taxes, which are expected to yield \$15,000,000 for the biennium.

The cost of living index, as reported by the United States Bureau of Labor, is based on the purchase of commodities, many of which are no longer being manufactured, services which have been reduced, and food items, some of which are no longer available or are being rationed. There is considerable question as to whether the index ever was thoroughly sound for salary purposes. At the present time its use is thoroughly discredited.

#### *Aid to the Needy Aged*

The number of persons who are receiving old age assistance in California reached a maximum of 158,723 in December, 1941. Since that time the roll has decreased and, in December, 1942, numbered 153,896. The number receiving assistance is approximately 25 per cent of the total number of people in California who are 65 and over.

The saturation point in aid to the aged has been discussed and attempts to determine it have been frequently made. Some persons may believe that, in view of the fact that old age assistance has leveled off at approximately 25 per cent of the num-

ber 65 and over, the saturation point has been reached. There appears to be no saturation point with respect to aged assistance. The number who apply for and receive aid is dependent on the generosity of the people as expressed in the eligibility requirements. A liberalization of any feature of eligibility in the past has brought a greater number on the roll.

If the present legal provision for the responsibility of relatives for support of needy members of their families, is eliminated and assistance is regarded as a right, rather than based on need, the cost will become huge. It is estimated that to give \$60 per month per person over 60 years as a right would cost nearly \$700,000,000 per year in California in 1943 and would increase. The cost under similar conditions for persons over 65 would be over \$400,000,000. The total expenditures for all forms of government in California, exclusive of direct Federal expenditures, totaled \$765,000,000 in 1941-42. Thus a liberalized program of aid to the aged could nearly double expenditures.

### *Conclusion*

The data presented show that governmental costs and taxes in California have increased materially in the last decade, despite the depression. Total State and local expenditures in California in fiscal 1932 were \$498,000,000; in fiscal 1942 they amounted to \$765,000,000. Per capita State and local expenditures in fiscal 1932 were \$83.71; in fiscal 1942 they were \$103.08. State expenditures per capita accounted for \$10.43 of the increase; expenditures of the counties, cities, schools, and other districts for the remainder.

In considering the State surplus, taxes, and expenditures, it must be remembered that California, in its future growth, is in business competition with all the other States. And, for the duration of the war, it must not interfere with the war effort in its demands for men, materials, or tax money.

While the desire for expanded government services may be great, we must respect the limits of our ability to pay—not only State and local taxes, but the Federal tax bill for the war. We must take the long view and build soundly for a better postwar future, which to the taxpayer—in fact everyone—means the best government service necessary at the least possible cost.

## APPENDIX 8

### Statement to Governor's Pension Committee

Presented by A. J. McFADDEN

Past President, California State Chamber of Commerce

LOS ANGELES, MARCH 12, 1943

In his letter of February 25, 1943, to the chairman of this committee, the Governor set forth four fields which he thinks warrant the attention of this group, and in addition made certain statements with respect to his own opinions or conclusions as to certain changes in the old age security laws or administration which should be made. By formal action, we have indicated our approval of the objectives stated by the Governor, and have thereby established a basis for our own consideration of the many grave problems connected with old age security in California.

The California State Chamber of Commerce has long been concerned with the matter of old age security, not only from the standpoint of the taxpayer, but equally from that of maintaining as adequate a program as is consistent with the welfare of all the other groups which together make up our State's economy. As early as 1935, even before the public assistance provisions of the Federal Social Security Act went into effect, the chamber established a special committee on old age aid to investigate the possible effect of anticipated Federal legislation, and to report its findings thereon. The interest thus expressed has not waned, and the chamber's tax, research and social security committees have continued to follow both legislative and financial developments closely.

It is with the feeling that perhaps something of the experience gained during the past eight years may be helpful to us in our deliberations that this statement is presented. Neither the factual material, nor the financial estimates by way of illustration, should be regarded as indicative of the position of the State Chamber of Commerce with respect to any of the proposals before this committee or introduced as bills in the present Legislature. The position of the chamber can be determined only by action of its appropriate committees and the board of directors.

### *History of Old Age Security*

Before entering into a discussion of the fields of exploration enumerated in the Governor's communication, it might be well to review briefly the chronology of old age security in California, both before and after the advent of Federal assistance.

California was probably the first State in the Union to extend assistance from State resources to her aged citizens, as a class distinct from the general body of indigent. Section 22 of Article IV of the Constitution of 1879 empowered the State to grant aid to private institutions for orphans, or aged persons in indigent circumstances, provided such aid was granted by uniform rule, and further empowered similar grants to local subdivisions on the same basis. Beginning in 1883, grants were made to the counties at the rate of \$180 per year per case. Costs were entirely controlled by the counties, and rose so rapidly that the law providing the grants was entirely repealed in 1895, when the expenditure was 7 per cent of total State revenues.

After this experience, it was 30 years before our Legislature again seriously considered the problem of the needy aged. In 1925, an aged assistance law passed the Legislature, but was vetoed. It was not until 1929, after an intensive investigation, that the present Old Age Security Act, in its original form, was enacted. This act was not the first State aged assistance law to go into actual operation, but it did establish the present pattern in several important respects: It was the first truly state-wide law, being mandatory on the counties; and it was the first to bring in the broader tax base of a State Government to help carry the financial burden.

Major provisions of this original law were relatively few and simple:

1. County administration, with county and State dividing the cost of aid equally;
2. Seventy-year age limit;
3. Fifteen-year residence requirement;
4. Fifteen-year citizenship requirement;
5. Aid plus income from all sources could not exceed \$1 per day; and
6. The applicant could not own property of more than \$3,000 actual value.

Experience during the first four or five years under this act demonstrated that an adequate amount of aid could be granted without unduly burdening either counties or the State, though both caseload and cost rose rapidly. From approximately 6,000 cases in June, 1930, the number increased to 22,300 by June, 1935, from \$2,213,000 in 1930-31, total aid cost multiplied to \$4,965,000 for Fiscal Year 1934-35.

Congressional consideration of National legislation for the aged again brought the terms of California law under review in 1935. Anticipating the terms of the Social Security Act as it was finally enacted, the Legislature rewrote our law in order to qualify for Federal grants to meet specific National requirements. It:

1. Lowered the residence requirement to five within nine years;
2. Lowered the citizenship requirement to simple citizenship;

Over and above these requirements, however, the Legislature made further liberalizing changes not required by the Social Security Act:

1. It lowered the age limit to 65, effective September, 1935, when Federal law did not require it until 1940;
2. It changed the valuation of permitted property from actual to assessed basis, thus practically doubling the effective amount;
3. It increased the maximum grant to \$35 per month, and set a minimum of \$20.

The California Act was approved by the Social Security Board, and Federal grants became available in April, 1936.

The effect of these major amendments to our law were startling, even to those who had anticipated their results. By June, 1936—only 12 months after the last figure mentioned above—caseload was more than 42,000—almost double in one year; at the peak in 1940, 158,000 aged received assistance. Costs skyrocketed, from \$8,000,000 in 1935-36 to \$23,000,000 in 1936-37, and to a peak of \$68,478,000 in 1940-41.

In 1937, the Legislature made the flat \$35 grant fully effective by exempting \$15 of earnings, and certain other income. The next major change was enabled by our Legislature in 1939 but made effective by the 1939 amendments to the Social Security Act. Effective January, 1940, Congress raised the maximum Federal share to \$20 per case month, and it was ruled that this automatically raised the California maximum to \$40 per case.

Viewed in the light of the flat grant basis established in our California law, an equally significant 1939 change in the Social Security Act was the requirement that, beginning July 1, 1941, the States should, "in determining need, take into consideration any other income and resources of an individual claiming old-age assistance." The results of this latter requirement have been discussed at length by this group, and need not be touched upon here.

This chronology of old age assistance demonstrates two things: First, California has been neither slow nor niggardly in providing for her aged indigent citizens. Generally, we have preceded other States and the Federal government in our



enactments, and the average monthly grant we pay—Colorado with its generosity and its difficulties notwithstanding—has consistently provided a mark for other jurisdictions.

Second, we have not always paid sufficient attention to the obvious limitations on our own ability, within our law, to pay the assistance we grant. As witness, early in 1937, Del Norte County found it impossible to pay its aged recipients on a cash basis, and consequently for a time the Federal grant was threatened; in that same year, Los Angeles County was obliged to ask for help in meeting its administrative cost; and in 1938-39, the Legislature felt obligated to relieve the counties of \$6,000,000 in aged aid costs they would otherwise have had to bear.

Reflected in terms of tax rates, the average burden on real property rose from one cent per \$100 in 1930-31 to three cents in 1934-35, and 24 cents in 1940-41. Stated differently, while the total assessed valuation fell 30 per cent (10 billion dollars to 7 billion dollars), the county cost of old-age aid multiplied 1600 per cent (1 million dollars to 17 million dollars).

This chronology also would seem to demonstrate that we must approach the task before us with due regard for all of the factors involved in order to arrive at recommendations which will be equitable both to the aged and to the whole population of California, and which our economy will support under conditions far different from the present. If we fail in this, it is entirely conceivable that what happened in 1895 may repeat itself.

#### *Suggestions of Governor Warren*

The first of the fields of exploration suggested in the Governor's letter of February 25 is the sufficiency of the present pension. In connection with this matter, the Governor indicated that "we must give full consideration to the continuing advance in the cost of living and to the fact that people can not now live on \$40 a month."

It would seem that no reasonable person could deny the validity of the first factor in this statement of the Governor's—that with respect to the continuing advance in the cost of living. It might well be borne in mind, however, that this advance affects not only the aged, but every citizen in California and the Nation. Despite recent sizable increases in California and National income, most citizens and taxpayers are confronted by a two-edged attack on their finances—a ceiling on income, and enormous increases in Federal taxation necessary to win the war. This is in addition to the attack on their standard of living caused by rationing and shortages of civilian supplies.

As for the second factor, that relating to the inadequacy of \$40 a month, there are a number of important considerations which might properly be borne in mind. To enumerate, these are:

1. The effect of present law upon total income available to old-age assistance recipients;
2. The outlook with respect to employment for aged persons both at present, and in the future;
3. The ability of the State and counties to pay a larger grant, during and after the war, regardless of Federal participation in the addition; and
4. The possible effect of proposals for increased payments upon State and county finances.

The discussion of these matters at this point will be without consideration of Federal legislation or administration, which will be referred to later. Nor will comparisons with other States be mentioned.

*1. Effect of Present Law.* We have been informed that under present law, and with the consent of the Social Security Board, all recipients are now being offered, on an experimental basis, the option of having their needs budgeted, and that many of them are accepting the option. For those who accept the option, and whose grants are still less than \$40, there is the possibility of increasing the budget allocation for certain items, as has been done recently in the case of food, and thus provide a larger grant. For those now receiving the full \$40, apparently only legislation could enable any increase. The payment of \$40 under the budget plan would seem to leave room for a considerable amount of part-time earnings from essential work.

It would seem obvious that the value of the present \$40 varies wildly as between individuals, and generally, between counties. Cost indices vary even between the two metropolitan centers, and it would appear that there can be no equity, either between aged or taxpayers, in granting a disproportionate excess over a decent amount.

*2. Employment Outlook for the Aged.* The continued stringent lack of manpower for both agriculture and industry has greatly improved the demand for services of the aged. A recent report of the State Department of Social Welfare reveals that case closings because of earnings were five times higher for the period July-December, 1941, than they were during July-December, 1940, and we are informed that the trend



is still upward. Employment Service placements of aged persons reveal the same strong trend. A question which the committee might wish to consider is, "Would an increase in the benefit amount now deter the aged from seeking employment during the National emergency?"

What employment conditions will be after the war is anybody's guess. It seems logical to presume that many aged now working will require this form of assistance, so it would seem advisable to maintain it on a basis we can afford after the war.

**3. Ability to Pay a Larger Grant.** This matter divides itself into two closely inter-related parts, first, the ability of the State to increase its contribution, and second, that of the counties.

With respect to State finances, much is being made of the present and prospective surplus in the General Fund. Admittedly this surplus is accumulating because of war activity. It would therefore appear exceedingly unwise to regard it as anything more than a windfall which, in the Governor's words, "constitutes a sacred trust" collected from all the people and should be expended or preserved only for uses which will redound to the benefit of all."

Certain plain facts concerning State finance are: (1) The Governor has appointed another committee, whose assigned task it is to recommend appropriate reductions in State taxes, and thus decrease the prospective surplus; (2) there are other functions of government upon which war is making great demands, and those of necessity will compete with the aged for whatever additional funds are available; and (3) our postwar financial situation is still a matter of conjecture, and it would therefore seem downright unfair to the aged as well as to our whole body politic to enact a program we could not support after the emergency.

Concerning the ability of California counties to participate in financing payment of larger grants, there also appears abundant evidence of need for extreme caution. The proposal of the Supervisors' Association that county participation in the present program be limited to a maximum of \$5 per case month has been put before this committee. The fact that taxes on real and personal property are the only source of county revenue has been mentioned, and the substantial decrease in total assessments since 1930 has already been cited. We have also been informed that the removal of taxable property from the rolls by Federal acquisition for war purpose has created a problem of great magnitude.

Converting the admittedly conservative estimates of cost in the Governor's Budget to tax rates per \$100 value gives another indication of the difficulties with the present program, which confront most counties. Necessary rates range from a minimum of 7 cents in King and Kern counties, through 15 cents for Marin and San Francisco, 25 cents for Los Angeles, to 55 cents for Santa Cruz and to a maximum of 74 cents for Trinity.

When we view this situation in connection with the probability that county revenues will also undergo major readjustment after the war, we can really begin to appreciate the significance of the question, "Can the counties participate in larger grants?"

**4. Proposals for Expansion and Increased Payments.** Members of the committee are acquainted with the various proposals submitted to it for increased grants, for expansion to cover the age 60-64 group, or for both, so there is no necessity to enumerate them here. From the foregoing, the importance of weighing these proposals in accordance with their effect on State and county costs should be apparent.

At the request of a member of the Legislature who is also a member of this committee, estimates of cost covering the Biennium 1943-45 for these proposals in their varying combinations have been prepared by the State Department of Social Welfare, and have been published in the Assembly Journal. Subject to later slight changes, these estimates reveal that, for instance, the State's share of paying \$60 per month only to the group 65 and over would exceed \$65 million per biennium (\$32.5 million per year) as compared to approximately \$33 million per biennium (\$16.5 million a year) for the present program. Bringing in the 60-64 group, for which the Federal Government would not contribute, and paying only \$50 per month, would increase State costs to approximately \$75 million a biennium, \$37.5 million per year. Similar sizeable increases in cost would be created by any other such proposals.

Using these same department estimates as a basis for considering county costs, and converting them to tax rates per \$100 assessed value to make readily apparent their effect, we find that the additional burden would vary widely as between counties, and generally speaking, would strike hardest at those counties least able to pay. For example, using the cost forecast with a 60-year age limit, a \$50 grant, cost divided as under present law, we find that for 1943-44 under present law Trinity County's rate would jump to \$1.41 as compared to 74 cents; Santa Cruz would go to \$1.04 as compared to 55 cents; Los Angeles, 48 cents as against 25; and Alameda, 34 cents as compared to 18. It might perhaps be well to give a thought to what this doubling of costs would mean to the security of the small homeowner.

With reference to the estimates of the Social Welfare Department, some doubt has been expressed on the grounds that they are too conservative, do not reflect to any extent the additional increment of cases which might be expected from certain changes, and relate principally to the next biennium, which is obscured by the war. On the thought that it might be helpful to the committee to prepare estimates taking into account these factors as far as possible, certain forecasts have been made independently. However, it is acknowledged that there is no actuarial basis upon which estimates of old-age assistance costs can be made; the best that can be prepared are only "informed guesses." Therefore, assumptions based on these estimates are merely presented by way of illustration of what might happen.

Assuming that present provisions of law were to continue, on the basis of these estimates total California old-age costs during postwar 1945-46 would total \$67,000,000. State and county shares would each be slightly more than \$16,000,000. Assuming, however, a \$60 per month grant, the 60 year age limit, and no relatives responsibility, the total cost would approach \$177,500,000, and the total State and county contribution would be \$133,000,000. With the further assumption that this amount would be divided two-thirds State, one-third county, the county share would total \$44,000,000. On this basis, tax rates for selected counties would be: Trinity, \$2; Santa Cruz, \$1.47; Alameda, 49 cents; San Francisco, 41 cents; and Los Angeles, 68 cents.

#### *Administrative Practices*

The second suggested point for investigation mentioned in the Governor's letter is the reasonableness of present administrative practices.

In connection with this matter, there are only two points which it seems advisable to raise for committee consideration. First, it is apparent that many recipients confuse the aid granted by the present program with an outright pension, and resent the investigation necessary to establish their need. Second, other States, such as Oklahoma, Texas and Ohio have had Federal old age subventions withdrawn for various periods because of maladministration; such action with respect to California for the same reason has apparently never been considered.

#### *Eligibility—Conformity with Federal Legislation*

The third point—eligibility for pension, and the fourth—"Forward Looking Legislation" committing California to immediate action if and when the Federal Government will authorize it under its social security legislation—are so closely interrelated that they will be reviewed together at this point.

In passing, however, it might be appropriate to indicate that within the fourth point, it is conceivable that this committee might be precluded from considering any proposed programs which can not be "authorized" under existing Federal social security legislation. Separately, the Governor has stated his belief that we might adopt legislation declaring our readiness to act when Congress authorizes similar action throughout the Nation, but there is no indication that our recommendations should encompass programs or provisions which might threaten stoppage of Federal aid.

The principal points concerning eligibility to which the attention of the committee has been directed are:

1. The income of an applicant from earnings;
2. The imputed value of real and personal property; and
3. The responsibility of relatives.

Each of these factors affects not only the rights of present recipients to larger grants, but also the rights of otherwise eligible nonrecipients to qualify for any grant.

From material already presented to the committee, and from our discussions, it would appear that no satisfactory solutions to these problems can be developed until we succeed in framing such questions to the Social Security Board as will elicit some understandable and firm statement as to the limits beyond which the Federal Government considers it can not go under present Federal law. It would appear useless for us to recommend legislation exempting any type of income, or repealing any requirement that certain resources be applied against the grant, as long as the Social Security Board insists that "any other income or resources" means any income or resources, regardless of derivation.

This conclusion leads to a consideration of the somewhat embarrassing plight in which the Social Security Board finds itself—a plight which probably reflects itself into our California situation. The Federal Old Age Insurance and Survivors System has not previously been referred to herein, but its existence should not be overlooked. Old age insurance is the nation-wide, permanent pension system; old age assistance is merely, and designedly so, the stop-gap program established to care for the group already aged when social security went into effect and for those not covered under the contributing program. Throughout the Nation, some 50,000,000 workers, including perhaps 3,000,000 in California, are through their own contribu-

tions slowly acquiring rights to a pension which may not average \$25 for the worker, \$13 for his wife. Yet, under an aged-aid system as liberal as our present California program, an aged couple without resources can qualify for \$80 per month. It would take a worker earning \$250 per month 35 years to qualify himself and wife to receive \$80 per month under old age insurance.

The Social Security Board has a responsibility to those 50,000,000 workers to see that the insurance for which they pay and which is their right is available when due, and that the amounts they receive are not overshadowed by those paid to another class of the aged. With these facts in mind, perhaps we can appreciate as very pertinent the concern of the Social Security Board that the declared intent of Title 1 of the Social Security Act be preserved; namely, to provide assistance to the needy aged in accordance with their resources and needs, on as liberal a basis as possible.

#### Expenditures for Old Age Assistance in California

Year	Federal contributions	State contributions	County contributions	Total aid granted
1929-30-----	-----	\$320,551	\$320,551	\$641,102
1930-31-----	-----	1,106,754	1,106,754	2,213,508
1931-32-----	-----	1,495,343	1,495,343	2,990,686
1932-33-----	-----	1,812,062	1,812,062	3,624,124
1933-34-----	-----	2,069,410	2,069,410	4,138,820
1934-35-----	-----	2,482,440	2,482,440	4,964,880
1935-36-----	\$1,401,235	3,616,996	3,616,996	8,625,227
1936-37-----	10,604,193	6,432,485	6,432,485	23,469,167
1937-38-----	16,991,076	10,783,525	10,783,525	38,558,126
1938-39-----	21,506,808	19,620,332*	7,620,332*	48,747,472
1939-40-----	27,004,715	15,053,725	15,053,725	57,112,165
1940-41-----	34,239,265	17,158,108	17,081,154	68,478,527
1941-42-----	34,209,166	17,158,287	17,072,509	68,439,962
1942-43†-----	34,093,760	17,132,586	17,015,315	68,241,661
1943-44‡-----	33,216,225	16,761,329	16,574,896	66,552,450
1944-45‡-----	31,640,163	15,971,721	15,788,441	63,400,325

\* Counties were granted \$6,000,000 extra State aid for the year 1938-39 but this grant was not subsequently reelected.

† Expenditures for current fiscal year partly estimated.

‡ Estimates contained in Governor's Budget as submitted to the Legislature on January 30, 1943.

NOTE: Downtrend in expenditures starting in 1941-42 is due to effect of war employment and it is expected that the uptrend will be resumed when war activity draws to a close.

#### California State Chamber of Commerce Tax Department February 23, 1943

##### OLD AGE SECURITY

#### Total Taxable Property Compared With County Aged Aid Costs and Average Tax Rate, 1930-1940

Year	Total taxable property assessed (thousands)	County share, aged aid	Estimated average tax rate per \$100
1930-----	\$10,203,866	\$1,106,754	\$0.01
1934-----	7,807,488	2,482,440	.03
1940-----	7,138,621	17,081,154	.24

Decrease 1930-40, 30 per cent

Increase 1930-41, 1600 per cent

Social Security Department, California State Chamber of Commerce  
March, 1943



## OLD AGE SECURITY

Estimated Tax Rates Under Various Proposed Changes in Law,  
County Shares Only, Fiscal Year 1943-44

## Tax Rates per \$100 Assessed Value

County	Budget esti- mate 1943-44, present law	65-yr. limit, \$50 grant— present cost, division	65-yr. limit, \$50 grant— $\frac{2}{3}$ co., cost division	60-yr. limit, \$50 grant— present cost, division	60-yr. limit, \$50 grant $\frac{2}{3}$ co., cost division	60-yr. limit, 15-yr. res., co. cost \$10 max. per case	60-yr. limit, 5-yr. res., co. cost \$10 max. per case
Alameda.....	\$0 18	\$0 27	\$0 18	\$0 34	\$0 23	\$0 23	\$0 25
Alpine.....	.12	.17	.11	.22	.14	.14	.16
Amador.....	.15	.22	.15	.28	.18	.18	.20
Butte.....	.44	.66	.44	.84	.56	.55	.67
Calaveras.....	.24	.36	.24	.46	.30	.30	.33
Colusa.....	.18	.26	.17	.33	.22	.22	.23
Contra Costa.....	.08	.11	.07	.14	.09	.09	.10
Del Norte.....	.51	.76	.51	.96	.64	.64	.69
El Dorado.....	.30	.44	.30	.56	.37	.37	.40
Fresno.....	.13	.20	.13	.25	.17	.16	.18
Glenn.....	.22	.34	.22	.43	.28	.28	.30
Humboldt.....	.35	.51	.34	.64	.43	.42	.46
Imperial.....	.16	.25	.16	.31	.21	.21	.22
Inyo.....	.15	.23	.15	.29	.19	.19	.21
Kern.....	.07	.11	.07	.14	.09	.09	.10
Kings.....	.07	.10	.07	.13	.08	.08	.09
Lake.....	.47	.70	.47	.88	.59	.59	.63
Lassen.....	.16	.24	.16	.31	.20	.20	.22
Los Angeles.....	.25	.38	.25	.48	.32	.32	.34
Madera.....	.22	.33	.22	.42	.28	.28	.30
Marin.....	.15	.22	.15	.28	.18	.18	.20
Mariposa.....	.51	.77	.51	.97	.65	.64	.69
Mendocino.....	.39	.59	.39	.74	.49	.49	.53
Merced.....	.16	.23	.16	.30	.20	.20	.21
Modoc.....	.20	.31	.20	.39	.26	.26	.28
Mono.....	.11	.17	.11	.21	.14	.14	.15
Monterey.....	.12	.17	.11	.21	.14	.14	.15
Napa.....	.27	.41	.27	.52	.34	.34	.37
Nevada.....	.29	.43	.29	.54	.36	.36	.39
Orange.....	.18	.26	.18	.33	.22	.22	.24
Placer.....	.19	.29	.19	.36	.24	.24	.26
Plumas.....	.10	.15	.10	.20	.13	.13	.14
Riverside.....	.38	.57	.38	.72	.48	.48	.51
Sacramento.....	.25	.37	.25	.46	.31	.31	.33
San Benito.....	.16	.24	.16	.30	.20	.20	.21
San Bernardino.....	.34	.52	.34	.65	.43	.43	.47
San Diego.....	.32	.47	.32	.60	.40	.40	.43
San Francisco.....	.15	.23	.15	.29	.19	.19	.20
San Joaquin.....	.22	.32	.22	.41	.27	.27	.29
San Luis Obispo.....	.26	.40	.26	.50	.33	.33	.36
San Mateo.....	.09	.14	.09	.18	.12	.12	.13
Santa Barbara.....	.13	.19	.13	.24	.16	.16	.17
Santa Clara.....	.23	.34	.23	.43	.29	.29	.31
Santa Cruz.....	.55	.82	.55	1 04	.69	.69	.74
Shasta.....	.19	.29	.19	.37	.24	.24	.26
Sierra.....	.34	.49	.33	.62	.41	.41	.44
Siskiyou.....	.30	.43	.29	.54	.36	.36	.39
Solano.....	.11	.17	.11	.21	.14	.14	.15
Sonoma.....	.36	.54	.36	.68	.45	.45	.49
Stanislaus.....	.27	.41	.27	.52	.35	.34	.37
Sutter.....	.21	.32	.21	.40	.27	.27	.29
Tehama.....	.30	.44	.29	.56	.37	.37	.40
Trinity.....	.74	1 11	.74	1 41	.91	.93	1 01
Tulare.....	.24	.35	.24	.45	.30	.30	.32
Tuolumne.....	.32	.48	.32	.60	.40	.40	.43
Ventura.....	.14	.21	.14	.26	.18	.18	.19
Yolo.....	.22	.33	.22	.41	.28	.27	.30
Yuba.....	.32	.47	.31	.59	.40	.39	.42

Tax rates based on cost estimates prepared by State Department of Social Welfare.

Research and Social Security Departments  
California State Chamber of Commerce  
March, 1943



## OLD AGE SECURITY

## Comparisons Between California and Selected States

State	Population over 65 as per cent of National total over 65	Old age aid		Old age and survivors insurance		Railroad retirement	
		Number of recipients as per cent of National total	Amount of payments as per cent of National total	Number of recipients as per cent of National total	Amount of payments as per cent of National total	Number of recipients as per cent of National total	Amount of payments as per cent of National total
California.....	6.19	7.06	12.05	5.99	6.47	5.17	5.39
Illinois.....	6.34	6.67	7.78	6.94	7.39	7.53	7.46
New York.....	10.29	5.42	6.77	13.38	14.34	7.84	7.92
Ohio.....	6.02	6.23	6.89	6.42	6.69	6.83	6.99
Pennsylvania.....	7.56	4.52	4.57	10.45	10.61	13.67	14.48
Texas.....	3.87	7.27	6.53	2.79	2.44	2.86	2.91

	Total population	Number over 65	Percent-age
The Nation.....	131,669,275	8,956,206	6.80
California.....	6,907,387	553,247	8.04
Illinois.....	7,895,241	567,963	7.19
New York.....	13,479,142	922,356	6.84
Ohio.....	6,907,612	539,729	7.81
Pennsylvania.....	9,920,180	677,468	6.84
Texas.....	6,414,824	347,495	5.42

Research Department  
California State Chamber of Commerce  
March, 1943

## Estimated Cost of Old Age Assistance in California—Fiscal Year 1945-46

I. On basis of continuation of present law				
Estimated average monthly cost.....	146,476			
Costs paid at average monthly payment per case of \$37.75.....		\$57,266,550		
Total Federal cost.....			\$7,499,114	
Balance divided on present 50-50 basis between State and counties.....				
State cost.....			36,117,398	
County cost.....			38,007,796	
Balance divided on two-thirds State, one-third county basis.....				
State cost.....			51,506,697	
County cost.....			26,745,499	
II. If law is amended for full calendar year, assuming:				
1—40 year age limit.....				
2—\$80 monthly maximum grant.....				
3—Exemption of recipient institutionalized.....				
Estimated average monthly cost.....	270,840			
Costs paid at average monthly payment per case of \$37.75.....		177,020,000		
Total Federal cost.....			44,071,990	
Balance divided on present 50-50 basis between State and counties.....				
State cost.....			66,560,000	
County cost.....			66,560,000	
Balance divided on two-thirds State, one-third county basis.....				
State cost.....			88,905,000	
County cost.....			44,237,000	
III. Difference in cost to counties between I and II.....				
Divided on 50-50 basis.....			56,470,000	
Divided on two-thirds State, one-third county basis.....			38,492,000	
IV. Estimated cost and corresponding tax rates, proposed counties, I and II:				
(Two-thirds State, one-third county division of cost)				

County	Cost	Tax rate	Cost	Tax rate
Alameda.....	\$668,410	12	\$2,348,187	40
Butte.....	177,238	25	549,698	1.39
Fresno.....	500,720	36	1,462,841	55
LA.....	25,011	30	176,499	1.25
San Joaquin.....	4,508,170	10	14,401,879	68
Madera.....	49,427	10	240,449	30
Merced.....	17,100	20	70,775	1.58
Monterey.....	200,000	25	970,540	1.60
San Bernardino.....	348,691	20	1,048,737	60
San Diego.....	548,901	15	2,251,921	85
San Francisco.....	828,844	10	3,375,248	41
San Mateo.....	80,000	40	321,578	25
Santa Cruz.....	104,601	30	570,677	1.47
Tulare.....	17,100	30	58,776	2.00

Revenue and Social Security Department  
California State Chamber of Commerce

March, 1946

## APPENDIX 9(a)

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following bill is indicated by being enclosed within brackets.

**ASSEMBLY BILL****No. 660**

INTRODUCED BY MESSRS. KILPATRICK, MASSION, DEBS, CROWLEY, GAFFNEY, BURKHALTER, BENNETT, BRADY, HOLLIBAUGH, McMILLAN, ANDERSON, THOMAS, ALLEN, HEISINGER, CRICHTON, ROSENTHAL, DOYLE, BROWN, DUNN, LOWREY, PELLETIER, MIDDOUGH, EVANS, BECK, DILES, CLAYTON A., COLLINS, GEORGE D., HAWKINS, LYONS, JOHN C. HAGGERTY, GANNON, KING, O'DAY, AND BERRY

JANUARY 22, 1943

REFERRED TO COMMITTEE ON SOCIAL WELFARE

*An act to amend Sections 2000, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2186, 2187, and 2221 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Division 3 thereof, to add Sections 2000.1, 2000.2, 2014, 2015, 2016, 2020.1, 2020.2, 2141.5, 2143, 2161.5, 2163.5, 2163.4, 2166, 2182.1, 2187.5, and 2224.5 thereto, and to repeal Section 2224 thereof, relating to aid to the aged, designating such aid as senior citizens grants, providing for the amount thereof, the age, residence, and property qualifications therefor, and for the administration thereof, releasing State and county claims for reimbursement therefor, and making an appropriation.*

*The people of the State of California do enact as follows:*

SECTION 1. The chapter heading of Chapter 1 of Division 3 of the Welfare and Institutions Code is amended to read:

CHAPTER 1. [OLD AGE SECURITY LAW] SENIOR CITIZENS GRANTS LAW

SEC. 2. Section 2000 of said code is amended to read:

2000. This chapter may be cited as the [Old Age Security Law] *Senior Citizens Grants Law*.

SEC. 3. Section 2000.1 is added to said code, to read:

2000.1. As used in this chapter, the following terms have the meanings set forth in this section:

(a) "Applicant" means any person applying for a senior citizens grant under this chapter.

(b) "Recipient" means any person receiving a senior citizen grant.

(c) "Grant" or "senior citizen grant" means the funds, Federal, State, and county, made available to recipients under this chapter.

(d) "Senior citizen" means a person eligible for a grant under this chapter.

(e) "Department" means the State Department of Social Welfare or any other agency or department which may hereafter be designated to administer the provisions of this chapter.

(f) "County welfare director" means director for a county.

(g) "State Welfare Director" means the administrative head of the State Department of Social Welfare.

(h) "Aid" or "aid under this chapter" means a senior citizen grant.

(i) "Division of State Aid to the Aged" means the Division of Senior Citizens Grants in the State Department of Social Welfare. Wherever in any provision of law reference is made to the Division of State Aid to the Aged, such reference shall be construed to refer to the Division of Senior Citizens Grants.

SEC. 4. Section 2000.2 is added to said code, to read:

2000.2. As used in this chapter, "income" means regular or recurrent gains in cash or kind, excepting therefrom all of the following:

(a) The value of the use or occupancy of the premises in which the applicant resides.

(b) Foodstuffs, livestock, fuel, light or water produced by or donated to the applicant or the applicant's family exclusively for the use of the applicant or the applicant's family.

(c) Casual gifts in cash which do not exceed one hundred dollars (\$100) in any one year.

(d) Casual gifts in kind which do not exceed one hundred dollars (\$100) in any one year.

(e) The proceeds from the sale of property the possession of which does not render the applicant ineligible under Section 2163 or Section 2164 of this chapter, if such proceeds are used for the purchase of property the possession of which does not render the applicant ineligible under Section 2163 or Section 2164.

SEC. 5. Section 2014 is added to Article 1 of Chapter 1 of Division 3 of said code, to read:

2014. All papers and records pertaining to his case on file in the Department of Social Welfare or on file in any county office or elsewhere shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent.

SEC. 6. Section 2015 is added to Article 1 of Chapter 1 of Division 3 of said code, to read:

2015. A copy of all laws relating to the application and granting of aid under this chapter shall be given to each applicant therefor upon request. Copies of the rules and regulations of the State Department of Social Welfare shall be made available to the public in each county office and in each local or regional office of the department administering aid under this chapter.

SEC. 7. Section 2016 is added to Article 1 of Chapter 1 of Division 3 of said code, to read:

2016. Every applicant shall be given an itemized report setting forth the amount of aid granted, the deductions, if any, made, and the specific provision of law or rule which is the reason for each deduction.

SEC. 8. Section 2020 of said code is amended to read:

2020. The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, [forty dollars (\$40)] *sixty dollars (\$60)* per month. If, however, in any case it is found the actual need of an applicant exceeds [forty dollars (\$40)] *sixty dollars (\$60)* per month, such applicant shall be entitled to receive aid in an amount, not to exceed [forty dollars (\$40)] *sixty dollars (\$60)* per month, when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

SEC. 9. Section 2020.1 is added to said code, to read:

2020.1. Upon the death of a recipient of aid under this chapter, funeral expenses in a sum not over one hundred dollars (\$100) shall be allowed and paid by the county administering the aid, as a part of the aid to which the person is entitled. For the purpose of paying such expenses, the recipient of aid shall be considered to be a living person under Section 2021 until money for the payment of the claim for funeral expenses is available.

SEC. 10. Section 2020.2 is added to said code, to read:

2020.2. In addition to the aid provided for in Sections 2020 and 2020.1 of this code, every person eligible for aid under this chapter who is in need of such services shall be provided with medical, dental, optical, surgical, and nursing care by a doctor, dentist, oculist, optician, surgeon or nurse selected by him, and shall also be provided with needed artificial limbs, artificial eyes, hearing aids, and other needed appliances, but the maximum amount of such services to be provided to any recipient shall not exceed the rate of eight dollars (\$8) per month.

SEC. 11. Section 2021 of said code is amended to read:

2021. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to every county within this State for maintaining or supporting aged persons who come within the provisions of this chapter aid not in excess of [two hundred forty dollars (\$240)] *six hundred dollars (\$600)* per annum for each such aged person maintained or supported by such county.

There is hereby further appropriated to every county within this State for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of [four hundred eighty dollars (\$480)] *seven hundred twenty dollars (\$720)* per annum for each such aged person.

Payments of aid shall be made in the manner provided in Sections 2187 to 2189, inclusive, of this code.

SEC. 11.5. Section 2140 of said code is amended to read:

2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provi



sions of this chapter, and not inconsistent therewith [.] , to the end that senior citizen grants may be administered uniformly throughout the State and that the spirit and purpose of this chapter may be complied with. Such rules and regulations shall be filed with the Secretary of State thirty (30) days before their effective date, and copies shall be made available to the public upon request. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

SEC. 12. Section 2141.5 is added to said code, to read:

2141.5. The State Department of Social Welfare, and each county administering the provisions of this chapter, shall employ sufficient administrative staff to carry out in an efficient manner the provisions of this chapter.

SEC. 13. Section 2143 is added to Article 3 of Chapter 1 of Division 3 of said code, to read:

2143. Whenever complaint is made to the State Department of Social Welfare that an employee of the department has violated, or has attempted to violate, any provision of Division 3 of this code, the State Department of Social Welfare shall set the complaint for hearing before the State Social Welfare Board, and shall give all parties concerned written notice of the time and place of the hearing. At such hearing the complainant and the employee complained against may each appear in person with counsel of his own choosing, or in person and without such counsel.

The State Social Welfare Board shall consider the complaint, and, if it finds that the employee has violated, or has attempted to violate, any provision of Division 3 of this code, shall, pursuant to Section 171 of the State Civil Service Act, suspend the employee for such period as it deems just, not exceeding the maximum period specified in said Section 171.

Whenever any employee has been so suspended twice, the State Department of Social Welfare shall file charges for dismissal against such employee with the State Personnel Board under the provisions of Section 173 of the State Civil Service Act, and shall take all action permitted by the State Civil Service Act to procure the dismissal of the employee from the State service.

SEC. 14. Section 2160 of said code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of [65] 60 years; [provided, that if, when and during such time as the Federal Government shall provide or make available to this State grants in aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;]

(b) Who is a citizen of the United States;

(c) [Who possesses either of the following residence qualifications:]

(1) [Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application;

(2) During such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person] Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the [nine] ten years immediately preceding the date of application.

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon;

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, educational, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding 60 days in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise

qualified under the terms of this chapter, such application shall be approved. Payment of the aid granted shall commence within one month following such approval and the applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month;

(f) Who is not receiving adequate support from a husband or wife, or child able [and responsible under the laws of this State] to furnish such support;

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 15. Section 2162.5 is added to said code, to read:

2162.5. If an applicant is unable to prove his age or length of residence in the State by any other method, he may make a statement under oath of his age on the date of application or of the length of his residence in the State on that date before any judge of the superior court or any justice of the Supreme Court of the State, and such statement shall constitute sufficient proof of the age of the applicant, or of the length of his residence in the State.

Any applicant who wilfully makes a false statement under oath as to his age or length of residence in the State before a judge of the superior court or justice of the Supreme Court, as provided in this section, is guilty of a felony.

SEC. 16. Section 2163 of said code is amended to read:

2163. No aid under this chapter shall be granted or paid to any person who owns personal property the *net* value of which exceeds five hundred dollars (\$500).

The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is [in an amount not exceeding] *a sum which when added to the assessed or appraised value of the personal property does not amount to more than one thousand dollars (\$1,000) [...] or the applicant or recipient can not surrender the policy or policies and receive the surrender value thereof, or otherwise derive any money in excess of five hundred dollars (\$500) from the policy or policies during his life.*

SEC. 17. Section 2163.3 is added to said code, to read:

2163.3. Where a policy of life insurance has been issued on the life of an applicant for or recipient of aid under this chapter, the premiums on which are paid by a person other than the applicant or recipient, whether or not the person paying the premiums is a relative of the applicant or recipient, and the applicant or recipient is not entitled to surrender the policy and obtain the surrender value thereof, or otherwise derive any money from the policy during his life, for the purposes of this chapter the policy shall not be deemed to be personal property or a resource of the applicant or recipient, nor shall the payment of premiums thereon be deemed to be a resource of or income to the applicant or recipient.

SEC. 18. Section 2163.4 is added to said code, to read:

2163.4. The term personal property also shall not include any of the following, nor shall any of the following be considered resources of the applicant or recipient:

(a) Personal effects, including clothing, furniture, household equipment.

(b) Foodstuffs, live stock, fuel, light or water produced by the applicant, or by his spouse or family, exclusively for the use of the applicant or of his family.

(c) The ability of relatives or friends of the applicant to contribute to the support of the applicant.

SEC. 19. Section 2164 of said code is amended to read:

2164. No aid under this chapter shall be granted or paid to any person who owns real property the assessed value of which, as assessed by the county assessor, *less all encumbrances thereon of record*, exceeds three thousand dollars (\$3,000) at the time such person makes application for aid.

SEC. 20. Section 2165 of said code is amended to read:

2165. No aid under this chapter shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, *less all encumbrances thereon of record*, exceeds [three thousand dollars (\$3,000)] *six thousand dollars (\$6,000)* at the time such person makes application for aid.

SEC. 21. Section 2166 is added to Article 4 of Chapter 1 of Division 3 of said code, to read:

2166. For the purposes of this chapter a trust deed shall be deemed to be a mortgage, and the interest of a mortgagee in the real property subject to mortgage shall be deemed to be real property.

SEC. 22. Section 2180 of said code is amended to read:

2180. [Every applicant] *Application* for aid under this chapter shall [file written application therefor with] *be made* to the board of supervisors of the county in which [he] *the applicant resides. An applicant may apply in person or the application may be made by another in his behalf.* This application [shall be in the] *may be made*

*in writing or reduced to writing upon the standard form prescribed by the State Department of Social Welfare, and [shall be filed in the manner so prescribed.] a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for aid under this chapter. All statements in the application shall be verified, under oath, by the applicant.*

SEC. 23. Section 2181 of said code is amended to read:

2181. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed and aid granted or denied within [90] 30 days after receipt of the application. *The board shall immediately notify the applicant in writing of its decision, and failure to notify the applicant within the 30-day period shall constitute a denial of the application, from which the applicant may immediately appeal to the State Social Welfare Board.*

[The board shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable.

## RELATIVES' CONTRIBUTION SCALE

[illegible]



SEC. 24. Section 2182 of said code is amended to read:

2182. If any applicant or recipient is dissatisfied with the action of the board of supervisors, he shall, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall be accorded an opportunity for a fair hearing. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. *For the purpose of holding such hearings, the State Department of Social Welfare shall divide the State into not less than two districts, and each hearing shall be held in the district in which the applicant resides.* At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

*A transcript of the testimony at the hearing shall be made and included in the records, the costs of which shall be borne by the department. A copy of this transcript shall be given to the appellant.*

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The county board of supervisors shall then pay to such aged person the sum awarded, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date [the applicant was first entitled thereto] of application.

[Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.]

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare [.] , *or until the condition because of which his application was rejected has been eliminated.*

If the applicant or recipient feels himself aggrieved by any decision of the State Welfare Board, he may file with the superior court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case.

SEC. 25. Section 2182.1 is added to said code, to read:

2182.1. No filing fee shall be required from an applicant for or recipient of aid under this chapter for the filing of a petition in the superior court for a review of the proceedings in his case.

Within ten (10) days after being served with notice of the filing of the petition, the State Department of Social Welfare shall file with the clerk of the court the record of the proceedings in the case, and no further pleadings shall be required to bring the matter to issue.

No bond shall be required in the case of any petition for review, nor in any appeal therefrom.

If the decision of the court is in favor of the applicant for or recipient of aid, aid shall be paid from the date of application therefor, and the applicant or recipient shall be entitled to reasonable attorney's fees and costs.

SEC. 26. Section 2183 of said code is amended to read:

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county.

A county shall have a period of [90] 29 days after the date of application within which to determine whether or not the applicant is eligible for assistance, and *if it is determined that he is eligible* the aid shall be granted to him from [the first day of the month in which the determination is made that he is eligible but in no event shall the aid commence prior to ] the date of application. If the investigation is not completed at the end of the [90 day] 30-day period, the investigation shall continue until completed and if eligibility is established, aid shall begin as of the [first day of the month following the end of the 90-day period.] *date of application.*

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

SEC. 27. Section 2186 of said code is amended to read:

2186. During such time as grants in aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended therefor under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds the maximum fixed by the



United States Government in granting or making such sums available, and not counting so much of such expenditure as represents aid granted to any individual who has not attained the minimum age specified by the United States Government in granting or making such aid available; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be not less than one-half of the amount so granted or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

SEC. 28. Section 2187 of said code is amended to read:

2187. From the sums appropriated therefor by the State of California in Section 2021 of this chapter, the State Treasurer shall pay to each county an additional amount which shall be used exclusively for aid to needy aged equal to [one-half] *the full amount* of the remainder of the sums expended by the county as aid to the needy aged under this chapter, after deducting from the sums so expended:

(a) The amount paid to the county under subdivision (1) of Section 2186 of this code [.] ; and

(b) *The sum of ten dollars (\$10) for each resident of the county granted the maximum amount of aid, and such lesser sum for each resident of the county granted less than the maximum amount of aid as bears that proportion to the sum of ten dollars (\$10) which the amount of aid granted to the individual bears to the maximum amount of aid which may be granted to any individual [except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision (1) of Section 2186 of this code.]*

SEC. 29. Section 2187.5 is added to said code, to read:

2187.5. The sums deducted under subdivision (b) of Section 2187 from the moneys paid under that section to each county constitute the county's share of the cost of aid to the needy aged in the county, and each county shall pay such share from the funds of the county.

SEC. 30. Section 2222 of said code is amended to read:

2222. If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount allowed under the provisions of this chapter, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the State Department of Social Welfare, either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned [in equal proportions] to the United States Government, the State, and the county participating in the granting of such aid, *in accordance with the provisions of Section 2024*, and shall be recoverable as a debt due proportionately to the State and such county.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## ASSEMBLY BILL

No. 1382

INTRODUCED BY MESSRS. EVANS, ALLEN, ANDERSON, DEBS, PRICE,  
LYONS, JOHN C., MASSION, AND DOYLE

January 29, 1943

REFERRED TO COMMITTEE ON SOCIAL WELFARE

An act to amend Sections 2005, 2007, 2011, 2020, 2021, 2140, 2141, 2160, 2160.5, 2160.6, 2180, 2181, 2182, 2183, 2186, 2187, 2188, 2200, 2220, 2221, 2222, and 2223 of the Welfare and Institutions Code, to repeal Sections 2012, 2022,

2023, 2160.7, 2184, 2185, 2189, and 2224 thereof, and to add Sections 2012, 2020.5, 2184, and 2187.5 thereto, relating to aid to the aged, providing for the administration thereof, determining the amount of aid to be granted, the eligibility qualifications therefor, and the respective participation of the State and the counties in the cost thereof, eliminating the liability of relatives of recipients to make reimbursement for aid granted, granting burial and funeral expenses to recipients of such aid, and making an appropriation, to become operative as therein provided.

*The people of the State of California do enact as follows:*

SECTION 1. Sections 2012, 2023, 2023.7, 2184, 2185, 2189, and 2224 of the Welfare and Institutions Code are repealed.

SEC. 2. Section 2005 of said code is amended to read:

2005. The State Department of Social Welfare, through the Division of State Aid to the Aged, [and the board of supervisors of every county] shall follow the policy of giving the aid provided for in this chapter to every applicant in his own or in some other suitable home, in preference to placing him in an institution.

SEC. 3. Section 2007 of said code is amended to read:

2007. Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor, and any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days' notice of the intention to make the transfer, [to the board of supervisors] to the Department of Social Welfare by serving upon [the chairman of the board] either the head office of the department at Sacramento or that office of the department administering the case a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed, and failure to give such notice shall constitute a misdemeanor.

Whenever any person has illegally obtained aid under this chapter, he shall make restitution, and all actions necessary to secure restitution may be brought against him.

SEC. 4. Section 2011 of said code is amended to read:

2011. No officer or employee of [any county] the State shall make any demand upon any person [other than a legally responsible relative, or any applicant for or recipient of aid under this chapter.] to contribute [a stated amount] to the support of the applicant for or recipient of aid under this chapter [each month], or to agree so to contribute, or shall threaten any [such relative] person with any legal action against him [by or on behalf of the county], or with any penalty whatsoever, unless he agrees so to contribute.

SEC. 5. Section 2012 is added to said code, to read:

2012. All papers and records pertaining to his case on file in any office of the Department of Social Welfare shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent. Upon request of the applicant or recipient, or of his duly authorized attorney or agent (upon proof of his designation as such attorney or agent), for information as to the grounds or reasons for action on his case taken or refused to be taken, the department shall furnish the information requested to the person requesting it.

SEC. 6. Section 2020 of said code is amended to read:

2020. (a) To and including December 31, 1943, the amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, [forty dollars (\$40)] fifty dollars (\$50) per month. If, however, in any case it is found the actual need of an applicant exceeds [forty dollars (\$40)] fifty dollars (\$50) per month, such applicant shall be entitled to receive aid in an amount, not to exceed [forty dollars (\$40)] fifty dollars (\$50) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

(b) On and after January 1, 1944, the amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, sixty dollars (\$60) per month. If, however, in any case it is found the actual need of an applicant exceeds sixty dollars (\$60) per month, such applicant shall be entitled to receive aid in an amount, not to exceed sixty dollars (\$60) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

SEC. 7. Section 2020.5 is added to said code, to read:

2020.5. From the sum appropriated by Section 2021, actual and necessary expenses, not to exceed one hundred dollars (\$100), shall be allowed by the State Department of Social Welfare for the burial and funeral expenses incurred upon the death of a person who at the time of his death was a recipient of aid under this chapter. For this purpose, the recipient shall be considered a living person under Section 2021 until money for the claim for burial and funeral expenses is available.

SEC. 8. Section 2021 of said code is amended to read:

2021. (a) *To and including December 31, 1943*, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to [every county within this State] *the State Department of Social Welfare* for maintaining or supporting aged persons who come within the provisions of this chapter *and who have county residence as provided in this chapter* aid not in excess of [two hundred forty dollars (\$240)] *four hundred eighty dollars (\$480)* per annum for each such aged person maintained or supported by [such county.] *the Department*, and there is further appropriated to the department for the same purpose, any sums paid to the State by the counties pursuant to Section 2187.5 for aid to aged persons having county residence.

*To and including December 31, 1943*, there is hereby further appropriated to [every county within this State] *the State Department of Social Welfare* for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of [four hundred eighty dollars (\$480)] *six hundred dollars (\$600)* per annum for each such aged person.

(b) *On and after January 1, 1944*, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to the State Department of Social Welfare for maintaining or supporting aged persons who come within the provisions of this chapter and who have county residence as provided in this chapter aid not in excess of *six hundred dollars (\$600)* per annum for each such aged person maintained or supported by the department, and there is further appropriated to the department for the same purpose any sums paid to the State by the counties pursuant to Section 2187.5 for aid to aged persons having county residence.

*On and after January 1, 1944*, there is hereby further appropriated to the State Department of Social Welfare for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of *seven hundred twenty dollars (\$720)* per annum for each such aged person.

[Payments of aid shall be made in the manner provided in Sections 2187 to 2189, inclusive, of this code.]

SEC. 9. Section 2140 of said code is amended to read:

2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter, and not inconsistent therewith. [Such rules and regulations shall be binding upon the boards of supervisors of the various counties.] The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

SEC. 10. Section 2141 of said code is amended to read:

2141. There is in the State Department of Social Welfare a division known as the Division of State Aid to the Aged. The division shall [supervise and pass upon the measures taken by the county boards of supervisors] *administer the provisions of this chapter and provide for the care of needy aged citizens to the end that they shall receive suitable care and that there shall be throughout the State a uniform standard of records and method of treatment of aged persons based upon their individual needs and circumstances.*

SEC. 11. Section 2160 of said code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) *To and including December 31, 1943*, a person who has attained the age of 65 years; *on and after January 1, 1944*, a person who has attained the age of 60 years. [provided, that if, when and] During such time prior to January 1, 1944, as the Federal Government shall provide or make available to this State grants in aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of



60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter[;].

(b) Who is a citizen of the United States[;].

(c) Who possesses either of the following residence qualifications:

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has resided for a period of 40 years at least five of which have immediately preceded this application[;].

(2) During such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.

(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon [;].

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding 60 days in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. Payment of the aid granted shall commence within one month following such approval and the applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month[;].

(f) Who is not receiving adequate support from a husband or wife, or child able [and responsible under the laws of this State] to furnish such support[;].

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

Sec. 12. Section 2160.5 of said code is amended to read:

2160.5. Notwithstanding any provision of subdivision (e) of Section 2160 to the contrary, aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization: (a) if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance, (b) and if the per capita cost of maintenance in the organization of the applicant for aid does not exceed the sum of fifty dollars (\$50) per month.

[The county from which such inmate came to such home shall, for the purposes of this section, be considered the residence of such inmate to grant such aid.]

Sec. 13. Section 2160.6 of said code is amended to read:

2160.6. If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

[If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that aid shall be restored to him by the county auditor when the recipient ceases to be an inmate, without further order from the board of supervisors.]

Sec. 14. Section 2180 of said code is amended to read:

2180. Every applicant for aid under this chapter shall file written application therefor [with the board of supervisors of] *in the office of the State Department of Social Welfare in or nearest to the county in which he resides.* This application shall be in the form prescribed by the State Department of Social Welfare, and shall be filed in the manner so prescribed. All statements in the application shall



be verified, under oath, by the applicant. *Employees of the State Department of Social Welfare, when authorized by the director, may administer such oaths.*

SEC. 15. Section 2181 of said code is amended to read:

2181. The [board of supervisors, directly or through an authorized investigator,] *Division of State Aid to the Aged* shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed within 30 days after receipt of the application.

[The board shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of incapacity of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable.

A. Net monthly income of responsible relatives in one family

B. Number of persons dependent upon income

1 2 3 4 5 6 7 8 9 and over

C. Maximum required monthly contributions	1	2	3	4	5	6	7	8	9 and over
Under \$75	0	0	0	0	0	0	0	0	0
\$75- 84	0	0	0	0	0	0	0	0	0
85- 94	0	0	0	0	0	0	0	0	0
95- 104	5	0	0	0	0	0	0	0	0
105- 114	8	0	0	0	0	0	0	0	0
115- 124	12	0	0	0	0	0	0	0	0
125- 134	17	0	0	0	0	0	0	0	0
135- 144	23	0	0	0	0	0	0	0	0
145- 154	30	5	0	0	0	0	0	0	0
155- 164	35	10	0	0	0	0	0	0	0
165- 174	40	15	0	0	0	0	0	0	0
175- 184	45	20	5	0	0	0	0	0	0
185- 194	50	25	10	0	0	0	0	0	0
195- 204	55	30	15	5	0	0	0	0	0
205- 214	60	35	20	10	0	0	0	0	0
215- 224	65	40	25	15	5	0	0	0	0
225- 234	70	45	30	20	10	0	0	0	0
235- 244	75	50	35	25	15	5	0	0	0
245- 254	80	55	40	30	20	10	0	0	0
255- 264	80	60	45	35	25	15	0	0	0
265- 274	80	65	50	40	30	20	5	0	0
275- 284	80	70	55	45	35	25	10	0	0
285- 294	80	75	60	50	40	30	15	5	0
295- 304	80	80	65	55	45	35	20	10	0
305- 314	80	80	70	60	50	40	25	15	5
315- 324	80	80	75	65	55	45	30	20	10
325- 334	80	80	80	70	60	50	35	25	15
335- 344	80	80	80	75	65	55	40	30	20
345- 354	80	80	80	80	70	60	45	35	25
355- 364	80	80	80	80	75	65	50	40	30
365- 374	80	80	80	80	80	70	55	45	35
375- 384	80	80	80	80	80	75	60	50	40
385- 394	80	80	80	80	80	80	65	55	45
395- 404	80	80	80	80	80	80	70	60	50
405- 414	80	80	80	80	80	80	75	65	55
415- 424	80	80	80	80	80	80	80	70	60
425- 434	80	80	80	80	80	80	80	75	65
435- 444	80	80	80	80	80	80	80	80	70
445- 454	80	80	80	80	80	80	80	80	75
455- 464	80	80	80	80	80	80	80	80	80
465 or over	80	80	80	80	80	80	80	80	80

SEC. 16. Section 2182 of said code is amended to read:

2182. If any applicant or recipient is dissatisfied with the action of the [board of supervisors] *Division of State Aid to the Aged*, he shall upon filing a petition with the State [Department of] *Social Welfare Board*, have the right of appeal and shall be accorded an opportunity for a fair hearing. The [Social Welfare Department shall set such] appeal *shall be set* for hearing before the State *Social Welfare Board*

and [shall give] all parties concerned *shall be given* written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The [county board of supervisors] *Division of State Aid to the Aged* shall then pay to such aged person the sum awarded, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of [the county or an order of] the State Department of Social Welfare.

If the applicant or recipient feels himself aggrieved by any decision of the State Welfare Board, he may file with the superior court of the county in which he resides, a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case.

SEC. 17. Section 2183 of said code is amended to read:

2183. [If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county.] All payments of aid under this chapter shall be made monthly in advance by the [treasurer of the county] *department*.

[A county] *The Division of State Aid to the Aged* shall have a period of 90 days after the date of application within which to determine whether or not the applicant is eligible for assistance, and the aid shall be granted to him from the first day of the month in which the determination is made that he is eligible but in no event shall the aid commence prior to the date of application. If the investigation is not completed at the end of the 90-day period, the investigation shall continue until completed and if eligibility is established, aid shall begin as of the first day of the month following the end of the 90-day period.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, [upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare] the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the [board of supervisors] *Division of State Aid to the Aged* to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

SEC. 18. Section 2184 is added to said code, to read:

2184. Whenever a warrant for aid under this chapter has been lost or destroyed before it has been paid, the amount due thereon may be recovered by the payee by filing with the State Controller an affidavit setting forth the fact of the loss or destruction of the warrant, together with all material facts relative thereto known to the affiant, the amount, the name of the payee, and the date and number of the warrant if the same are known to the affiant. Upon receipt of the affidavit, and without the filing of any bond by the payee, the State Controller shall issue and deliver to the payee of the original warrant a duplicate warrant for the full amount of the original warrant, and the State Treasurer shall pay the duplicate warrant in lieu of the original warrant.

A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing.

SEC. 19. Section 2186 of said code is amended to read:

2186. During such time as grants in aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to [each county] *the State Department of Social Welfare* from the sums so granted (1) an amount which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended therefor under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and *not counting so much of such expenditure as represents aid granted to any individual who has not attained the minimum age specified by the United States Government in granting or making such aid available*; and (2) an additional amount equal to [such county's proportionate share of] any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. [The State Department of Social shall

determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be not less than one-half of the amount so granted or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.]

SEC. 20. Section 2187 of said code is amended to read:

2187. From the sum appropriated therefor by the State of California in Section 2021 of this chapter, the State Treasurer shall pay to [each county] the State Department of Social Welfare an additional amount which shall be used exclusively for aid to needy aged equal to [one-half of] the remainder of the sums expended by the [county] department as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the [county] department under subdivision (1) of Section 2186 of this code [.] except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision (1) of Section 2186 of this code.]

SEC. 21. Section 2187.5 is added to said code, to read:

2187.5. (a) For each aged person having county residence as provided in this chapter who receives aid from the State the county shall reimburse the State at the following monthly rates:

(1) For each such person receiving the maximum amount of aid, at the monthly rate of ten dollars (\$10).

(2) For each such person receiving less than the maximum amount of aid, at that monthly rate which bears such proportion to ten dollars (\$10) as the amount of aid received by the person bears to the maximum amount of aid.

(b) The State Department of Social Welfare shall report monthly to the board of supervisors of each county, relative to aid to residents of the county during the preceding month, the number of applications granted, and the grants of aid changed, revoked, or suspended under this chapter by the department, together with copies of all applications received and a statement of the action of the department thereon.

(c) Each county auditor shall include in his semiannual State settlement report to the State Controller the amount due from the county to the State under the provisions of subdivision (a) of this section, and the county treasurer, at the time of the semiannual settlement with the State, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

SEC. 22. Section 2188 of said code is amended to read:

2188. The method of computing and paying the amounts provided for in Sections 2186 and 2187 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount [to be paid for such quarter to each county, under the provisions of Sections 2186 and 2187, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum] to be expended in such quarter in accordance with the provisions of this chapter [.] and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if such amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by each such county, the source or sources from which the difference is expected to be derived; (2) records showing the number of aged individuals receiving and under the authority of this chapter in the county; and (3) such other information and investigation as the State Department of Social Welfare may find necessary.

[(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county], reduced or increased as the case may be, by any sums by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the [county] department under this chapter for such quarter, except to the extent that such sum has been applied to make the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by [the State Department of Social Welfare and] the State Controller, the State Treasurer shall pay to the [treasurer of each county] State Department of Social Welfare the amount so certified.

Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments, and, if paid in monthly installments all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.



SEC. 23. Section 2200 of said code is amended to read:

2200. Any recipient of aid under this chapter who removes from one county to another county in this State shall be entitled to [aid, upon the first day of the first month beginning after the date upon which he attained residence of one year in the county to which he has so removed, unless the day upon which he attains one year of residence is the first day of the month, in which event the transfer of costs shall take place upon this day; the removal of any person receiving aid hereunder from one county to another within this State shall not work a forfeiture during such one year period of the] *continue to receive the aid previously awarded under this chapter.*

For the purposes of [this section] *determining the county residence of any such person, and the county liability to repay the State a share of the aid granted to him,* it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed shall start to run upon the date of removal from the county in which he has previously acquired a residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall provide the necessary medical or hospital [, or both,] care, *or both,* if needed during the one-year period of establishment of residence under this section. The county providing such medical or hospital [, or both,] care, *or both,* may demand payment of the county [granting the aid] *from which the recipient has removed* in an amount not in excess of the cost thereof and it shall be a proper charge and the duty of the county [granting the aid under the provisions of this section] *from which the recipient has removed* to pay such medical or hospital charges, or both.

If a recipient returns to the county [granting him aid] *from which he removed,* after an absence of less than one year, he shall not be deemed to have lost his residence therein.

SEC. 24. Section 2220 of said code is amended to read:

2220. The [board of supervisors] *State Department of Social Welfare* may for cause [, and upon instructions so to do by the State Department of Social Welfare, shall,] cancel, suspend, or revoke aid. [Upon the suspension of aid by the board of supervisors an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension.]

SEC. 25. Section 2221 of said code is amended to read:

2221. If at any time, the State department has reason to believe that aid to the aged has been obtained improperly, it [shall cause] *may make* special inquiry [to be made] and may suspend payment of any installment pending the inquiry. [It shall notify the board of supervisors of such suspension.] If it appears upon inquiry that the aid was obtained improperly, it shall be canceled by the State department, but if it appears that aid was obtained properly, the suspended payments shall be payable.

SEC. 26. Section 2222 of said code is amended to read:

2222. If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount allowed under the provisions of this chapter, the recipient shall immediately notify the [board of supervisors] *State Department of Social Welfare* of the receipt and possession of such property or income. The [board] *State Department of Social Welfare* may [, on inquiry and with the approval of the State Department of Social Welfare,] either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned [, in equal proportions] to the State *and the Federal Government* and the county [participating in the granting of such aid and shall be recoverable], *if the county participated, in the proportion that each contributed to the support of the case. The amount due may be recovered* as a debt due [proportionately] to the State [and such county] *of California.*

SEC. 27. Section 2223 of said code is amended to read:

2223. If, on the death of a recipient of aid under this chapter, it is found that he was possessed of property or income in excess of the amount allowed under the provisions of this chapter and that he has not disclosed the same to the [board of supervisors] *State Department of Social Welfare*, double the amount of the aid paid him in excess of that to which he was legally entitled may be recovered by the Department of Social Welfare as a preferred claim from his estate and upon recovery shall be repaid to the county, to the State, and to the United States Government in accordance with the provisions of Section 2024.

SEC. 28. (a) After this act becomes operative, no applications for aid under the Old Age Security Law shall be received by any county with respect to any person who is not upon the operative date receiving assistance under the Old Age Security Law, but all such applications shall be received and administered by the Division of State Aid to the Aged in the State Department of Social Welfare.

(b) With respect to every person who is receiving aid under the Old Age Security Law on the operative date or who has applied for such aid prior to the operative date and whose application is pending on the operative date, the county administrator



ing the case or in which the application was filed, as the case may be, shall administer the case, in accordance with the provisions of the Old Age Security Law as amended by this act, as the agent of the State Department of Social Welfare and subject to the supervision and control of the State department, until the case is transferred to the Division of State Aid to the Aged. The transfer of cases shall be immediately undertaken by the Division of State Aid to the Aged upon the operative date of this act, and the transfer of all cases within this subdivision shall be completed not later than the first day of the third month following the operative date. Until the case is transferred to the Division of State Aid to the Aged, the county administering the case shall be reimbursed by the State Department of Social Welfare for all moneys advanced or expended by the county as agent for the Department of Social Welfare, including both the direct and the administrative costs incurred by the county in administering the case. Such reimbursement shall be made from the moneys appropriated to the Department of Social Welfare by Section 2021 of the Welfare and Institutions Code, as amended by this act, and from any other moneys available to the department for administration of aid to the aged or for the support of the department. The Department of Social Welfare shall by rule and regulation establish a procedure for such reimbursement.

(c) Upon the operative date the Division of State Aid to the Aged in the State Department of Social Welfare shall succeed to and be entitled to the possession and control of all county records, books, papers, equipment, and other personal property used in connection with the administration of the Old Age Security Law, and the counties shall give the Division of State Aid to the Aged possession of such records, books, papers, equipment, and other personal property at the same time that the cases administered by the counties to which such records, books, papers, equipment, and personal property relate are transferred to the Division of State Aid to the Aged.

Sec. 29. This act shall become operative on the first day of the month next succeeding the ninetieth day after the final adjournment of the Fifty-fifth Legislature of California.

#### APPENDIX 9(b)

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## SENATE BILL

No. 399

### INTRODUCED BY SENATOR TENNEY

JANUARY 25, 1943

REFERRED TO COMMITTEE ON WELFARE AND INSTITUTIONS

*An act to amend Sections 2005, 2007, 2011, 2020, 2021, 2140, 2141, 2160, 2160.5, 2160.6, 2180, 2181, 2182, 2183, 2186, 2187, 2188, 2200, 2220, 2221, 2222, and 2223 of the Welfare and Institutions Code, to repeal Sections 2012, 2022, 2023, 2160.7, 2184, 2185, 2189, and 2224 thereof, and to add Sections 2012, 2020.5, 2184, and 2187.5 thereto, relating to aid to the aged, providing for the administration thereof, determining the amount of aid to be granted, the eligibility qualifications therefor, and the respective participation of the State and the counties in the cost thereof, eliminating the liability of relatives of recipients to make reimbursement for aid granted, granting burial and funeral expenses to recipients of such aid, and making an appropriation, to become operative as therein provided.*

*The people of the State of California do enact as follows:*

SECTION 1. Sections 2012, 2022, 2023, 2160.7, 2184, 2185, 2189, and 2224 of the Welfare and Institutions Code are repealed.

Sec. 2. Section 2005 of said code is amended to read:

2005. The State Department of Social Welfare, through the Division of State Aid to the Aged, [and the board of supervisors of every county] shall follow the

policy of giving the aid provided for in this chapter to every applicant in his own or in some other suitable home, in preference to placing him in an institution.

SEC. 3. Section 2007 of said code is amended to read:

2007. Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor, and any person who, knowing that the owner of the property is an applicant, aids or abets in buying or in any way disposing of the property of an applicant shall give 15 days' notice of the intention to make the transfer, [to the board of supervisors] *to the Department of Social Welfare by serving upon [the chairman of the board] either the head office of the department at Sacramento or that office of the department administering the case a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed, and failure to give such notice shall constitute a misdemeanor.*

Whenever any person has illegally obtained aid under this chapter, he shall make restitution, and all actions necessary to secure restitution may be brought against him.

SEC. 4. Section 2011 of said code is amended to read:

2011. No officer or employee of [any county] *the State* shall make any demand upon any person [other than a legally responsible relative, of any applicant for or recipient of aid under this chapter,] to contribute [a stated amount] to the support of the applicant *for* or recipient [each month] *of aid under this chapter*, or to agree so to contribute, or shall threaten any [such relative] *person* with any legal action against him [by or on behalf of the county], or with any penalty whatsoever, unless he agrees so to contribute.

SEC. 5. Section 2012 is added to said code, to read:

2012. All papers and records pertaining to his case on file in any office of the Department of Social Welfare shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent. Upon request of the applicant or recipient, or of his duly authorized attorney or agent (upon proof of his designation as such attorney or agent), for information as to the grounds or reasons for action on his case taken or refused to be taken, the department shall furnish the information requested to the person requesting it.

SEC. 6. Section 2020 of said code is amended to read:

2020. (a) *To and including December 31, 1943*, the amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, [forty dollars (\$40)] *fifty dollars (\$50)* per month. If, however, in any case it is found the actual need of an applicant exceeds [forty dollars (\$40)] *fifty dollars (\$50)* per month, such applicant shall be entitled to receive aid in an amount, not to exceed [forty dollars (\$40)] *fifty dollars (\$50)* per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

(b) *On and after January 1, 1944*, the amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources, but excepting casual income and inconsequential resources) of the applicant from all other sources, *sixty dollars (\$60)* per month. If, however, in any case it is found the actual need of an applicant exceeds *sixty dollars (\$60)* per month, such applicant shall be entitled to receive aid in an amount, not to exceed *sixty dollars (\$60)* per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

SEC. 7. Section 2020.5 is added to said code, to read:

2020.5. From the sum appropriated by Section 2021, actual and necessary expenses, not to exceed one hundred dollars (\$100), shall be allowed by the State Department of Social Welfare for the burial and funeral expenses incurred upon the death of a person who at the time of his death was a recipient of aid under this chapter. For this purpose, the recipient shall be considered a living person under Section 2021 until money for the claim for burial and funeral expenses is available.

SEC. 8. Section 2021 of said code is amended to read:

2021. (a) *To and including December 31, 1943*, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to [every county within this State] *the State Department of Social Welfare* for maintaining or supporting aged persons who come within the provisions of this chapter and who have county residence as provided in this chapter aid not in excess of [two

hundred forty dollars (\$240) *four hundred eighty dollars (\$480)* per annum for each such aged person maintained or supported by [such county] *the department, and there is further appropriated to the department for the same purpose, any sums paid to the State by the counties pursuant to Section 2187.5 for aid to aged persons having county residence.*

*To and including December 31, 1943, there is hereby further appropriated to [every county within this State] the State Department of Social Welfare for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of [four hundred eighty dollars (\$480)] *six hundred dollars (\$600)* per annum for each such aged person.*

*(b) On and after January 1, 1944, there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated to the State Department of Social Welfare for maintaining or supporting aged persons who come within the provisions of this chapter and who have county residence as provided in this chapter aid not in excess of six hundred dollars (\$600) per annum for each such aged person maintained or supported by the department, and there is further appropriated to the department for the same purpose any sums paid to the State by the counties pursuant to Section 2187.5 for aid to aged persons having county residence.*

*On and after January 1, 1944, there is hereby further appropriated to the State Department of Social Welfare for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of seven hundred twenty dollars (\$720) per annum for each such aged person.*

[Payments of aid shall be made in the manner provided in Sections 2187 to 2189, inclusive, of this code.]

SEC. 9. Section 2140 of said code is amended to read:

2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter, and not inconsistent therewith. [Such rules and regulations shall be binding upon the boards of supervisors of the various counties.] The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

SEC. 10. Section 2141 of said code is amended to read:

2141. There is in the State Department of Social Welfare a division known as the Division of State Aid to the Aged. The division shall [supervise and pass upon the measures taken by the county boards of supervisors] *administer the provisions of this chapter and provide for the care of needy aged citizens, to the end that they shall receive suitable care and that there shall be throughout the State a uniform standard of records and method of treatment of aged persons based upon their individual needs and circumstances.*

SEC. 11. Section 2160 of said code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) *To and including December 31, 1943, a person who has attained the age of 65 years; [provided, that if, when and] on and after January 1, 1944, a person who has attained the age of 60 years.* During such time *prior to January 1, 1944,* as the Federal Government shall provide or make available to this State grants in aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter [;].

(b) Who is a citizen of the United States [;].

(c) Who possesses either of the following residence qualifications:

(1) Who resides in the State and has so resided continuously for at least 15 years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by any period of absence therefrom if the total of such periods does not exceed three years; or who has so resided for a period of 40 years at least five of which have immediately preceded this application [;].

(2) During such time as grants in aid are provided by the United States Government for such aid in this State and accepted by this State, however, aid may be granted under this chapter to any person who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.



(d) Who resides in the county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application; any person otherwise qualified who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by the State until the first day of the first month beginning after the date upon which he gains such county residence, unless the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon [;].

(e) Who is not, at the time of receiving such aid an inmate of any public home for the aged, or any public home, or any public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a public hospital not exceeding 60 days in duration. Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. Payment of the aid granted shall commence within one month following such approval and the applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate. Persons who are inmates of a boarding home or other institution not supported in whole or in part by public funds shall be granted aid but no such aid shall be granted if such persons are cared for under a contract for a period of time exceeding one month [;].

(f) Who is not receiving adequate support from a husband or wife, or child able [and responsible under the laws of this State] to furnish such support [;].

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

SEC. 12. Section 2160.5 of said code is amended to read:

2160.5. Notwithstanding any provision of subdivision (e) of Section 2160 to the contrary, aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization; (a) if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance, (b) and if the per capita cost of maintenance in the organization of the applicant for aid does not exceed the sum of fifty dollars (\$50) per month.

[The county from which such inmate came to such home shall, for the purposes of this section, be considered the residence of such inmate to grant such aid.]

SEC. 13. Section 2160.6 of said code is amended to read:

2160.6. If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

[If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that aid shall be restored to him by the county auditor when the recipient ceases to be an inmate, without further order from the board of supervisors.]

SEC. 14. Section 2180 of said code is amended to read:

2180. Every applicant for aid under this chapter shall file written application therefor [with the board of supervisors of] in the office of the State Department of Social Welfare in or nearest to the county in which he resides. This application shall be in the form prescribed by the State Department of Social Welfare, and shall be filed in the manner so prescribed. All statements in the application shall be verified, under oath, by the applicant. Employees of the State Department of Social Welfare, when authorized by the director, may administer such oaths.

SEC. 15. Section 2181 of said code is amended to read:

2181. The [board of supervisors, directly or through an authorized investigator,] Division of State Aid to the Aged shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed within 90 days after receipt of the application.

[The board shall upon receipt of the report of the investigation determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "Relatives' Contribution Scale." In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and, in unusual cases, contributions at less than the



amount fixed by "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable.

## RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in one family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contribution										
Under \$75-----	0	0	0	0	0	0	0	0	0	0
\$75- 84-----	0	0	0	0	0	0	0	0	0	0
85- 94-----	0	0	0	0	0	0	0	0	0	0
95- 104-----	5	0	0	0	0	0	0	0	0	0
105- 114-----	8	0	0	0	0	0	0	0	0	0
115- 124-----	12	0	0	0	0	0	0	0	0	0
125- 134-----	17	0	0	0	0	0	0	0	0	0
135- 144-----	23	0	0	0	0	0	0	0	0	0
145- 154-----	30	5	0	0	0	0	0	0	0	0
155- 164-----	35	10	0	0	0	0	0	0	0	0
165- 174-----	40	15	0	0	0	0	0	0	0	0
175- 184-----	45	20	5	0	0	0	0	0	0	0
185- 194-----	50	25	10	0	0	0	0	0	0	0
195- 204-----	55	30	15	5	0	0	0	0	0	0
205- 214-----	60	35	20	10	0	0	0	0	0	0
215- 224-----	65	40	25	15	5	0	0	0	0	0
225- 234-----	70	45	30	20	10	0	0	0	0	0
235- 244-----	75	50	35	25	15	5	0	0	0	0
245- 254-----	80	55	40	30	20	10	0	0	0	0
255- 264-----	80	60	45	35	25	15	0	0	0	0
265- 274-----	80	65	50	40	30	20	5	0	0	0
275- 284-----	80	70	55	45	35	25	10	0	0	0
285- 294-----	80	75	60	50	40	30	15	5	0	0
295- 304-----	80	80	65	55	45	35	20	10	0	0
305- 314-----	80	80	70	60	50	40	25	15	5	0
315- 324-----	80	80	75	65	55	45	30	20	10	5
325- 334-----	80	80	80	70	60	50	35	25	15	10
335- 344-----	80	80	80	75	65	55	40	30	20	15
345- 354-----	80	80	80	80	70	60	45	35	25	20
355- 364-----	80	80	80	80	75	65	50	40	30	25
365- 374-----	80	80	80	80	80	70	55	45	35	30
375- 384-----	80	80	80	80	80	75	60	50	40	35
385- 394-----	80	80	80	80	80	80	65	55	45	40
395- 404-----	80	80	80	80	80	80	70	60	50	45
405- 414-----	80	80	80	80	80	80	75	65	55	50
415- 424-----	80	80	80	80	80	80	80	70	60	55
425- 434-----	80	80	80	80	80	80	80	75	65	60
435- 444-----	80	80	80	80	80	80	80	80	70	65
445- 454-----	80	80	80	80	80	80	80	80	75	70
455- 464-----	80	80	80	80	80	80	80	80	80	75
465 or over-----	80	80	80	80	80	80	80	80	80	80

SEC. 16. Section 2182 of said code is amended to read:

2182. If any applicant or recipient is dissatisfied with the action of the [board of supervisors] *Division of State Aid to the Aged*, he shall, upon filing a petition with the State [Department of] *Social Welfare Board*, have the right of appeal and shall be accorded an opportunity for a fair hearing. The [Social Welfare Department shall set such] appeal *shall be set* for hearing before the State *Social Welfare Board* and [shall give] all parties concerned *shall be given* written notice of the time and place of such hearing. At such hearing the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel.

The State *Social Welfare Board* shall consider the appeal, and shall dismiss the appeal or award aid as prescribed in this chapter. The [county board of supervisors] *Division of State Aid to the Aged* shall then pay to such aged person the sum awarded, if any, by the State *Social Welfare Board*, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the State *Social Welfare Board* in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of [the county or an order of] the State Department of *Social Welfare*.

If the applicant or recipient feels himself aggrieved by any decision of the State *Welfare Board*, he may file with the superior court of the county in which he resides,

a petition, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case.

SEC. 17. Section 2183 of said code is amended to read:

2183. [If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county.] All payments of aid under this chapter shall be made monthly in advance by the [treasurer of the county] department. [A county] *The Division of State Aid to the Aged* shall have a period of 90 days after the date of application within which to determine whether or not the applicant is eligible for assistance, and the aid shall be granted to him from the first day of the month in which the determination is made that he is eligible but in no event shall the aid commence prior to the date of application. If the investigation is not completed at the end of the 90 day period, the investigation shall continue until completed and if eligibility is established, aid shall begin as of the first day of the month following the end of the 90-day period.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests. If the recipient of old age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money. [upon recommendation of the board of supervisors and with the approval of the Department of Social Welfare] the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient of this aid, but it shall be unlawful for the [board of supervisors] *Division of State Aid to the Aged* to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

SEC. 18. Section 2184 is added to said code, to read:

2184. Whenever a warrant for aid under this chapter has been lost or destroyed before it has been paid, the amount due thereon may be recovered by the payee by filing with the State Controller an affidavit setting forth the fact of the loss or destruction of the warrant, together with all material facts relative thereto known to the affiant, the amount, the name of the payee, and the date and number of the warrant if the same are known to the affiant. Upon receipt of the affidavit, and without the filing of any bond by the payee, the State Controller shall issue and deliver to the payee of the original warrant a duplicate warrant for the full amount of the original warrant, and the State Treasurer shall pay the duplicate warrant in lieu of the original warrant.

A warrant shall be considered to have been lost if it has been mailed, and has not been received by the addressee within 20 days after the date of mailing.

SEC. 19. Section 2186 of said code is amended to read:

2186. During such time as grants in aid are provided or made available by the United States Government for old age assistance in this State, the State Treasurer shall pay to [each county] *the State Department of Social Welfare* from the sums so granted (1) an amount which shall be used exclusively as old age assistance equal to one-half of the total of the sums expended therefor under this chapter, not counting so much of such expenditure with respect to any individual for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and not counting so much of such expenditure as represents aid granted to any individual who has not attained the minimum age specified by the United States Government in granting or making such aid available; and (2) an additional amount equal to [such county's proportionate share of] any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. [The State Department of Social shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be not less than one-half of the amount so granted or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.]

SEC. 20. Section 2187 of said code is amended to read:

2187. From the sums appropriated therefor by the State of California in Section 2021 of this chapter, the State Treasurer shall pay to [each county] *the State Department of Social Welfare* an additional amount which shall be used exclusively for aid to needy aged equal to [one-half of] the remainder of the sums expended by the [county] department as aid to the needy aged under this chapter, after deducting from the sums so expended the amount paid to the [county] department under subdivision (1) of Section 2186 of this code [, except that the State shall pay the county the full amount of aid granted any person otherwise qualified who has resided in the State for the required period and who has no county residence, after deducting the amount paid with respect to such person under subdivision (1) of Section 2186 of this code.]

SEC. 21. Section 2187.5 is added to said code, to read:

2187.5. (a) For each aged person having county residence as provided in this chapter who receives aid from the State the county shall reimburse the State at the following monthly rates:

(1) For each such person receiving the maximum amount of aid, at the monthly rate of ten dollars (\$10).

(2) For each such person receiving less than the maximum amount of aid, at that monthly rate which bears such proportion to ten dollars (\$10) as the amount of aid received by the person bears to the maximum amount of aid.

(b) The State Department of Social Welfare shall report monthly to the board of supervisors of each county, relative to aid to residents of the county during the preceding month, the number of applications granted, and the grants of aid changed, revoked, or suspended under this chapter by the department, together with copies of all applications received and a statement of the action of the department thereon.

(c) Each county auditor shall include in his semiannual State settlement report to the State Controller the amount due from the county to the State under the provisions of subdivision (a) of this section, and the county treasurer, at the time of the semiannual settlement with the State, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

SEC. 22. Section 2188 of said code is amended to read:

2188. The method of computing and paying the amounts provided for in Sections 2186 and 2187 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount [to be paid for such quarter to each county under the provisions of Sections 2186 and 2187, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum] to be expended in such quarter in accordance with the provisions of this chapter [, and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if such amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by each county, the source or sources from which the difference is expected to be derived; (2) records showing the number of aged individuals receiving aid under the authority of this chapter in the county; and (3) such other information and investigation as the State Department of Social Welfare may find necessary.

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county [, reduced or increased as the case may be, by any sums by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the [county] department under this chapter for such quarter, except to the extent that such sum has been applied to make the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by [the State Department of Social Welfare and] the State Controller, the State Treasurer shall pay to the [treasurer of each county] State Department of Social Welfare the amount so certified.

Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments, and, if paid in monthly installments all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.

SEC. 23. Section 2200 of said code is amended to read:

2200. Any recipient of aid under this chapter who removes from one county to another county in this State shall be entitled to [aid, upon the first day of the first month beginning after the date upon which he attained residence of one year in the county to which he has so removed, unless the day upon which he attains one year of residence is the first day of the month, in which event the transfer of costs shall take place upon this day; the removal of any person receiving aid hereunder from one county to another within this State shall not work a forfeiture during such one year period of the] *continue to receive the aid previously awarded under this chapter.*

For the purposes of [this section] *determining the county residence of any such person, and the county liability to repay the State a share of the aid granted to him,* it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed shall start to run upon the date of removal from the county in which he has previously acquired a residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall provide the necessary medical or hospital [, or both,] care, *or both,* if needed during the one-year period of establishment of residence under this section. The county providing such medical or hospital [, or both,] care, *or both,* may demand payment of the county [granting the aid] *from which the recipient has removed* in an amount not in excess of the cost thereof and it shall be a proper charge and the duty of the county [granting the aid under the provisions of this section] *from which the recipient has removed* to pay such medical or hospital charges, or both.



If a recipient returns to the county [granting him aid] *from which he removed*, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

SEC. 24. Section 2220 of said code is amended to read:

2220. The [board of supervisors] *State Department of Social Welfare* may for cause [, and upon instructions so to do by the State Department of Social Welfare, shall.] cancel, suspend, or revoke aid. [Upon the suspension of aid by the board of supervisors, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension.]

SEC. 25. Section 2221 of said code is amended to read:

2221. If at any time, the State department has reason to believe that aid to the aged has been obtained improperly, it [shall cause] *may make* special inquiry [to be made] and may suspend payment of any installment pending the inquiry. [It shall notify the board of supervisors of such suspension.] If it appears upon inquiry that the aid was obtained improperly, it shall be canceled by the State department, but if it appears that aid was obtained properly, the suspended payments shall be payable.

SEC. 26. Section 2222 of said code is amended to read:

2222. If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount allowed under the provisions of this chapter, the recipient shall immediately notify the [board of supervisors] *State Department of Social Welfare* of the receipt and possession of such property or income. The [board] *State Department of Social Welfare may* [, on inquiry and with the approval of the State Department of Social Welfare,] either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned [, in equal proportions] to the State and the Federal Government and the county [participating in the granting of such aid and shall be recoverable] , *if the county participated, in the proportion that each contributed to the support of the case. The amount due may be recovered as a debt due [proportionately] to the State [and such county] of California.*

SEC. 27. Section 2223 of said code is amended to read:

2223. If, on the death of a recipient of aid under this chapter, it is found that he was possessed of property or income in excess of the amount allowed under the provisions of this chapter and that he has not disclosed the same to the [board of supervisors] *State Department of Social Welfare*, double the amount of the aid paid him in excess of that to which he was legally entitled may be recovered by the Department of Social Welfare as a preferred claim from his estate and upon recovery shall be repaid to the county, to the State, and to the United States Government in accordance with the provisions of Section 2024.

SEC. 28. (a) After this act becomes operative, no applications for aid under the Old Age Security Law shall be received by any county with respect to any person who is not upon the operative date receiving assistance under the Old Age Security Law, but all such applications shall be received and administered by the Division of State Aid to the Aged in the State Department of Social Welfare.

(b) With respect to every person who is receiving aid under the Old Age Security Law on the operative date or who has applied for such aid prior to the operative date and whose application is pending on the operative date, the county administering the case or in which the application was filed, as the case may be, shall administer the case, in accordance with the provisions of the Old Age Security Law as amended by this act, as the agent of the State Department of Social Welfare and subject to the supervision and control of the State Department, until the case is transferred to the Division of State Aid to the Aged. The transfer of cases shall be immediately undertaken by the Division of State Aid to the Aged upon the operative date of this act, and the transfer of all cases within this subdivision shall be completed not later than the first day of the third month following the operative date. Until the case is transferred to the Division of State Aid to the Aged, the county administering the case shall be reimbursed by the State Department of Social Welfare for all moneys advanced or expended by the county as agent for the Department of Social Welfare, including both the direct and the administrative costs incurred by the county in administering the case. Such reimbursement shall be made from the moneys appropriated to the Department of Social Welfare by Section 2021 of the Welfare and Institutions Code, as amended by this act, and from any other moneys available to the department for administration of aid to the aged or for the support of the department. The Department of Social Welfare shall by rule and regulation establish a procedure for such reimbursement.

(c) Upon the operative date the Division of State Aid to the Aged in the State Department of Social Welfare shall succeed to and be entitled to the possession and control of all county records, books, papers, equipment, and other personal property used in connection with the administration of the Old Age Security Law, and the counties shall give the Division of State Aid to the Aged possession of such records, books,



papers, equipment, and other personal property at the same time that the cases administered by the counties to which such records, books, papers, equipment and personal property relate are transferred to the Division of State Aid to the Aged.

SEC. 29. This act shall become operative on the first day of the month next succeeding the ninetieth day after the final adjournment of the Fifty-fifth Legislature of California.

## SENATE BILL

No. 974

## INTRODUCED BY SENATOR DONNELLY

January 30, 1943

## REFERRED TO COMMITTEE ON REVENUE AND TAXATION

*An act to raise revenue and to provide for the payment of annuities therefrom.*

*The people of the State of California do enact as follows:*

SECTION 1. The term "gross income" means the gross receipts of the taxpayer received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce, or the sale of tangible or intangible property and including interest, dividends, discounts, rentals, royalties, fees, commissions, bonuses, or prizes or any other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor employed, taxes, royalties, interest or discount paid, or any other expenses whatsoever.

SEC. 2. When used in this act the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash.

SEC. 3. The term "State Welfare Board" means the present State Welfare Board of the State of California.

SEC. 4. The term "property" means real and/or personal property and includes stocks, bonds, and choses in action: It includes also any right, interest, or estate whatsoever in such property.

SEC. 5. The term "persons" or "companies" shall include every individual, partnership, society, unincorporated association, joint venture, group, joint-stock company, corporation, trustee, executor, administrator, trust estate, decedent's estate, trust or other entity, whether doing business for itself or in a fiduciary capacity, and whether the individuals composing it are residents or nonresidents of the United States and whether the corporation or other association is created or organized under the laws of the United States or of another jurisdiction.

SEC. 6. The term "California," when used in a geographical sense, means all areas in the State of California; and the term "employee" includes an officer of a corporation.

SEC. 7. In addition to all other excises, duties or taxes, there shall be levied, collected, and paid a premium of 2 per cent of the gross income of all persons or companies derived from any and all sources, over and above one hundred dollars (\$100) for each calendar month. Such one hundred dollars (\$100) shall be deducted monthly if received as wages or salary, and may be deducted on quarterly, semiannual or annual basis if derived on any other basis.

SEC. 8. The premiums imposed by this act shall be collected by the State Welfare Board and shall be paid into the treasury of the State of California and allocated to a special fund solely for the purpose of this act.

SEC. 9. The State Welfare Board may distrain any goods, chattels, or intangibles, represented by negotiable evidences of indebtedness, of any premium payer who is delinquent under this act, for the amount of all premiums, penalties and interest accrued and unpaid hereunder.

SEC. 10. The State Welfare Board shall be empowered to designate the manner and place for filing returns and payment of premiums, and shall provide such forms and instructions as may be necessary for the proper administration of this act.

SEC. 11. The premiums shall be computed on the total gross income of all persons and companies at the end of each calendar month, and a complete return must be filed with the State Welfare Board before the twentieth day of the calendar month following the month in which the premium accrues, unless no premium is due under the exemptions as provided in Section 7.

SEC. 12. All remittances of premiums imposed by this act shall be made to the place designated by the State Welfare Board on or before the twentieth day of the second month after they accrue; such returns shall be verified by the oath of the premium payer if an individual, or by oath of an officer or director, if made in behalf of a company. If made in behalf of a partnership, firm, society, unincorporated association or group, joint venture, joint-stock company, corporation, trust estate, decedent's estate, trust, or other entity, any individual delegated by such partnership, firm, society, unincorporated association or group, joint venture, joint-stock company, corporation, trust estate, decedent's estate, trust or other entity shall make the oath in behalf of the premium payer. If for any reason it is not practical for the individual premium payer to make the oath, it may be made by any duly authorized agent, who shall then be held entirely responsible for the correctness of such return.

SEC. 13. If the premium payer shall make any error in computing the premium assessable against him the State Welfare Board shall correct such error, reassess the proper amount of premium and notify the premium payer of its action by mailing to him promptly, by registered mail, return receipt requested, a copy of the corrected assessment, and any additional premium for which such premium payer may be liable shall be paid within 10 days after the receipt of such notice.

SEC. 14. If the amount already paid exceeds that which should have been paid on the basis of the premium so recomputed, the excess so paid shall be immediately refunded to the premium payer by the State Welfare Board out of the funds collected under this act. The premium payer may, at his election, apply an overpayment credit to premiums subsequently accruing hereunder.

SEC. 15. If any person having made the return and paid the premium as provided by this act feels aggrieved by any assessment so made upon him for any specified period by the State Welfare Board, he may appeal from said assessment by filing a petition in the manner provided by law.

SEC. 16. The State Welfare Board shall enforce the payment of the premiums required by this act to be paid, and shall promptly deposit in the State treasury all moneys received by it through or from the collection of such premiums.

SEC. 17. The provisions of this act shall not apply to the following persons: (1) Fraternal benefit societies, orders, or associations, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident, or other benefits to the members of such societies, orders, or associations, and to their dependents or beneficiaries; (2) corporations, associations, or societies organized and operated exclusively for nonprofit, religious, charitable, scientific, or educational purposes; (3) business leagues, chambers of commerce, labor organizations, boards of trade, civic leagues, and other similar organizations operated exclusively for the benefit of the community and for the promotion of social welfare, and not for commercial trading in any form, and from which no profit inures to the benefit of any private stockholder or individual; (4) hospitals, infirmaries, and sanatoria, from which no profit inures to the benefit of any private stockholder or individual; (5) amounts received under life-insurance policies and contracts paid by reason of death of the insured; (6) amounts received under property-insurance policies; (7) amounts received by any person under any accident-insurance or health-insurance policy or contract or under workmen's compensation acts or employer's liability acts, as compensation for personal injuries, death, or sickness, including also the amount of any damages or other compensation received, whether as a result of action or by private agreement between the parties on account of such personal injuries, death, or sickness; (8) amounts received by any person as compensatory damages for any tort injury to him, or his character or reputation, or received by any person as compensatory damages for any tort injury or destruction to property, whether as the result of action or by private agreement between the parties; except amounts received by any person as punitive damages for tort injury or breach-of-contract injury; (9) amounts received by any person as a benefit payment so-called or like payments by virtue of acts passed by the Congress of the United States relating thereto and disbursed to others as such benefit payment; but the State Welfare Board may by regulation require any such deductions to be set forth specifically by the taxpayer in his return: Provided, however, that exceptions, (1) to (9) inclusive, shall apply only to the gross income received from nonprofit activities.

SEC. 18. It shall be unlawful for any person to refuse to make any returns provided for in this act; or to make any false or fraudulent return, or false statements in any return with intent to defraud the State of California, or to evade the payment of the premium imposed by this act or any part thereof; or for any person to aid or abet another in any attempt to evade the payment of the premium imposed by this act or any part thereof; or for any officer or director of any company to make, or permit to be made, or any company, corporation, association, or other legal entity to make any false return, or any false statement in any return required by this act, with the intent to evade the payment of any premium hereunder. Any person violating any of the provisions of this act shall be guilty of a felony, and, upon conviction, shall be fined not more than ten thousand dollars (\$10,000) or by imprisonment not exceeding 10 years,

or both. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement, shall be guilty of the offense of perjury, and, on conviction thereof, shall be punished in the manner provided by law. Any corporation for which a false return, or a return containing a false statement, shall be made, shall be guilty of a felony and shall be punished by a fine of not more than ten thousand dollars (\$10,000). If the premium imposed under this act is not paid when due, there shall be added as part of the premium, interest at the rate of one-half of 1 per cent per month, from the date the premium became due until it is paid.

SEC. 19. There is hereby created an account of the treasury of the State of California to be known as the General Welfare Account, hereinafter referred to as the "account." There are hereby authorized to be appropriated annually amounts equal to the estimated revenue derived under this act. On the twentieth day of the month succeeding the month in which this act is enacted, and on the twentieth day of each calendar month thereafter, there shall be credited to the account a sum equal to the amount of revenue to be collected under the provisions of this act, as indicated by the returns filed during the preceding calendar month. Such sums shall be available for making the payments as hereinafter provided. The State Treasurer shall submit annually to the State Welfare Board an estimate of the appropriations to be credited to the account.

SEC. 20. Amounts estimated by the State Treasurer to be necessary for monthly expenditures in the administration of this act shall be deducted from amounts credited to the account each month. The remaining amount credited to the account for each month shall be prorated and paid monthly to each qualified annuitant for the first month after the amounts are credited to the account except that no payment shall exceed one hundred dollars (\$100) for any one month. Any surplus remaining in the account after the maximum monthly payments are made to each such annuitant shall be applied toward the liquidation of the State debt, if any exists, until the State debt is paid, after which it shall go into the General Fund of the State.

SEC. 21. Every citizen who is 60 years of age or over, and every physically incapacitated person unable to sustain himself, shall, upon filing an application under such as hereinafter provided, be entitled to receive an annuity payable in monthly installments during the remainder of his life, or until he is physically able to sustain himself.

SEC. 22. (a) The annuity shall be spent within California for goods or services (except gambling), giving preference to commodities grown, produced, or manufactured within California and for services rendered by citizens of the United States in the State of California.

(b) Each installment of the annuity shall be spent by the annuitant within 30 days of the time of its receipt.

(c) An annuitant shall not engage in any occupation, business, or other activity from which a profit, wage, or other compensation is realized or attempted, except that nothing in this act shall be construed to prohibit an annuitant from collecting interest, rents, or other revenues from his own investments. No annuitant shall support an able-bodied person in idleness except a spouse. No annuity shall be paid to any person for any period that such person is forcibly confined in a penal institution or an institution for mental incompetents, and no person shall be entitled to an annuity when released, until a new application is approved for him.

(d) Any annuitant may waive all or any part of his right to an annuity under this act by filing a notice thereof with the State Welfare Board in such manner as it shall prescribe. Any such waiver shall not affect the right of any person to apply for an annuity at any time thereafter.

(e) Any sum received by an annuitant which represents the proceeds of a sale of any real property acquired through the use of money received as an annuity under this act shall be expended by the annuitant within six months after the receipt of such proceeds of such a sale.

(f) An annuitant shall not pay to any person any salary, wages, or other compensation in disproportion to the services rendered.

(g) It shall be the duty of each annuitant while receiving an annuity to pay his just obligations for purchases, rents, or services rendered, and to pay at least 10 per centum of any monthly installment on just obligations incurred before such annuitant received any money under this act.

(h) Each annuitant shall covenant and agree in his application for an annuity to comply with all the provisions of this act and all rules and regulations prescribed by the State Welfare Board to carry out the provisions of this act.

SEC. 23. (a) Payments of the amounts due to each annuitant under this act shall be made at regular monthly intervals so that the payments will be in possession of each annuitant as near the first day of each month as possible.

(b) The State Welfare Board shall furnish application blanks and other necessary forms to their branch offices, for distribution to persons who wish to apply for benefits under this act.

(c) Applications for annuities and any returns required to be made by an annuitant may be filed in local State Welfare Board offices and forwarded by them to the State Welfare Board. Welfare Board employees designated by them and notaries public



shall have power to administer oaths where required under this act and may collect a fee of twenty-five cents (\$0.25).

SEC. 24. (a) State Welfare Board is authorized and directed to prescribe such rules and regulations as may be necessary to carry out the provisions of this act.

(b) The State Welfare Board is hereby empowered to call upon other departments or agencies of the State to aid in the administration of this act.

(c) The State Treasurer is also empowered to make adjustments with respect to the time in which installments shall be expended in case payments to any person may have been delayed and there is an accumulation of two or more installments.

SEC. 25. The right to receive any payment under this act shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

SEC. 26. Whenever any person, in an application or when making a payment under this act knowingly or wilfully makes a false statement of a material fact, or fails or refuses to obey any rule, or regulation, issued by the State Welfare Board under this act, or violates any provision of this act, shall be prosecuted by the Attorney General in the court in the county in which the offense occurred, and upon conviction the annuitant shall forfeit for the remainder of his life one-fourth of the annuity to which he would otherwise be entitled each month, but shall suffer no other penalty, regardless of the number of counts on which he was convicted. Upon a subsequent commission and conviction for such misdemeanor he shall forfeit an additional one-fourth of the annuity to which he would otherwise have been entitled, for a third conviction, another one-fourth, and for a fourth conviction he shall forfeit entirely his right to any annuity under the terms of this act.

SEC. 27. All acts or parts of acts in conflict with the provisions of the act are hereby repealed to the extent of such conflict.

SEC. 28. Any person who accepts an annuity under this act shall not be entitled, for any period that such annuity is received, to any pension, unemployment insurance, or other benefit to which he would otherwise be entitled under State law.

SEC. 29. If any part of this act is held to be unconstitutional, it shall not affect the validity of any other part of this act.

#### APPENDIX 9(c)

### SENATE CONSTITUTIONAL AMENDMENT

No. 12

#### INTRODUCED BY SENATORS TENNEY AND SHELLEY

January 26, 1943

#### REFERRED TO COMMITTEE ON WELFARE AND INSTITUTIONS

*Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Article XVIa thereto, relating to pensions.*

*Resolved by the Senate, the Assembly concurring.* That the Legislature of the State of California, at its Fifty-fifth Regular Session commencing on the fourth day of January, 1943, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Article XVIa thereto, to read:

#### Article XVIa

##### Pensions

Section 1. The Legislature shall have power to provide for the payment of pensions to disabled or aged citizens of the United States who reside in this State, and who have such qualifications in respect to age, length and place of residence, property holdings, and income, as the Legislature may prescribe. The Legislature shall have power to provide by taxation the necessary funds for the payment of such pensions, whether such pensions are paid by the State, or by the Federal Government and the State jointly.

Sec. 2. If the Federal Government establishes a uniform Nation-wide retirement system of old-age pensions for citizens of the United States not less in amount than



the pensions provided by the State of California, such National pensions shall be in lieu of the State pension provided pursuant to this article; but if a National pension is provided in an amount less than the amount of the pension provided by the laws of the State of California, the Legislature shall provide for the payment of the difference between the amount of the National pension and the amount of the pension provided by State law, such payments to be administered and the conditions of eligibility therefor to be as provided in this article.

Sec. 3. No applicant for or recipient of a pension shall be denied a pension because of the property holdings or income of any other person, whether child, spouse, or other relative, of the applicant or recipient, or because of any provision of law requiring any such relative to support the applicant or recipient, or because of the financial ability of any such relative to support the applicant or recipient.

Sec. 4. Any recipient of a pension provided pursuant to this article shall be permitted to own, hold, or convey to others real estate, cash, or other personal property in such amount as the Legislature shall provide, without thereby becoming ineligible to receive the pension.

Sec. 5. Any recipient of a pension provided pursuant to this article may receive remuneration for his labor or services, or rentals of property owned by him, in any amount provided by the Legislature, without thereby becoming ineligible to receive the pension.

Sec. 6. Any legislation providing pensions pursuant to this article shall be administered by a department established for that purpose, which shall be separate and distinct from any agency or organization engaged in the administration of laws governing the distribution of public or private charity. Any citizens' pension provided pursuant to this article shall be deemed a right accorded to citizens by virtue of their status as citizens, and the receipt thereof shall never be considered as an act of indigency or pauperism, nor shall any legislation granting such a pension be deemed to be nor administered as legislation providing aid to indigents or paupers.

Sec. 7. No pension granted to a citizen under legislation pursuant to this article shall be terminated except by the death of the pensioner, nor shall the amount of any such pension be reduced, until the pensioner has been granted a hearing before a court of record in the county in which he resides, and accorded full opportunity to defend his right to continue to receive the pension in the amount which has been granted.

Sec. 7.5. Any applicant for or recipient of a pension provided pursuant to this article who feels that he has been discriminated against by reason of any ruling by any administrative officer or body empowered by law to administer laws enacted pursuant to this article shall have the right, upon cause shown, to obtain a writ of review from any court of record in the county in which he resided at the time the action complained of occurred, and to have the question or questions judicially determined and proper relief granted.

Sec. 8. No grant of a pension to an aged person, or the enjoyment of a pension, shall create the relationship of debtor and creditor between a pensioner and the State of California, or any political subdivision of the State, save where the pension has been obtained by fraud. When a pension has been obtained by fraud, action may be maintained against the recipient, in such manner, and the person who obtained the pension fraudulently shall be subject to such penalties, as the Legislature may provide.

Sec. 9. No action shall be hereafter maintained in any court of the State of California against any person for the recovery of any sums heretofore or hereafter paid as a pension pursuant to this article, or as old-age assistance, except to recover such pensions or such assistance obtained by fraud.

#### APPENDIX 9(d)

PAY CHECKS OR PENSIONS FOR ALL

#### PAYROLL GUARANTEE ASSOCIATION

1095 Market Street, Room 418

SAN FRANCISCO, CALIFORNIA

1731 N. HIGHLAND AVE., HOLLYWOOD

#### Age Pension Stabilization Proposal Submitted to Governor Warren's Committee on Age Pensions

We quote Governor Warren from his statement of October 4, 1942:

The senior citizens of California have been deceived and misled long enough. They are entitled to pensions, not as a charity or a dole, but as a matter of right—as something they have earned in their productive years by their contributions to the upbuilding of the community. I do not believe a senior citizen should have to be in need in order to secure a pension. I do not believe he

should be forced to relinquish any outside income he may have or any property he may have acquired. I don't believe he should be forced first to look to his children for support. I do not believe that a pension should be longer considered or called "Old Age Charitable Relief."

It is not just the number of years people have lived that should determine their right to a pension, because many people are efficient and able to work to very advanced ages, but rather the limit beyond which they are not permitted to obtain productive employment because of the stern dictates of a machine age. In order to be both realistic and humane, therefore, we must proceed upon the theory that a system which arbitrarily freezes people out of industry and declares them to be obsolete, merely because they have lived a fixed number of years, must make honorable provision for their support during the years of their enforced idleness.

The State of California must proceed upon this principle, and in doing so adopt a new policy of promptness, courtesy and cooperation in dealing with its citizens who are entitled to pensions.

We quote from Governor Warren's address to the Associated General Contractors, Palace Hotel, San Francisco, December 11, 1942:

We must provide a job with good living wages for every person wanting work; and from the abundance these enthusiastic workers produce provide adequate pensions for those unable to work.

\* \* \* I am creating in California a scientifically planned model State, after which the Nation and the world may pattern.

and again from the Governor's statement of February 17, 1943, given at the time of the naming of this committee:

Every thinking person must realize that old age security is our most fundamental social problem and that an industrial system which arbitrarily rules out productive employment because of age and irrespective of fitness must provide an honorable means of livelihood in lieu thereof.

GENTLEMEN: We are face to face with an economic, social, financial situation that is without parallel or precedent. It was born years ago. It grows apace. The business sag of the thirties which generated the acuteness of our social problems of unemployment and old age, has been temporarily offset in the forties by a stupendous pouring out of Federal Government tax financed war material and supply orders which are now supporting the California economy to the extent of around \$10,000,000,000, so far.

Many of our younger people are out of private life now and in the services. We have less unemployment and more people on pay rolls than in any previous period. Less employable people but more people employed. For the first time women are being employed extensively in all crafts; they will not return to the kitchen voluntarily.

The 45 year hiring age limit which previously prevailed has been pigeonholed for the duration so that any man or woman who can walk without crutches may now find a place on the production line. Employment is still increasing. Unemployment is at low tide. The needy unemployment and old age case load is at a bottom below which it probably can not further recede, but prices and the cost of living are increasing despite all efforts at stabilization.

Every citizen of every age and of every employment or unemployment classification now carries a ration book in one pocket and a purse, we hope, in the other. Such goods as are available for civilian use are thus universally advertised as available to every person regardless of his or her financial status. Each has his basic ration, theoretically.

If we deal with old age aid as aid and not as pensions as a matter of right, we do so without reckoning the political and economic implications and the consequences which will follow almost before tomorrow's sunrise.

We have only about 150,000 persons in and above the 65-year age bracket reduced to pauperism, for whatever reasons, who are now being supplied out of tax moneys at an official rate of \$40 per month per person. This involves total tax money in the estimated amount of \$65,000,000 per 12 months, \$32,500,000 of which is Federal, \$16,300,000 State and \$16,200,000 county.

The cost of decent mere-existence for these people—even without anticipating further price increases—demands 50 or 100 per cent increase—all or nearly all of which would have to be raised out of State and county taxes because of the Federal aid contribution limit of \$20 per person per month—a total of not less than \$200,000,000 for the 1943-45 biennium—and that at the lowest case load point which may be by any means anticipated. What then of those under 65; what of those frozen out of their jobs in their late forties? What of those between 45 and 65 who, at the moment, find a few short months of temporary employment in war or allied work?

What of those younger men and women whom we hope will soon be returning from the services in high hopes for their peacetime future? Shall we, by the recommendations of this committee, deal with upper-age abject poverty and again postpone the

inevitable day of financial and political reckoning with the basic realities of the problem?

We submit that the solution either to the immediate present or to the immediate future problem is not to be found in any further raids upon the taxpayers. That cow is well nigh dry.

With the present demonstration of full employment resulting almost exclusively from Federal war orders, we ask also from the standpoint of industry, agriculture and business—where are the orders for produce and product to come from to replace the inevitable recession of war-generated orders which at the moment reduce our unemployment and our social case load to the present lows?

Far from any hope for reductions in the tax burden which social displacements have engendered the present burden must shortly become not only intolerable to the average taxpayer, but an insuperable impediment to private enterprise and to competitive trade intercourse with low standard areas in America or abroad.

Cost of production efficiencies brought forth by the remarkable intelligence of the workman, the engineer, the scientist and of management must not and need not be canceled out by a system of taxes, tax assessments and tax accounting constantly aggravated by old age unemployed people who are the end product of those very efficiencies.

The way is simple enough. It leads to placing age pensions on the assets side of the taxpayers' ledger instead of on the liabilities side. The Payroll Guarantee Association, whom I represent, proposes:

1. That private enterprise, public works and government shall employ as many people as in their judgment may be required for the efficient conduct of such undertaking; that employment preference be given to younger men and women.

2. That those remaining after manpower demands have been satisfied will be men and women who temporarily or permanently have been functionally disqualified and arbitrarily frozen out as unemployable for reasons of age or disability.

3. That all unemployed who have resided in California for some prescribed duration shall be granted pensions.

4. That since responsibility for disemployment does not necessarily rest with the applicant no burden of proof of his right to a pension shall exceed his or her affidavit as to residence requirements and that weekly application to the nearest employment office for employment suitable to his or her qualifications has resulted in no employment during the four weeks immediately preceding his or her original application for pension.

5. We propose that pensions should be of two classes—temporary and permanent.

6. That pension payments must at all times represent purchasing power equivalent to \$20 a week at the price level which prevailed in January, 1942, as determined by Heller Reports, University of California, United States Department of Labor and other recognized statistical authority.

7. That "permanent" irrevocable pensions shall begin at an arbitrary age which is five years above the prevailing employment age level established by industrial practice.

8. That "temporary" pensions shall begin at the arbitrary permanent age and be reduced automatically by units of six months each as, for example, from age 50 to age 49 years and six months—then to age 49 years and so on down until the number of applicants for pensions whose age is below the current temporary pension age bottom exceeds the total number of men and women in the next succeeding lower six months age group.

9. That as and when demands for manpower exceed the supply of available workers then those temporary pension recipients in the lowest six months age group whose qualifications for work are in demand shall be obligated to accept such employment and be stricken from the pension rolls with the privilege of being returned to the pension rolls immediately upon further cessation of their work assignment.

10. That all paid employment shall be reserved as opportunities for younger people. That pensions must be really adequate and that pension recipients be required to abstain from odd-job extra income except in periods officially declared to be of public emergency.

11. We strongly emphasize that California should not be made a mecca for the elders of other areas but that it should be operated as a safe haven for those whose extended years of residence and service in this State yet finds them without further opportunity for productive earnings.

- 12.—We submit that such a program by stabilizing basic income will at once stabilize not only the social but more particularly the economic environment so necessary to the health of sound industrial, agricultural and business development.

- 13.—We propose that such a stabilization program be financed by a line of credit which the State of California will establish with the banks of California and that this Stabilization Exchange Fund shall be used exclusively for the payment of pensions.

- 14.—We propose that an account shall be opened in the nearest bank for each pension recipient and that the State shall "deposit" to the account of each pension recipient each week, the amount of the pension due for that week.



15—We propose that each pension recipient shall draw "Stabilization exchange checks" on his account in bank in payment for his supplies and that his stabilization account will then be debited to the account of the pension recipient and credited to the merchant, the landlord or the supplier in whose favor the pensioner's check is drawn.

16—We propose that the merchant will then draw "Stabilization checks" against his "Stabilization exchange account" in settlement of his bills payable and so on.

17—We propose that receipts of "Stabilization exchange" shall not be regarded as income and not subject to income taxes and that merchandise distributed by means of stabilization exchange shall not be subject to sales or use or excise taxes.

18—We propose that the bank shall debit each private "Stabilization exchange" account 2 per cent and credit the State stabilization exchange account 2 per cent at the close of business on some prescribed day each week to the end that all drafts by the State on its line of "Stabilization credit" at bank shall be liquidated and canceled out 50 weeks after the drafts are made.

19—We propose that by this method all financial costs of pensions are in effect paid out of the business generated by pensions and not out of taxes assessed against real or personal property and not out of taxes assessed against sales or ordinary income.

20—We propose the example of a grocer who takes \$100 worth of stabilization exchange checks. Assuming that he does not immediately transfer this credit to his wholesaler or other supplier, the grocer's account at bank would be debited 2 per cent at the fiscal week end. The grocer has transferred \$100 of merchandise at an expense of \$2. If the grocer does transfer the \$100 credit to his wholesaler within the week then the 2 per cent debit would be charged to the account of the wholesaler and \$100 at retail and another \$100 at wholesale of business will have been done for a total cost of \$2 or an average of 1 per cent on the turnover. Let this occur once each week for the ensuing year and the total debits at 2 per cent weekly will cancel out the credit while in that same period that \$100 worth of stabilization credit, passing from merchant to wholesaler to farmer to merchant, will account for the transfer to \$50,000 worth of goods and services and each merchant or farmer has enjoyed whatever his profit markup is, minus 2 per cent.

21—We propose that this method will take care of the immediate need on a matter of right basis and thus meet Governor Warren's objective and not on a dole or charity basis, which must be abhorrent to every American. We propose further that this method holds the answer to where are the orders to come from to take the place of the soon-to-end government war orders which now sustain our economy.

22—We ask bold foresight in the matter of a million or more people who will be looking for nonexistent jobs in California at war's end—people with ration books but little or no money left over.

#### PAYROLL GUARANTEE ASSOCIATION

By ROY G. OWENS, Engineer Economist

#### APPENDIX 9(e)

#### CITIZENS' COMMITTEE FOR OLD AGE PENSIONS

527 West Eighth Street

Los Angeles, California

MARCH 18TH, 1943

*To the Members of the Fifty-fifth Legislature  
of the State of California*

#### Statement

For the past two years the members of the board of trustees of the Citizens' Committee on Old Age Pensions have been engaged in an active exploration of conditions surrounding the lives of old age pensioners of California. By word of mouth and by thousands of letters the senior citizens have told us of the way of their lives, not in the spirit of complaint but with the seasoned courage to meet every condition which may confront them. They have even smiled at the telling of their efforts to stretch their small incomes to win the comforts of life.

We have discussed with these senior citizens the difficulties they have met as old age pensioners and we are in possession of the facts. These difficulties do not all arise from the limited amount of pension payments. They must also carry the mental burden of worry over trying provisions of existing law. They have been harassed and even persecuted by unfeeling social welfare visitors whose sole qualifications are political pull for county appointments. The cause of old age pensions has too long been a football in the political arena of local governments. Anyone who has been in personal touch with these old age pensioners must realize the demand for a change in the administration of the law.



### A Prayer

In the name of thousands of old age pensioners throughout the State we beg consideration for their present condition and action looking to their immediate relief.

We respectfully represent that 50 per cent or more of the \$40 monthly income of the old age pensioners of California goes to the purchase of foodstuffs. We represent, and challenge successful contradiction, that a dollar today in California will buy not more than half as much human food as it would two years ago.

We represent that the Federal Government surplus commodity food stamps, which enabled the old age pensioners of California to purchase half as much food again with their dollar, have been withdrawn.

We represent that the ever increasing cost of living and the withdrawal of the surplus commodity food stamps, has reduced these old age pensioners of California to a starvation diet which they can not long survive.

Responsibility for their immediate relief rests with the State. This can be accomplished through urgency legislation increasing the amount of pension payments, and to take effect not later than April 1, 1943.

We pray that in the name of the people of the State of California, you share in the enactment of such legislation as a temporary measure of relief. We feel that you will do your part.

### Permanent Legislation

The old age pension system of California can be put upon a humane and adequate basis through simple amendments to existing law. There is no present need to resort to any scheme for raising additional money. It is well within the ability of the State to meet larger payments for old age pensions. Governor Warren has stated that in these days people can not live on \$40 a month. Then there is nothing left to do except for the State to increase its contribution to the payment of old age pensions. There is no alternative in the liberal State of California.

### Sixty Dollars a Month

Our study of conditions has convinced us that an old age pension payment of \$60 a month should be provided. It is true that in these days of higher costs this sum will afford only a skimpy living for the modest demands of these older people, but it is to be hoped that conditions will change with the coming of peace. It is also to be considered that under changes in existing laws the old age pensioners of California who still possess the physical strength, will be permitted to augment their income by casual employment. In normal times a total payment of \$60 a month is the lowest possible sum to maintain an old age pensioner in reasonable comfort and investigations that might last over years would prove nothing to the contrary.

### Sixty Years of Age

Private industry, as though by stated agreement, has adopted a rule that it will give employment to no person who is 40 years old or more. In some respects this rule has been relaxed in the quest for manpower for wartime activity, but in many of the war industries it is still strictly enforced. The same rule is frequently invoked in civil service and other governmental agencies. If it runs against a man or woman 40 years old, how much stronger must it run against a person 60 years old?

Making persons 60 years old and upward eligible for old age pensions does not necessarily mean crowding of the pension rolls. It has been proved that men and women who can obtain employment carry on as long as they are physically and mentally capable of holding their jobs. Reducing the age eligibility to 60 years merely provides for those who would otherwise be subjects of public charity and therefore adds no great burden to the taxpayers of the State.

### Responsible Relatives

There is a provision in existing law in California that the sons and daughters of recipients of old age pensions can be held legally responsible for contributions toward the payment of these pensions in accordance with their ability to pay. Our research reveals that in most cases where children are able to pay they willingly support their parents and will not permit them to apply for old age pensions. In any event, this provision of law yields but an insignificant sum toward the payment of old age pensions and with the high cost of sniping by an army of welfare workers, is an added expense to the taxpayers. It has been a source of harassment and persecution both to old age pensioners and their children. It is a noxious provision of the law and should be repealed.

### Administration of Counties

Administration of the Old Age Security Law by the county governments of the State has proved a costly mistake. It should be returned to the State, where it rightfully belongs, in order to give an even administration of the law.

Administration of the Social Security Laws by the counties has injected local politics into the situation and has built up an army of tax-eating so-called welfare visitors whose competency is measured solely by their political influence. The consequence has been petty and despotic practices on the part of many of these political favorites and has brought downright misery to thousands of old age pensioners. An even administration of the law can only be conducted through a State agency. This reform is strongly recommended.

#### Conclusion

Provision that the State shall grant \$100 for funeral and burial expenses of old age pensioners whose estate will not take care of such expense, is simply a humane provision of law. Reissue of lost checks will prevent unnecessary hardships. Opening of records to old age pensioners or their authorized agents merely gives them the opportunity to correct faulty records.

We have outlined for the members of your honorable body the major reforms which we believe to be necessary to the establishment in California of a humane and adequate form of old age pension relief. We have made to you our prayer for immediate relief of thousands of the aged, infirm and helpless who find themselves face to face to starvation and with the fear of the morrow ever present in their hearts. We ask you to accept our testimony as the truth, and the whole truth, and to use your best judgment in the ameliorating of a condition affecting our aged citizens which can not be permitted to persist in our great and liberal State.

We beg leave to subscribe ourselves

Respectfully,

BOARD OF TRUSTEES

CITIZENS' COMMITTEE FOR OLD AGE PENSIONS

By Myrtle Williams, Secretary

#### APPENDIX 9(f)

"The Only Way to Prosperity"

California Prosperity Plan

AN AMERICAN PLAN FOR AMERICAN PEOPLE

No Obligation on the Part of the State

Self Liquidating—Self Redeeming  
Prosperity for All—Poverty for None!

SECURITY A BIRTHRIGHT

Sponsored by

PROSPERITY LEAGUE OF AMERICA

307 S. Hill Street, Los Angeles, California

*California Prosperity Plan Fully Explained*  
Self-Liquidating Credits Offer Easy Solution

#### THE PREMISE

The Prosperity League of America recognizes the principle that the American Nation is not only virtually self-sustaining, but in a position to produce the necessities and luxuries of life in abundant degree for all its citizens, provided a method of enabling their distribution could be developed.

It further accepts the principle that the distribution of goods, merchandise and services has been obstructed by a slowing up of the circulation of money, and the restriction of credits, thus reducing the Nation's purchasing power.

#### THE PROSPERITY PLAN

It is proposed that the State, by an act of Legislature, put into immediate effect the California Prosperity Plan whereby every (American citizen) man or woman, 21 years or over, shall receive a credit in the bank of \$100 each month. Such credit shall be authorized by the State of California, and shall be liquidated by a self-redeeming method described herein.

That the Governor shall appoint commissioners in the respective communities throughout the State for the purpose of registering every man and woman eligible

for such credit. That upon the qualification of the applicant, the local commissioner shall issue a signed order authorizing a bank, selected by the applicant, to credit to the account of the applicant, the sum of \$100 per month for a period of 48 months. The applicant may then draw upon said account by check, in any denominations up to the amount of \$100, monthly.

When each prosperity credit is granted, the bank shall open up a "special prosperity account" for this purpose, in a separate ledger or set of ledgers, so that all transactions in prosperity credits can be kept separate from all ordinary cash and credit transactions. The bank will also open similar accounts for each individual, merchant, manufacturer, corporation, or any other body of men or organizations or associations, on request, so that prosperity checks accepted by them may and shall be deposited in such separate accounts.

For the purpose of writing checks, or drawing upon such prosperity bank credits or accounts, the State shall cause to be printed and issued a special red, white and blue prosperity check, form or blank. Each time a citizen shall draw upon his account, he shall be obliged to use such red, white and blue checks for that purpose, and the same applies to merchants, business firms, individuals, etc., who receive same in exchange for merchandise, services, etc.

#### LIQUIDATION OF ACCOUNTS

At the end of each calendar month—the bank—which is to say all the banks of the State considered jointly—shall charge each depositor 2 per cent of the total deposits or credits made during the month in his prosperity account.

But, however, this charge must be paid in ordinary credits or cash, and shall not be considered interest, commission or otherwise, but a return of principal to the State for the purpose of creating a redemption or liquidating fund.

Since ordinary credits turn over at the rate of five times per month, it can be expected that prosperity credits shall turn over at least five times monthly if not faster, since these credits will be used for spending purposes, in the purchase and turnover of consumption goods.

The banks will, therefore, collect for the account of the State each month, through this turn-over, 10 per cent of all outstanding credits, or \$10 for each \$100 of credit money in circulation. In 12 months, if all credits were allowed to circulate, the State would have received 120 per cent of the amount of each individual month's credit issue.

In round figures, there being approximately 4,000,000 adult citizens of 21 years and over, the State would have put into circulation \$400,000,000 in prosperity credits each month.

However, to permit the assimilation of the credits by business and industry and to further permit the absorption of unemployed workers, the State would probably decide to apply its accrued collections for the liquidation of the prosperity credit accounts two or three months after the first month's issue. Millions of dollars would have been received, and these could be applied on a sliding scale to wipe out the credits.

There would be a sufficient surplus or revenue to operate the State without it being necessary to derive a single dollar through taxation of any kind, or from any other source whatever. This would eliminate all State taxes.

It would permit the State to go on a cash basis and stay there. There would be a substantial amount to apply on the State deficit. The repayment of the loans or credits would have been accomplished through a small, painless 2 per cent on transactions.

At the end of the four-year period, the State can stop issuing prosperity credits, and allow a 12 months redemption period for the credits outstanding, paying back to the last holders the full amount in ordinary cash or credit. It could then determine by a vote of the people or their representatives, whether or not it wishes to continue the plan.

During the operation of the plan, the banks would be paid as compensation for acting as depositories, a fair and equitable service charge, to be mutually agreed upon between the banks and the State.

The advantage of this plan is that it is self-liquidating. It permits the restoration of purchasing power without the necessity of the State going farther into debt in order to catch up with unemployment, and it is the only way the State can work its way out of its deficit.

Under this plan, every man or woman may earn all that he or she can in addition to his or her \$100 monthly prosperity credits, for in no way will it interfere with their present or future income. The plan is not designed to supplant or disturb our ordinary credit currency system. It will not set aside or interfere with the profit system.

To be eligible for the credit, each applicant must be regularly employed, unless he or she be at least 50 years of age, an invalid, or a housewife. If the applicant is



not employed, he or she shall be obliged to work for the State, at such type of employment the State shall designate. Such work will be furnished by the State, but at lesser wages than those paid by industry.

It shall be specifically understood that no one shall be compelled to work who can furnish satisfactory evidence of their incapacity or physical deformity, or anyone over the age of 50, or any married woman who has a husband or children.

But it shall be specifically understood that every able bodied man under the age of 50 shall be expected to work, and a regular certificate of employment shall be required of the borrower each month, which shall be inspected by the commissioners in each district.

If the applicant refuses to work, he or she shall be denied the prosperity credit, which shall be a most effective penalty for preventing idleness. Those who are habitual drunkards or users of narcotics shall not be eligible for the credit until they have been cured of their habit, and their cure certified to by a city or State physician.

The plan will also be an inducement to criminals to "go straight" since they would forfeit their right to the credit through habitual criminality. Those discharged from our penitentiaries and other institutions would have a place in the scheme of things, and would not be obliged to return to their criminal pursuits in order to exist, through inability to obtain employment.

It will be impossible to hoard any of the prosperity credits, as they will incur a levy or deduction of 2 per cent each month. If, for example, your monthly credit is not spent immediately, there will be no penalty apart from this 2 per cent charge. But in this way the State is assured of always receiving a sufficient return to liquidate every dollar put into circulation. However, where the credit is put into circulation, the State receives its redemption fund much faster due to the "turnover."

The only benefit the State receives is the surplus left over, at the end of each year, which shall be used for operating the State and wiping out any existing indebtedness.

While this idea may seem almost unbelievable at first thought and too good to be true, it merely puts into application some simple, fundamental and well-known principles of arithmetic and finance, but employs to the advantage of the State and the whole people, instead of a chosen few.

Obviously the plan will make business better almost immediately, and should create sufficient jobs in ordinary business and industry for every man or woman capable or desirous of working. The State will allow each person a reasonable period of time (not exceeding 45 days) in which to find regular employment before obliging them to accept work furnished by the State, in order to promote the greatest degree of satisfaction and fitness.

This program is not merely one of "goals desired," but a specific provision of the ways and means to place into immediate operation a plan which has been analyzed and should be endorsed and approved by bankers, business men, credit houses, expert accountants, economists, advertising and merchandising experts, as it is "foolproof" in every particular.

#### SUMMATION OF BENEFITS

By increasing the State's purchasing power, through the medium of the self-liquidating prosperity plan, the following summation of benefits to be derived is respectfully offered as being possible of fulfillment:

A—The prosperity plan will prevent criminality, as all habitual criminals will lose their rights to receive prosperity credits.

B—It will eliminate poorhouses, as each person will receive a definite income and there will be no need for poorhouses.

C—It will eliminate charitable institutions of every kind, including welfare organizations, county hospitals, and all relief organizations.

D—It will protect thousands of girls now out of a job and in desperate need, thereby raising the moral standards of the State.

E—It will relieve all present burdens of the cities and municipalities to carry the tremendous load of taking care of those in need.

F—It will make it possible for parents now depending on their children to be self-supporting.

G—It will make it possible for children now depending on their parents to be self-supporting.

H—It will raise the present standard of living and treat all alike.

I—It will eliminate the various taxes from the shoulders of the manufacturers and producers, so they in turn can put more money into circulation and increase labor.

J—It will put the State on a cash basis and will make it possible for every man and woman to purchase the things that he or she wanted and could not have.

K—It will make it possible for anyone with a family desiring to acquire a little ranch or to build a home, to pay for it out of these monthly credits, without affecting their regular income.

L—It will increase life insurance as it will give each one the assurance that they can pay the premiums when due.



M—It will eliminate taxation, stimulate business, stabilize the State, normalize the people, and make all happy and contented, without them being obliged to "beg" for their very existence, from a State which has more wealth and natural resources than any other State in the Union.

N—It will make it possible for the farmers who have been paid to "under plow" their farms, to go back into production so that every man, woman, and child can have all they want to eat and to wear, instead of denying it to them and putting a premium on the curtailment of production.

O—It will put a premium on honesty, and a penalty on crime. It will put a premium on morality and a penalty on vice. It will start turning the wheels of industry to produce the additional items necessary to absorb the \$400,000,000 placed into circulation each month.

P—It will increase marriages and encourage larger families, as everyone desiring larger families will be assured of a definite income to care for and educate these children.

Q—It will protect widows and orphans so that they will not become a charge on the State.

R—It will stabilize real estate, and fill up vacant houses, factories and office buildings. It will give a prisoner leaving the penitentiary an opportunity to start life all over again, and it will provide for his family while he is serving his sentence and paying his debt to society.

S—It will not inflate prices. On the contrary, it will stabilize them. It will save the State millions of dollars annually now paid out in interest on the outstanding obligation. It will not interfere with industry, it should increase profits of industry by removing the present tax and by increasing the volume of business at the rate of \$400,000,000 per month.

T—It does not soak the rich nor the poor, but divides the burden equally and equitably. It is self-liquidating and self-redeemable through the income of 2 per cent per month from four million people revolving at the rate of five turnovers per month.

U—It will help finance wars, if necessary to protect our country, and will prevent wars by eliminating the need for them. It does not in any way interfere with the present currency, or cause any change in the present monetary system.

V—It will not affect the outstanding bonds or obligations of the State. On the contrary, it will strengthen the value of such bonds and securities.

W—It will have a tendency to eliminate radicalism, of which we hear so much lately, as radicalism is caused mainly by economic conditions that deny a man the opportunity of earning a livelihood to sustain himself and family, through no fault of his own.

X—It will protect the crippled and the homeless, help the church and the minister, support institutions, lodges, fraternities, and other organizations.

Y—It is not confined to old age or middle age. It is a plan for all of the people of this State, designed to prevent suffering and poverty in a State of plenty.

Z—Prosperity credits will not be subject to attachment or liens, judgments or any debts created prior to the issuance of the prosperity credits.

What this State is in need of is a better understanding of arithmetic.

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#### DISTRIBUTION OF INCOME AND PRODUCTION

Intelligent people who advocate "spreading" or "sharing the wealth" really mean increasing and sharing the production and income of the Nation.

By production is meant the goods, merchandise and services created by the farms, factories, mines, mills, and fisheries of the country. It also means the entertainment provided by the theatres, the services of the doctor, dentist, nurse, attorney, accountant, advertising man, etc.

A man on a desert island with a barrel of gold would be in a sad fix indeed, and would soon be willing to trade his whole barrel for a good cow, or a laying hen. If he were marooned on an ice floe, he would probably favor a fur coat, or a good boat.

These are simple, fundamental facts which we sometimes forget in our eagerness to remedy conditions as we see them about us. We forget the simple rules and tables of our arithmetic and algebra, if we do not have occasion to use them, often.

Therefore any plan to divide up existing wealth accomplishes no worthwhile purpose or permanent results, and—

We could even go so far as to say that the man who promises you to divide up the wealth of the country would also promise you a cow, if you were on the island, or the coat if you were on an ice floe. For either he is not sincere, or he is not sound. Either he seeks to win your vote, or your barrel of gold, or he has not investigated to find out if there are any cows, coats or boats in the vicinity.

If, for example, the \$5,000,000,000 in money which exists in the United States were divided up, each person would receive something like \$41.66. One payment on his back rent, and it would be gone. He would be as bad off as he was before.

If we decided to divide up all the property, stocks, bonds, factories, locomotives, automobiles, farms, mines, etc., while we would have a total of \$300,000,000,000, thus giving each person a bookkeeping interest of around \$2,400, nevertheless, to actually utilize such wealth, it would be necessary to group several families together in some of our larger residences. Others would wind up with an interest in a locomotive, or a balloon. Still others would find they had been allotted a lighthouse, or fish hatchery, or a motion picture set.

In any event, the confusion and dissatisfaction would soon offset the prospective pleasure involved, besides which it would be obviously unfair to any man or family who had worked honestly and saved thriftily.

On the other hand, to make it possible to increase our production and share it, so that every family would have an automobile, a radio, a home or farm, good food and nice clothes, entertainment, medical care and the other things people really want, is an entirely different matter.

America is capable of producing plenty for all. That fact has been expounded and explained so often and so thoroughly that there are few who even question it. We have only to recall, how, during war times, we not only produced some \$10,000,000,000 worth of commodities which we presented to Europe, but we produced silk shirts for ourselves which even laboring men found it possible to possess. Economists assert that even then we were only producing at 20 per cent to 25 per cent of our capacity. Surely we remember that millions of our young men were either under arms or in the training camps, and had been withdrawn from industry.

But with all this production ability, we have been unable or unwilling to devise or adopt a method of "bridging the gap," between the manufacturer or producer, and the consumer. Through the blindness, stubbornness or unwillingness of those who have gravitated to the head of affairs in business, industry, finance and government, no specific remedy has been advanced, or if it has, it has been lost in the shuffle, side-tracked, derided, condemned, or ignored.

The California Prosperity Plan appears to be a permanent cure for all depressions. It puts purchasing power into the hands of the public at large. It will start the wheels of industry turning. It will make business good. It will make it possible for any man to patronize the doctor, practitioner, attorney, or other man or woman who has services to sell. It will bring about the exchange of merchandise, goods and services, permitting the man to exchange what he has to offer with what the other man has.

But through this plan, the result will be to distribute income—and not wealth. Production, as it is made \* \* \* not the property that belongs to someone else.

#### *The Depression—a Rank Failure*

"The American public has been lulled into a state of insecurity. They have been slowly becoming 'depression conscious,' in a Nation of workers, and a land of plenty. Americans now realize that the depression has failed!"

The American mind is no longer willing to listen to excuses. There is a solution to every problem; beyond each dark cloud there is a silver lining; out of each abyss there is an entrance to pure sunlight. Americans have unwittingly let themselves become the slaves of the machinery they created until, like a Frankenstein monster, it has all but engulfed them. No longer are we willing to sit by and let the other fellow show us the way out. The depression is an enemy, a hideous monster that we must fight with every fiber of our being. The Prosperity League of America, has declared ruthless warfare on this arch enemy of society.

We have the most modern equipment yet devised, (in the California Prosperity Plan) with which to fight it, and with the wholehearted support of our people, we can and will "hew a path" to a land of happiness and plenty!

#### *Pension Feature in Plan Attracts "Old Age" Workers*

For those who have been working far, and advocating an old age pension plan, attention is called to the fact that the retirement of men and women over 50 at their option is an outstanding feature of the California Prosperity Plan.

Moreover, for those who feel that the injection of a new idea into the economic upsurge in which the Nation is engaged at this time, will "muddy the water," it may be pointed out that if the Prosperity Plan were adopted for the sole purpose of paying an old age pension to start with, in order to acquaint the Nation with its workability, it still would have accomplished a worthwhile purpose.

It is recognized by the Prosperity League of America that many well-meaning people who do not understand the principles involved in money and credit turnover can not understand "how and where the money is coming from" to put any such plan in operation.

The California Prosperity Plan outlines the ways and means of financing any and all such constructive proposals in a manner which can be understood by all, if they will take the time to study the facts and analyze the features with an open mind.

*A Dreamer's Vision*

I see a Nation that is freed from slavery—a Nation where people are helpful, a country of peace—endowed with every form of contentment. Where people will live with words of love and truth. A Nation where labor reaps its full reward. Where work and worth go hand in hand. I see a country without the beggar's outstretched palm; the miser's heartless, stony stare; the piteous wail of want; the vivid lips of lies, the cruel eyes of unemployment, and the awful fear of penniless old age. I see a people without disease or pain, shapely and fair with married harmony of form and function; and as I look, life lingers, fear vanishes, joy deepens, and over all in the great dome above shines the eternal star of human hope.

THE PROVEN FIGURES

No. of months	Outstanding credits 400 millions	5 turnovers will collect a 2% tax of	Amount liquidated monthly	Monthly surplus	Accrued interest	Total accrued interest
1	400 millions	40 millions	None	40 millions	40 millions	None
2	800 "	80 "	None	None	40 "	80 millions
3	1200 "	120 "	200 millions	None	40 "	200 "
4	1400 "	140 "	133 3 "	66 6 millions	46 6 "	246 6 "
5	1666 "	166 6 "	133 3 "	33 3 "	80 "	280 "
6	1933 "	193 3 "	133 3 "	0 "	140 "	320 "
7	2200 "	220 "	200 "	0 "	160 "	360 "
8	2400 "	240 "	200 "	40 "	200 "	400 "
9	2600 "	260 "	200 "	60 "	240 "	460 "
10	2800 "	280 "	266 6 "	13 3 "	277 3 "	500 "
11	2933 "	293 3 "	266 6 "	26 6 "	300 "	526 6 "
12	3066 "	306 6 "	266 6 "	40 "	340 "	566 6 "
13	3200 "	320 "	266 6 "	53 3 "	380 "	600 "
14	3333 3 "	333 3 "	266 6 "	66 6 "	420 "	633 3 "
15	3466 6 "	346 6 "	333 3 "	80 "	460 "	666 6 "
16	3533 3 "	353 3 "	333 3 "	20 "	500 "	700 "
17	3600 "	360 "	333 3 "	33 3 "	540 "	733 3 "
18	3666 6 "	366 6 "	333 3 "	33 3 "	580 "	766 6 "
19	3733 3 "	373 3 "	333 3 "	40 "	620 "	800 "
20	3800 "	380 "	333 3 "	46 6 "	660 "	833 3 "
21	3866 6 "	386 6 "	333 3 "	53 3 "	700 "	866 6 "
22	3933 3 "	393 3 "	333 3 "	60 "	740 "	900 "
23	4000 "	400 "	333 3 "	66 6 "	780 "	933 3 "
24	4066 6 "	406 6 "	333 3 "	73 3 "	820 "	966 6 "
25	4133 3 "	413 3 "	333 3 "	80 "	860 "	1000 "
26	4200 "	420 "	400 "	20 "	900 "	1033 3 "
27 to 48	4200 "	420 "	400 "	20 millions or 240 millions annually	20 millions per month	400 millions per month

Note that after 27 months, the figures become constant. There are four millions being redeemed each month—the same amount issued. There are 4,200 million dollars in circulation. The State is receiving an annual revenue of \$240,000,000.

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## WHAT OTHERS SAY ABOUT THE PROSPERITY PLAN

GENTLEMEN: At last! A workable, practical Plan and you are to be congratulated in the business-like manner in which you have gone about putting your plan before the general public.

It is so simple \* \* \* a child could understand it.

I intend to interest my friends in your wonderful "Prosperity" ideas and I feel they will be forever grateful.

Sincerely,

MRS. W. C. JACKSON

GENTLEMEN: I have read a copy of the plan put out by the Prosperity League of America and I can not refrain from voicing a loud and lusty hurrah for the author of this amazing plan.

The Prosperity Plan is particularly interesting because it makes no discrimination because of age, sex, creed or color. Can you picture those who will stand in line for their prosperity checks?

To my mind the most notable feature of this unique idea is the fact that while theoretically a loan, it is, in the final analysis, more of a gift. After all, the countless plans and arguments that have been offered in the recent past have evidently served a good purpose. More power to the Prosperity League, who has taken up the cudgels in behalf of this worthy program.

Yours very truly,

JENNIE LINDSTROM



GENTLEMEN: I am taking it upon myself to write in and tell you how wonderful I think your plan is for it is something everyone needs and everyone can understand. If there is any way I can be of actual assistance to you in your work, please know you can count on me. I also want to subscribe to your book "The Only Way to Prosperity."

Cordially,

N. S. DAVIS

GENTLEMEN: I have read with interest a copy of the California Prosperity Plan, and have just about come to the conclusion that it is the most reasonable plan that has, as yet, been offered. Most of the plans, thus, far, have done little else but arouse my curiosity, since all meant but one thing—additional tax burdens. If the public will get behind this plan, I predict it will surely be adopted since aside from antagonizing no group or class, its greatest value is in the fact that it does not impose an objectionable and additional tax feature in order to execute it.

Yours very truly,

C. M. SMYTHIE

GENTLEMEN: Congratulations! I have just read the California Prosperity Plan and wish to compliment the "Prosperity League" for taking up the cudgels in its behalf. I have had the pleasure of meeting the author, and should anyone doubt the feasibility of this "gold nugget," my advice is to meet him personally and in fifteen minutes they will be completely satisfied that he "knows his subject."

Very truly yours,

A BOOSTER

GENTLEMEN: I have read every word of your Prosperity Plan and I think it is the very thing all of us have been looking for. It is foolproof and I see no flaws in it. It is true there should be a balance and a more equal distribution of money \* \* and there is certainly one way to bring this about and it is via the Prosperity Plan.

I carry several extra copies in my pocket and pass them out to friends I meet on the street. Many have phoned me to thank me. I most certainly want the book "The Only Way to Prosperity."

Very truly,

MRS. VERNE WILLIAMS

DEAR SIR: Never thought I would see the day when I actually hastened to endorse any new "idea" along a prosperity plan. I was the kind of person who sits back and says "Well, we have been running things rather well all these years; let's leave well enough alone \* \* \*" but I am head and heels enthused over your plan!

I want to be an early subscriber to the book "The Only Way to Prosperity" and please put me at the head of the list \* \* \* I want one as soon as possible.

Very sincerely,

MRS. NAN OGDEN

GENTLEMEN: As a staid professional man may I thank you from the bottom of my heart for the inspiration your Prosperity Plan has brought me.

I seldom enthuse. Your Plan has joggled me loose and I want to support your League a hundred per cent. I have never seen a "remedy" like yours! I prescribe it to all patients suffering from the malady known as the "poor house blues" and I want a volume of the book as well as two extra copies for two of my friends.

Yours truly,

DR. J. B. EWALD

DEAR SIR: Yes, sir! From now on I intend converting every man and woman who cross my path to your wonderful plan. It is clear and easy to understand.

I certainly intend to purchase the book "The Only Way to Prosperity" and please send it to me by mail C. O. D. I have enclosed the necessary blanks.

Thanking you again, I am,

Most sincerely,

J. C. BOTHWELL

#### HERE IS YOUR OPPORTUNITY TO HELP

The Prosperity League of America will depend entirely on "public support" to conduct its campaign, which is as it should be, since this is your campaign, and it should be your duty and privilege to support a program, the purpose of which is to put into operation, the California Prosperity Plan, as speedily as possible.

You have now received your primary affiliation with the Prosperity League of America. A portion of our program has been unfolded to you. There is, however,



more to be unfolded, and this can be obtained only by the possession of additional literature. In the possession of this, you will necessarily learn more of our program. In order to make it possible for us to distribute additional literature and perhaps get on the radio, it will require funds and this we will accept only through voluntary contributions, from a postage stamp up. That is entirely up to you, as you are in no way obligated to contribute. Do not give until it hurts, but give until it feels good.

To anyone that will send a voluntary contribution, regardless of how small, we will send a free enrollment card, without any dues or further obligation on your part.

Do you seek advancement? Then send for your enrollment card at once

Four million adults can do anything!

PROSPERITY LEAGUE OF AMERICA

P. O. Box----- Los Angeles, Calif.

IT'S MARVELOUS, STUPENDOUS, COLOSSAL

The Sensation of All Times

The book which has astounded the most expert mathematicians and accountants by its simplicity.

THE ONLY WAY TO PROSPERITY

Via The

California Prosperity Plan

Not just another plan but a remedy for our present financial ills

Not just a temporary crutch but a permanent cure for all our depressions  
Now or in the future

It contains the following chapters:

- |                                     |  |
|-------------------------------------|--|
| 1. The Only Way                     | 12. The False Alarmists                |
| 2. How Americans Have Failed        | 13. Vanishing Bank Credits             |
| 3. The Weakness of Human Nature     | 14. The National Prosperity Plan       |
| 4. America and Americans            | 15. How the Remedy is Self-Liquidating |
| 5. Mass Sabotage                    | 16. Wartime Prosperity Returned        |
| 6. Chiselers in Business            | 17. Those Eligible for the Credit      |
| 7. Individual and Group Selfishness | 18. Advantage of the Plan              |
| 8. Short-sighted Buying Habits      | 19. Foolish Inflation "Bogey" Men      |
| 9. Hard on the Independent          | 20. Liquidating of Accounts            |
| 10. The Campaign of Ridicule        | 21. What the Prosperity Plan Will Do   |
| 11. Kidding the Brain Trust         | 22. The Proven Figures                 |

23. Is President Roosevelt an Accident or Another  
Moses Leading Us Out of The Wilderness?

Price \$1.00—Postage Prepaid

PROSPERITY LEAGUE OF AMERICA

P. O. Box-----

Los Angeles, California

PROSPERITY FOR ALL—POVERTY FOR NONE

"Fourteen points" stopped the war, and "fourteen points" will start prosperity.

By a happy coincidence, there are fourteen letters in the words "Prosperity Plan." Read them.

P ut all men to work immediately.  
R elieve poverty throughout the State.  
O ffer an opportunity to all citizens.  
S elf-liquidating each year.  
P ut billions of dollars into circulation.  
E liminate all poorhouses.  
R emove all slums.  
I mprove the morale of the people.  
T ake away the fear of old age.  
Y outh of the State will receive more education.

P ut a stop to criminality.  
L ive and let live spirit will prevail.  
A nswer the prayers of millions.  
N othing to lose—everything to gain.

## APPENDIX 9(g)

WHEREAS, The Los Angeles Chapter of the Old Aged Pensioners of California have had many and varied experiences in connection with the administration of the Old Age Security Law, as now written; and:

WHEREAS, We realize a woeful need for many amendments thereto; and

WHEREAS, We have given very earnest consideration to upward of 20 bills now pending in the State Legislature, proposing one or more desirable amendments each; therefore, be it

*Resolved*, That this organization endorses Assembly Bill No. 660 as embodying by far, the most complete coverage of meritorious legislation of any bill yet proposed; and, be it further

*Resolved*, That we hopefully urge its enactment, but wish to offer for consideration amendments thereto as follows:

For the purpose of further protection for our needy aged citizens and to minimize the chances for maladministration, to the disadvantage of such citizens, we deem it necessary and expedient that the following amendments to the present Old Age Security Law, other than those included in Assembly Bill No. 660, as introduced, should be enacted by the present session of the State Legislature.

We offer some of these amendments as amending Assembly Bill No. 660 and some that might be better handled in separate bills.

*Underscore herein represent insertions. "Strikes" are indicated thus:*

Amend 2003 to read:

2003 This chapter shall be liberally construed *and in case of doubt the applicant shall be given the benefit of such doubt.*

Amend 2007 to read:

2007 Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor and any person who has illegally obtained aid under this chapter shall make restitution, and all actions necessary to secure restitution may be brought against him.

(Sections 2007.5, 2160 (j), 2184, 2220, 2221, 2222 and 2225 of this chapter and Sections 12 and 13 of Article XVI of the California Constitution provide every safeguard and render the omitted portion of above section useless, confusing and a source of needless investigation and expense.)

Amend 2007.5 to read:

2007.5 No person shall be denied any aid under this chapter for any transfer of his property which transfer (1) does not *diminish his current resources or income* or (2) does not render him ineligible under Section 2163 or 2164.

Insert the following definitions somewhere: *The term "income" shall not include matter, either cash or kind, that does not contribute directly to the current support of the applicant or recipient and "casual income" shall include any income received in any month, which is not recurrent in subsequent months or does not render the person ineligible for aid under Sections 2163 or 2164 of this chapter.*

(We recommend the above be added to Section 2020, or entered into Assembly Bill No. 660 instead of 2000.2, which we think should be stricken from the bill to avoid probable complications with the Federal Social Security Board.)

2015 Insert a prefix to 2015, as "added" by Assembly Bill No. 660 to make the first part thereof read: *"Application forms end"* a copy of all laws relating to, etc.

2180 Amend this section, as it appears in Assembly Bill No. 660 by adding: *and if such statements are in accord with all the requirements for aid under this chapter, they shall constitute sufficient evidence of the applicants eligibility and aid shall be granted.*

2181 Amend the last portion of this section as it was introduced in Assembly Bill No. 660 to read: *The board shall immediately notify the applicant in writing of its decision, and failure to notify the applicant within the 30-day period that his application has been denied, shall be construed as approval of his eligibility as provided in Section 2180 of this code and aid shall be paid accordingly.* Also in line 31 of pamphlet, page 8 strike "and" insert "any".

2182 Immediately following the word "council" at the end of first paragraph of this section insert: *The date of such hearing shall be within 45 days from the date appeal was filed.*

Amend line 22 on page 10 of the pamphlet to read: *The board of supervisors shall within 10 days pay to, etc.*

Immediately preceding the last paragraph of 2182 as it appears in Assembly Bill No. 660, as introduced, insert: *Provided, however, nothing in this chapter shall prohibit a county from reconsidering its previous actions on any application and adjusting same in accordance with the provisions herein contained, including retroactive payments, if any be due.*

2183 On page 11 pamphlet Assembly Bill No. 660, lines 16 to 22, inclusive, are a repetition of Section 2181.

Lines 22 to 26, inclusive, are inconsistent with 2181.

(Sections 2181 of Assembly Bill No. 660 and 2184 of the present code furnish ample provisions to care for the same matter, therefore, all of the second paragraph of Section 2183 should be stricken from Assembly Bill No. 660.)

Insert as part of 2193 or as a new section: *No person connected with the administration of this chapter shall dictate how any recipient shall expend the aid granted to him.*

(Copied from Section 3003 of Chapter 1 of Part 1 of Division 5—Blind Persons.)

Amend the last paragraph of Section 2200 of the present code to read: *The county through which a recipient has been receiving his aid shall continue to pay his aid during any absence from said county not exceeding one year.*

2221 Amend by adding: *Not more than one payment shall be suspended for the purpose of such inquiry.*

2227 Repeal and replace with Section 12 of Article XVI of California State Constitution.

(This section (2227) appears outlawed by the constitutional amendment but is confusing.)

(If proposed legislation to give each applicant a copy of the law is enacted the confusion would be more widespread, therefore should be repealed.)

Unanimously adopted by Los Angeles Chapter Old Age Pensioners in regular session February 17, 1943.

G. A. LONG, President

#### MINORITY REPORT OF CITIZENS' COMMITTEE ON OLD AGE PENSIONS

Submitted to the Honorable Earl Warren, Governor of California,  
March 31, 1943

Personnel of Citizens State-wide Committee on Old Age Pensions

RALPH T. FISHER, *Chairman*

Vice President, American Trust Company  
Oakland, California

HARRISON W. CALL  
Republican State Assemblyman  
Redwood City, California

JOHN C. CUNEO  
Townsend National Recovery Plan and  
Joint Welfare Committee  
Modesto, California

C. O. HOOPER  
Vice President, California Farm  
Bureau Federation  
Calipatria, California

WILLIAM B. HORNBLOWER  
Fraternal Order of Eagles  
San Francisco, California

GEORGE A. JANSSEN  
County Supervisors' Ass'n. of Cali-  
fornia.  
Oakland, California

RAY JUDAH  
Republican State Senator  
Santa Cruz, California

THOMAS F. KEATING  
Democratic State Senator  
San Rafael, California

VERNON KILPATRICK  
Democratic State Assemblyman  
Los Angeles, California

A. J. MCFADDEN  
Past Pres., State Chamber of Com-  
merce  
Santa Ana, California

GEORGE H. McLAIN  
Citizens' Committee for Old Age Pen-  
sions

Los Angeles, California

ROY G. OWENS  
Payroll Guarantee Association  
Los Angeles, California

LAURENCE PALACIOS  
International Representative, Laundry  
Workers A. F. L. and Secretary of  
San Francisco Laundry Workers  
Union

San Francisco, California

NATHAN T. PORTER  
Townsend Party Candidate for Gov-  
ernor 1942  
Los Angeles, California

C. A. RICKS  
General Welfare Federation of Amer-  
ica.

Martinez, California

GEORGE SEHLMAYER  
Master, California State Grange  
Sacramento, California

FRANK SLABY  
President, Alameda County C. I. O.  
Council and President, United Auto-  
motive Workers, Local 76  
Oakland, California

SACRAMENTO, CALIFORNIA, March 31, 1943

Honorable Earl Warren, Governor of California  
State Capitol, Sacramento, California

DEAR GOVERNOR WARREN: We, the undersigned, members of the Citizens' Committee on Old Age Pensions pursuant to your appointment under date of February 17, 1943, beg leave to submit our findings and conclusions. It is a matter of regret that we should be forced to join in a separate report, but not to do so would be an evasion of our duty to the people of California, and to you as their Governor.

Sessions of the committee were held in Sacramento on February 25th; in San Francisco on March 2d and 3d; in Los Angeles on March 11th and 12th; and in Sacramento on March 17 and 18, 1943. A concluding meeting was held in Sacramento on March 30 and 31, 1943, to review the findings of the committee and to approve the report.

In preparing this report and particularly in the finding of facts much help was had from both the State Welfare and Finance Departments. Voluminous reports with compilations as to revenues and estimates of cost of the solution of the problem before the committee were voluntarily tendered by the chambers of commerce, taxpayers associations and other related groups. However, the members of your committee, parties to this report, relied chiefly upon and were guided by the information supplied by the departments of State.

There was laid before the committee your letter addressed to the chairman, in which you state:

It seems to me that there are at least four fields for exploration by the committee.

First: The sufficiency of the present pension.

Second: The reasonableness of administrative practices of the present system.

Third: The basic question of qualification for pension.

Fourth: Forward looking legislation expressing California's objectives and committing the State to immediate action if and when the Federal Government will authorize it under its social security legislation.

We herein submit our report on the matters referred to and in the order indicated.

#### *Sufficiency of Present Pension*

We recommend that the amount of grant be increased from \$40 per month to \$60 per month, the State to pay the \$20 increase.

This recommendation is made with the apology that the amount is inescapably below any gauge of a today's decent standard of living.

In the past a recipient of old age assistance received up to \$40 per month with a bonus in the form of Federal food and cotton stamps.

This recommendation and statement of fact is made having in mind the increase in living costs and the Federal withdrawal of the allowance of food and cotton stamps.

As an index to the committee's finding as to the increase in living costs the committee went on record as believing the basis of need should be established at \$75 per month.

This in itself is evidence conclusive that in the committee's own mind "needy" citizens who are unable to work could not live decently on any amount substantially less than \$75.

Supporting evidence as to minimum present living costs faced by old age aid recipients was submitted to the committee by the State Department of Social Welfare in the form of a budget developing the need as follows:

Food .....	\$15 97	Incidentals and personal needs.....	10 00
Housing .....	20 00	Transportation .....	3 00
Utilities—Electricity .....	1 72	Other needs .....	-----
Gas .....	2 10		
Water .....	1 50	Total .....	\$64 17
Other (heat, etc.) .....	2 00	When meals purchased in restaur-	
Household operation .....	3 31	ants add .....	12 00
Clothing .....	4 57		
			<b>\$76 17</b>

We note the amount allowed for food is \$15.97 per month or 16½ cents per meal.

It is common knowledge that the price of every basic item of food with the possible exception of bread has, since 1939, increased anywhere from 50 per cent to 200 per cent. Even according to this budget based on need the allowance for food is so low as to spell one thing—*malnutrition*. Sixteen and one-half cents per meal with basic food costs, excepting bread, up 50 to 200 per cent, tells the aged recipient he can not eat what he wants nor can he have what he needs. It tells him that his State which he has served will not permit him food even approaching that which it gives the inmates of its prisons. They, the offenders against the State, can and do



enjoy better food cost allowance paid for by the State and not a word about what the State can or can not afford. These and numerous related facts of rising cost, including the fact that the great majority of aged recipients are unable to work or by any means able to increase the allowance by budgeting or any other device forces the parties of this report to resolutely affirm the conclusion reached that the grant be increased to \$60 per month.

#### *Relative's Responsibility*

We recommend the elimination of relative's responsibility.

The need for old age aid arises, in most cases, from causes and conditions over which the aged recipient has had no control and for which he is in no way responsible. By the same token the children are in no way responsible for the system or the conditions which deprived their parents of self support. It follows, therefore, that the people, or the society, or the State permitting conditions which deprive the aged citizen of his means of self support, should be charged with the full responsibility of providing the essentials of a decent living. The Federal Social Security Law wisely and justly requires no aid from relatives—on the other hand, the present State law has been the source of much annoyance and administrative malpractice and has provoked and estranged, and in some cases destroyed, that which binds the family one to another.

We concur with the forthright statement of the Governor of the State "We must proceed upon the theory that the system which arbitrarily freezes people out of industry and declares them to be obsolete, must make honorable provision for their support during the years of their enforced idleness" \* \* \* "I don't believe they should be forced to look to their children for support."

#### *Age Qualification*

We recommend that the qualifying age be fixed at 60 years.

It is obvious that the aged citizens' need for aid is not postponed until he is 65. Neither are the causes or conditions which brought about that need delayed in their effect until he reaches the age of 65. Neither are these conditions and their effects delayed until he is 60. It follows that the relief tendered a few years earlier than is now being given would be progress toward a real solution of the problems of those deprived of self-support.

That progress in reducing the old-age aid below age 65 should be made, and at this time, is evidenced by a report submitted to the committee by the Research Division of the State Welfare Department.

This report stated that with a 15-year residence requirement the additional case load which would result from including that group may be 25,000 persons. This is probably the lowest case load to be expected in that age bracket and the most opportune time for the picking up of this load. On the other hand the State finance is at the highest potential in years. These two factors make for the advisability of action now.

We recommend that old-age-aid be extended to include the years 60 to 64 inclusive, with a 15-year residence requirement, and that the whole of the costs pertaining thereto be borne by the State.

#### *Qualification and Administration*

1. Outside income should be allowed without deduction up to an amount which, added to the public assistance, does not exceed \$75 per month, and up to this amount budgetary statements should not be required.

2. Provisions of the law respecting property eligibility in old age assistance should be amended to permit possessions of real property of an assessed value not exceeding \$3,500 instead of the present limit of \$3,000 in cases where a man and wife live together, and that 12 months be allowed after the death of a spouse for property readjustment. An amendment should be adopted to make allowance for cases where encumbrances on such property operate to reduce the owner's actual equity therein to less than \$3,000 or \$3,500 for man and wife. Personal property limit should be increased from \$500 to \$600 per person.

3. A duplicate warrant for a grant should be issued expeditiously when the original has been lost or destroyed.

4. The confidential file in case of dispute of a person applying for or receiving aid should be open for inspection either by himself or an authorized agent.

5. The present county administration and State supervision should be continued.

6. The statutes should be revised and rules and procedures should be simplified so that applicants for and recipients of aid will not be harassed or humiliated.

7. Medical, dental and clinical care should be furnished by county administering aid.

8. Attorney fees and court costs, in case of court decision in favor of the applicant or recipient of aid, should be borne by the State.

9. No advisory county welfare board should pass upon any application for aid, but it must be passed upon directly by the Board of Supervisors. Provision should be made to give 30 days' notice to applicant or recipient to appear and show cause why the board's action is unsatisfactory. The right to appeal to the State Social Welfare Board shall not be impaired.

10. The committee recommends the passage by the Legislature of Senate Constitutional Amendment No. 12.

11. We are in general accord with the report submitted by the sub-committee.

12. Congress should be memorialized for a revision of the Federal Social Security Act in respect to (1) contributions by the Federal Government to the States by making the ratio 2 to 1, (2) age requirements be reduced to 60 years, and (3) outside income up to \$15 a month be allowed.

### *Long Range Planning*

Any plan looking ahead and extending over an indefinite period of time must function with the least interference with the economic structure and with no impairment of free enterprise and with the least interference with the operative processes involved within the social structure.

In other words every principle, method and plan that has proved its worth or its value over a period, must be preserved.

At the same time the obsolete, the tried and failed, the ceased to serve methods and practices, must be set aside.

The inescapable fact that the aim of human security has not been achieved must be faced and the problem it presents, solved. There must be planned and provided some means by which the slack and the tension of the recurring breakdowns in our economic life must be met. There must be had some device or the employment of some means that will adjust itself and will respond to existing need—something that will yield itself to just what is required and at the time the need arises.

The parties to this report, directing their efforts to a complete solution of the problem of pensions as a right, suggest for serious consideration a gross income tax plan, a self-liquidating credit plan operated by the banks, or such other answers to the requirements as could have their founding and beginning in the State of California.

Respectfully submitted

JOHN C. CUNEO  
VERNON KILPATRICK  
GEORGE H. McLAIN

ROY G. OWENS  
NATHAN T. PORTER  
C. A. RICKS

SENATE CONSTITUTIONAL AMENDMENT

No. 12

## INTRODUCED BY SENATORS TENNEY AND SHELLEY

January 26, 1943

REFERRED TO COMMITTEE ON WELFARE AND INSTITUTIONS

*Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Article XVIa thereto relating to pensions.*

*Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its Fifty-fifth Regular Session commencing on the fourth day of January, 1943, two-thirds of all the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Article XVIa thereto, to read:*

### Article XVIa

#### Pensions

Section 1. The Legislature shall have power to provide for the payment of pensions to disabled or aged citizens of the United States who reside in this State, and who have such qualifications in respect to age, length and place of residence, property holdings, and income, as the Legislature may prescribe. The Legislature shall have power to provide by taxation the necessary funds for the payment of such pensions, whether such pensions are paid by the State, or by the Federal Government and the State jointly.

Sec. 2. If the Federal Government establishes a uniform Nation-wide retirement system of old-age pensions for citizens of the United States not less in amount than the pensions provided by the State of California, such National pensions shall be in lieu of the State pension provided pursuant to this article; but if a National pension is provided in an amount less than the amount of the pension provided by the laws of the State of California, the Legislature shall provide for the payment of the difference between the amount of the National pension and the amount of the pension provided by State law, such payments to be administered and the conditions of eligibility therefor to be as provided in this article.

Sec. 3. No applicant for or recipient of a pension shall be denied a pension because of the property holdings or income of any other person, whether child, spouse, or other relative, of the applicant or recipient, or because of any provision of law requiring any such relative to support the applicant or recipient, or because of the financial ability of any such relative to support the applicant or recipient.

Sec. 4. Any recipient of a pension provided pursuant to this article shall be permitted to own, hold, or convey to others real estate, cash, or other personal property in such amount as the Legislature shall provide, without thereby becoming ineligible to receive the pension.

Sec. 5. Any recipient of a pension provided pursuant to this article may receive remuneration for his labor or services, or rentals of property owned by him, in any amount provided by the Legislature, without thereby becoming ineligible to receive the pension.

Sec. 6. Any legislation providing pensions pursuant to this article shall be administered by a department established for that purpose, which shall be separate and distinct from any agency or organization engaged in the administration of laws governing the distribution of public or private charity. Any citizens' pension provided pursuant to this article shall be deemed a right accorded to citizens by virtue of their status as citizens, and the receipt thereof shall never be considered as an act of indigency or pauperism, nor shall any legislation granting such a pension be deemed to be nor administered as legislation providing aid to indigents or paupers.

Sec. 7. No pension granted to a citizen under legislation pursuant to this article shall be terminated except by the death of the pensioner, nor shall the amount of any such pension be reduced, until the pensioner has been granted a hearing before a court of record in the county in which he resides, and accorded full opportunity to defend his right to continue to receive the pension in the amount which has been granted.

Sec. 7.5. Any applicant for or recipient of a pension provided pursuant to this article who feels that he has been discriminated against by reason of any ruling by any administrative officer or body empowered by law to administer laws enacted pursuant to this article shall have the right, upon cause shown, to obtain a writ of review from any court of record in the county in which he resided at the time the action complained of occurred, and to have the question or questions judicially determined and proper relief granted.

Sec. 8. No grant of a pension to an aged person, or the enjoyment of a pension, shall create the relationship of debtor and creditor between a pensioner and the State of California, or any political subdivision of the State, save where the pension has been obtained by fraud. When a pension has been obtained by fraud, action may be maintained against the recipient, in such manner, and the person who obtained the pension fraudulently shall be subject to such penalties, as the Legislature may provide.

Sec. 9. No action shall be hereafter maintained in any court of the State of California against any person for the recovery of any sums heretofore or hereafter paid as a pension pursuant to this article, or as old-age assistance, except to recover such pensions or such assistance obtained by fraud.

#### Report of Subcommittee on Improvement of Administrative Practices

MARCH 30, 1943

*Mr. Ralph T. Fisher, Chairman, Governor's Old Age Pension Committee  
State Capitol, Sacramento, California*

DEAR MR. FISHER: Your Subcommittee on Improvement of Administrative Practices would suggest points of correction in the law that the administration of the so-called Old Age Pension in California might be more dignified and humane. In order to accomplish the task we have been given, we have gone into minute detail and considered section by section the Social Welfare Code.

- (1) Inasmuch as the State Social Welfare Board administers a very large department, it is our opinion it should be a full time board.
- (2) The members of the board should be compensated on a full-time basis and their terms should be staggered so that no one Governor could control the board.



- (3) Much severe criticism was presented to the general committee regarding the activities of social workers and it is our opinion that there is room for much reform in this department in administering old age assistance.
- (4) Every applicant shall be given an itemized report setting forth the amount of deductions, if any, made from his grant.
- (5) Any new rules and regulations shall be filed with the Secretary of State 30 days prior to effective date, and copies shall be available to people upon request.
- (6) The State department should be given authority to try social workers accused of maladministration or order the case to be tried before the State Personnel Board, and if found guilty the State shall have the power to suspend the social worker for a reasonable period of time, and after two such suspensions the employee may be dismissed.
- (7) The unnecessary language in Section 2180 of the Welfare and Institutions Code should be stricken out and the section should be made to read as follows:

"Application for aid under this chapter shall be made to the board of supervisors of the county in which the applicant resides. An applicant may apply in person or the application may be made by another in his behalf. This application may be made in writing or reduced to writing upon the standard form prescribed by the State Department of Social Welfare, and a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for aid under this chapter. All statements in the application shall be verified, under oath, by the applicant."
- (8) The clause pertaining to insurance policies shall be so worded that no insurance policy may be valued at more than its present cash value to the recipient, and premiums on insurance policies may not be deducted from the recipient's award—no matter by whom paid.
- (9) Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, and shall not be considered as personal property, and the assessed value shall be considered in both real and personal property and then only net values after deductions of all encumbrances.
- (10) Trust deeds should be considered as mortgages, and not as personal property, in the matter of determining eligibility bearing on personal property.
- (11) Applicant's affidavit shall be deemed prima-facie evidence, and the county give 30 days' time in which to investigate and to affirm or deny the application.
- (12) Payments shall begin as of the first day of the month following date of application.
- (13) The county board of supervisors may reconsider previous denials, eliminating necessity in those cases of appeal to the State board, and must upon written request of the applicant hold a public hearing to determine the sufficiency of the application.
- (14) A transcript of the hearing shall be made and the cost borne by the department.
- (15) The present provision of the law should be amended to provide that the applicant may reapply when the condition which resulted in his application being rejected has been eliminated.
- (16) Add language to Section 2003 to read: "In case of doubt the applicant shall be given the benefit of the doubt."
- (17) In Section 2005 after the words, "other suitable home," add the words: "of his own choosing."
- (18) In Section 2008 add this language: "Any applicant or recipient of aid under this chapter, and any person connected with the administration of such aid, or other person, who knowingly violates any provision of this chapter for which no penalty is specifically provided, is guilty of a misdemeanor."
- (19) In Section 2009 provide "that the public designation of any building or place used for aid under this chapter may not make any reference to charity or indigency."
- (20) Require that the State or County Welfare Department shall mail a copy of any bulletin, policy rule or the law itself to any recipient upon demand.
- (21) In Section 2160 provide under "F"—"that free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid."



- (22) Any place of abode of recipient or applicant, whether it be a house, boat, trailer, or other habitation, shall be deemed to be real estate for the purposes of this act.
  - (23) All means of determining eligibility filed by applicant on affidavit before a judge of the superior court, shall be deemed to be sufficient evidence, in the absence of other factual data.
  - (24) Add "that no person connected with the administration shall dictate how the recipient shall spend the aid granted to him."
  - (25) Provide that all offices used for administration shall easily be accessible to the aged or maimed, and shall be either on the ground floor or served with an elevator and operator.
  - (26) Provide that absence from the State, not in excess of 90 days of any calendar year, shall not be considered evidence to establish residence elsewhere, nor to interrupt receipt of aid.
  - (27) Estates shall not be considered until they are available to the client for occupation or use, or until an income is available therefrom to the client.
  - (28) Provide an urgency clause for immediate passage of enactment.
  - (29) Provision should be made for the simplification of the responsible relatives affidavit form; for instance, a very brief initial form could be sent to the relative for the purpose of determining whether that relative has an income in his or her own right. This relates to the married daughter, primarily. Unless the married daughter has a separate income she shall not be required to make relatives' contributions. If the answer indicates a separate income, then a more elaborate form could follow.
  - (30) The committee should recommend that the state department review all present requirements of the State and counties governing the complete operation of the application and renewal process, and that anything of an unnecessary nature be eliminated.
- Respectfully submitted.

VERNON KILPATRICK, Chairman  
 GEORGE SEHLMAYER  
 H. R. JUDAH

P. O. Box 1054  
 PHONE 545

DR. FRANCIS E. TOWNSEND, *Founder*

CALIFORNIA HEADQUARTERS, TOWNSEND NATIONAL RECOVERY PLAN  
 Jno. C. Cuneo, National Representative  
 Room 15, 922 Jay Street  
 Modesto, California

April 3, 1943

*Hon. Earl Warren, Governor, State of California  
 Sacramento, California*

DEAR SIR: The members of your state-wide committee appointed to study pensions are submitting to you both a majority and a minority report and recommendations.

Throughout the deliberations of this committee there was general, common agreement on most all points which you recommended that a study be made. The only general difference of opinion was on the following points:

1. Amount to be paid recipients.
2. Age at which payments should begin.
3. Whether relatives should contribute.

There was general agreement that the actual minimum need under present conditions was \$65 to \$75 per month. There was general agreement that there are a great many people below age 65 unable to secure employment and maintain themselves, especially in normal times. There was general agreement that the requiring of relatives to support recipients was very unsatisfactory and created much unhappiness and required much investigation by welfare workers, so often referred to as "snooping."

In spite of this general agreement that all three of the above major items were necessary to achieve your objectives as stated by you on several occasions and in your letter to the committee, several members voted against making these recommendations. The only reason these members offered for so doing was that the taxpayers could not pay the necessary taxes and that these increased benefits to our senior citizens would bankrupt the State. They took this position despite the fact that at no time did you ask this committee to investigate and recommend ways and means to finance a broadened old age assistance program. It seems to me, that function properly belonged to your "tax committee" and not to your "pension committee."

Why these pension committee members were so worried about the taxpayers and so little interested in the desperate condition of hundreds of thousands of our senior citizens, I can not understand.

They all knew well that you have indicated pensions should be paid as a "matter of right" and that they should be available without property qualifications and relative responsibility and in amounts to insure a decent American standard of living. Everyone knows no one can exist on \$40 per month, or \$50 per month, under present costs. Fifty dollars today will buy much less than \$40 would a short time ago. In addition the food stamps have been discontinued, further reducing the income of the senior citizens and increasing their problem of existence. I ask you and the members of the Legislature of our great State, what are these pensioners—these fathers and mothers—to do? How can we deny them these simple and just needs in the face of such a large treasury surplus and which is rapidly increasing? How can we deny them the little they ask when we increase all State employees' salaries and travel expenses and we improve conditions for other groups? Why are they forgotten and neglected? Why are they left in such miserable poverty, want and distress with all of the unhappiness that follows? Is that their just reward for what they have given?

Governor Warren, the people of California believed you meant what you said about the needs and rights of our senior citizens and that the pension issue should be taken out of politics. I still think you are sincere in wanting to solve this great problem practically and fairly for all of our people. You have a great responsibility and also a great opportunity. It is to boldly face the issue as outlined in the enclosed suggested recommendation, a copy of which I delivered to you personally several weeks ago. I can not urge you too strongly to study this simple, equitable and practical proposal with an open mind. It is no idle theory! It has been proven beyond a question. We must not overlook its great possibilities, not only for meeting this pension issue fairly and practically, but to establish a system of taxation on a "pay-as-we-go" basis—taxing according to our ability to pay. It is so simple and equitable and could supplant the red tape and innumerable kinds of taxes we now have. It would raise large sums of money to meet all of our legitimate public needs. Think what such a system would mean for all of us, not only in California! Think of the value of keeping a large amount of money in circulation. Think of the happiness that would follow when all able persons could be assured employment and the aged and physically unfit would be assured the means to maintain themselves. Are not these objectives worthwhile? Think what it will mean if we of California can prove such a system which would be applied to meet our national problems to carry and liquidate the national debt.

I feel certain you will realize these opportunities. If you will assume leadership and take action to put this program into effect, you will render the highest service to our State, our Nation and to all people.

I am also enclosing a copy of Senate Bill No. 974, introduced by Senator Donnelly at my request. A close study of this bill will reveal how such a program as I am recommending could be initiated and operated. It may be desirable to add a section to this bill providing for a certain number of years' residence in California. It may also be advisable to start with a lower rate of premium for a test period of a year. These are details, but the basic principles are provided for in the attached copy of suggestion to you and in Senate Bill No. 974.

Please give these your most serious and careful consideration. There is so much at stake. Unless some such program can be developed to establish a plan of equitable, simple taxation on a pay-as-we-go basis and we make adequate provisions for support of our senior citizens, and provide jobs for our people able to work, there is a dark future ahead for all of us. Dissatisfied people are driven to follow radical leaders and programs. If we want to avoid this and take the pension issue out of politics, provide security and justice, we can not fail to take some such action as is herein recommended. I hope that you will see the wisdom of these constructive proposals and act boldly and promptly. Tomorrow may be too late and we will again have to admit that we did "too little, too late."

Yours for a better day in our Grand U. S. A.

JOHN C. CUNEO

P. S. If I can be of service, command me.

C. A. "CAPPY" RICKS, MAYOR

CITY OF MARTINEZ

County Seat of Contra Costa County, California

April 4, 1943

*The Honorable Earl Warren, Governor of California  
Sacramento, California*

DEAR GOVERNOR WARREN: I beg leave to submit the following as a dissenting report from a member of your Committee on Old Age Pensions. I signed one report with the following reservations:

One half of the Committee recommended aid of \$50, paid as follows:  
65 years, Federal \$20, State \$20, Counties \$10.

One-half of the committee has recommended aid of \$60, paid as follows:  
 65 years: Federal, \$20; State, \$20; Counties, \$20.  
 60 years: Federal, none; State, \$60; Counties, none. I do not subscribe to either plan. I recommend:  
 65 years: Federal, \$20; State, \$35; Counties, \$5 and  
 60 years: Federal, none; State, \$35; Counties, \$5, until Federal adds to its aid or cost of living is lowered.

#### *Relatives Responsibility*

I am against relatives responsibility on account of the necessity of "snooping" and irritation to in-laws in families. It has no place in a pension system. But California has aged aid system on a basis of need instead of pensions. Case load increases in States where no relatives responsibility is demanded makes me hesitate on going all the way now on abolishing relatives responsibility. A compromise would be a new scale of requirements from relatives and less stringent investigation of relatives by department employees.

#### *State and Counties Participation:*

The State has a wide basis of taxation possibilities. The county has real estate only. The State should take over all the load until the Federal Government does the right thing.

Lack of State funds is no excuse. The sales tax should not be lowered from 3 per cent to 2½ per cent until all aged are fed and housed. Postwar nest eggs should not be provided when aged are in need. The spectre of returning soldiers in the distant future should not be considered as important as caring for the old folks right now. The soldiers will well be able to take care of themselves when that time arrives. I believe the average soldier would rather have the surplus spent on his parents now than to save it for public works for his benefit after the war.

I hope the Legislature will not conform to the usual practices of cutting down recommendations. I believe that \$53 now will not establish the same standard of living as the old folks had in 1941. We were informed that if the Legislature were to raise the aged aid \$10 that only a portion of the present case load would get the full \$10. Investigators would cut down added payments according to the "need" of the case.

I am against all State aid and State pensions and believe it is entirely a problem of the Federal Government.

Sincerely,

CAPPY RICKS

APRIL 5, 1943

*Mr. Ralph T. Fisher, Chairman*

*Governor's Old Age Pension Committee*

*c/o American Trust Company, 1401 Broadway, Oakland, California*

MY DEAR MR. FISHER: Please be advised that the undersigned jointly concur on the compromised report as submitted by the Citizen's State-wide Committee on Old Age Pension, under date of March 31, 1943. However, this is not to be misconstrued as meaning that we have entirely disregarded the former joint stipulation as submitted on March 17, 1943, which in principle embodied Assembly Bill No. 660, but that we temporarily set this matter aside for reason that after careful consideration and study of all statistical, financial and factual matter submitted, together with the division of committee on said bill, we can do nothing other than to admit the inadvisability of forcing the issue at this time.

It is our sincere belief that under the circumstances the compromised report will to some extent bring about the desired effect in solidifying the committee and in receiving the necessary support of the Governor and the Legislature, which in our opinion is another successful step in advancing the Old Age Security Law and a further step towards complete liberalization, of which we still feel can only be ultimately accomplished by the enactment of legislation, similar to, or as embodied in Assembly Bill No. 660.

The undersigned want it known however, that they will not subscribe to any grant which is less than that stipulated in the above-mentioned compromised report, under date of March 31, 1943.

In conclusion may we request that this letter be made part of said report.

Respectfully submitted,

CALIFORNIA STATE FEDERATION OF LABOR  
 LAWRENCE R. PALACIOS  
 CALIFORNIA STATE C. I. O.  
 FRANK SLABY



## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1066**—An act making an appropriation to the Division of Architecture Revolving Fund for preparation of plans for State building program.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out the blank space, and insert "one million two hundred fifty thousand dollars (\$1,250,000)".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out the period, and insert "as provided by law."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 538**—An act making an appropriation to the County of Inyo for the improvement and maintenance of county airports for the war effort.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "appropriation to the County of Inyo", and insert "an appropriation".

**Amendment No. 2**

In the title of said bill, strike out lines 2 and 3, and insert "improvement of county airports in the County of Inyo."

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 8, inclusive, and insert

"Section 1. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, to the Department of Public Works to be expended for the improvement, in the County of Inyo, of county airports necessary to the war effort, the improvement of which the Department of Public Works determines to be a matter of general interest and benefit to the State."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 360**—An act to add Section 444.2 to the Political Code, relating to temporary transfers of money from the general to special funds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 551**—An act to add a new section to the Political Code, to be numbered 695.5, relating to services furnished by State agencies, and repealing Section 685 of the Political Code, as added by Chapter 925, Statutes of 1933.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 820**—An act to add Section 408.5 to the Political Code, relating to the filing of all contracts made by or on behalf of the State, providing for the examination of such contracts, and requiring the Secretary of State to index such contracts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "all".

**Amendment No. 2**

In line 3 of the title of said bill, strike out ", and"; and strike out line 4 of said title, with the exception of the period.

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "No contract to which the State of California or"; and strike out lines 4 to 17, inclusive, and insert "Each department, office, agency, bureau and commission of the State shall keep and maintain an accurate filing system in which there shall be filed the original, or a true and correct copy, of all contracts of the kinds hereinafter mentioned, made by it. Where necessary, an index shall be maintained sufficient to permit the prompt production of a copy of any such contract for inspection at any time such inspection is demanded, pursuant to Section 1032 of this code.

"Contract" as used in this section shall include all agreements in writing made and entered into with one or more other parties, and shall include all contracts of employment not evidenced of record in the records of the State Personnel Board, but shall not include receipts, tickets for transportation, and other one-party documents not commonly thought of as contracts. Departments requisitioning purchases of materials and supplies through the Bureau of Purchases of the Department of Finance shall maintain in their files copies of the requisitions, and the Bureau of Purchases shall maintain copies of all contracts made by it with vendors.

The wilful withholding of any contract to which the State, or any of its agencies, is a party from a person demanding inspection by a person in authority is a misdemeanor.

Nothing herein shall prevent the destruction of such contracts more than four years old in the manner provided in Section 683 of the Political Code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 821**—An act to provide for the deposit in the State treasury of funds expended by, or under the supervision of, State agencies under contracts with public agencies or districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed bill, following line 8, insert

"The deposit in advance of such funds shall not be required in the case of any cooperative project for the construction of public works in which the work is to be done by the State, subject to reimbursement of the cost, or a part thereof, from a local governmental agency, to the furnishing of technical or expert services by a State department to a local governmental agency, including but not limited to personnel services furnished by the State Personnel Board and services rendered by the State Employees' Retirement Board, under the provisions of the State Employees' Retirement Act and similar cases."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 921**—An act to amend Section 1981 of the Government Code, relating to injury to person or property by reason of the defective condition of public property or the negligence or carelessness of any officer.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 1956 and".

**Amendment No. 2**

In line 4 of the title of said bill, after "officer", insert "or employee and authorizing the State and other public agencies to insure such officers and employees against liability therefor".

**Amendment No. 3**

On page 1, line 1, of said bill, after "Section 1.", insert "Section 1956 of the Government Code is amended to read:

1956. The State, school districts, counties, and municipalities may insure their officers, including officers as defined in Article 2, against any liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code, for injuries or damages resulting from *their negligence or carelessness during the course of their service and for the injuries or damages resulting from the dangerous or defective condition of public property, including public property as defined in Article 2, and due to their alleged negligence or carelessness, either by self-insurance or in any insurer authorized to transact such insurance in the State.* The premium for the insurance is a proper charge against the treasury of the State, school district, county or municipality.

SEC. 2."

**Amendment No. 4**

On page 1, line 4, of said bill, between "the", and "dangerous", insert "negligence or carelessness of any officer occurring during the course of his service or as a result of the".

**Amendment No. 5**

On page 1, line 6, of said bill, strike out first "or", and insert "alleged to be".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 587**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties, powers, and expenses of superior court jury commissioners and their assistants.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1091**—An act to amend Section 8202 of the Government Code, relating to eligibility to and performing the duties of the office of notary public.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 323**—An act to amend Section 65e of, and to add Section 83d to, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 322**—An act to amend Section 38e of the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 324**—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions." approved April 11, 1935, relative to circulation of petitions.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 325**—An act to amend the title and Section 8e of, and to add Sections 3e and 38f to the State Employees' Retirement Act, relating to the State Employees' Retirement System, including city policemen and city, county, and fire protection district firemen, and officers and employees of a county forestry and county firewarden departments.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 238**—An act to amend Section 4285 of the Political Code, relating to compensation for public services in counties of the fifty-sixth class.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 78**—An act to amend Section 4261 of the Political Code, relating to compensation for public services in counties of the thirty-second class.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 17, inclusive, and insert

- "1. The auditor, four thousand two hundred dollars (\$4,200) per annum.
2. The district attorney, three thousand six hundred dollars (\$3,600) per annum.
3. Each supervisor, one thousand eight hundred dollars (\$1,800) per annum which shall be in full for all services rendered as supervisor.
4. Grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, three dollars (\$3) a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents (\$0.15) per mile for each."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 159**—An act to amend Section 737bb of the Political Code, relating to the salary of the superior court in and for the County of Napa.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert "in and for the County of Napa is seven thousand five hundred dollars (\$7,500)."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 148**—An act to amend Section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the County of San Joaquin.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1000**—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to contributions and refunds thereunder.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1001**—An act to amend Section 67 of the Unemployment Insurance Act, relating to claims for benefits.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1002**—An act to amend Section 90 of the Unemployment Insurance Act, relating to the administration thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 32**—An act to amend Sections 9.2, 13, 55, 58 and 67 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Sections 9.2, 13, 55, 58 and 67 of", and insert "add Section 9.3 to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 27, inclusive, and insert "SECTION 1. Section 9.3 is added to the act cited in the title hereof, to read as follows:

Sec. 9.3. For the purposes of this section and Section 55 only, "wages" shall be deemed to include any and all amounts payable as compensation for personal services, regardless of whether such personal services are or are not rendered in employment subject to this act, and shall be deemed to include in the case of any self-employed individual the net earnings of such individual from such self-employment."

##### Amendment No. 3

Strike out all of pages 2, 3, and 4 of said bill.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1086**—An act to amend Sections 2021 and 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

On page 2 of the printed bill, strike out line 9, and insert "first day of the first month next succeeding the ninetieth day after the final adjournment".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.



**Senate Bill No. 994**—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 999**—An act to amend Section 56 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 856**—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 391**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1017**—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National Convention.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 363**—An act to amend Sections 14½ and 15 of, and to add Section 13½ to, the Highway Carriers' Act, relating to the use of public highways for commercial purposes and the purposes and the powers and duties of the Railroad Commission in respect thereto.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 734**—An act to amend Sections 2½ and 50½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission Fund' and appropriating the moneys therein to carry out the provisions of this act and repealing Title 15 of Part 4 of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to the definition of and regulation of passenger stage corporations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 858**—An act to add Section 1.5 to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, and to provide that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Constitutional Amendment No. 2**—Proposed amendment to Article IV, Section 23, of the Constitution, relative to the compensation of Members of the Legislature.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 3 of the title of the printed bill, strike out "Section 23 of".

**Amendment No. 2**

Strike out line 4 of the title of the printed bill, and insert "by adding a new section thereto relating to expenses of Members of the Legislature".

**Amendment No. 3**

On page 1, line 6, of the printed bill, strike out "Section 23"; and in line 7, strike out "of".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 8 to 18, inclusive, and insert "by adding a new section thereto to be known as Section 23b to read as follows:

Sec. 23b. Members of the Legislature shall receive no compensation for their services other than that fixed by the Constitution, but may receive necessary expense allowances during sessions, as may be determined by the Board of Control or by law."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 1930**—An act granting certain tidelands, submerged lands, and filled tidelands of the State of California to the City of Avalon, upon certain trusts and conditions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1387**—An act to add Sections 53.55 and 53.65 to the Alcoholic Beverage Control Act, relating to containers, cartons, and bottles.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 23, of the printed bill, as amended, strike out "in" before "Limita-", and insert "of Schedule B to".

**Amendment No. 2**

On page 2, line 31, of said bill, before "generally", insert "principally and".

**Amendment No. 3**

On page 2, line 32, of said bill, strike out "brewing", and insert "malt beverage".

**Amendment No. 4**

On page 2, line 33, of said bill, after "10", insert "-A".

**Amendment No. 5**

On page 2, line 34, of said bill, after "said", insert "Schedule B of said".

**Amendment No. 6**

On page 2, line 35, of said bill, strike out "brewing", and insert "malt beverage".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 357**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States during the present war.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 10, of the printed bill, after "earlier", insert "; provided, however, that any such officer or employee whose service shall be terminated in a foreign country and who shall leave the foreign country to return to the United States within 90 days after termination of service shall have 90 days after return to the United States within which to make application".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1000**—An act to amend Section 4295 of the Political Code, and to amend Section 6103 of the Government Code, relating to payment of fees to State, county and township officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1350**—An act to amend Section 737q of the Political Code of the State of California referring to the salary of the superior judge of Lake County.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 559**—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 992**—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, by adding thereto Section 7.1, relating to the incurring of indebtedness for the repair or replacement of district works damaged or demolished by reason of fire, flood, earthquake, sabotage, or act of God or the public enemy, the refunding of such indebtedness, the levy and collection of taxes to pay such indebtedness, and providing the manner of adoption of ordinances relating thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 442**—An act to amend Section 17 of an act approved March 22, 1941, entitled "An act creating a public airport district designated 'Monterey Peninsula Airport District'; defining its

boundaries; providing for its organization, government and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries, and the dissolution of said district."

Bill read second time, and ordered to third reading.

**Assembly Bill No. 281**—An act to amend Section 10 of the Municipal Court Act of 1925, relating to clerks and attaches.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1, line 12, of the printed bill, strike out "dollars (\$400)", and insert "twenty dollars (\$420)".

##### Amendment No. 2

On page 1, line 15, of said bill, strike out "dollars (\$320)", and insert "five dollars (\$325)".

##### Amendment No. 3

On page 1, line 16, of said bill, strike out "forty-five dollars (\$245)", and insert "fifty dollars (\$250)".

##### Amendment No. 4

On page 1, line 18, of said bill, strike out "dollars (\$270)", and insert "five dollars (\$275)".

##### Amendment No. 5

On page 1, line 20, of said bill, strike out "dollars (\$270)", and insert "five dollars (\$275)".

##### Amendment No. 6

On page 1, line 22, of said bill, strike out "dollars (\$270)", and insert "five dollars (\$275)".

##### Amendment No. 7

On page 1, line 23, of said bill, strike out "dollars (\$220)", and insert "five dollars (\$225)".

##### Amendment No. 8

On page 1, line 25, of said bill, strike out "dollars (\$220)", and insert "five dollars (\$225)".

##### Amendment No. 9

On page 1, lines 26 and 27, of said bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred dollars (\$200)".

##### Amendment No. 10

On page 1, line 28, of said bill, strike out "fifty-five dollars (\$155)", and insert "sixty dollars (\$160)".

##### Amendment No. 11

On page 2, line 2, of said bill, strike out "forty-five dollars (\$145)", and insert "fifty dollars (\$150)".

##### Amendment No. 12

On page 2, lines 3 and 4, of said bill, strike out "forty-five dollars (\$145)", and insert "fifty dollars (\$150)".

##### Amendment No. 13

On page 2, line 6, of said bill, after "hundred", insert "twenty".

##### Amendment No. 14

On page 2, line 7, of said bill, strike out "(\$400)", and insert "(\$420)".

##### Amendment No. 15

On page 2, line 9, of said bill, strike out "dollars (\$320)", and insert "five dollars (\$325)".

##### Amendment No. 16

On page 2, lines 10 and 11, of said bill, strike out "dollars (\$170)", and insert "five dollars (\$175)".

##### Amendment No. 17

On page 2, lines 12 and 13, of said bill, strike out "dollars (\$270)", and insert "five dollars (\$275)".



**Amendment No. 18**

On page 2, line 15, of said bill, strike out "forty-five dollars (\$245)", and insert "fifty dollars (\$250)".

**Amendment No. 19**

On page 2, lines 16 and 17, of said bill, strike out "dollars (\$220)", and insert "five dollars (\$225)".

**Amendment No. 20**

On page 2, lines 18 and 19, of said bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred dollars (\$200)".

**Amendment No. 21**

On page 2, line 20, of said bill, strike out "dollars (\$220)", and insert "five dollars (\$225)".

**Amendment No. 22**

On page 2, lines 22 and 23, of said bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred dollars (\$200)".

**Amendment No. 23**

On page 2, lines 24 and 25, of said bill, strike out "fifty-five dollars (\$155)", and insert "sixty dollars (\$160)".

**Amendment No. 24**

On page 2, lines 26 and 27, of said bill, strike out "dollars (\$270)", and insert "five dollars (\$275)".

**Amendment No. 25**

On page 2, line 29, of said bill, strike out "forty-five dollars (\$245)", and insert "fifty dollars (\$250)".

**Amendment No. 26**

On page 2, line 31, of said bill, strike out "dollars (\$220)", and insert "five dollars (\$225)".

**Amendment No. 27**

On page 2, lines 32 and 33, of said bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred dollars (\$200)".

**Amendment No. 28**

On page 2, lines 34 and 35, of said bill, strike out "one hundred ninety-five dollars (\$195)", and insert "two hundred dollars (\$200)".

**Amendment No. 29**

On page 2, lines 36 and 37, of said bill, strike out "dollars (\$170)", and insert "five dollars (\$175)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 240**—An act to amend Sections 45 and 46 of the Elections Code, relating to petitions and papers signed by voters.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 45 and 46", and insert "Section 45".

**Amendment No. 2**

On page 1, line 17, of said bill, after "residence.", insert "The date of signing shall appear opposite each name, but if successive signers sign on the same date, marks may be used to indicate that the dates are the same."

**Amendment No. 3**

On page 1 of said bill, strike out lines 23 to 28, inclusive; and on page 2, strike out lines 1 to 6, inclusive.

**Amendment No. 4**

On page 1, line 12, of said bill, strike out the period, and insert a semicolon and "provided, however, that each signer of any municipal initiative, referendum, recall or any nominating petition or paper shall in addition to the other requirements of

this section, at the time of signing the petition or paper affix thereto the date of his signing."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 399**—An act to amend Section 43 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for the carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to powers of the board.

Bill read second time, and ordered to third reading.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.19 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 679**—An act to amend Section 2521 of the Penal Code, relating to prison employees appointed by the wardens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### Senator DeLap Presiding

At 10.30 a.m., Senator DeLap of the Seventeenth District, presiding.

**Senate Bill No. 945**—An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of and rights in streams, wells, pumping plants, and conduits, the establishment and operation of public districts relating to water, and to repeal certain acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo,

McBride, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 946**—An act to add Division 5 and Section 150005 to the Water Code, relating to flood control by cities, counties and the State, including provisions relating to the Reclamation Board, the Sacramento and San Joaquin Drainage District, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Luckey, Mayo, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 947**—An act to add Division 6 to the Water Code, relating to the conservation, development and utilization of the water resources of the State, including provisions relating to the State Water Plan, the Central Valley Project, the San Luis Rey Water Authority, the Colorado River Board, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Hatfield, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 948**—An act to add Division 10 and Section 150010 to the Water Code, thereby revising and consolidating the law relating to the financial supervision of irrigation and other public districts, including provisions relating to the approval and certification of bonds of such districts as legal investments and as security for the deposit of public money, provisions relating to the obligations and finances of such districts, and provisions relating to the California Districts Securities Commission and other State agencies having powers similar to said commission, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 949**—An act to add Division 11 to the Water Code, thereby revising and consolidating the law relating to irrigation districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 952**—An act to add Sections 202, 203, 1050.5 and 1050.6 to, to amend Sections 228 and 275 of and to repeal Article 5 of Chapter 1 of Part 2 of Division 2 of the Water Code, relating to the administration of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 982**—An act to add Section 8710.5 to the Water Code, relating to approval of works of reclamation proposed by public districts within the Sacramento and San Joaquin Drainage District.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 983**—An act to add Section 4028.5 to the Water Code, relating to distribution of water in watermaster service areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 985**—An act to amend Section 2500 of the Water Code, relating to statutory adjudication of water rights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 986**—An act to amend Section 11102 and to repeal Section 11600 of the Water Code, relating to the Central Valley Project.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jepserson, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 984**—An act to add Section 1252.5 to the Water Code, relating to appropriation of water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Joint Resolution No. 3**—Relative to memorializing the Congress of the United States to initiate proper action and legislation to determine the identity, and forfeit the citizenship of those holding a dual citizenship in any other country and prohibiting such citizenship.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepserson, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### Senate Resolution No. 90

WHEREAS, The efficient functioning of the State Printer, the Legislative Bill Room and the Supervisor of Documents are of vital importance not only to the Legislature and the several officers and departments of the State but to the people of the State as well; and

WHEREAS, It is essential to the welfare of the State that the highly important responsibilities with which such agencies of the State are charged be performed as economically as possible, and that the State Printer, the Legislative Bill Room and the Supervisor of Documents function smoothly without duplication of effort and in perfect cooperation; and

WHEREAS, It is the desire of the Senate that inquiry be made into the relationships between the operations of the State Printer, the Legislative Bill Room and the Supervisor of Documents with a view to ascertaining what steps should be taken to improve the existing service; now, therefore, be it

*Resolved by the Senate of the State of California.* That there is hereby created a committee to be known as "The Senate Fact-Finding Committee on the Printing and Distribution of Legislative and Other State Documents," to consist of three Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study, and analyze all facts relating to the operations of the State Printer, the Legislative Bill Room, and the Supervisor of Documents, and the administration of the responsibilities imposed by law or resolution upon them, the efficiency with which their operations are performed, the necessity and reasonableness of the cost of the various services rendered, and the possibilities

of improvements therein, with a view to reporting such facts to the Senate and formulating and recommending the enactment of any needed legislation relating thereto; and to that end the committee shall have (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such rules may be exercised by the committee after the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert, and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment, shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, memorandums, or documents showing the receipts and disbursements of any agency of Government and to contract with private firms of auditors for that purpose;

(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(7) To make a complete study, survey, and investigation of every phase of the subjects of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subjects of this resolution.

(8) To meet at any and all places in this State, in public or executive session;

(9) To act after final adjournment of this session of the Legislature;

(10) To file a report with the Senate during the Regular Session of the Fifty-fifth Legislature or during any special session thereof or during the Regular Session of the Fifty-sixth Legislature;

(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the sum of one hundred dollars (\$100) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride,

Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

**Senate Bill No. 646**—An act to add Section 887 to the Fish and Game Code, relating to nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 774**—An act to amend Section 92 of the Fish and Game Code, relating to districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 534**—An act to add Section 612.5 to the Fish and Game Code, relating to steelhead.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1036**—An act to amend Section 64 of the Fish and Game Code, relating to fish and game district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 62**—An act to amend Section 253 of the Revenue and Taxation Code, relating to exemptions from taxes on real property.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mixer,



Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 169**—An act to amend Section 2641 of, and to add Section 5137.5 to, the Revenue and Taxation Code, relating to payment of taxes under protest.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 489**—An act making an appropriation from the State Park Maintenance Fund to repay a loan made from the Emergency Fund, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 269**—An act to add Section 20.7 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to licensees in military service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 570**—An act to amend Sections 10490, 10800, 10971, and 10972 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey,



McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 990**—An act to provide for the limiting of service areas by the Railroad Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Luckey moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 20, of the printed bill, strike out "the Cartwright Act", and insert "Chapter 2, Part 2, Division 7, of the Business and Professions Code".

**Amendment No. 2**

On page 2, line 21, of said bill, strike out "1673 of the Civil Code", and insert "16600 of the Business and Professions Code".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 461**—An act to add Section 77 to the Agricultural Code, relating to the powers of the State Agricultural Society.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 481**—An act relating to bases for allocation of money to County and District Agricultural Fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 602**—An act to amend Section 120 of the Welfare and Institutions Code, relating to the State Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

## COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Crittenden, ordered printed in the Journal:

DEPARTMENT OF SOCIAL WELFARE  
SACRAMENTO, January 28, 1943

*Honorable Bradford S. Crittenden  
Senator, Twentieth District  
State Capitol, Sacramento, California*

IN REPLY PLEASE REFER TO: S.B.—Relating to Section 120 of the Welf. & Inst. Code  
DEAR MR. CRITTENDEN: At the present time the department has among its functions cooperation with the Federal Government as it relates to public assistance, and certain other public services for children.

Since the United States entered into war, there are certain other functions which the department has been requested to perform: as example, I refer to public assistance for air raid wardens, services rendered in the evacuation of the Japanese, negotiations with the Swiss Consulate in obtaining money from Germany to take care of German Nationals. These latter functions and services have been performed by the department but without specific statutory authority. All of the functions and services listed have been paid 100 per cent by Federal funds, including the cost of personnel to perform them.

This proposed bill merely gives the department statutory authority, with the approval of the Department of Finance, to enter into such agreements to perform such functions or services—still without cost to the State, but rather to act as an agent for the Federal Government with the Federal Government furnishing all monies.

Very truly yours,

MARTHA A. CHICKERING, Director  
Department of Social Welfare

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 976**—An act to amend Section 647 of the Agricultural Code, relating to conveyances transporting milk or cream or containers therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 84**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

## Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 84 be placed on the inactive file.

Motion carried.

**Senate Bill No. 469**—An act to add Section 395.8 to the Military and Veterans Code, relating to the reemployment of elected officers of any city, who shall serve in the armed forces of the United States, upon the completion of their period of training and service; to provide for acting officers to serve during such absence of elected officers; and relating to procedure to be followed to secure such reemployment, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 413**—An act amending Section 4300a of the Political Code, relating to fees of the county clerk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 785**—An act to add Section 16904.5 to the Business and Professions Code, for the purpose of preventing evasion of resale price restrictions imposed with respect to any commodity by any contract entered into pursuant to the provisions of Section 16900 to 16905, both inclusive, of the Business and Professions Code.

Bill read third time.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 5, of the printed bill, following "extent", insert "expressly".

**Amendment No. 2**

On page 1, line 13, of the printed bill, strike out "any such sale", and insert "the sale of such commodity at the minimum price stipulated by the vendor".

**Amendment No. 3**

On page 1 of the printed bill, between lines 23 and 24, insert

"(c) Any act, conduct or practice, including but not limited to, those referred to above, which results in any sale of any such commodity at a price less than established pursuant to the Fair Trade Act;".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**UNFINISHED BUSINESS**

**Consideration of Assembly Amendments**

**Senate Bill No. 107**—An act to amend Section 996 of the Political Code, relating to an office becoming vacant.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 107?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 6 and 7, and insert "2. His insanity, when determined by a final judgment or final order of a court of competent jurisdiction;"

**Amendment No. 2**

On page 2 of said bill, strike out lines 1 to 7, inclusive, and insert "deemed vacant until the order of commitment has become final."

**Amendment No. 3**

On page 2 of said bill, strike out lines 12 and 13, and insert "(b) His insanity, when determined by a final judgment or final order of a court of competent jurisdiction."

**Amendment No. 4**

On page 2 of said bill, strike out lines 38 to 43, inclusive, and insert "be deemed vacant until the order of commitment has become final."

**Amendment No. 5**

On page 2 of the printed bill, as amended, strike out line 19, and insert "SEC. 2. Section 1770 of the Government Code is amended to read:"

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 107 by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 173?

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "live", insert "coniferous".

**Amendment No. 2**

On page 1, line 12, of said bill, insert "This chapter shall not apply to the cutting of trees less than 18 inches in diameter to complete contracts entered into prior to the time this chapter becomes effective."

**Amendment No. 3**

On page 1, line 9, of said bill, after the comma, insert "in that part of California lying north of the 6th Parallel, South,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 173 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Above bill ordered enrolled.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 266**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility



district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city or town, municipality, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Secretary J. A. Beek at the Desk

**Assembly Concurrent Resolution No. 33**—Relative to establishment of a memorial to the veterans of the United States who participated in the campaigns of the Union Army in the Civil War.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 364**—An act to add Section 557.1 to the Military and Veterans Code, relating to the organization of licensed military companies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 246**—An act to amend Section 1461a of the Penal Code, relating to procedure in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 555**—An act to amend Section 7a of the Municipal Court Act of 1925, relating to attaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1027**—An act to amend Section 801 of the Probate Code, relating to bond on sale of contract to purchase.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1309**—An act to amend Section 261 of the Code of Civil Procedure, relating to salaries of court commissioners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1422**—An act to amend Section 345 of the Code of Civil Procedure, relating to limitation of actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 358**—An act to add Section 10202 to the Health and Safety Code, relating to certified copies of birth certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 789**—An act to amend Sections 3.30 and 3.33 of the School Code and to amend Sections 8121 and 8122 of the Education Code, relating to the closing of schools and postponement of openings, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1252**—An act to amend Section 2.971 of the School Code, and to amend Section 2102 of the Education Code, relating to city boards of education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 689**—An act to add Section 6 to an act entitled "An act authorizing the creation of a personnel system, merit system, or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within the State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relating to temporary employees, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES.—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1095**—An act to amend Sections 864 and 885 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1421**—An act to amend Section 4076a of the Political Code, relating to procedure for audit allowance and payment or rejection of claims in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1806**—An act to amend Section 4312 of the Political Code, relating to the location and office hours of county officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 64**—An act to repeal Section 4535 of the Elections Code, relating to the filing of vouchers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating,



Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—Senators Carter and Swan—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686 and 687 of, and to repeal Section 662 of, the Elections Code, relating to precinct boards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 376**—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of districts organized under the California Water District Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hartnett, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 314**—An act to amend Section 20 of the "California Water District Act," relating to the redemption of bonds of water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 113**—An act to amend Section 395.2 of the Military and Veterans Code, relating to leaves of absence of school employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 912**—An act to amend Sections 13600, 13607, 13610, 13652, 13655, 13656, 13687, 13727 and 13728 of the Health and Safety Code, and to repeal Sections 13513, 13609, 13611 and 13653 thereof, relating to spotting, sponging and pressing establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 914**—An act to amend Section 4891 of the Health and Safety Code, relating to sewer maintenance districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 332**—An act to amend Section 3424 of the Public Resources Code, relating to the recording of oil production charge payments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 453**—An act to add Section 3873.1 to the Penal Code, relating to the sale or exchange of animals and fowls raised at the prisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 93**—An act to amend Section 117d of the Code of Civil Procedure, relating to small claims court and the time for appearance therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 94**—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction and venue of the small claims court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 179**—An act to amend Section 51 of the Bank Act, relating to deposit of moneys in banks by executors and other fiduciaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred.

Bill read third time.

#### Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 21, of the printed bill, strike out "Sec. 3.", and insert

"Sec. 4. (a) The commitments made by the State Department of Social Welfare on or before April 8, 1943, with respect to the distribution of articles of finished clothing to the various counties are hereby validated and approved.

(b) The distribution to the various counties in accordance with the ratio of contribution of each county to the Work Projects Administration Sewing Projects as such bears to the total contributions of all counties of the State to the Work Projects Administration Sewing Projects of not more than 48 per cent of the finished garments in the custody of the State Department of Social Welfare on April 9, 1943, after distribution under the commitments ratified by subdivision (a) is hereby validated.

(c) The transfer by the State Department of Social Welfare to the State Department of Finance of all textiles and unfinished garments in the possession of the Department of Social Welfare on April 9, 1943, and an amount of finished clothing of not less than 52 per cent of the garments in the possession of the State Department



of Social Welfare on April 9, 1943, after the distribution in accordance with commitments ratified by subdivision (a) is hereby validated.  
Sec. 5."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 249

Senator Mayo moved that Senate Bill No. 249 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 249**—An act to repeal an act entitled "An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of Congress entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 1, 1911, as amended," approved by the Governor September 20, 1934, relating to the acquisition of land in the State by the United States.

Bill read second time.

#### Motion to Amend

Senator Mayo moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend Section 1 of".

#### Amendment No. 2

On page 1, line 1, of said bill, strike out "The act cited in the title hereof is repealed", and insert "Section 1 of the act cited in the title hereof is amended to read:

**SECTION 1.** The Legislature of the State of California hereby consents to the acquisition by the United States by purchase, gift or condemnation with adequate compensation, of such lands in the State of California as in the opinion of the Government of the United States may be needed for the establishment, consolidation and extension of National forests in this State under the provisions of the act of Congress approved March 1, 1911, and entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; provided, that the State of California shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil processes in all cases, and such criminal processes as may issue under the authority of the State of California against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been granted; provided further, that the State of California shall retain a concurrent jurisdiction to tax persons and corporations and their property and transactions on such lands so acquired; and provided further, that no such lands shall be so acquired within any county or city and county without the approval of the board of supervisors thereof evidenced by a resolution approving the acquisition and entered upon the minutes of the board."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 961

Senator Seawell moved that Senate Bill No. 961 be withdrawn from Committee on Public Health and Safety for purpose of amendment.

Motion carried.



**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 961**—An act to add Section 3702.5 to the Health and Safety Code, relating to drinking water.

Bill read second time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 3702.5 to", and insert "Chapter 7, comprising Section 4025, to Part 1 of Division 5 of".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "drinking".

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 9, inclusive, and insert "SECTION 1. Chapter 7, comprising Section 4025, is added to Part 1 of Division 5 of the Health and Safety Code, to read:

**CHAPTER 7. WATER**

4025. Pollution as a condition of water for human consumption includes the presence therein of any mineral, animal, or vegetable matter as a cause dangerous to human health, but the presence of turbidity or any mineral matter which is superfluous but not deleterious in water used for farming or other industry, shall be held not to be a cause of pollution as a condition of such water."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILLS****NOS. 558, 559, 560, AND 561**

Senator Hatfield moved that Senate Bills Nos. 558, 559, 560, and 561 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment, and be re-referred to committee.

Motion carried.

Senate Bills Nos. 558, 559, 560, and 561 ordered to second reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE****DISPENSED WITH**

At 1.35 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**REPORTS OF STANDING COMMITTEES****Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

**Senate Bill No. 1026**

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

**Senate Bill No. 1003**

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 38

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Assembly Bill No. 1254

Assembly Bill No. 1939

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1079

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Assembly Bill No. 1239

Assembly Bill No. 1296

Assembly Bill No. 1294

Assembly Bill No. 1301

Assembly Bill No. 1295

Assembly Bill No. 1856

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be placed on the inactive file of the Senate.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bills ordered placed on inactive file.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 420—An act to add Section 651.3 to the Fish and Game Code, relating to salmon;

And reports that the same has been correctly enrolled, and presented to the Governor on the tenth day of April, 1943, at 11 a.m.

SEAWELL, Chairman

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 62

Assembly Bill No. 975

Assembly Bill No. 145

Assembly Bill No. 1049

Assembly Bill No. 211

Assembly Bill No. 1161

Assembly Bill No. 227

Assembly Bill No. 1238

Assembly Bill No. 458

Assembly Bill No. 1347

Assembly Bill No. 472

Assembly Bill No. 1380

Assembly Bill No. 514

Assembly Bill No. 1385

Assembly Bill No. 627

Assembly Bill No. 1508

Assembly Bill No. 652

Assembly Bill No. 1511

Assembly Bill No. 657

Assembly Bill No. 1534

Assembly Bill No. 696

Assembly Bill No. 1590

Assembly Bill No. 707

Assembly Bill No. 1602

Assembly Bill No. 718

Assembly Bill No. 1862

Assembly Bill No. 800

Assembly Bill No. 407

Assembly Bill No. 847

Assembly Bill No. 1528

Assembly Bill No. 946

Assembly Bill No. 1359

Assembly Bill No. 956

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 43

Assembly Joint Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 62**—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitutions, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 145**—An act to amend Section 337a of the Penal Code, relating to pool-selling, book-making, bets and wagers.

Referred to Committee on Judiciary.

**Assembly Bill No. 211**—An act to amend Sections 3824 and 3921 of the Elections Code, relating to ballots.

Referred to Committee on Elections.

**Assembly Bill No. 227**—An act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, to include voluntary hospitals, rest homes and sanitariums.

Referred to Committee on Judiciary.

**Assembly Bill No. 458**—An act to amend Section 2720 of the Penal Code, relating to the Jute Mill Revolving Fund.

Referred to Committee on Judiciary.

**Assembly Bill No. 472**—An act to amend Section 2934 of the Penal Code, relating to the discharge of prisoners and making an appropriation.

Referred to Committee on Judiciary.

**Assembly Bill No. 514**—An act to amend Sections 679, 1400, 2604, 2631, 2700, 5557, 5565, 5809, 7967, and 11581 of the Elections Code, and to repeal Sections 19, 45, 46, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 180, 181, 182, 183, 184, 185, 186, 224, 225, 226, 227, 228, 229, 230, 291, 292, 293, 294, 295, 296, 297, 298, 330, 370, 371, 372, 373, 374, and 9000 of the Elections Code as contained in Chapter 26 of the Statutes of 1939, relating to elections and matters incidental thereto.

Referred to Committee on Elections.

**Assembly Bill No. 627**—An act to add Section 4539 to the Elections Code, relating to campaign statements.

Referred to Committee on Elections.

**Assembly Bill No. 652**—An act to amend Section 404 of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game.

**Assembly Bill No. 657**—An act to add Section 486.5 to the Fish and Game Code, relating to taking of fish for the taking of which a sporting fishing license is required.

Referred to Committee on Fish and Game.

**Assembly Bill No. 696**—An act to amend Section 4828 of the Business and Professions Code, relating to emergency veterinarians.

Referred to Committee on Business and Professions.

**Assembly Bill No. 707**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poison schedules and economic poisons.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 718**—An act to add Section 1714.5 to the Civil Code, relating to injuries sustained in air raid shelters.

Referred to Committee on Judiciary.

**Assembly Bill No. 800**—An act to amend Section 776 of the Vehicle Code, relating to the "Motor Vehicle Support Fund," to take effect July 1, 1943.

Referred to Committee on Transportation.

**Assembly Bill No. 847**—An act to add Section 784.9 to the Agricultural Code, relating to fruits, nuts and vegetables.

Referred to Committee on Agriculture.

**Assembly Bill No. 946**—An act relating to full time civil service employees of this State and of any local governmental agency thereof and restricting the activities of such persons with regard to the practice of any profession or business requiring a license issued under any statute of this State.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 956**—An act to authorize the creation of a branch of the University of California at Santa Barbara, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, including moneys appropriated and unexpended, or which may be appropriated, to grant to employees of Santa Barbara State College who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems.

Referred to Committee on Education.

**Assembly Bill No. 975**—An act to amend Section 67.5 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1049**—An act to add Section 100.5 to the Labor Code, relating to preferred claims for work performed or personal services rendered.

Referred to Committee on Labor.



**Assembly Bill No. 1161**—An act to add Section 39.6 to the Fish and Game Code, relating to the sale of certain properties, real or personal, no longer necessary, or useful to the Fish and Game Commission.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1238**—An act to add Section 1069.5 to the Agricultural Code, relating to the coloration of economic poisons.

Referred to Committee on Agriculture.

**Assembly Bill No. 1347**—An act to amend Sections 595, 596 and 605e of the Civil Code, relating to nonprofit corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1380**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1385**—An act to amend Section 12 of "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to imprisonment of person convicted in the courts.

Referred to Committee on Local Government.

**Assembly Bill No. 1508**—An act to amend Section 139 of the Agricultural Code, relating to newly discovered pests.

Referred to Committee on Agriculture.

**Assembly Bill No. 1511**—An act to amend Section 1260.15 of the Agricultural Code, relating to time of payment of grain warehouse registration fees.

Referred to Committee on Agriculture.

**Assembly Bill No. 1534**—An act to add Section 1.5 to "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to deadly weapons.

Referred to Committee on Judiciary.

**Assembly Bill No. 1590**—An act to add Section 2 to an act entitled "An act making an additional appropriation for construction, improvements, and equipment at the University of California," approved July 8, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Referred to Committee on Education.

**Assembly Bill No. 1602**—An act to add Section 2 to an act entitled "An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor," approved June 9, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Referred to Committee on Education.

**Assembly Bill No. 1862**—An act to amend Sections 3d and 38d of, and to add Section 28b to, the State Employees' Retirement Act, relating to authorizing the inclusion of any bridge and highway district in such retirement system.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 407**—An act to amend Sections 427, 428, and 990 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1528**—An act to amend Sections 150 and 151 of and to add Section 96.6 to the State Civil Service Act, relating to the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1359**—An act to add Chapter 3, comprising Section 2650, to Division 4 of the Welfare and Institutions Code, and to repeal certain laws and parts of laws therein specified, relating to relief and public assistance due to and caused by unemployment, abolishing the State Relief Administration, the State Relief Commission and the office of State Relief Administrator, providing for the disposition of the properties thereof, and prohibiting the expenditure of money for certain purposes.

Referred to Committee on Welfare and Institutions.

**Assembly Joint Resolution No. 43**—Relative to increasing the quota for Portuguese immigration from Portugal and the Azores as an aid to milk production in California.

Referred to Committee on Agriculture.

**Assembly Joint Resolution No. 18**—Relative to poll taxes.

Referred to Committee on Revenue and Taxation.

#### ADJOURNMENT

At 1.45 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Monday, April 12, 1943.

# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY  
NINETY-NINTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 12, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Judah, on motion of Senator Salsman.

Senator Collier, on motion of Senator McBride.

Senator Burns, on motion of Senator Tenney.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Anna, Sister Rosemarie Julie, Mrs. McGinn, Mrs. Gaffney, and the following students of the Notre Dame High School American History Class in Marysville: Rose Marie Rakela, Carol Murray, Audrey Bussis, Katina Bunos, Betty Boardman, Helen Gaffney, Mary Eleanor Gaffney, Mary Riley, Charlotte Anthony, Virginia Pursell, Florence Morrison, Julia Uriguen, Barbara Hannagan, Mary Barrett, Catherine Surabian, and Bessie Sarrionandia, and also Peter Gaffney and Mathew Gaffney of Marysville.

On request of Senators Slater and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Former Senator Edgar Luce of San Diego.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major George A. Jackson of Washington, D. C.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Colonel Williams and Nathan MacChesney and also E. Gleason of Stockton.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ross T. Hickcox of El Centro.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Biscailuz, Sheriff of Los Angeles County, Los Angeles.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 291

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 169  
Assembly Bill No. 222  
Assembly Bill No. 229  
Assembly Bill No. 420  
Assembly Bill No. 457  
Assembly Bill No. 465  
Assembly Bill No. 487  
Assembly Bill No. 513  
Assembly Bill No. 669  
Assembly Bill No. 854  
Assembly Bill No. 890  
Assembly Bill No. 896  
Assembly Bill No. 898  
Assembly Bill No. 901

Assembly Bill No. 974  
Assembly Bill No. 987  
Assembly Bill No. 988  
Assembly Bill No. 989  
Assembly Bill No. 1094  
Assembly Bill No. 1104  
Assembly Bill No. 1203  
Assembly Bill No. 1433  
Assembly Bill No. 1542  
Assembly Bill No. 1569  
Assembly Bill No. 1604  
Assembly Bill No. 1849  
Assembly Bill No. 1947  
Assembly Bill No. 1953

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 169**—An act to add amend Section 515.5 of the Vehicle Code, relating to driving speed of motor vehicles, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 222**—An act to add Section 511.4 to the Vehicle Code, relating to reduction of speed on State highways within cities.

Referred to Committee on Transportation.



**Assembly Bill No. 229**—An act to add Sections 30a to 30r to the Bank Act and to add Section 3081 to the Civil Code, relating to the disposal of unclaimed contents of safe deposit boxes rented by banks or other corporations and relating to unclaimed items of personal property left with a bank for safekeeping or storage.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 420**—An act to amend Sections 736.14 and 737.6 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream and to assessments and refunds thereunder, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 457**—An act to amend Section 2762 of the Penal Code, relating to employment of prisoners at road camps.

Referred to Committee on Judiciary.

**Assembly Bill No. 465**—An act to amend Section 2049 of the Penal Code, and to add Sections 2090.5, 2714, 3020.5 and 3040.5 to the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

**Assembly Bill No. 487**—An act to make an appropriation to pay off the amount of outstanding bonds issued under "An act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose," approved April 2, 1870, and to repeal "An act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an act of the Legislature of the State of California, approved March 4, 1881, entitled 'An act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893.

Referred to Committee on Finance.

**Assembly Bill No. 513**—An act to add Section 604.11 to the Vehicle Code, relating to ambulances.

Referred to Committee on Transportation.

**Assembly Bill No. 669**—An act to amend Sections 12, 21.30 and 21.90 of, and to add Section 31 to, an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to municipal utility districts.

Referred to Committee on Local Government.

**Assembly Bill No. 854**—An act to amend Section 500 of the Vehicle Code, relating to the crime of negligent homicide.

Referred to Committee on Transportation.

**Assembly Bill No. 890**—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Referred to Committee on Local Government.

**Assembly Bill No. 896**—An act to amend Sections 739.1 and 758 of, and to add Section 759 to, the Vehicle Code, relating to waiver of filing of written complaint and presumptions as to the character of residence and business districts.

Referred to Committee on Transportation.

**Assembly Bill No. 898**—An act to amend Sections 720, 800, and 870 of the Military and Veterans Code, relating to veterans.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 901**—An act to add Section 22142 to the Streets and Highways Code, relating to the creation of assessment districts and the levy and collection of assessments on property therein to pay the cost and expenses of improvements provided for in the Tree Planting Act of 1931, being Division 15, Part 1 of said code.

Referred to Committee on Transportation.

**Assembly Bill No. 974**—An act to amend Section 494 of the Civil Code, relating to the sale of property and franchises of railroad corporations.

Referred to Committee on Public Utilities.

**Assembly Bill No. 987**—An act to amend Section 1043 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 988**—An act to add Section 135g to the Bank Act, relating to conservators. Superintendent of Banks or their employees accepting employment by merged, liquidated or reorganized banks.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 989**—An act to add Section 13.20 to the Building and Loan Association Act, relating to employment of the commissioner or his employees by merged, liquidated or reorganized associations.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1104**—An act to amend Section 140 of the Vehicle Code, relating to the registration of motor vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1203**—An act to amend Sections 736.14 and 737.6 of the Agricultural Code, relating to assessments for administration of stabilization and marketing plans for fluid milk and fluid cream.

Referred to Committee on Agriculture.

**Assembly Bill No. 1433**—An act to add Section 21a to the Corporate Securities Act, relating to the commissioner or his employees accepting employment by corporations, the organization, reorganization, rehabilitation or merger of which they supervised.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1542**—An act making an appropriation to The Regents of the University of California to be expended for an investigation of the control of Pierce's disease of grapevines in California, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1569**—An act to amend Sections 40, 47, 85, 112, and 173 of and to add Section 116.5 to the State Civil Service Act, relating to the State civil service.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1604**—An act to amend Section 258 of the Vehicle Code, relating to chauffeurs.

Referred to Committee on Transportation.

**Assembly Bill No. 1849**—An act to amend Sections 500, 502, 512, 513, and 515 of the Military and Veterans Code, and to add Section 12011 to the Education Code, relating to high school cadets.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1947**—An act to add Section 343.5 to the Agricultural Code, relating to inspection of cattle.

Referred to Committee on Agriculture.

**Assembly Bill No. 1953**—An act to amend Section 672 of the Vehicle Code, relating to escorts, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

## REPORTS OF STANDING COMMITTEES

### Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 10, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 1077

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 234

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 84

Senate Bill No. 587

Senate Bill No. 148

Senate Bill No. 590

Senate Bill No. 238

Senate Bill No. 650

Senate Bill No. 322

Senate Bill No. 658

Senate Bill No. 323

Senate Bill No. 734

Senate Bill No. 324

Senate Bill No. 856

Senate Bill No. 325

Senate Bill No. 858

Senate Bill No. 360

Senate Bill No. 907

Senate Bill No. 363

Senate Bill No. 994

Senate Bill No. 364

Senate Bill No. 999

Senate Bill No. 381

Senate Bill No. 1002

Senate Bill No. 391

Senate Bill No. 1017

Senate Bill No. 515

Senate Bill No. 1091

Senate Bill No. 551

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 357

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 785

Senate Bill No. 990

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 32

Senate Bill No. 821

Senate Bill No. 78

Senate Bill No. 921

Senate Bill No. 159

Senate Bill No. 1000

Senate Bill No. 430

Senate Bill No. 1001

Senate Bill No. 820

And reports the same correctly engrossed.

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1003**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employment under said act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1026**—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 38**—An act to provide dwelling accommodations for persons of low income and to provide a quick postwar means of employing unemployables due to eventual cessation of hostilities, including the creation of the State Loan Value and Mortgage Housing Commission, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Loan Value and Mortgage Housing Commission to issue revenue bonds and give security therefor and authorizing the commission to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of single dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurers.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 11, lines 28 and 29, of the printed bill, strike out "payments, exclusive of maintenance cost as provided in this act," and insert "payments required to meet principal, interest, taxes and mortgage and/or loan value insurance premium payments".

##### Amendment No. 2

On page 11, lines 30, 31, and 32 of said bill, strike out "; provided, however, that the commission may vary such restriction when applicable to rural home financing to fit income," and insert ", provided, however, that the commission may demand additional payments be paid to the extent of one-fifth of any excess income not so required, and any such excess monthly payments shall be fixed by the commission annually in advance and, when paid, shall be applied exclusively upon unpaid principal balance and/or accrued interest to accelerate or lengthen the home financing term or to reduce subsequent principal and interest monthly installment payments; provided, further, that the commission may vary the installment payment periods in rural home financing in proportion to the rural family income."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1079**—An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

On page 5, line 37, of the printed bill, after "streets", insert "or highways".

**Amendment No. 2**

On page 5, line 39, of the printed bill, strike out "county or city wherein such streets lie", and insert "governmental agency in charge thereof".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 558**—An act to add Chapter 4, comprising Sections 1850 to 1863, inclusive, to Division 8 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the California Veterans' Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Chapter 4, comprising Sections 1850 to 1863", and insert "Article 4, comprising Sections 990 to 991.3".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "Division 8", and insert "Chapter 6 of Division 4".

**Amendment No. 3**

In line 10 of the title of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 4**

On page 1, line 1, of said bill, strike out "Chapter 4, comprising Sections 1850 to 1863", and insert "Article 4, comprising Sections 990 to 991.3".

**Amendment No. 5**

On page 1, line 2, of said bill, strike out "Division 8", and insert "Chapter 6 of Division 4".

**Amendment No. 6**

On page 1, line 5, of said bill, strike out "Chapter", and insert "Article".

**Amendment No. 7**

On page 1, line 7, of said bill, strike out "1850", and insert "990".

**Amendment No. 8**

On page 2, line 1, of said bill, strike out "1851", and insert "990.1".

**Amendment No. 9**

On page 2, line 3, of said bill, strike out the second "the", and insert "and of all acts amendatory thereof or supplemental thereto, the".

**Amendment No. 10**

On page 2, line 10, of said bill, strike out "1852", and insert "990.2".

**Amendment No. 11**

On page 2, line 51, of said bill, strike out "1853", and insert "990.3".

**Amendment No. 12**

On page 3, line 6, of said bill, strike out "1854", and insert "990.4".

**Amendment No. 13**

On page 3, line 12, of said bill, strike out "1855 hereof", and insert "990.5".

**Amendment No. 14**

On page 3, line 23, of said bill, strike out "1855", and insert "990.5".

**Amendment No. 15**

On page 3, line 38, of said bill, strike out "specific", strike out line 39, and in line 40, strike out "have been covered as herein prescribed", and insert "Veterans' Farm and Home Building Fund of 1943".

**Amendment No. 16**

On page 3, line 46, of said bill, strike out "specific fund", and insert "Veterans' Farm and Home Building Fund of 1943".

**Amendment No. 17**

On page 4, line 12, of said bill, strike out "1856", and insert "990.6".

**Amendment No. 18**

On page 4, line 17, of said bill, strike out "specific", strike out all of lines 18 and 19; and in line 20, strike out "of this chapter", and insert "Veterans' Farm and Home Building Fund of 1943".

**Amendment No. 19**

On page 4, line 23, of said bill, strike out "1857", and insert "990.7".

**Amendment No. 20**

On page 4, line 29, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 21**

On page 4, line 43, of said bill, strike out "1858", and insert "990.8".

**Amendment No. 22**

On page 5, line 5, of said bill, after "Fund", insert "of 1943".

**Amendment No. 23**

On page 5, line 7, of said bill, strike out "chapter and Chapter", and insert "article and Article".

**Amendment No. 23a**

On page 5, line 8, of said bill, strike out "division", and insert "chapter".

**Amendment No. 24**

On page 5, line 12, of said bill, strike out "1859. The California Veterans'", and insert "990.9. The Veterans' Welfare".

**Amendment No. 25**

On page 5, line 14, of said bill, strike out "any of the funds subject to or appro-"; and in line 15, strike out "priated for its use in", and insert "the Veterans' Farm and Home Building Fund of 1943".

**Amendment No. 26**

On page 5, line 20, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 27**

On page 5 of said bill, strike out line 22; and in line 23, strike out "erans' Board or appropriated for its use", and insert "such fund".

**Amendment No. 28**

On page 5, line 36, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 29**

On page 5 of said bill, strike out lines 38 to 42, inclusive, and insert "Interest accruing upon the deposit of moneys of the Veterans' Farm and Home Building Fund of 1943 shall be paid into and credited to said fund."

**Amendment No. 30**

On page 5, line 44, of said bill, strike out "1860", and insert "991".

**Amendment No. 31**

On page 5, line 47, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 32**

On page 5, line 50, of said bill, strike out "Read-"; and in line 51, strike out "justment".

**Amendment No. 33**

On page 6, line 1, of said bill, strike out "California Veterans'"; and insert "Veterans' Welfare".

**Amendment No. 34**

On page 6, line 2, of said bill, strike out "California"; and in line 3, "Veterans'"; and insert "Veterans' Welfare".

**Amendment No. 35**

On page 6, line 8, of said bill, strike out "1861", and insert "991.1".

**Amendment No. 36**

On page 6, line 31, of said bill, strike out "California Veterans'"; and insert "Veterans' Welfare".

**Amendment No. 37**

On page 6, line 32, of said bill, strike out "project or projects", and insert "transactions".

**Amendment No. 38**

On page 7, line 6, of said bill, strike out "1862", and insert "991.2".

**Amendment No. 39**

On page 7, line 7, of said bill, after "thereof", insert "incurred in the performance of their duties arising out of the provisions of this article".

**Amendment No. 39a**

On page 7, line 8, of said bill, strike out "fund into which the proceeds from the sale"; and in line 9, strike out "of said bonds shall be covered", and insert "Veterans' Farm and Home Building Fund of 1943".

**Amendment No. 40**

On page 7, line 11, of said bill, strike out "Cali-"; and in line 12, strike out "fornia Veterans'", and insert "Veterans' Welfare".

**Amendment No. 41**

On page 7, line 14, of said bill, strike out "1863", and insert "991.3".

**Amendment No. 42**

On page 7, line 39, of said bill, strike out "California"; and in line 40, strike out "Veterans'", and insert "Veterans' Welfare".

**Amendment No. 43**

On page 7, line 45, of said bill, strike out "Readjustment".

**Amendment No. 44**

On page 7, line 47, of said bill, strike out "Cali-"; and in line 48, strike out "fornia Veterans'", and insert "Veterans' Welfare".

**Amendment No. 45**

On page 7, line 51, of said bill, strike out "Readjustment".

**Amendment No. 46**

On page 8, line 6, of said bill, after the quotation marks, insert "Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section."

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 559**—An act to add Division 8, comprising Sections 1750 to 1761, inclusive, to the Military and Veterans Code, creating a California Veterans' Board, defining its powers and duties, and making an appropriation in aid of its operation.

Bill read second time.



**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "add Division 8, comprising Sections 1750 to 1761,"; and strike out all of lines 2, 3, and 4, and insert "amend Section 691 of the Military and Veterans Code, relating to veterans."

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 24, inclusive, and insert

SECTION 1. Section 691 of the Military and Veterans Code is amended to read: "691. There is in the department of Military and Veterans' Affairs a Veterans' Welfare Board. The board consists of five members appointed by the Governor *with the advice and consent of the Senate* to hold office for a term of four years. [Four members shall be veterans as defined by Section 720.] *Such members shall be veterans as defined by Section 720 or Section 980.* The terms of the members of the board in office on the date this division takes effect shall expire on the dates and in the rotation heretofore established. Vacancies shall be filled for the unexpired term. The Governor shall designate one of the veteran members chairman of the board. The secretary need not be a member of the board."

**Amendment No. 3**

On page 2 of said bill, strike out lines 1 to 49, inclusive.

**Amendment No. 4**

On page 3 of said bill, strike out lines 1 to 32, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 560**—An act to add Chapter 2, comprising Sections 1770 to 1778, inclusive, to Division 8 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2, comprising Sections 1770 to 1778," and insert "6, comprising Sections 980 to 981.7,".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "8", and insert "4".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2, comprising Sections 1770 to 1778", and insert "6, comprising Sections 980 to 981.7".

**Amendment No. 4**

On page 1, line 2, of said bill, strike out "8", and insert "4".

**Amendment No. 5**

On page 1 of said bill, strike out lines 5 to 14, inclusive, and insert

"CHAPTER 6. VETERANS OF WORLD WAR II

Article 1. Veterans

980. As used in this chapter, "veteran" means any person who served in the military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in the present war as determined by proclamation of the President or by concurrent resolution of the Congress, and thereafter receives".

**Amendment No. 6**

On page 2 of said bill, after line 4, insert

"Article 2. Educational Assistance".

**Amendment No. 7**

On page 2, line 6, of said bill, strike out "1771", and insert "981".

**Amendment No. 8**

On page 2, line 8, of said bill, strike out "Society", and insert "Institute".

**Amendment No. 9**

On page 2, line 9, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 10**

On page 2, line 12, of said bill, strike out "1772", and insert "981.1".

**Amendment No. 11**

On page 2, line 13, of said bill, strike out "society", and insert "institute".

**Amendment No. 12**

On page 2, line 23, of said bill, strike out "1773", and insert "981.2".

**Amendment No. 13**

On page 2, line 35, of said bill, strike out "1774", and insert "981.3".

**Amendment No. 14**

On page 2, line 39, of said bill, strike out "1775", and insert "981.4".

**Amendment No. 15**

On page 2, line 40, of said bill, strike out "society", and insert "institute".

**Amendment No. 16**

On page 2, line 46, of said bill, strike out "1776", and insert "981.5".

**Amendment No. 17**

On page 3, line 1, of said bill, strike out "1777", and insert "981.6".

**Amendment No. 18**

On page 3, line 2, of said bill, strike out "Chapter 3 of this division", and insert "Article 3 of this chapter".

**Amendment No. 19**

On page 3, line 5, of said bill, strike out "1778", and insert "981.7".

**Amendment No. 20**

On page 3, line 7, of said bill, strike out "Any unexpended"; and strike out lines 8 and 9.

**Amendment No. 21**

On page 3, line 13, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 22**

On page 3, line 14, of said bill, strike out "Chapter 2 of Division 8", and insert "Article 2 of Chapter 6 of Division 4".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 561**—An act to add Chapter 3, comprising Sections 1810 to 1843, inclusive, to Division 8 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the California Veterans' Board in respect thereto.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Chapter 3, comprising Sections 1810 to 1843," and insert "Article 3, comprising Sections 985 to 988.2".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "Division 8", and insert "Chapter 6 of Division 4".

**Amendment No. 3**

In line 4 of the title of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 4**

In line 5 of the title of said bill, strike out the period, and insert ", and making an appropriation therefor."

**Amendment No. 5**

On page 1, line 1, of said bill, strike out "Chapter 3, comprising Sections 1810 to 1843," and insert "Article 3, comprising Sections 985 to 988.2,".

**Amendment No. 6**

On page 1, line 2, of said bill, strike out "Division 8", and insert "Chapter 6 of Division 4".

**Amendment No. 7**

On page 1 of said bill, strike out lines 5 to 22, inclusive.

**Amendment No. 8**

On page 2 of said bill, strike out lines 1 to 11, inclusive, and insert

"Article 3. Farm and Home Purchase

985. Definitions.

(a) "Board" means the Veterans' Welfare Board."

**Amendment No. 9**

On page 2, line 29, of said bill, strike out "1810.5", and insert "985.1".

**Amendment No. 10**

On page 2, line 32, of said bill, strike out "1811", and insert "985.2".

**Amendment No. 11**

On page 2, line 35, of said bill, strike out "1812", and insert "985.3".

**Amendment No. 12**

On page 2, line 36, of said bill, strike out "California Veterans'", and insert "Veterans' Welfare".

**Amendment No. 13**

On page 2, line 38, of said bill, strike out "1813", and insert "985.4".

**Amendment No. 14**

On page 2, line 39, of said bill, strike out "Chapter 2 of this division", and insert "Article 2 of this chapter".

**Amendment No. 15**

On page 2, line 40, of said bill, strike out "chapter", and insert "article".

**Amendment No. 16**

On page 2, line 42, of said bill, strike out "1814", and insert "985.5".

**Amendment No. 17**

On page 2 of said bill, strike out line 49.

**Amendment No. 18**

On page 2, line 51, of said bill, strike out "1820", and insert "986".

**Amendment No. 19**

On page 3, line 12, of said bill, strike out "1821", and insert "986.1".

**Amendment No. 20**

On page 3, line 17, of said bill, strike out "chapter", and insert "article".

**Amendment No. 21**

On page 3, line 22, of said bill, strike out "1822", and insert "986.2".

**Amendment No. 22**

On page 3, line 26, of said bill, strike out "1823", and insert "986.3".

**Amendment No. 23**

On page 3, line 38, of said bill, strike out "1824", and insert "986.4".

**Amendment No. 24**

On page 3, line 44, of said bill, strike out "1825", and insert "986.5".

**Amendment No. 25**

On page 4, line 6, of said bill, strike out "1826", and insert "986.6".

**Amendment No. 26**

On page 4, line 10, of said bill, strike out "1827", and insert "986.7".

**Amendment No. 27**

On page 4, line 31, of said bill, strike out "1828", and insert "986.8".

**Amendment No. 28**

On page 4, line 32, of said bill, strike out "chapter", and insert "article".

**Amendment No. 29**

On page 4, line 38, of said bill, strike out "1829", and insert "986.9".

**Amendment No. 30**

On page 4, line 40, of said bill, strike out "1830", and insert "987".

**Amendment No. 31**

On page 5, line 10, of said bill, strike out "1831", and insert "987.1".

**Amendment No. 32**

On page 5, line 12, of said bill, strike out "chapter", and insert "article".

**Amendment No. 33**

On page 5, line 19, of said bill, strike out "1832", and insert "987.2".

**Amendment No. 34**

On page 5, line 31, of said bill, strike out "1833", and insert "987.3".

**Amendment No. 35**

On page 6, line 5, of said bill, strike out "1834", and insert "987.4".

**Amendment No. 36**

On page 6, line 18, of said bill, strike out "1835", and insert "987.5".

**Amendment No. 37**

On page 6, line 35, of said bill, strike out "1836", and insert "987.6".

**Amendment No. 38**

On page 6, line 36, of said bill, strike out "chapter", and insert "article".

**Amendment No. 39**

On page 6, line 41, of said bill, strike out "1837", and insert "987.7".

**Amendment No. 40**

On page 6, line 48, of said bill, strike out "1838", and insert "987.8".

**Amendment No. 41**

On page 7, line 7, of said bill, strike out "1839", and insert "987.9".

**Amendment No. 42**

On page 7, line 18, of said bill, strike out "1840", and insert "987.10".

**Amendment No. 43**

On page 7, line 19, of said bill, strike out "chapter", and insert "article".

**Amendment No. 44**

On page 7 of said bill, strike out line 27.

**Amendment No. 45**

On page 7, line 29, of said bill, strike out "1841", and insert "988".

**Amendment No. 46**

On page 7, line 32, of said bill, strike out "chapter", and insert "article".

**Amendment No. 47**

On page 7, line 35, of said bill, strike out "1842", and insert "988.1".

**Amendment No. 48**

On page 7, line 38, of said bill, strike out "chapter", and insert "article".

**Amendment No. 49**

On page 7, line 40, of said bill, strike out "1843", and insert "988.2".

**Amendment No. 50**

On page 8, line 7, of said bill, strike out "1844", and insert "986.9".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.



SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1254**—An act to provide a method for the dissolution of Orange County Water District, a district organized and existing under an act of the Legislature of the State of California, approved June 14, 1935, and to provide for the distribution of its assets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1939**—An act to add Section 3466d to the Political Code, relating to reclamation districts.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

**Senate Bill No. 526**—An act to add Section 1347 to the Fish and Game Code, relating to elk.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 526?

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "elk", and insert "any of all (Cervus nannodes) commonly known as tule elk".

**Amendment No. 2**

On page 1, line 9, of said bill, before "elk", insert "and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 526 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dilling, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hathfield, Jepsen, Lamm, May, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Shelby, Slater, Swain and Tenney—26.

**NOES**—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

**Senate Bill No. 83**—An act to amend Section 36 of, and to add Section 8b to, the California Water District Act, relating to districts organized under said act.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dilling, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hathfield, Jepsen, Lamm, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Thomas, Ward and Ward—27.

**NOES**—None.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 83?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 8b", and insert "Sections 8b and 9a".

**Amendment No. 2**

In line 3 of the title of said bill, after "act", insert ", declaring the urgency of this act, to take effect immediately".

**Amendment No. 3**

On page 1 of said bill, between lines 18 and 19, insert

"SEC. 2. Section 9a is added to said act, to read:

Sec. 9a. The provisions of Section 3714b of the Political Code are not applicable to districts heretofore or hereafter organized under this act and all assessments here-

tofore levied by any such district without compliance with said Section 3714b shall nevertheless be valid notwithstanding such noncompliance."

**Amendment No. 4**

On page 1, line 19, of said bill, strike out "2", and insert "3".

**Amendment No. 5**

On page 2 of said bill, after line 11, insert

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and therefor shall take immediate effect. The following is a statement of the facts constituting such necessity:

Large areas of productive land within this State are within water districts organized under the California Water District Act and the fiscal affairs of such districts have an important bearing upon the production of essential food products in the areas involved. This bill amends and clarifies the law relating to assessments and charges for water in such districts and will permit the orderly conduct of the affairs of such districts in the public interest and unless this act takes immediate effect the fiscal affairs of certain districts may become unnecessarily complicated so as to result in difficulties in operation which might seriously interfere with agricultural production in the areas affected."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 83 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Bill read third time.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 2.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 357**—An act to add Section 4014 to the Public Resources Code, relating to the acceptance by the State of the provisions of the Clarke-McNary Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 31**—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 284, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Legislature and the members thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Maco, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—23.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 415**—An act to amend the Building and Loan Association Act, by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

#### Motion to Set Special Order

Senator Jespersen moved that Senate Bill No. 415 be made a special order of business for Tuesday, April 13, 1943, at 2 p.m.

Motion carried.

**Senate Bill No. 430**—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, and horticultural products; to provide for the issuance, administration and enforcement of State marketing agreements and marketing orders in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that State marketing agreements and marketing orders shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and marketing orders; to declare the urgency of this act and that this act shall take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 590**—An act to amend Section 890 of the Military and Veterans Code, relating to veterans and their dependents, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 990**—An act to provide for the limiting of service areas by the Railroad Commission between public utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 515**—An act to amend Section 108 of the Civil Code, relating to financial responsibility of spouse seeking divorce on ground of incurable insanity.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Engle, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Slater, Swan, Tenney, and Ward—23.

NOES—Senators Donnelly and Shelley—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 658**—An act to amend Section 500 of the Vehicle Code, relating to negligent homicide and adding a new section, to wit: 500.5, to the Vehicle Code, relating to the crime of involuntary homicide.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1080**—An act to amend Section 3324 of and to add Sections 3327 and 3330 to the Penal Code, relating to the California Institution for Women.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.46 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 998 refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Deuel, Dorsey, Gordon, Hatfield, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Tickle, and Ward—20.

NOES—Senators Carter, Crittenden, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Keating, Quinn, Shelley, Slater, Swan, Swing, and Tenney—14.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 381**—An act to amend Section 2.1520 of the School Code and to amend Section 4861 of the Education Code, relating to the membership of schools in societies, associations, or organizations.

Bill read third time.

**Motion to Amend**

Senator Slater moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 2.1520 of the School Code and to".

**Amendment No. 2**

On page 1 of said bill, as amended, strike out lines 1 to 18, inclusive.

**Amendment No. 3**

On page 1, line 20, of said bill, as amended, strike out "Sec. 2", and insert "Section 1".

**Amendment No. 4**

On page 2 of said bill, as amended, strike out lines 12 to 16, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 779**—An act to increase production by providing for exemptions from various requirements, relating to employment and working conditions of minor employees essential to the war effort, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

**NOES**—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

**Senator Shelley Presiding**

At 2.58 p.m., Senator Shelley of the Fourteenth District, presiding.

**Senate Bill No. 360**—An act to add Section 444.2 to the Political Code, relating to temporary transfers of money from the general to special funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 551**—An act to add a new section to the Political Code, to be numbered 695.5, relating to services furnished by State agencies, and repealing Section 685 of the Political Code, as added by Chapter 925, Statutes of 1933.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 821**—An act to provide for the deposit in the State treasury of funds expended by, or under the supervision of, State agencies under contracts with public agencies or districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Luckey, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 820**—An act to add Section 408.5 to the Political Code, relating to the filing of contracts made by or on behalf of the State, providing for the examination of such contracts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Mayo, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 587**—An act to amend Section 204e of the Code of Civil Procedure, relating to the duties, powers, and expenses of superior court jury commissioners and their assistants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1091**—An act to amend Section 8202 of the Government Code, relating to eligibility to and performing the duties of the office of notary public.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 323**—An act to add Section 78b to the State Employees' Retirement Act, relating to a retirement system for public officers and employees, providing for the employment of retired employees upon conditions specified therein, and declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 322**—An act to amend Section 38c of the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—Tickle—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 324**—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relative to circulation of petitions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—24.

NOES—Cunningham, DeLap, Jespersen, Rich, Tickle, and Ward—6.

Bill ordered transmitted to the Assembly.

#### Secretary J. A. Beek at the Desk

**Senate Bill No. 325**—An act to amend the title and Section 8c of, and to add Sections 3e and 38f to the State Employees' Retirement Act, relating to the State Employees' Retirement System, including city



policemen and city, county, and fire protection district firemen, and officers and employees of a county forestry and county firewarden departments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Ward—29.

NOES—Senators McCormack, Swing, and Tickle—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 238**—An act to amend Section 4284 of the Political Code, relating to compensation for public services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 78**—An act to amend Section 4261 of the Political Code, relating to compensation for public services in counties of the thirty-second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 159**—An act to amend Section 737bb of the Political Code, relating to the salary of the judge of the superior court in and for the County of Napa.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 148**—An act to amend Section 737mm of the Political Code, relating to the compensation of the judges of the superior court in and for the County of San Joaquin.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey,

McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Powers Presiding**

At 4.04 p.m., Senator Powers of the First District, presiding.

**Senate Bill No. 1000**—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to contributions and refunds thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Slater, and Ward—23.  
NOES—Senators Shelley, and Tenney—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1001**—An act to amend Section 67 of the Unemployment Insurance Act, relating to claims for benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1002**—An act to amend Section 90 of the Unemployment Insurance Act, relating to the administration thereof.

**Motion to Refer Bill to Inactive File**

Senator Ward moved that Senate Bill No. 1002 be placed on the inactive file.

Motion carried.

**Senate Bill No. 32**—An act to add Section 9.3 to the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 994**—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

Bill read third time.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 4.23 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 391**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendment:

## Amendment No. 1

In line 2 of the title of the printed bill, strike out the period, and insert ", relating to indices of registration."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1017**—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National Convention.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

## Amendment No. 1

On page 2, line 10, of the printed bill, as amended, strike out "a group", and insert "the group".

## Amendment No. 2

On page 6, line 33, of said bill, strike out "these".

## Amendment No. 3

On page 6, line 39, of said bill, strike out "esposing", and insert "espousing".

## Amendment No. 4

On page 7, line 41, of said bill, after "been", insert "a".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 363**—An act to amend Sections 14½ and 15 of, and to add Section 13½ to, the Highway Carriers' Act, relating to the use of public highways for commercial purposes and the purposes and the powers and duties of the Railroad Commission in respect thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eugie, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickie, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.35 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 994 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Tickle, and Ward—21.

**NOES**—Senators Carter, Dillinger, Donnelly, Dorsey, Keating, McCormack, Shelley, Slater, Swan, and Tenney—10.

Bill ordered transmitted to the Assembly.

**MOTION TO RECONSIDER**

Senator Ward moved to reconsider the vote whereby Senate Bill No. 998 was refused passage.

**Postponement of Reconsideration**

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 998 was refused passage, was continued until the next legislative day.

**MOTION TO RECONSIDER**

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 994 was passed.

**Postponement of Reconsideration**

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 994 was passed, was continued until the next legislative day.

**President Pro Tempore of the Senate Presiding**

At 4.40 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 858**—An act to add Section 1.5 to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Slater, Swan, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.



## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

## Motion to Set Special Order

Senator Crittenden moved that Assembly Bill No. 1531 be made a special order of business for Tuesday, April 13, 1943, at 2 p.m., instead of Senate Bill No. 415.

Motion carried.

## Motion to Refer Bill to Inactive File

Senator Crittenden moved that Senate Bill No. 415 be placed on the inactive file.

Motion carried.

## MOTION TO PRINT IN THE JOURNAL

Senator Hatfield moved that the Report of the Joint Fact-Finding Committee on Agricultural and Industrial Manpower be printed in the Journal.

Motion carried.

## Report of Joint Fact-Finding Committee on Agricultural and Industrial Manpower

*Mr. President, Mr. Speaker, and Members of the Legislature*

Your Joint Fact-Finding Committee on Agricultural and Industrial Manpower herewith submits a partial report of its investigations and public hearings held throughout the State on the meat shortage.

The committee was created pursuant to Senate Concurrent Resolution No. 12, filed with the Secretary of State January 31, 1943. This resolution called upon the committee to "gather, assemble, study and analyze all facts relating to any and every phase of agricultural and industrial employment, with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to solve the labor problems of agriculture and industry," and to "make a complete study, survey and investigation \* \* \* of any and all laws in any wise bearing upon or relating to the encouragement of employment in agricultural and industrial enterprises," and to "report its findings and recommendations to the Senate and Assembly and to the people from time to time."

In the early part of February, 1943, California faced a meat crisis. The heavily concentrated industrial areas were most affected by a steadily increasing shortage of meat which found most of the retailers counters in those areas practically bare of meat. Reports of black markets were rife. Industrial plants were reporting a demoralized effect upon their employees. Meat retailers appealed for aid in obtaining sufficient supplies to give their customers at least some relief. Many of these appeals were directed to the Governor of the State. After taking full

stock of the situation and upon determining the scope of Senate Concurrent Resolution No. 13, the Governor requested this committee to make a complete investigation of the meat situation in California with a view toward possible State action designed to alleviate the problem. Pursuant to this request, this committee has devoted a substantial portion of its time to hearings on meat and now desires to submit a partial report dealing directly with the meat problem to the Legislature.

Among all the facts developed during the various hearings held by this committee on the meat problem, one stands as undisputed. There is no common agreement among anyone as to the solution of the meat shortage. Your committee, therefore, wishes to give a summary of some of the solutions advanced and to make several recommendations which are based on a consideration of all these various solutions advanced.

#### **Meat Shortage Presents a Spotty Picture**

Since the meat problem is an ever changing one, it is difficult to make assertions with respect to it with absolute certainty. In general, however, it may be stated that it has not been the same in every part of the State. It first began to be felt in the fall of 1942 and the first place to feel any decided shortage of meat was San Diego. As the fall months progressed, shortages began to appear in the Bay Area and the Los Angeles metropolitan area. Still later, certain areas in the interior valleys began to feel the pinch of meat shortages. At the same time, certain other areas were notably free from meat distress, particularly Sacramento and Visalia. In summary, it can be concluded that the areas most vitally affected were the large industrially concentrated population areas which had the problem of a large civilian population composed substantially of defense workers, an amazingly large contingent of service personnel on leave eating in civilian establishments, and ports of embarkation which have to depend upon large supplies of meat products for convoys.

From this information, the committee does not want to leave the impression that those areas that in the past have been fairly free from distress will continue to be so situated. Indications at hand point to eventual distress in every populated area in the State unless steps are taken to bring about sanity in the regulations affecting meat distribution.

#### **Population Difficulties Developed**

The outstanding factor in the meat picture so far as California's relation to the National program is concerned, has been that of population. Washington apparently has been under the impression that although there has been an increase in population in defense areas in California, that this has been more than offset by a decrease in rural areas. This view has prevailed in spite of the fact that official figures show an increase of over one million people in the State since April, 1940, exclusive of the military personnel which of course are a military secret.

Testimony brought forth the fact that a raise in quota had been obtained for industrial sugar users in California, based on population increase, as the result of a survey conducted by them in the Fall of 1942. This survey was made through the facilities of the United States Post Offices because the Price Administrator had indicated that this was the one type of survey which would be accepted as official. The results of the survey showed a very conservative increase of over 12 per cent which in round figures would be about a 500,000 population increase in the Los Angeles metropolitan area.

Exhibits submitted to the committee by San Francisco, Alameda County and Contra Costa County officials also indicate a substantial increase in population which in some cases totals several hundred per cent.

#### **Problem of Service Personnel**

Added to and directly related to the population problem in the large industrial centers of California has been the constant influx of service personnel for periods of time ranging from one day to a week or better. Since their average consumption is proportionately higher than that of civilians and since they usually come into the cities right around pay day, they play an important part in the total consumption of meat in those areas. One witness, representing the hotel and restaurant associations in the Los Angeles metropolitan area, testified to the effect that at least 100,000 members of the armed forces were coming into that area daily, most of whom were eating in restaurants and the remainder in private homes. This same testimony was reiterated in both San Diego and in San Francisco at the hearings held there, although it should be pointed out that in the case of San Diego the problem is probably most acute in view of the many different armed establishments concentrated in that area plus the tremendous increase in population which has doubled in the past three years.

#### **Civilian Quota Inequitable**

In spite of the existence of the twofold problem involving increased civilian population and released armed personnel so far as the population centers are concerned, a

consideration of the method whereby the civilian quota system has been established reveals a startling failure by the Office of Price Administration to adjust the basic system to local conditions. At present the civilian quota in the case of beef, veal, and pork is established on a basis of 70 per cent of the corresponding period for 1941. It is also on a National basis.

The first inequity existing because of the method whereby this quota has been established results from the insistence by the OPA upon the use of the latter quarter of 1941 as the basis for the quota for the latter quarter of 1942 and yet the use of the first quarter of 1941 as the basis for the quota for the first quarter of 1943. At the present time, the quota is based upon the second quarter of 1941. An official of the OPA admitted to the committee that he was astonished when the directive from Washington established the quotas on that basis and that it had caused certain dislocations where a population increase had occurred in industrial areas in 1942.

Another inequity arising from the operation of the quota as now established is the actual result occurring because it is placed on a National basis. This committee has no quarrel with the need for a uniform National quota, but the net result of such a National quota is to place the small independent intrastate packer at a distinct disadvantage. This occurs because a packer is permitted to use his quota as he sees fit so long as he does not exceed 70 per cent of 1941. If he has more than one packing house he can operate them at whatever capacity he desires so long as the total output for civilian consumption does not exceed 70 per cent. Considering that fact that substantial population increases have occurred in California and the other Pacific Coastal States, while a commensurate decrease has occurred in other areas of the United States, it would only seem proper that those packers operating Nationally would so adjust their overall National 70 per cent quota as to give a fair increase to California population centers and at the same time decrease their output in those areas where a population decrease has occurred. Testimony from representatives of some of the National packers revealed that they were slaughtering close to 70 per cent of 1941 but in only isolated instances were they exceeding 70 per cent in any California industrial area. In one particular instance, however, a National packer did, after many public and private appeals in San Diego, release a substantial amount of meat above the 70 per cent quota for San Diego of that concern. However, the relief during December, 1942, was only short lived and the witness in this particular case could explain the reversal of policy only as an order emanating from the company's Chicago headquarters. As a general rule, however, the National packers have made no special arrangements for the large California population centers in determining their overall National operations under the quota system.

One of the biggest headaches under the quota system is the effect upon it of members of the armed forces on leave. Reference has already been made to the large numbers who come to the populated areas of California on short leaves, but the problem created by their presence is the fact that although they eat off the civilian quota when on leave, no method of adjustment has been made to equalize the situation. This committee is heartily in accord with the need for providing facilities for armed personnel on leave but it feels that there has been a failure to properly recognize it as a disturbing factor contributing to the general meat shortage in California.

One important fact that should be pointed out is that in spite of the fact that many packers are not slaughtering up to 70 per cent for civilians as permitted, that their total slaughter for civilians, armed forces and lend-lease is ranging well above 100 per cent of the corresponding period for 1941. Testimony from various witnesses revealed that the percentage varied from 125 to 150 per cent of 1941. This is important when we consider that the original 70 per cent quota was based on the theory that civilians would get 70 per cent and the other 30 per cent would go to the armed forces and lend-lease. It would therefore be safe to assume that at the present time the ratio would closely approximate a 50-50 basis.

#### Existing Ceiling Prices Unprofitable

The problem of unfilled civilian quotas already referred to has a direct relation to the ceilings now placed upon packers at the slaughter level. In the case of beef, which is typical, the prices established for California are as follows: Choice—\$23.75 per hundredweight; Good—\$22.75; Commercial—\$20.75; Utility—\$18.75; Cutter and canner—\$16.25. This gives California an additional \$1.75 above the midwest to allow for a freight differential. One witness pointed out to the committee that when the price ceilings were established, the price of cattle on the hoof jumped up approximately \$2 a hundred almost immediately. His explanation of the reason underlying this immediate rise was that some packers had a financial cushion which induced them to pay a higher price for the cattle on the hoof. This same story occurred with respect to other types of animals. The obvious result was that a packer who unfortunately had no cushion was forced to pay the additional price on the hoof, and yet his ceiling at the slaughter level having been set to guarantee him a slight profit, placed him in the position where most of the animals he pur-



chased were dressing out at figures running some two dollars higher than the ceiling price he could charge a jobber or retailer.

Since the ordinary packer has been caught in the squeeze created by the establishment of these ceiling prices he has looked around for accessible methods of relief. The most prominent method has been that of the black market which will be explained in more detail in another portion of this report. Those packers favored with a processing plant in conjunction with their packing plant have resorted to the practice of placing some or all of their slaughter through their processing operation. By converting carcasses into sausage and loaves it has enabled them to realize profits which would have been impossible under ceiling prices as established on carcass sales.

Another method utilized by those packers who have the facilities and personnel required, has been the practice of cutting up the carcass into hindquarters, ribs, etc., for which cuts substantially higher ceiling prices can be obtained than for the carcass as a whole. The resort to this practice to avoid losses at the cash register was admitted by many witnesses, but the abuse of this practice was evidenced by those who prior to ceiling prices had sold carcasses but under ceiling prices refused to sell other than in cuts thereby putting retailers and jobbers who depended upon them for supplies in a distinctly disadvantageous position.

The most common practice on the part of packers, however, has been a decrease in slaughter because every sale under ceiling prices has resulted in a loss. Quite a few packers have already closed their doors in California because they could not buck continuous losses. Some, on the other hand, happen to own feeder cattle in connection with their packing operations and therefore have had a supply of cattle on hand unaffected by the price squeeze. One of them, however, pointed out to the committee, that when these feeder cattle are gone, his packing operations will definitely be in jeopardy. In noting the general reluctance of packers to meet civilian quotas, the committee has noted with interest the fact that most packers have exceeded their total slaughter for 1941 when totaling their civilian, armed forces and lend-lease business. It can only be concluded that they are losing money in sales to the armed forces and lend-lease more willingly than to civilian outlets.

### Black Markets

A great deal of testimony was received by the committee relative to black markets, as has been indicated already. A general air of confusion would appear to exist as to just what is and what is not a black market. The committee feels that maldistribution of meat supplies, which was found to exist substantially in the Los Angeles metropolitan area, does not properly fall within the category of black markets. Neither does it feel that the practice of placing carcass meat through processing and fabrication methods in order to obtain higher ceiling prices can be properly called a black market type of operation. For if either be called black market operations, then the OPA can be said to have caused black markets by its own regulations.

The real black market, the committee feels, goes back to the stockyard where the money cushion which has been used to bid up prices has come from jobbers and retailers willing to pay the price to packers in order to obtain meat supplies. The practice of betting a certain amount of cash over a carcass of meat is common knowledge among the trade, but the committee was unable to find a packer who would volunteer any information other than hearsay on the subject. The same held true with jobbers and retailers with one exception. An aircraft plant commissary operator volunteered to the committee that he was purchasing at least 500 pounds of meat a day at from 5 to 20 cents over ceiling prices, and that that was the only means whereby he was able to get that meat. He also referred to the practice of billing his company for 70 pounds of meat when in actuality he had received only 50 pounds of meat.

Another type of black market operation, more prevalent in the rural areas, is the sale of stolen animals. This practice is on the increase and is further complicated by the fact that it is uninspected. This problem bears very careful watching and possible legislative action.

### Maldistribution

Closely related to the problem of black markets is that of maldistribution. It is not illegal like black market operations, but it appears to involve certain moral obligations which have been set aside in the interest of obtaining large profits. The OPA regulations of October, 1942, had the effect of eliminating meat peddlers and this has been a contributing factor to maldistribution because these peddlers were responsible for a wide distribution of meat in the largely populated areas and their elimination terminated the usual sources of supply for many small retail outlets in the outlying areas. At the same time, these OPA regulations permitted a packer who had been custom-slaughtering to discontinue the practice and to absorb the additional amount into his total quota. A dual problem was thereby created in which many retail outlets were discontinued and yet quite a few packers had a sub-



stantial increase in their quota. Where it was possible, some of the packers bought out or went into business with existing retailers. Other packers sold to peddlers who in the meantime had gone into the retail business. A decided factor bearing upon what occurred was the existence of family relationship or friendship between the parties involved, and the net result was the existence of ample stocks of meat in these particular retailers' shelves while other retailers, especially the chains, were getting along with very short rations.

This committee wants to commend the attitude of the chain stores who appeared voluntarily at hearings and pointed out how they had in some cases established voluntary rationing schemes in order to give their customers an equal share. This attitude was, and is, true of most retailers. On the other hand, the isolated instances of retailers who had working agreements with packers for large amounts of meat created a situation where people drove from long distances in order to obtain meat, and where the prices charged were in many cases out of line with their nearest competitors. The committee was aware of the apparent legality of these prices because of the method by which they were determined, but these retailers and packers apparently had no moral scruples about the confusion and dislocation they were causing to their customers who were using up their tires and gasoline to obtain meat supplies.

The committee feels that this whole maldistribution picture will be somewhat cleared up by the recent institution of specific dollars and cents price ceilings as well as rationing, since the ceilings will be uniform for the area and customers will be limited in purchases regardless of the amount of meat these particular retailers may have on hand. It is also the committee's understanding that the recent allocation authority vested in the local OPA officials has already brought about some measure of redistribution of this maldistributed meat.

#### Adequate Basic Meat Animals

More than one witness testified to the existence of adequate animals on the range. One referred to the recent statement of Secretary of Agriculture Wickard in which he said that there were more animals on the range today than ever before in the history of the United States. In view of the apparent shortage of slaughtered animals, the committee attempted to make some determination of the bottleneck in production. Testimony from cattlemen and feed lot operators bear out an ever increasingly difficult job of providing adequate animals for slaughter. The most trying problems have been those of manpower and feed. Selective service and volunteering on the part of experienced ranch hands have seriously depleted the existing labor force and the cost of available labor has skyrocketed. At the same time, many normal types of feed, such as cottonseed meal and soybean meal have become practically nonexistent and the price of hay and alfalfa have increased in price as high as 50 per cent. Since a feeder returns only the increase in price between his purchase and sale as may possibly be realized above the cost of feed, labor, etc., which are so out of line today, the practical result has found the feeder costing more each day while feeding than he will return. The only profit to the cattlemen and feed lot operators, then, is the price per pound gained on the original weight which is consequently conducive to quick sale of feeders as soon as they will meet any grade at slaughter time. As a result, a great deal of added weight per animal is being lost, which, according to OPA figures on cattle for December, 1942, averaged 30 pounds. This, therefore, is a substantial reason for the shortage of slaughter animals as compared to meat on the range. And the high prices of feeds have resulted from lack of ceiling prices while ceiling prices did exist at the retail and slaughter level on meat. The fact that ceiling prices have now been placed on feeds cannot create now the "finishing" of cattle and of other animals that has been lost forever. The roll-back technique of retail ceilings would appear to have failed to accomplish its true purpose.

The peculiar problem of California was also brought to the attention of the committee in the fact that this State is an importing market for meat animals, especially cattle and sheep and that the view that prevails in some quarters that California can take care of its needs from its own animals is therefore fallacious. One witness developed the fact that in 1942 some 385,000 head of cattle were imported into this State.

#### Ceiling on the Hoof?

Considerable divergence of opinion was expressed regarding the efficiency of ceiling prices on the hoof. It should be noted that the strongest supporters of such a ceiling were consumer representatives, butchers, and retailers. Cattlemen and packers on the other hand expressed opposition to ceiling prices on the hoof mainly because of the difficulty in attempting to establish a workable system of ceiling prices on live animals. How, asked one witness, are you going to be able to grade an animal with its hide on and ensure that its carcass will retain the same grade with its hide off? Another point that was raised was the fact that many packers buy cattle by the penful and a system of ceiling prices on live animals would force them to purchase on an individual basis. It is evident to the committee that if an

attempt is made to place ceilings on the hoof at the stockyards, it will be but a short time before the price increase on feeder cattle will create a demand for ceiling prices on them. At the same time, the failure to institute ceiling prices on all the various elements of production cost would seem to militate against the worth of ceiling prices on the hoof which would only add one further step to the outmoded roll-back technique of price control.

### Is Rationing Adequate?

Much emphasis was placed upon the desirability of rationing during the hearings. It was felt by many witnesses that rationing would itself be adequate to give all civilians their proportionate share of meat and at the same time eliminate black market conditions. However, a proper consideration of all the factors contributing to the over-all meat situation would lead to a contrary conclusion. It is true, as has already been pointed out, that rationing will do its part to adjust the maldistribution situation in the heavily populated areas such as Los Angeles, but rationing alone is not going to bring more slaughtered meat into California's retail markets. It is likewise true that rationing will tend toward an adjustment of existing supplies in the retailers' counters but that it can not affect the ability to obtain additional supplies for those retailers' coolers. The main question mark that still remains now while the Country is still in the early phases of rationing of meat, is whether the time may come when ration coupon holders in California may go to a market and actually fail to get the meat they are entitled to. To this question, this committee only states that such is possible and even probable.

Even disregarding whether it will be possible for Californians to obtain sufficient meat in exchange for their ration coupons, this committee would like to point out certain testimony bearing upon the sufficiency of meat in the average diet. A great deal of testimony was heard regarding inability to obtain sufficient supplies of meat by housewives, defense workers at their plants and even workers on Government projects such as the Guayule Ranch near Indio, California. But specifically technical data was obtained by a scientific authority who had been making a survey on the particular problem at a large defense plant. It was his firm conviction, based upon his experiments, that 2½ pounds of meat per week was the absolute subsistence diet for the average defense worker. This would fit in with the original plans laid down by the Secretary of Agriculture last fall, but apparently he was speaking too prematurely, judging from the ration being allowed at the present time.

Giving serious consideration to this testimony and yet viewing it in the light of the present ration allowed, this committee is of the firm conviction that it will have a substantial effect on the continued operation of defense plants in California. A great deal of testimony was received by the committee from defense plant commissary people about their inability to obtain sufficient supplies of meat. A serious contributing factor to absenteeism, was the shortage of meat, according to another defense plant official. It is not difficult to piece the bits of testimony together and reach the conclusion that even under rationing, absenteeism will continue, although it must be admitted that it may be lessened.

### Armed Forces Come First

This committee does not want to give the impression that it encourages a revision in plans of the armed forces in order to give civilians additional supplies. Everyone subscribes to the essential need for taking care of our armed forces first. It is that point, however, that the committee feels some thought should be given to an over-all view of the meat problem, rather than a piecemeal consideration as is the present case. As has been pointed out, California is an importing market for meat, and it would therefore appear that thought might be given to the possibility of the armed forces drawing more upon Mid-West sources of supply than they are doing at present, especially in view of the fact that railroad transportation for civilian freight will be increasingly curtailed as the war progresses.

With respect to the remainder of meat supply after the armed forces have been cared for, the committee feels a reappraisal should be made. No one denies the need for the continuation of the Lend Lease Program, but at the same time no one disputes that essential civilian needs of our own Country must be cared for. Therefore it would appear that lend-lease should be limited to the available supply remaining over and above the rationed consumer demand of this Country. This Lend Lease Program should be so established, that as new countries are assimilated to the program they will be adequately cared for without throwing the whole Lend-Lease Meat Program out of gear. This may require a scaling down of shipments to countries presently cared for in order to give assistance to countries assimilated to the program, but this will have to be done unless we intend to be placed in the position of having the civilian population of the United States go without meat and yet still not care for all the demands of foreign countries under the Lend-Lease Program.

**Danger From Argentine Beef**

In regard to the matter just referred to, the committee would like to refer to certain testimony presented relating to the Argentine beef situation. Without making any direct accusation, it was suggested to the committee that the whole shortage of meat, especially beef, might be artificially created in order to stimulate such a demand for meat that the bars against Argentine beef might be let down. The committee was particularly impressed with this testimony, not because of the possibility of Argentine beef coming into the State, but because of the danger of hoof and mouth disease. Reference was made to a previous experience about 20 years ago when an epidemic of this disease was started and resulted in the death of thousands of cattle, sheep, and other animals in California.

It has come to this committee's attention that Congressman Emanuel Celler, Administration spokesman in Congress, has just recently urged the letting down of bars against Argentine beef in order to satisfy the hunger of Americans for beef, and at the same time create better diplomatic relations with Argentina. Your committee advances the thought that regardless of diplomatic relations, the danger of hoof and mouth disease is still present, and regardless of whether or not the Administration wants to use the beef shortage as the means of attaining a lifting of the restriction, that every effort should be made to assure its continuance.

**Recommendations**

Your committee therefore recommends, in view of the foregoing facts developed at its hearings on the meat problem, the following things:

1. Live stock production must be encouraged, rather than discouraged as has been since the institution of price ceilings. Influence should be exerted by this Legislature to impress upon Congress, the Secretary of Agriculture, the Food Administrator and the Price Administrator, that the roll-back technique is unsatisfactory and the specific ceilings must be placed upon every element of agricultural production if the live stock producer is to be encouraged to "finish" his animals for market.

2. Proper adjustment of the National quota must be brought about so that California's proper share of civilian quota meat will be procured. Influence should be exerted by this Legislature to impress the Secretary of Agriculture and Price Administrator that they have as yet failed to give proper attention to the increase in population in California and to adjust the National quota system in line with this population increase.

3. The over-all demand for meat should be balanced with the supplies of meat available. Influence should be exerted by this Legislature to impress upon the Lend-Lease Administrator, the Secretary of Agriculture and the Price Administrator that although the armed forces must be taken care of, that the Lend-Lease Program must be integrated into essential civilian needs of this Country so that this Country's proper needs will be cared for and also the countries under the Lend-Lease Program will be cared for.

4. Some method of adjustment must be made for the substantial number of armed forces personnel who are now eating off of the civilian quota in California. Influence should be exerted by this Legislature upon the Secretary of Agriculture and Price Administrator that some form of ration coupon for armed personnel should be considered so that those serving these members of the armed forces can in turn obtain compensating meat supplies.

5. Legislation insuring proper prosecution of persons guilty of stealing or attempting to steal live or carcass meat.

6. Legislation insuring proper prosecution of persons guilty of stealing ration coupons or of attempting to obtain rationed food items without ration coupons.

7. Legislation insuring proper prosecution of persons guilty of placing uninspected meat in a cooler where inspected meat is stored.

Respectfully submitted.

GEORGE J. HATFIELD, Chairman  
HARVEY HASTAIN, Vice Chairman  
BRADFORD S. CRITTENDEN  
LEE T. RASHORE  
LLOYD LOWREY

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 690**

Senator Crittenden moved that Senate Bill No. 690 be withdrawn from Committee on Welfare and Institutions, for purpose of amendment.

Motion carried.



## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 690**—An act to amend Section 1526 of the Welfare and Institutions Code, relating to the residence of needy children.

Bill read second time.

## Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

## Amendment No. 1

On page 2 of the printed bill, strike out lines 3 to 6, inclusive, and insert "individual who has been appointed legal guardian determines the residence of the child; if the child is a ward of the juvenile court, the county in which the court is located shall be considered the residence of the child."

## Amendment No. 2

On page 2 of said bill, between lines 8 and 9, insert "(e) If the residence of the child is not determined under subdivisions (a), (b), (c), or (d) hereof, and the child has been placed in an institution or boarding home by a public agency, the county in which the child has residence at the time of such placement shall be considered the residence of the child until his residence can be determined under subdivision (a), (b), or (c) of this section."

## Amendment No. 3

On page 2, line 9, of said bill, strike out "(e)" and insert "(f)".

## Amendment No. 4

On page 2, line 10, of said bill, strike out "or (d)", and insert a comma, and "(d), or (e)".

## Amendment No. 5

On page 2 of said bill, strike out lines 22 to 27, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1631**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

## Motion to Amend

Senator Powers moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 18, of the printed bill, strike out "or superior court," and insert "superior court or municipal court,".

## Amendment No. 2

On page 1, line 22, of said bill, after "provided," insert "and to have paid into the judges' retirement fund a sum equal to the amount he would have paid had he been a judge or Justice of the Supreme Court, a district court of appeal, superior court or municipal court for a period of 10 years immediately preceding the filing of said notice,".

Amendments read and adopted.

Bill ordered printed, and to third reading.



RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 101

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 10, 1943:

Teddy Barr, Page-----*Per day*  
\$ 2 50

Resolution read, and unanimously adopted.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 612

Senate Bill No. 977

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 801

Assembly Bill No. 1261

Assembly Bill No. 1260

Assembly Bill No. 1380

Assembly Bill No. 910

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MIXTER, Chairman

Above reported bills ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 112

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 129

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 873

Senate Bill No. 1003

Senate Bill No. 1026

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 718**—An act to release The Regents of the University of California from all obligations assumed by said The Regents of the University of California pursuant to the provisions of Sections 1, 2 and 3 of an act entitled, "An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by The Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said The Regents shall deliver to the Chairman of the Department of Finance an obligation binding said The Regents (a) to set aside for sale certain real property in Los Angeles owned by said The Regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said The Regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said The Regents with approval of the Department of Finance shall fix; (d) to pay over to the State treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State treasury by said The Regents, the Chairman of the Department of Finance shall deliver to said The Regents a written acknowledgment that all requirements of said The Regents' obligation have been performed and further providing that said The Regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, assenting to the conveyance to the State of California by The Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State;

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 107**—An act to amend Section 996 of the Political Code and Section 1770 of the Government Code, relating to an office becoming vacant;

**Senate Bill No. 173**—An act to add Chapter 7 to Division 4 of the Public Resources Code, relating to the cutting of immature trees for lumber;

**Senate Bill No. 524**—An act to amend Section 1401 of the Elections Code, relating to initiative measures, the submission of a draft thereof to the Attorney General for the preparation of a summary thereof, and the payment of a fee therefor;

**Senate Bill No. 676**—An act to amend the title of Chapter 1 of Title 5 of Part 3 of the Penal Code and to add Section 4502 to the Penal Code, relating to possession of deadly weapons by prisoners;

**Senate Bill No. 722**—An act to amend Section 800 of the Military and Veterans Code, relating to veterans;

**Senate Joint Resolution No. 23**—Relative to memorializing the War Production Board to rescind its revocation of the order to reconstruct the Albion River Bridge; And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 543

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686 and 687 of, and to repeal Section 662 of, the Elections Code, relating to precinct boards: And appointed Messrs. Carlson, Sheridan, and Miller as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

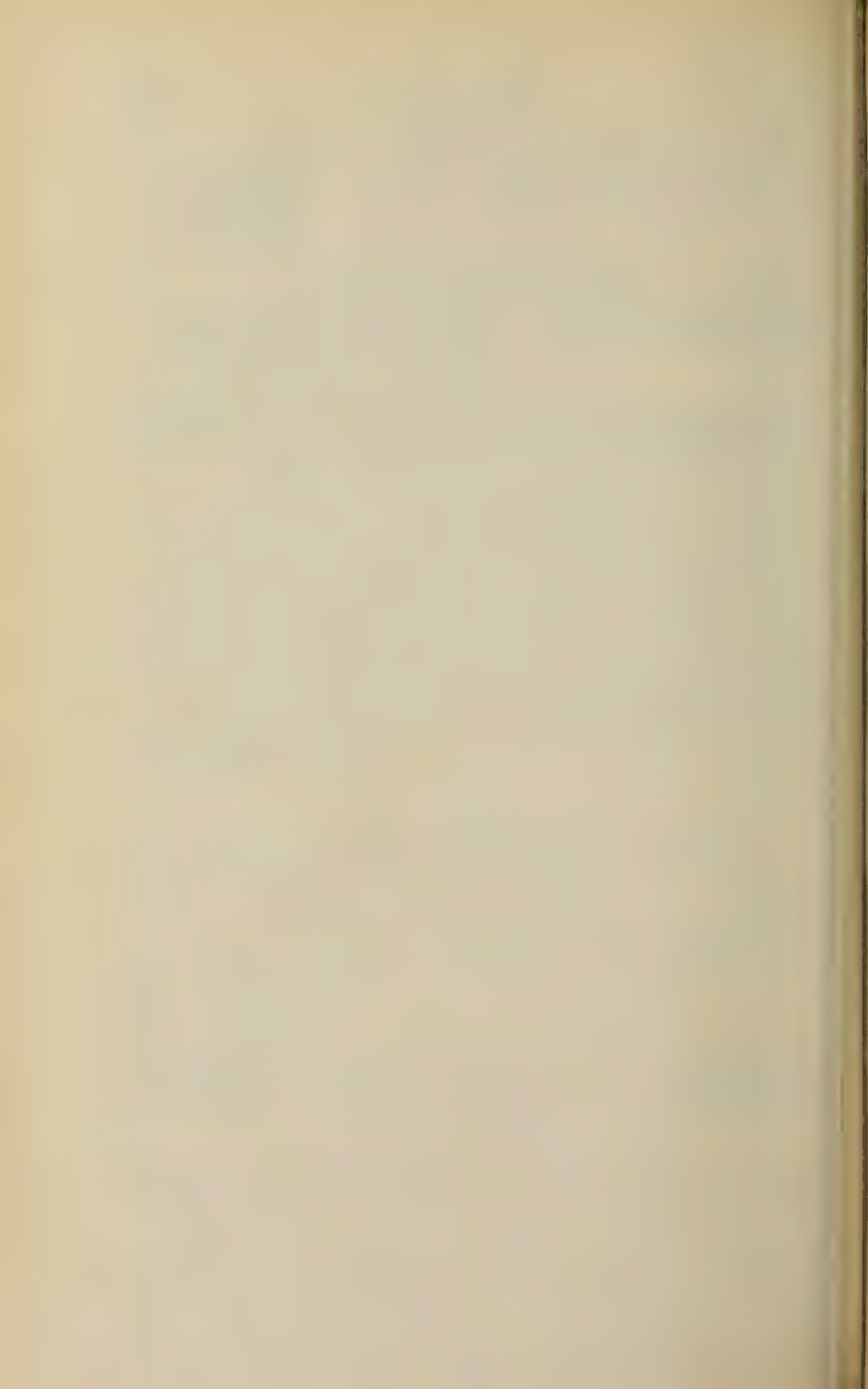
**Appointment of Committee on Conference**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Breed, Dillinger, and Ward as a Senate Committee on Conference concerning Assembly Bill No. 214 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**ADJOURNMENT**

At 4.50 p.m., on motion of Senator Slater, the President declared the Senate adjourned until 1 p.m., Tuesday, April 13, 1943.





# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

ONE HUNDREDTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 13, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Joseph P. Berry of Santa Rosa and County Clerk Walter H. Nagle of Sonoma.

On request of the Senate, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ellis E. Patterson.

On request of Senators Tenney, McCormack and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Russell F. O'Hara, Member, Board of Governors of State Bar of Vallejo; and Frank B. Belcher, President, State Bar of California of Los Angeles.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to First Lieutenant Lily Hutcheon, United States Marine Corps Women's Reserve, Captain Douglas Montell, Officer's Procurement, and Sergeant Joseph Bush, Public Relations Office, of United States Marine Corps, all of San Francisco.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Mogle and Don Gillespie, both of San Bernardino.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students from Stanford Junior High School Seventh Grade Social Studies Classes in Sacramento: Lenora Ahlstrom, Darlene Bristol, Wallace Canfield, Paul Casteel, June Cavin, Marianne Crowder, Geraldine Georges, Jouce Hayse, Marie Huntley, Ernest Johnson, Frances Jennings, Eileen Libhart, Christine Merrill, John Miars, George Miller, Ruth Niederost, James Paterson, Louise Pritchard, Claude Purcell, Clinton Riggs, Thomas Robertson, Donna Rose, Olive Rosecrans, Ervin Schneegas, Richard Shugart, Marie Spence, Betty Truman, Jimmie Wagner, Robert Williams, Jean Soske, George Miller, Evelyn Altimus, Joanne Baker, Paul Barton, Barbara Collis, Leah Cornelius, Sofia Petras, Sally Flint, James Grass, Winifred Gray, Betty Harrison, Betty Higgs, Patricia Huffman, Valerie Jacobsen, Barbara Mahaffey, Jacqueline McCombs, Frank Messina, Dorothy Nicholl, Nona Peterson, Fleurette Pettit, Thomas Sekul, Jack Skram, Patricia Watson, Fred Webber, Willy Weber, Lloyd Williams, Bill Wilmoth, Norman Wilson, Lois Wood, and Delores Wiedman.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John B. Elliott of Alhambra, Sheriff Eugene Biscailuz of Los Angeles, and Supervisor Frank H. Mogle of San Bernardino.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to United States Senator C. Buck.

#### Call of the Senate

Senator Shelley moved a call of the Senate.

Motion carried. Time, 1.05 p.m

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 613

Senate Bill No. 562

Senate Bill No. 726

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 133  
Senate Bill No. 451  
Senate Bill No. 506  
Senate Bill No. 563

Senate Bill No. 678  
Senate Bill No. 808  
Senate Bill No. 959

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 686

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 686**—An act to amend Sections 101, 102, 104, 106, 107, 110, and 113 and to repeal Section 111 of, and to add Section 107.5 to of the Health and Safety Code, relating to the State Department Public Health.

Referred to Committee on Governmental Efficiency.

## REPORTS OF STANDING COMMITTEES

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 656  
Senate Bill No. 837  
Assembly Bill No. 1394

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 74

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and be re referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 797

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 577

Assembly Bill No. 416

Senate Bill No. 853

Assembly Bill No. 479

Assembly Bill No. 386

Assembly Bill No. 532

Assembly Bill No. 413

Assembly Bill No. 1025

Assembly Bill No. 414

Assembly Bill No. 1029

Assembly Bill No. 415

Assembly Bill No. 1281

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 65

Senate Bill No. 1076

Assembly Bill No. 740

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

DeLAP, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 381

Senate Bill No. 391

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 489

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 527

Assembly Bill No. 1258

Senate Bill No. 528

Assembly Bill No. 1528

Senate Bill No. 655

Assembly Bill No. 1862

Senate Bill No. 664

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 802

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.



Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 362

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 786

Senator Cunningham moved that Assembly Bill No. 786 be withdrawn from Committee on Local Government and referred to Committee on Agriculture.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

**Senate Bill No. 1077**—An act relating to the regulation of the practice of naturopathy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 612**—An act to amend Section 696 of the Political Code, relating to the revolving fund for State purchases.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 977**—An act to amend Section 10617 and to repeal Sections 10621 and 10622 of the Health and Safety Code, relating to registration of previously unregistered births, and making an appropriation therefor, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 112**—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 20, of the printed bill, after "days", insert "and whose military service was terminated on or before October 1, 1945".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 129**—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amount.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "16", and insert "12.50".

**Amendment No. 2**

On page 1, line 15, of the printed bill, strike out "17", and insert "13.75".

**Amendment No. 3**

On page 1, line 16, of the printed bill, strike out "18", and insert "15.00".

**Amendment No. 4**

On page 1, line 17, of the printed bill, strike out "19", and insert "16.25".

**Amendment No. 5**

On page 1, line 18, of the printed bill, strike out "20", and insert "17.50".

**Amendment No. 6**

On page 1, line 19, of the printed bill, strike out "21", and insert "18.75".

**Amendment No. 7**

On page 1, line 20, of the printed bill, strike out "22", and insert "20.00".

**Amendment No. 8**

On page 1, line 21, of the printed bill, strike out "23", and insert "21.25".

**Amendment No. 9**

On page 1, line 22, of the printed bill, strike out "24", and insert "22.50".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 801**—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1260**—An act making an appropriation to the Printing Fund, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 910**—An act making an appropriation for support of Division of Parks, Department of Natural Resources, to take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Slater moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after the first "of", insert "Beaches and".

**Amendment No. 2**

In line 1 of the title of the printed bill, as amended, after the second "of", insert "Beaches and".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1261**—An act making an appropriation to the Printing Fund, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1380**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Bill read second time, and ordered to third reading.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

RENO, NEVADA, April 12, 1943

Joseph A. Beek

Secretary of the California State Senate

Senator James G. Scrugham will be at Sutter Club Wednesday night the 14th, at 10 p.m. Rest of party at Senator Hotel.

W. C. BROADGATE

United States Senate Small Business Committee

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 102

*Resolved*, That the following named person he and she is hereby appointed to the position set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning April 12, 1943, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Seven days  
per week

Eva V. Brady, Assistant Enrolling and Engrossing Clerk -----\$6 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Luckey, Mayo, McBride, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

NOES—None.

Chief Assistant Secretary Harry A. Hammond at the Desk

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 1.20 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 508**—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Pursuant to his motion previously made, Senator Salsman moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 508 was refused passage.

The roll was called, and Senate Bill No. 508 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 508**—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education

Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "to add Sections 1.94 and 1.95 to the School Code and".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out all of lines 1 to 24, both inclusive; and on page 2, strike out all of lines 1 to 30, both inclusive.

**Amendment No. 3**

On page 2, line 32, of the printed bill, as amended, strike out "3", and insert "1".

**Amendment No. 4**

On page 3, line 14, of the printed bill, as amended, strike out "4", and insert "2".

**Amendment No. 5**

On page 3, line 17, of the printed bill, as amended, strike out "at cost or for profit".

**Amendment No. 6**

On page 3, line 20, of the printed bill, as amended, strike out the period, and insert "and may require persons transported to pay a reasonable charge for transportation furnished.

Any such operation maintained for other than pupils of the public schools shall, if maintained on a fixed schedule between fixed termini for a period in excess of one week, be subject to such regulations as the State Railroad Commission may prescribe."

**Amendment No. 7**

On page 3, line 25, of the printed bill, as amended, after "had", insert "not".

**Amendment No. 8**

On page 3 of the printed bill, as amended, following line 25, insert a new paragraph:

"Nothing in this section shall relieve a school district of any liability now imposed upon it by law and the governing board of a school district operating a bus under this section shall insure the liability of the district, other than that imposed by Division 4 of the Labor Code in any insurance company authorized to do business in California."

**Amendment No. 9**

On page 3 of the printed bill, as amended, strike out all of lines 36 to 40, both inclusive.

**Amendment No. 10**

On page 3, line 41, of the printed bill, as amended, strike out "6", and insert "3".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**President of the Senate Presiding**

At 1.37 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the Desk

**UNFINISHED BUSINESS**

**Consideration of Assembly Amendments**

**Senate Bill No. 291**—An act to provide for suspending the enforcement of certain obligations against the operators of gold and silver mines who have been forced to cease operations because of the war, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 291?



**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, after "property", insert "of which property he is the owner and which property produces no revenue except from the mining of gold and silver, and against which property he has incurred obligations in connection with its purchase, or".

**Amendment No. 1a**

In line 1 of the title of the printed bill, as amended, after "act", strike out "to provide for suspending the enforcement of certain"; strike out all of lines 2 and 3; and in line 4, strike out "war", and insert "relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations,".

**Amendment No. 1b**

On page 1 of the printed bill, as amended, strike out lines 9 and 10, and insert "until causes of said distress have been removed by cessation of the war."

This act shall, therefore, be effective until six months after the termination of hostilities between the United States and all nations with which the United States is at war as determined by an act of Congress or proclamation of the President of the United States, or until October 1, 1945, whichever first occurs."

**Amendment No. 2**

On page 1, line 22, of said bill, as amended, strike out "both," and insert "minimum royalties, or (3) holds the property subject to a mortgage or trust deed or (4) holds gold or silver mining machinery or equipment under contract of sale or subject to chattel mortgage,".

**Amendment No. 3**

On page 3 of said bill, as amended, between lines 8 and 9, insert

"SEC. 5. Subject to the limitations as to time provided in Section 1 hereof, any operator of gold or silver mining property who has ceased operating pursuant to the restrictions imposed on gold or silver mining by the United States, and who is in danger of forfeiture under any of the instruments named in Section 2 hereof, may file a petition in the superior court of the county in which such gold or silver mining property or machinery or equipment or the major portion thereof is situated, praying for an order postponing the sale of such property or machinery and equipment, or prevention of forfeiture under the instruments set forth in Section 2 hereof."

SEC. 6. A copy of such petition shall be served upon the trustee and the beneficiary under such deed of trust, upon the mortgagee under such mortgage upon the lessor in a lease providing for payment of minimum royalties and upon the holder of the contract of sale or chattel mortgage on machinery and equipment or the obligee in any contract mentioned in Section 2 hereof, as the case may be, in the manner provided by law for the service of summons in a civil action.

A notice of pendency of such petition shall immediately be recorded in each county in which any of such property is situated, and on the day of such recordation a copy thereof shall be mailed, postage prepaid, from a post office within this State, addressed to such trustee and beneficiary, such mortgagee, or the holder of the contract of sale or chattel mortgage on machinery and equipment, or upon the lessor in a lease providing for payment of minimum royalties or the obligee in any contract mentioned in Section 2 hereof, as the case may be, at their respective places of residence, if known to petitioner, if not, then at the county seat of the county, or at the city and county, where the proceeding is pending.

Such notice of pendency shall state the name of the petitioner, the nature of the petition, and the book and page of the records of the county recorder in which the mortgage or deed of trust or other instrument is recorded.

SEC. 7. Upon application of the petitioner, after service of such petition, or upon application of any other interested party after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

After the filing of such petition and the recording and mailing of the notice of the pendency thereof as provided in Sections 5 and 6 of this act, no sale under the power of sale conferred by such deed of trust or such mortgage or other instrument shall be held nor shall any forfeiture be effected under any of the instruments set forth in Section 2 hereof until the court makes its order in the matter, but nothing herein contained shall prevent such sale or forfeiture at any time after October 1, 1945, or six months after termination of the war, whichever shall first occur.

SEC. 8. Upon such hearing the court may make its order, if it finds equitable grounds for relief, and finds that the security will not be unreasonably jeopardized thereby, ordering that such sale shall not be held or forfeiture declared until after

such date as the court considers just and equitable, but in no event shall such date be beyond October 1, 1945, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceedings.

If the court orders the sale or forfeiture postponed it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor, or holder under other instrument set forth in Section 2 hereof, as determined by the court, and by such order shall require the trustor or mortgagor to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner as are determined to be just and equitable under the circumstances.

SEC. 9. The court must include in such order provisions requiring maintenance and repair by the trustor or mortgagor, or holder under other instrument set forth in Section 2 hereof, regulating the disposition of any income from the property and such other provisions as it deems just and equitable for the protection of the security, but in no event shall the court order the payment by the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof of a lesser sum than necessary to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installments as may be provided by law, and (c) any insurance premiums required to be paid by the petitioner under the contract between the parties.

SEC. 10. When any mortgage or deed of trust upon property, or upon machinery and equipment attached to or used in operating gold or silver mining property or other instrument, has been foreclosed, and the property covered thereby has been sold in whole or in part under decree of foreclosure, and the period of redemption has not yet expired, the mortgagor or trustor thereof, or holder under other instrument set forth in Section 2 hereof, having the right of redemption, may at any time not later than October 1, 1945, or six months after termination of the war, whichever first occurs, file a petition in the superior court of the county in which the property so sold or the major portion thereof is situated, praying for an order extending such period of redemption.

SEC. 11. A copy of such petition shall be served upon the purchaser of such property at the foreclosure sale, or, if there has been a redemption, upon the last redemptioner, in the manner provided by law for the service of summons in a civil action.

A notice of pendency of such petition shall immediately be recorded in each county in which any of such property is situated, and, on the day of such recordation, a copy thereof shall be mailed, postage prepaid, from a post office within this State, addressed to such purchaser or last redemptioner, as the case may be, at his place of residence, if known to petitioner, if not, then at the county seat of the county, or at the city and county, where the proceeding is pending.

Such notice of pendency shall state the name of the petitioner, the nature of the petition, and the book and page of the records of the county recorder in which the mortgage or deed of trust or other instrument is recorded.

SEC. 12. Upon application of the petitioner after service of such petition, or upon application of any other interested party, after the filing of the petition, a hearing shall be had thereon within 20 days after such application, upon such notice as the court shall reasonably prescribe; provided, however, that the court, if it finds equitable grounds therefor, may postpone such hearing for not to exceed 10 days.

Upon the filing of such petition and the recording and mailing of the notice of pendency thereof as provided in Sections 10 and 11 of this act, the period of redemption, if such period would sooner terminate, shall be extended until 10 days after the court makes its order in the matter, but in no event beyond October 1, 1945, or six months after termination of the war, whichever first occurs.

SEC. 13. Upon such hearing the court may make its order, if it finds equitable grounds for relief and finds that the security will not be unreasonably jeopardized thereby, extending such period of redemption for such additional time as the court considers just and equitable, but in no event beyond October 1, 1945, or six months after termination of the war, whichever first occurs, or may make its order dismissing such proceeding.

If the court by its order extends the period of redemption, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the operator as determined by the court.

The court shall require the operator to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes upon such property, the cost of insurance and the sums to which the purchaser of such property at such foreclosure sale, or the last redemptioner, as the case may be, is entitled under the provisions of Section 707 of the Code of

Civil Procedure, at such times and in such manner determined to be just and equitable under the circumstances.

Sec. 14. The court may include in such order provisions requiring maintenance and repair by the operator, regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the interest and security of the purchaser or last redemptioner, as the case may be.

In no event shall the court order the payment by the operator of a lesser sum than the greater of (1) the amount of such reasonable value of the income, or such reasonable rental value, or such reasonable sum so determined by the court, or (2) a sum sufficient to pay (a) current taxes, (b) all delinquent taxes, except that such taxes may be paid in installment as provided by law, and (c) a sum reasonably necessary for fire and other insurance upon any improvement upon such property.

Sec. 15. Any sums paid to a purchaser or redemptioner pursuant to Sections 13 or 14 of this act shall be a credit upon the redemption money to be paid as provided in Section 707 of the Code of Civil Procedure; but in the event no redemption is made, the same shall belong to such purchaser or redemptioner.

Sec. 16. Nothing in this act shall be construed as abridging or limiting the statutory right of redemption provided in Sections 701, 702, 703, 704, 705, 706 and 707 of the Code of Civil Procedure, or as shortening the period of redemption as therein provided, or as altering the mode or procedure for redemption as therein provided.

Sec. 17. In any decree rendered prior to October 1, 1945, foreclosing a mortgage or deed of trust upon real property, the court may provide that the sale of the property shall not be held until on or after such date as the court considers just and equitable, but in no event later than October 1, 1945. If the court provides in such decree that the sale shall not be held until on or after such date as it shall fix, it shall determine the reasonable value of the income from such property, or if the property has no income, then the reasonable rental value of such property, or if the property is unimproved, a reasonable sum to be paid by the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof, as determined by the court, and shall require the trustor or mortgagor or holder under other instrument set forth in Section 2 hereof to pay all or at least a reasonable part of such income, rental value, or sum so determined by the court, in or toward the payment of taxes, insurance, interest, or principal of the indebtedness at such times and in such manner determined to be just and equitable under the circumstances. The court may include in such order provisions requiring maintenance and repair regulating the disposition of any income from the property, and such other provisions as it deems just and equitable for the protection of the security.

After such hearing the court, if it shall determine that it is equitable and just so to do and that the security will not be unreasonably prejudiced thereby, may make its order postponing to a date not later than October 1, 1945, or six months after termination of the war, whichever shall first occur, the foreclosure, termination or forfeiture of the petitioners' interest under such contract of purchase on substantially the same terms and conditions as those prescribed in Sections 5, 6, 7, 8 and 9 of this act, or the court may make its order dismissing such proceeding.

Sec. 18. If the trustor, mortgagor or purchaser under a contract of purchase commits waste or defaults in any payment or act required by order or decree of court, the court, unless good excuse therefor is shown, shall order that the sale, foreclosure, termination or forfeiture postponed by its order or decree proceed as provided by law, or that the period of redemption extended by its order or decree shall expire on the making of its order or within the time provided by law, whichever shall last occur, and that the moneys to be paid on redemption, if theretofore reduced, be increased to the extent of such previous reduction, if it finds after hearing upon such notice to the original petitioner or his attorney as it prescribes, that there has been such waste or such default, unless good excuse therefor is shown, amounting to a material breach of the order or decree of postponement or extension.

Sec. 19. No suit or action shall be commenced against the guarantor of any note secured by a mortgage or deed of trust upon gold or silver mining properties, property, or upon chattels attached to or used in connection with gold or silver mining property, in any case while, pursuant to the provisions of this act, no sale may be made under any power of sale contained in such mortgage or deed of trust or while no sale may be made under the final decree of foreclosure rendered in an action to foreclose such mortgage.

Sec. 20. No sale shall be made under any decree of foreclosure, of, or under any power of sale contained in, any chattel mortgage upon any personal property located in and used in connection with the operation of any building located upon gold or silver mining property, until on or after such date as a sale of such gold or silver mining property is lawfully held under such mortgage, deed of trust, or contract of purchase, when such chattel mortgage was given as additional security



for an obligation also secured by a deed of trust, mortgage, or contract of purchase, on such real property or other instrument mentioned in Section 2 hereof.

SEC. 21. Whenever the time within which an action may be commenced upon any obligation founded upon a written instrument secured by chattel mortgage, mortgage, deed of trust or contract of purchase, or founded upon any guarantee of such obligation or any contract of suretyship therefor or any endorsement of such instrument, would expire by virtue of Section 337 of the Code of Civil Procedure, or any other provision of law, during the period commencing with the effective date of this act and ending on the date upon which this act shall cease to be in effect, with respect to any property or chattel relating to which a petition has been filed under this act, such time is hereby extended so as not to expire until December 31, 1945, or nine months after cessation of the war, whichever shall first occur.

SEC. 22. Nothing contained in this act shall apply to or be deemed to affect:

(a) Any mortgage, deed of trust, lease agreement, operating agreement or contract of sale upon gold or silver mining property, or upon chattels attached to real property, executed after the effective date of this act.

(b) Any mortgage or deed of trust while held and owned by the original lender securing any loan made by the United States Government or any agency thereof on any loan insured by the United States Government or any agency thereof; and any judgment entered in favor of, or any sheriff's or commissioner's certificate of sale issued to the United States Government or any agency thereof in an action to foreclose any such mortgage or deed or trust;

(c) Any mortgage or deed of trust securing an obligation in default at the time the owner or owners acquired title by purchase subsequent to the effective date of this act.

SEC. 23. As used in this act:

(a) The terms "mortgagor," "mortgagee," "trustor," "trustee," "purchaser," "vendor," "lessee," and "guarantor" shall include their personal representatives, assigns or successors in interest, and the singular shall include the plural.

(b) The term "trustee" shall also include the beneficiary of a deed of trust.

(c) As used in this act, the term "chattels attached to mining property," or similar designation, includes anything which is deemed affixed or attached to land, or as forming part of the land.

(d) The term "mining" means gold or silver mining.

(e) The term "real property" means gold or silver mining property.

(f) The term "operator" includes all persons, firms or corporations engaged in gold or silver mining operations.

(g) "Machinery" and "equipment" shall mean "gold or silver mining machinery" and "equipment."

SEC. 24. Nothing contained in this act shall preclude any trustor under a deed of trust or any mortgagor of chattels or any mortgagor under a mortgage or any purchaser under a contract for the purchase of real property, or chattels attached to real property, from executing and delivering at any time a deed to his beneficiary, mortgagee or vendor, or the purchaser at any foreclosure sale or a redemptioner, as the case may be, and the execution and delivery of any such deed by any such trustor, mortgagor or purchaser shall constitute a waiver of the benefit of all the provisions of this act. The failure on the part of any trustor, mortgagor or purchaser or operator to file a petition within the times specified in this act, shall be deemed a waiver of the benefit of the provisions of this act.

SEC. 25. Any sale of property under a chattel mortgage, or of real property, or of chattels attached to real property, under a deed of trust, mortgage, or chattel mortgage, and any forfeiture made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real or personal property at the time of such sale, or the operator at the time of such forfeiture; provided, that any action to avoid such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

SEC. 26. There shall be no filing fees for the filing of any document with the county clerk under the provisions of this act.

SEC. 27. Until October 1, 1945, or six months after termination of the war, whichever shall first occur, no receiver shall be appointed at the instance of the mortgagee of any mortgage or the trustee or beneficiary of any deed of trust, with respect to real property or chattels attached to real property subject to mortgage or deed of trust, except in a suit or action for the foreclosure of such mortgage or deed of trust or for the enforcement of the covenants, or any thereof, contained in such mortgage or deed of trust, or in a proceeding ancillary to any such suit or action, or until after recording notice of default.

SEC. 28. If any section, clause or part of this act, or the application thereof to any person or circumstance, is finally determined by the courts to be unconstitutional such section, clause or part shall no longer be effective or such application shall no longer control, but all other sections, clauses or parts or the application thereof to other persons and circumstances shall continue in full force and effect; it being the intent of the Legislature to make this act as effective as possible to relieve operators in the manner herein provided.



SEC. 29. Whenever any petition under this act is to be or is being heard by the court, the interested parties may submit to the court, in writing, a composition of the indebtedness involved in the proceeding, or a compromise settlement of the proceeding, and the court shall have jurisdiction and may by its order confirm and approve such composition or settlement.

SEC. 30. Nothing contained herein shall be construed as affecting any rights which have accrued under Chapter 1, Statutes of the Extra Session of 1934, or shorten the time within which any action may be commenced.

SEC. 31. Nothing contained herein shall be construed as affecting any rights which have accrued under Chapter 7, Statutes of 1935, Chapter 348, Statutes of 1935, Chapter 5 or Chapter 167, Statutes of 1937, Chapter 86, Statutes of 1939, or Chapter 208, Statutes of 1941, or shorten the time within which any action may be commenced, or affect any proceedings taken thereunder."

#### Amendment No. 4

On page 3, line 9, of said bill, strike out "5", and insert "32".

#### Amendment No. 5

On page 3, line 18, of said bill, strike out "6", and insert "33".

#### Amendment No. 6

On page 3, line 24, of said bill, strike out "7", and insert "34".

#### Amendment No. 7

On page 3 of said bill, strike out lines 28 to 31, inclusive.

#### Amendment No. 8

On page 3, line 32, of said bill, strike out "9", and insert "35".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 291 by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Judah, Keating, Luckas, Mayo, McBride, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 714**—An act to amend Section 5227 of the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried. Time, 1.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### RESOLUTIONS

The following resolution was offered by the Committee on Rules:

#### Senate Resolution No. 103

*Resolved*, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of one thousand dollars (\$1,000) in favor of the Secretary of the Senate and the Treasury is hereby directed to pay the same, the same being for postage for the Senate.

DEUEL  
POWERS  
TICKLE

BROWN  
SEAWELL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Mixer:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 205 to the Water Code, relating to membership of the Department of Public Works in National associations for the promotion of reclamation and irrigation and making an appropriation.

Respectfully submitted.

SENATOR MIXTER

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 13, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Judah:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 48a of the Civil Code, relating to libel.

Respectfully submitted.

SENATOR JUDAH

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 13, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1095:** By Senator Mixter—An act to add Section 205 to the Water Code, relating to membership of the Department of Public Works in National associations for the promotion of reclamation and irrigation and making an appropriation.

Referred to Committee on Finance.

**Senate Bill No. 1096:** By Senator Judah—An act to amend Section 48a of the Civil Code, relating to libel.

Referred to Committee on Judiciary.

Chief Assistant Secretary Harry A. Hammond at the Desk

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS**

**Senate Bill No. 819**—An act to regulate the employment of publicists employed by State departments and agencies, and prescribing penalties for the violation hereof.

Bill read third time.

**Motion to Amend**

Senator Parkman moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, after line 28, insert:

"Sec. 4. None of the provisions of Section 1 of this act shall apply to any State officer elected by the people or to any State board or commission composed in whole of State officers elected to their respective offices by the people."

Amendment read, and refused adoption.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—29.

**NOES**—Senator Parkman—1.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 1.55 p.m., on motion of Senator Powers, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 714 passed by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, Engle, Fletcher, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Swing, and Tenney—21.

**NOES**—Senators Biggar, Breed, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Quinn, Rich, Slater, Swan, Tickle, and Ward—16.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****CONSIDERATION OF SPECIAL ORDER**

The hour of 2 p.m. having arrived, Assembly Bill No. 1531 was taken up.

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Bill read third time.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 3.19 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 699**—An act to add Section 1407 to the Elections Code, relating to the initiative.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 699?

##### Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "delivered", insert "or mailed".

##### Amendment No. 2

On page 1, line 5, of said bill, after "date", insert "for such proposed initiative measure".

##### Amendment No. 3

On page 1, line 6, of said bill, after "shall", insert "forthwith".

##### Amendment No. 4

On page 1, line 13, of said bill, strike out "said", and insert "a".

##### Amendment No. 5

On page 1, line 15, of said bill, strike out the period, and after the quote, insert "of such proposed initiative measure, and no clerk or registrar of voters shall accept first petitions on such proposed initiative measure thereafter".

##### Amendment No. 6

On page 1 of said bill, strike out lines 16 to 22, inclusive, and insert "Supplemental petitions in accordance with Section 1 of Article IV of the Constitution of California may be filed in any county or city and county wherein first petitions were filed provided same are filed as required by said Section 1 of said Constitution."



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 699 by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, and Ward—25.

NOES—Senators Donnelly, Shelley, and Swan—3.

Above bill ordered enrolled.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 723**—An act to add Section 3515.5 to the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read third time.

#### Motion to Amend

Senator Quinn moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 7, of the printed bill, strike out "recorded"; and strike out lines 8 to 12, inclusive, and insert "State Controller or the State Lands Commission, as the case may be, shall execute in duplicate a deed of the lands in the name of the State to the Veterans' Welfare Board, and shall forward one duplicate of the deed to the county recorder to be recorded. The other duplicate shall be retained by the Veterans' Welfare Board.

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 170**—An act to amend Sections 3691, 3699, 3705, and 3707 and repeal Section 3707.5 of the Revenue and Taxation Code, relating to the sale of tax-deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—26.

NOES—Senators Breed, Carter, DeLap, Dorsey, Engle, Quinn, and Swan—7.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.38 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1531 passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Deuel, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—24.

NOES—Senators Breed, Carter, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, McCormack, Rich, and Swan—13.

Bill ordered transmitted to the Assembly.

#### MOTION TO RECONSIDER

Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 714 was passed.

**Postponement of Reconsideration**

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 714 was passed, was continued until the next legislative day.

Secretary J. A. Beek at the Desk

**MOTION TO RECONSIDER**

Senator DeLap moved to reconsider the vote whereby Assembly Bill No. 1531 was passed.

**Postponement of Reconsideration**

On motion of Senator DeLap, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1531 was passed, was continued until the next legislative day.

**CONSIDERATION OF DAILY FILE (RESUMED)****CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

**Postponement of Reconsideration**

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 998 was refused passage, was continued until the next legislative day.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 994**—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

**Postponement of Reconsideration**

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 994 was passed, was continued until the next legislative day.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 668**—An act to amend Section 7403 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luekey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 724**—An act making an appropriation for the purchase of land for the Humboldt State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon,

Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 501**—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Sections 2630.5, 4105.5, 4105.6, 4106.5 and 4106.6 to the Revenue and Taxation Code, relating to the redemption of property and the transfer of tax-redemption duties from the auditor and treasurer to the tax collector.

Bill read third time.

**Motion to Amend**

Senator Collier moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 120, 157, 2630, 4106, 4110, and 4153"; and strike out line 2, and insert Sections 120 and 4372 of, to repeal Section 4371 and Article 2, consisting of Sections 4406 to 4409, inclusive, of Chapter 4 of".

**Amendment No. 2**

In lines 3 and 4 of the title of said bill, strike out "Sections 2630.5, 4105.5, 4105.6, 4106.5 and 4106.6", and insert "Section 4377.5".

**Amendment No. 3**

In line 5 of the title of said bill, strike out "and the"; and strike out lines 6 and 7, and insert a period.

**Amendment No. 4**

On page 1, line 3, of said bill, after "county", insert "auditor, except in counties where the tax collector is made the redemption officer in accordance with law."

**Amendment No. 5**

On page 1, line 5, of said bill, strike out "tax collector."

**PRINTER'S NOTE**—There being no 7-point knockout type available, the material which should appear in knockout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 6**

On page 1 of said bill, strike out lines 7 to 24, inclusive; on page 2, strike out lines 1 to 50, inclusive; and on page 3, strike out lines 1 to 27, inclusive, and insert "SEC. 1.5. Section 4371 of said code is repealed.

SEC. 2. Section 4372 of said code is amended to read:

4372. In any county, on resolution of the board of supervisors passed by a [four-fifths] majority vote, the tax collector shall be the redemption officer. The rest of this article applies only to such a county.

SEC. 3. Section 4377.5 is added to said code to read:."

**Amendment No. 7**

On page 3, line 29, of said bill, strike out "4372", and insert "4377.5".

**Amendment No. 8**

On page 3 of said bill, between lines 34 and 35, insert

"SEC. 4. Article 2, consisting of Sections 4406 to 4409, inclusive, of Chapter 4 of Part 7 of Division 1 of said code is repealed."

**Amendment No. 9**

On page 3 of said bill, strike out lines 36 to 50, inclusive; and on page 4, strike out lines 1 to 18, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 364**—An act to add Sections 333.7 and 333.8 to the Agricultural Code, relating to cattle brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 907**—An act to amend Sections 1509.4 and 1571 of and to add Sections 1509.6, 1509.7, 1509.8, and 1509.9 to the Military and Veterans Code, relating to and providing for State and local participation in civilian defense and the war effort and for the administration of the California War Powers Act, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 732**—An act to amend Section 5010 of the Public Resources Code, relating to the State Park Maintenance Fund.

Bill read third time.

#### Motion to Re-Refer Senate Bill No. 732

Senator Quinn moved that Senate Bill No. 732 be re-referred to Committee on Finance.

Motion carried.

**Senate Bill No. 381**—An act to amend Section 4861 of the Education Code, relating to the membership of schools in societies, associations, or organizations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 873**—An act to add Sections 13528.1, 13528.2, 13528.3, 12528.4, 13528.5, 13528.6, 13528.7, 13528.8, and 13528.9 to, and



to amend Sections 13529 and 13530 of, the Education Code, relating to permanent employees of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

#### Motion to Amend

Senator Mixter moved the adoption of the following title amendment:

#### Amendment No. 1

In lines 2 and 3 of the title of the printed bill, as amended, strike out ", and to amend Sections 13529 and 13530 of,".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 732

Senator Quinn moved that Senate Bill No. 732 be withdrawn from Committee on Finance and that it be restored to the third reading file.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 732**—An act to amend Section 5010 of the Public Resources Code, relating to the State Park Maintenance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 168**—An act to amend Section 2.600 of, and to add Section 2.600-1 to, the School Code, to amend Section 3661 of, and to add Section 3661.1 to, the Education Code, relating to the formation of union or joint union high school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, DeLap, Denel, Dillinger, Fletcher, Hatfield, Jespersen, Keating, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—24.

NOES—Senators Collier, Donnelly, Judah, and Mayo—4.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 921**—An act to amend Sections 1956 and 1981 of the Government Code, relating to injury to person or property by reason of the defective condition of public property or the negligence or carelessness of any officer or employee and authorizing the State and other public agencies to insure such officers and employees against liability therefor.

**Motion to Refer Bill to Inactive File**

Senator Fletcher moved that Senate Bill No. 921 be placed on the inactive file.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 924**—An act to add Section 663.8 to the Political Code, transferring certain powers, duties, jurisdiction, property and personnel from the Department of Finance to the State Board of Control.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "transferring"; and strike out all of lines 2 to 4, inclusive, of said title, and insert "relating to State purchases of supplies, equipment, and other personal property."

**Amendment No. 2**

On page 1, line 3, of said bill, strike out "succeed to and is"; and strike out all of lines 4 to 10, inclusive, and insert "have the power and authority to make rules and regulations governing the".

**Amendment No. 3**

On page 1, line 14, of said bill, after the period, strike out the balance of line 14; strike out all of lines 15 to 25, inclusive; and strike out all of page 2.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers and general circulation.

Bill read third time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 6, of the printed bill, after "subscribers," insert "has been entered in the United States Post Office as mailable matter of the second class,".

**Amendment No. 2**

On page 1, line 26, of said bill, after "subscribers," insert "has been entered in the United States Post Office as mailable matter of the second class,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 376**

Senator Biggar moved that Senate Bill No. 376 be withdrawn from Committee on Elections for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 376**—An act to add Sections 4539, 4802.5, and 4805 to the Elections Code, relating to associations that support candidates for election or endorse measures for adoption by the voters, or solicit

or receive moneys upon the promise to nominate or endorse candidates or propose or sponsor measures for adoption.

Bill read second time.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "4539, 4802.5, and 4805", and insert "5002.7 and 5002.8".

**Amendment No. 2**

In the title of the printed bill, strike out all of lines 2 to 6, inclusive, and insert "Code, making it a misdemeanor for any person appointed by the Governor to any office, board or agency authorized to issue licenses, or any officer, employee or appointee of such officer, board or agency, to solicit or receive from persons holding licenses issued by said officer, board or agency, any money or other thing of value for any political campaign for election or reelection of any person to any elective office, board or agency, and making it a misdemeanor for any licensee or holder of a license to contribute or give money or any other thing of value for any such political campaign."

**Amendment No. 3**

On page 1 of the printed bill, strike out all of lines 1 to 25, inclusive; and on page 2, strike out all of lines 1 to 38, inclusive, and insert

SECTION 1. Section 5002.7 is hereby added to the Elections Code, to read:

5002.7. Any State officer appointed by the Governor, who is authorized by law to issue licenses, or who is appointed by the Governor to any board or agency authorized to issue licenses, or any appointee or employee of such officer, board or agency, who directly or indirectly solicits, receives or agrees to receive any money or other thing of value, or any promise thereof, from any licensee named in, or any holder of, any license issued by such officer, board or agency, or from any agent of such licensee or license holder, for any political campaign of any person seeking election or reelection to any office, board or agency, is guilty of a misdemeanor.

SEC. 2. Section 5002.8 is hereby added to the Elections Code, to read:

5002.8. Any licensee named in, or any holder of, any license issued by any officer, who is appointed by the Governor, or issued by any board or agency the members of which are appointed by the Governor, who (the licensee) directly or indirectly, either by himself or through another, gives, offers, or promises to give any money or other thing of value to any person, corporation or association for any political campaign of any person seeking election or reelection to any office, board or agency is guilty of a misdemeanor."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 719**

Senator Swan moved that Senate Bill No. 719 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 719**—An act to amend Section 5.1103 of the School Code and to amend Section 14722 of the Education Code, relating to district retirement benefits.

Bill read second time.

**Motion to Amend**

Senator Swan moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 5.1103 of the School Code and to".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "Section 14722", and insert "Sections 14722 and 14723".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out everything except "Section 1."; strike out lines 2 to 27, inclusive; and on page 2 strike out lines 1 to 36, inclusive; and in line 38, strike out "Sec. 2".

**Amendment No. 4**

On page 3 of said bill, strike out lines 12 to 16, inclusive, and insert

"Sec. 2. Section 14723 of said code is amended to read:

14723. The governing board, after the adoption of the plan, shall at regular intervals, each not exceeding a period of five years, secure a general survey and actuarial report of the plan, and the board shall from time to time amend the plan in such manner as may be found to be advisable to meet changed conditions, or, as in the light of experience, may be considered necessary. *The amount that is being paid into the fund by the members at the time of such amendment by the governing board, shall not be increased nor shall the amounts then being paid to retirants at the time of such amendment be decreased. The board shall have the right to reduce the amount it pays into the fund when advice from the actuarial report shows that such reduction does not endanger the fund or the benefits for which the funds are established.*"

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Education.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 999**—An act to amend Section 56 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read third time.

**Motion to Amend**

Senator Ward moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 13, of the printed bill, after "ment", insert "office".

**Amendment read and adopted.**

Bill ordered printed, re-engrossed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 83**—An act to amend Section 36 of, and to add Sections 8b and 9a to, the California Water District Act, relating to districts organized under said act, declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 526**—An act to add Section 1347 to the Fish and Game Code, relating to elk;

**Senate Bill No. 543**—An act to add Sections 8.2 and 13.1 to the Personal Income Tax Act and Sections 17356 and 18434 to the Revenue and Taxation Code, relating to the personal income tax, deductions therefrom and returns made therefor, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

**Senate Bill No. 801**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.



**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1051

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 327

Assembly Bill No. 1777

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 29

Senate Bill No. 374

Assembly Bill No. 707

Assembly Bill No. 1936

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Joint Resolution No. 2

Assembly Concurrent Resolution No. 30

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported resolutions ordered to third reading.

**Committee on Elections**

SENATE CHAMBER, SACRAMENTO, April 9, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 721

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1017

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 612

Senate Bill No. 977

Senate Bill No. 1077

And reports the same correctly engrossed.

SEAWELL, Chairman

## Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 75

Senate Bill No. 337

Senate Bill No. 124

Senate Bill No. 863

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 964

Assembly Bill No. 1762

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 842

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 970

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 60

Senate Bill No. 975

Senate Bill No. 433

Assembly Bill No. 279

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 765

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 296  
Assembly Bill No. 438  
Assembly Bill No. 446  
Assembly Bill No. 447  
Assembly Bill No. 481  
Assembly Bill No. 515  
Assembly Bill No. 634  
Assembly Bill No. 665  
Assembly Bill No. 666

Assembly Bill No. 667  
Assembly Bill No. 846  
Assembly Bill No. 876  
Assembly Bill No. 879  
Assembly Bill No. 883  
Assembly Bill No. 884  
Assembly Bill No. 928  
Assembly Bill No. 938  
Assembly Bill No. 1414

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 296**—An act to amend Sections 6486, 6782, 6783 and 6784, and to repeal Section 6785 of the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 438**—An act to amend Section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 446**—An act to amend an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Referred to Committee on Local Government.

**Assembly Bill No. 447**—An act to amend Section 6602 of the Welfare and Institutions Code, relating to the admission and detention of voluntary patients in State hospitals.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 481**—An act to add Sections 301.5, 319.1, 319.2, 319.3 and 319.4 to the Agricultural Code, relating to horse meat, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 515**—An act to provide for the establishment and maintenance of a School of Public Health in the University of California and making an appropriation therefor.

Referred to Committee on Education.

**Assembly Bill No. 634**—An act to amend Section 2804 of the Streets and Highways Code and Section 23 of the District Investigation Act of 1933, relating to mosquito abatement districts.

Referred to Committee on Local Government.

**Assembly Bill No. 665**—An act to add Section 249 to, and to amend Sections 250, 257, and 268 of the Health and Safety Code, relating to services for physically handicapped children providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 666**—An act to amend Section 1 of an act entitled "An act relating to cold storage, regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, relating to the cold storage of foods.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 846**—An act to amend Section 787.5 of the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables, declaring the urgency hereof and that this act take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 876**—An act to amend Section 5 of, and to add Section 29.5 to the Personal Income Tax Act and to amend Section 17052 of, and to add Chapter 13.5, comprising Sections 19200 and 19201, to Part 10 of Division 2 of, the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 879**—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 883**—An act to add Section 7.5 to the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations.

Referred to Committee on Revenue and Taxation.



**Assembly Bill No. 884**—An act to add Section 5.5 to the Corporation Income Tax Act, relating to the income tax imposed on corporations. Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 928**—An act to amend Section 11003 of the Health and Safety Code, relating to narcotics. Referred to Committee on Public Health and Safety.

**Assembly Bill No. 938**—An act to add to Chapter 4 of Division 4 of the Agricultural Code a new article to be numbered Article 9, including a new section to be numbered Section 690, relating to the disposition of moneys, declaring the urgency of this act, to take effect immediately. Referred to Committee on Agriculture.

**Assembly Bill No. 1414**—An act to add Section 471.5 to the Agricultural Code, relating to cream. Referred to Committee on Agriculture.

#### EXPLANATION OF ABSENCE

Senator McBride moved that the Journal show that the absence of the Committee on Financial Institutions, consisting of Senators Crittenden, Salsman, Cunningham, Shelley, Luckey, and McBride was due to a meeting in the Governor's office.

Motion carried.

#### MOTION TO SET SPECIAL ORDER

Senator Shelley moved that Assembly Bill No. 1387 be made a special order of business for Wednesday, April 14, 1943, at 2.45 p.m.

Motion carried.

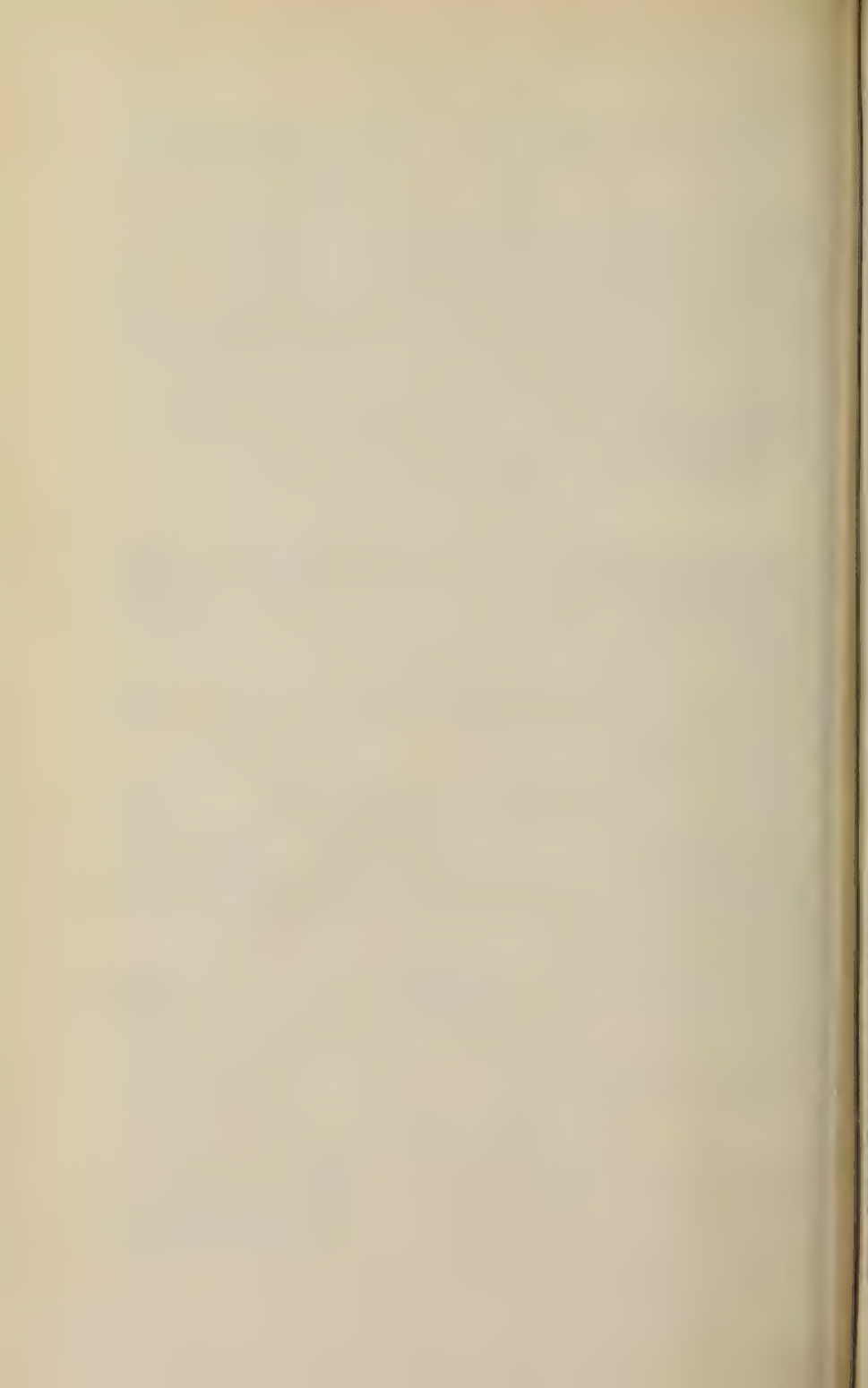
#### MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 5, 1943; Tuesday, April 6, 1943; Wednesday, April 7, 1943; Thursday, April 8, 1943; Friday, April 9, 1943, and Saturday, April 10, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and the Minute Clerk.

Motion carried.

#### ADJOURNMENT

At 5.19 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 14, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTY-SECOND LEGISLATIVE DAY

ONE HUNDRED FIRST CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 14, 1943

The Senate met at 1.30 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Tom Whelan, Deputy District Attorney, Victor Winnick and Vroman Dorman, Phillip Davis, Branch Manager of Motor Vehicle Department, all of San Diego.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Al Shaw of Palo Alto.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence M. Parma, District Attorney, and David Licker, Deputy District Attorney, both of Santa Barbara.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant Walter Mails of the United States Marine Corps.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. H. Berdwell of Dunsmuir.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Katherine G. Pearson and daughter, Katherine K. Pearson, of Scarsdale, New York.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Frank Belcher, President of the State Bar Association.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Geo. C. Lady, Chief, Merced Fire Department, in Merced.

## REPORTS OF STANDING COMMITTEES

### Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 295

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Labor.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bill ordered to second reading.

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 771

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 580

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; noes 1.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 398

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 540

Assembly Bill No. 348

Assembly Bill No. 948

Assembly Bill No. 407

Assembly Bill No. 1352

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bills ordered to second reading.



SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 67

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 94

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 897

Assembly Bill No. 516

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 361

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

McBRIDE, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1088

Assembly Bill No. 264

Assembly Bill No. 284

Assembly Bill No. 331

Assembly Bill No. 484

Assembly Bill No. 578

Assembly Bill No. 579

Assembly Bill No. 580

Assembly Bill No. 581

Assembly Bill No. 584

Assembly Bill No. 585

Assembly Bill No. 661

Assembly Bill No. 662

Assembly Bill No. 1549

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 660

Senate Bill No. 706

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 902

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 967

Assembly Bill No. 1061

Assembly Bill No. 280

Assembly Bill No. 1395

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 643

Assembly Bill No. 771

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 766

Assembly Bill No. 772

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1951  
Assembly Bill No. 444  
Assembly Bill No. 641

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes, 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 187	Assembly Bill No. 830
Assembly Bill No. 787	Assembly Bill No. 1771
Assembly Bill No. 784	Assembly Bill No. 786

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 1094  
Assembly Bill No. 1542

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1061

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 185

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 630  
Assembly Bill No. 232  
Assembly Bill No. 788

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 112

Senate Bill No. 129

Senate Bill No. 1079

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 501

Senate Bill No. 723

Senate Bill No. 508

Senate Bill No. 999

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

DEPARTMENT OF AGRICULTURE  
SACRAMENTO, CALIFORNIA, April 13, 1943

*Hon. Joseph A. Beek, Secretary of the State Senate  
State Capitol, Sacramento, California*

DEAR MR. BEEK: Attached hereto is a copy of the resolution adopted by the California Farm Production Council in a meeting held here in Sacramento, April 9 and 10, 1943, relating to the urgent need for an immediate return to standard time.

You will undoubtedly recall the California Farm Production Council was created by Assembly Bill No. 1 of the Second Extraordinary Session. A comparable bill to serve in the sense of a stop gap was Senate Bill No. 427, signed by the Governor on Wednesday, April 7th. On the same date, Governor Warren appointed the seven farmer members of the California Farm Production Council and requested them to work with me under the terms of Senate Bill No. 427.

As of this date, I have also transmitted a copy of this resolution to Senator Bradford S. Crittenden, Chairman of the Senate Committee on Agriculture.

Very sincerely,

W. J. CECIL, Director

CALIFORNIA FARM PRODUCTION COUNCIL  
SACRAMENTO, CALIFORNIA, April 9-10, 1943

*Resolution Relative to the Necessity of Returning to Standard Time*

WHEREAS, War time was adopted in place of standard time as a war measure and for the purpose of conserving electric power through the means of starting the working day one hour earlier; and

WHEREAS, Farmers accepted this action knowing that it would make farm operations difficult and, in a predominance of cases, inefficient; and

WHEREAS, Conditions have now generally changed with war industries on a 24-hour basis and, therefore, but little affected; with merchandising interests now operating on staggered hours without need for war time; and

WHEREAS, California's public and private power utilities have indicated clearly that the saving in power through the change to war time has been negligible and, therefore, of no real importance to production; and

WHEREAS, Food and fiber production has now definitely become the major problem of the State and Nation, both in winning the war and the peace, with known losses in this vital production now far exceeding anticipated losses; and

WHEREAS, The delay of one hour sets back the harvesting day accordingly for all crops, including hay, corn, beans, and cotton, which must dry out before being harvested, and thus one hour each day of valuable harvesting time is lost, thereby reducing the production of farm men and machine from 10 per cent to 20 per cent—delaying harvests in some cases to the extent that losses of entire crops occur—with comparable losses applying in sheep shearing and in other live stock activities; and

WHEREAS, These losses occur in the winter months also since it is then impossible to start work before daylight and, therefore, the work day is reduced 10 per cent, which in California results in delaying plantings to the point where crop yields are materially reduced; and

WHEREAS, In conclusion, we believe that a return to standard time would be equivalent to an 8 to 10 per cent increase in the farm labor supply and a 10 to 15 per cent increase in harvest equipment; now, therefore, be it

*Resolved*, That the California Farm Production Council, meeting in Sacramento, California, April 9 and 10, 1943, does urge the Legislature of the State of California



to take such action as it may deem to be necessary to return California to standard time, to suggest to other States of the Western Area that they follow this same procedure, and to memorialize Congress to return to standard time in the United States to the end that the farmers may be enabled to make full use of available manpower and machinery and so secure the maximum production of food and fiber.

STATE OF CALIFORNIA, DEPARTMENT OF AGRICULTURE  
SACRAMENTO, CALIFORNIA, April 12, 1943

*To the Senate of the State of California  
State Capitol, Sacramento, California*

ATTENTION MR. JOSEPH BECK, SECRETARY

GENTLEMEN: We are pleased to transmit herewith Report from the California Commission on Interstate Cooperation, which is required by the statute creating said commission.

Very sincerely,

W. C. JACOBSEN, Executive Secretary  
California Commission on Interstate Cooperation

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 656**—An act to amend Section 6816 and to repeal Section 6817 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 837**—An act to amend Section 6816 of, and to repeal Sections 5014 and 6817 of the Public Resources Code, relating to and providing for the abolition of the State Park Maintenance and Acquisition Fund and for certain transfers in connection therewith.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 74**—An act to add Chapter 4, comprising Sections 5700 to 5771, inclusive, to Division 5 of the Public Resources Code, relating to bridle trails; to declare the necessity of providing bridle trails for use of civilian defense, transportation and recreation, and the use of forest fire patrols; to provide for cooperation by State planning, regional planning, county and city planning boards, public works and other departments; to define the powers and duties of the California Trails Commission; to provide the exercise of such power; to provide for the planning, construction, maintenance and financing of trails.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

##### Amendment No. 1

In line 11 of the title of the printed bill, after "trails", insert "and making an appropriation".

##### Amendment No. 2

On page 2, lines 24 and 25, of said bill, strike out "the same as the building of highways, freeways and speedways for the use of motorists".

##### Amendment No. 3

On page 2 of said bill, strike out lines 37 to 41, inclusive.

##### Amendment No. 4

On page 2, line 43, of said bill, strike out "5708", and insert "5707".

##### Amendment No. 5

On page 2, line 46, of said bill, strike out "5709", and insert "5708".

**Amendment No. 6**

On page 2, line 50, of said bill, strike out "5710", and insert "5709".

**Amendment No. 7**

On page 3, line 4, of said bill, strike out "5711", and insert "5710".

**Amendment No. 8**

On page 3, line 9, of said bill, strike out "5712", and insert "5711".

**Amendment No. 9**

On page 3, line 23, of said bill, strike out "5713", and insert "5712".

**Amendment No. 10**

On page 3, line 29, of said bill, strike out "5714", and insert "5713".

**Amendment No. 11**

On page 3, line 34, of said bill, strike out "5715", and insert "5714".

**Amendment No. 12**

On page 4, lines 35 and 36, of said bill, strike out "The commission may call upon the Attorney General or may employ its own counsel and legal staff", and insert "The Attorney General shall act as counsel for the commission".

**Amendment No. 13**

On page 5, line 45, of said bill, strike out "call upon", and insert "request".

**Amendment No. 14**

On page 5 of said bill, strike out line 50, and insert "Any of such departments or agencies may".

**Amendment No. 15**

On page 6 of said bill, strike out all of lines 1 to 10, inclusive.

**Amendment No. 16**

On page 6, line 12, of said bill, strike out "5744", and insert "5743".

**Amendment No. 17**

On page 6, line 26, of said bill, strike out "5745", and insert "5744".

**Amendment No. 18**

On page 6, line 32, of said bill, after "chapter.", insert "The Department of Public Works may, if it deems it feasible, enter into any such contract with the commission."

**Amendment No. 19**

On page 6, line 34, of said bill, strike out "5746", and insert "5745".

**Amendment No. 20**

On page 8, line 11, of said bill, strike out "fourth", and insert "fifth".

**Amendment No. 21**

On page 8, line 12, of said bill, strike out "fifth", and insert "sixth".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 797**—An act to amend Section 3423 of the Public Resources Code, relating to the imposition of a tax lien and the enforcement thereof by summary seizure and sale of property.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 9, of the printed bill, after the period, following "year", insert "The lien may be enforced and the charges collected by an action by the State Controller as provided by this article."

**Amendment No. 2**

On page 1, lines 15, 16, and 17, of said bill, strike out "proceed to collect the tax, interest or penalties due from the assessee in the following manner: The Controller may".

**Amendment No. 3**

On page 2, line 1, of said bill, strike out "be paramount to all private liens and encumbrances", and insert "have the same force, effect and priority as a judgment lien".

**Amendment No. 4**

On page 2 of said bill, strike out all of lines 3 to 36, inclusive, and insert "A warrant may be issued by the State Controller or his duly authorized representative for the collection of any tax, interest and penalty and for the enforcement of any lien directed to the sheriff or constable, and shall have the same effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and sale pursuant to a writ of execution. The sheriff or constable shall receive, upon the completion of his services pursuant to a warrant, and the Controller is authorized to pay to him the same fees and commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Controller rather than by the court; said fees, commissions and expenses shall be an obligation of the person or persons liable for the payment of said tax and may be collected from such person or persons by virtue of the warrant or in any other manner provided in this article for the collection of such tax."

**Amendment No. 5**

On page 2, line 40, of said bill, after "release", insert "by certificate as hereinabove provided".

**Amendment No. 6**

On page 2 of said bill, strike out all of lines 45 to 51, inclusive.

**Amendment No. 7**

On page 3 of said bill, strike out all of lines 1 to 8, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 577**—An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 853**—An act to amend Section 1233 of the Probate Code, relating to rules of practice in probate matters, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, after "therein", insert "and in uncontested proceedings to establish a record of birth".

**Amendment No. 2**

On page 1, line 22, of said bill, after "proceedings," insert "and in uncontested proceedings to establish a record of birth,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 65**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 15, of the printed bill, strike out "seven thousand five hundred dollars (\$7,500)", and insert "eight thousand five hundred dollars (\$8,500)".

**Amendment No. 2**

On page 1, line 17, of said bill, after "hundred", insert "seventy-five".

**Amendment No. 3**

On page 1, line 18, of said bill, strike out "\$500", and insert "\$575)".

**Amendment No. 4**

On page 1, line 19, of said bill, strike out "dollars (\$500)", and insert "seventy-five dollars (\$575)".

**Amendment No. 5**

On page 1, line 21, of said bill, strike out "twenty-five dollars (\$325)", and insert "fifty dollars (\$350)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1076**—An act to add Section 6060.6 to the Business and Professions Code, relating to admission to the practice of law.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 to 13, inclusive, and insert "6060.6. Any student who has heretofore registered and commenced the study of law, or who may hereafter register and commence the study of law prior to termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in a law school accredited by the examining committee which requires substantially the full time of its students for 24 months, or a part only of its students' time for 36 months, and who shall have graduated from such school, shall be deemed to have satisfied the requirements of Subsection (1) or (2) of subdivision (g) of Section 6060; provided, however, that the course of study in such law school shall consist of a minimum of 1,080 hours of classroom instruction, and 90 weeks of full-time work or 144 weeks of part-time work; and provided further, that such course must have been completed at least 90 days prior to the date of the bar examination which the student applies to take."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 527**—An act to amend Section 101 of and to add Section 103a to the State Employees' Retirement Act, relating to retirement benefits for members of the California Highway Patrol.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 528**—An act to amend Sections 4803 and 4804 of the Labor Code, relating to disability indemnities for members of the California Highway Patrol.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 655**—An act amending an act entitled "An act to provide emergency unemployment relief through State loans in aid of counties and municipalities administering such relief; providing for the issue of bonds, and making appropriations for such purposes and declaring the urgency thereof," approved April 29, 1933, by adding thereto one new section, to be Section 23½ thereof.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 664**—An act to include in the State civil service all persons appointed or employed by or under the State Board of Prison



Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 362**—An act to add a new Article 4 to Chapter 8 of Title 1 of Part 3 of the Penal Code to permit paroles of men from State prisons, county jails and city jails into the armed forces of the United States during the war emergency and to create a new form of parole for such persons to be known as Special Service Parole, making an appropriation therefor, declaring the urgency of this measure and providing that it should take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

On page 4, line 6, of the printed bill, as amended, after "\$5,000", insert "to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years".

##### Amendment No. 2

On page 4 of the printed bill, as amended, after line 8, insert "SEC. 2. The money herein appropriated is in addition to, and in augmentation of, Item 183 in Section 2 of the "Budget Act of 1943.""

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 801**—An act to amend Section 1030 of the Political Code, relating to office and working hours.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "to amend Section 1030 of the Political Code,".

##### Amendment No. 2

In line 2 of the title of said bill, before the period, insert "and the payment of overtime compensation, to add Section 73 to the State Civil Service Act in connection therewith and declaring the urgency thereof, to take effect immediately".

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 9, inclusive, and insert

"SECTION 1. Section 73 is hereby added to the State Civil Service Act, to read as follows:

Sec. 73. Every State employee compensated on a monthly basis required and ordered to work in excess of a normal work week as established by the State Personnel Board for the class of his position, shall receive overtime compensation based on his regular rate of pay for all such overtime; provided, that no overtime compensation shall be paid on any portion of an employee's regular rate of pay in excess of two hundred fifty dollars (\$250) per month.

Within 90 days of the effective date of this section, the State Personnel Board shall for each class in the State service for which a monthly salary range is fixed determine and establish the normal work week for the class. For purposes of determining eligibility for overtime compensation, the State Personnel Board shall allocate, and reallocate as the needs of the service require, each State civil service class for which a monthly salary range is fixed into one of the following groups:

(1) Classes with a normal work week of 40 hours;

(2) Classes with a normal work week of 44 hours;

(3) Classes with a normal work week of 48 hours;

(4) Classes which can not be included in any plan of payment for overtime because

(a) While requiring at least 40 hours per week, the duties and responsibilities are such that they do not adapt themselves to a maximum number of hours per week;

(b) The performance of duties is required on a part-time or intermittent basis and does not amount to a maximum of 40 hours per week.

Nothing in this act shall be construed as prohibiting the granting of compensating time off in lieu of overtime worked where such compensating time off can be granted within 30 days of the date worked and where it can be granted without impairing the services rendered by the agency. The State Personnel Board shall adopt rules and regulations governing overtime compensation as herein provided.

SEC. 2. Within 30 days of the effective date of this act, every department, bureau, board, commission, or office in which there are employees not subject to State civil service shall submit to the State Personnel Board all information necessary for a determination of the normal work week for each such employee. The State Personnel Board shall within the time limits herein designated determine and establish the normal work week for exempt employees in the same manner as that prescribed for civil service employees. All such employees shall be entitled to overtime compensation on the same basis as provided for civil service employees under Section 73 of the State Civil Service Act.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting said necessity is as follows:

During the present emergency, lack of manpower has demonstrated the necessity of immediately making some provision for the payment of overtime to State employees in order that their services may be utilized over and above the presently established normal work week. Unless their services can be used, it will be necessary to attempt to obtain much less experienced help from other sources, with the result that the cost of services rendered will be greatly increased. It is for the best interests of the State service that this act therefore go into effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 1051**—An act making an appropriation for the education of the public concerning cancer, and for the control thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

In line 1 of the title of the printed bill, after "appropriation", insert "to the Department of Public Health".

##### Amendment No. 2

On page 1, line 2, of said bill, strike out "-----", and insert "fourteen thousand dollars (\$14,000)".

##### Amendment No. 3

On page 1, line 3, of said bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years by the State Department of Public Health for the payment of personnel and other expenses incurred".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 29**—An act to amend Sections 9201, 9202 and 9203 of the Health and Safety Code, relating to cemeteries.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 374**—An act to add Section 485.5 to the Health and Safety Code, relating to contracts for local health administration.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 721**—An act to amend Sections 132, 5901 and 5931 of the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Elections:

**Amendment No. 1**

On page 3, line 28, of the printed bill, as amended, after "affidavit", insert "of registration".

**Amendment No. 2**

On page 4, line 20, of the printed bill, as amended, strike out "one day", and insert "five days".

**Amendment No. 3**

On page 3, line 26, of the printed bill, as amended, strike out "30", and insert "60".

**Amendment No. 4**

On page 3, line 51, of the printed bill, as amended, strike out "30", and insert "60".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 75**—An act to add Chapter 10.5, comprising Section 567, to Division 9 of the Vehicle Code, and to add Section 146 to the Streets and Highways Code, relating to equestrian crossings, declaring the urgency hereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

Strike out lines 1 to 5, inclusive, of the title of the printed bill, and insert "An act to add Section 555 to the Vehicle Code, relating to equestrian crossings."

**Amendment No. 2**

On page 1 of said bill, strike out all of lines 1 to 25, inclusive; and on page 2, strike out all of lines 1 to 21, inclusive, and insert

"SECTION 1. Section 555 is hereby added to the Vehicle Code, to read:  
555. Equestrian Crossings. (a) The State Department of Public Works and local authorities with respect to highways under their jurisdiction may designate any intersection of a highway and a bridle path or equestrian crossing by erecting on such highway at or near the approach to such intersection appropriate signs of a type approved by the Department of Public Works indicating such crossing and such crossmarks, safety devices or signals as such authorities may deem necessary to safeguard both the vehicular traffic and any equestrian at such crossing.

(b) The driver of a vehicle shall yield the right of way to any horseback rider crossing a roadway at an equestrian crossing designated by signs giving notice thereof as provided in this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 124**—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "department", and insert "State Controller".

**Amendment No. 2**

On page 1, line 6, of said bill, strike out "department", and insert "State Controller".

**Amendment No. 3**

On page 2, lines 15 and 16, of said bill, strike out "Department of Public Works", and insert "Controller".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 337**—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 17, of the printed bill, after "emergency", insert ", unless directed to do so by a member of the fire department or police department, deputy sheriff, or member of the California Highway Patrol".

**Amendment No. 2**

On page 1, line 12, of the printed bill, strike out "or parked".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 863**—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "44.2", and insert "44.4".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "44.2", and insert "44.4".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "44.2", and insert "44.4".

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "a motor vehicle owned or operated by a person"; and strike out lines 6 to 17, inclusive, and insert "Where a person owns or operates a factory, building or plant engaged solely in producing equipment for the armed forces of the United States and who employs a minimum of five (5) firemen and twenty (20) police officers on a regular, full-time basis in said factory, building or plant, the fire-fighting equipment and motor vehicles engaged in fire prevention work in said factory, building or plant, when operated by said firemen or by the director of plant protection for said factory, building or plant, are authorized emergency vehicles."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 964**—An act to add Section 276.5 to the Vehicle Code, relating to operator's license.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "operator's", and insert "drivers'".

**Amendment No. 2**

On page 1, line 3 of said bill, strike out "operator's", and insert "drivers'".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 970**—An act to add Section 17.5 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to the refunding of debts, and to the issuance of bonds in connection therewith.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 60**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 433**—An act to amend Sections 318, 473 and 613.2 of, and to add Section 614 to, and to repeal Section 653 of, the Streets and Highways Code, relating to the State highway routes, and adding a new route.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 975**—An act to amend Section 142 of the Vehicle Code, relating to exemptions from registration.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1394**—An act to add Parts 3 and 4, comprising Sections 7301 to 8557, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relating to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions.

Bill read second time.

**Motion to Re-refer Assembly Bill No. 1394**

Senator Seawell moved that Assembly Bill No. 1394 be re-referred to Committee on Finance.

Motion carried.

**Assembly Bill No. 386**—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustee affecting real property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 413**—An act to add Section 17 to the Agricultural Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 414**—An act to amend Section 422 of the Probate Code, relating to the administration of estates of persons dying intestate.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 415**—An act to add Section 4 to the Probate Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 416**—An act to add Section 3 to the Fish and Game Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 479**—An act to amend Sections 4530, 4531 and 4532 of the Penal Code, relating to escapes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 532**—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1025**—An act to amend Section 756.5 of the Probate Code, relating to sale of personal property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1026**—An act to add Section 754.5 to the Probate Code, relating to the sales of personal and real property as a unit.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1281**—An act amending Section 2356 of the Civil Code, relating to the revocation of an agent's powers, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 740**—An act to add Section 2714 to the Penal Code, relating to the payment of wages to prisoners.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended April 1, 1943, after "amend", strike out "Section 2712", and insert "Sections 2712 and 2766".

**Amendment No. 2**

In line 2 of the title of said bill, after "wages", insert "and workmen's compensation benefits".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

Add a new section to the bill as follows:

"SEC. 2. Section 2766 of the Penal Code is hereby amended to read:

2766. This [article] chapter is not intended to restore, in whole or in part, the civil rights of any prisoner [used hereunder] and said [article] chapter shall not be so construed. No prisoner [so used on the State highway or roads] shall be considered as an employee [or to be employed by the State Highway Commission], nor shall any such prisoner come within any of the *beneficial* provisions of [the Workmen's Compensation, Insurance and Safety Act of 1917] *Division 4 of the Labor Code* or be entitled to any benefits thereunder whether on behalf of himself or that of any other person."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 489**—An act to add a new section to be numbered 14, to an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, and to add a new section, to be numbered 10, to an act entitled "An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands," approved April 22, 1937, relating to State lands, and extending time in respect to such lands, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "add a new."; strike out lines 2 to 12, inclusive; and in line 13, strike out "in respect to such lands", and insert "provide for extension of time on contracts of purchase of State-owned lands,".

**Amendment No. 2**

On page 5 of said bill, as amended, strike out all of lines 23 to 37, inclusive, and insert

"If all interest due to the State under a contract for the purchase of State-owned lands is paid on or before June 15, 1943, the State Lands Commission may, in its discretion, and upon the application of the purchaser, extend the time for payment of the purchase price of such land to not later than five years after termination of hostilities between the United States and all countries with which the United States is at war, as determined by an act of Congress or proclamation of the President of the United States.

Whenever the time of payment shall be so extended the commission shall require that interest shall be paid on the unpaid balance of the contract and may require

that periodic payments in an amount to be determined by the commission shall be made on account of the principal indebtedness. The extension agreement shall provide that the extension shall be terminated upon failure of the purchaser to pay the interest and to make payments on account of principal indebtedness if any are required."

**Amendment No. 3**

On page 5, line 38, of said bill, as amended, strike out "3", and insert "2".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1258**—An act to amend Section 435 of the Political Code, relating to the reversion of unexpended balances of certain appropriations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1528**—An act to amend Sections 150 and 151 of, and to add Section 96.6 to the State Civil Service Act, relating to the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1862**—An act to amend Sections 3d and 38d of, and to add Section 28b to, the State Employees' Retirement Act, relating to authorizing the inclusion of any bridge and highway district in such retirement system.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 327**—An act to amend Section 1215 of the Health and Safety Code, relating to applicability of clinic and dispensary licensing provisions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 1, line 13, of the printed bill, strike out the period, and insert "or teaching or educational institution exempt from income taxation under the Federal revenue acts."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1777**—An act to add Section 5418.5 to the Health and Safety Code, relating to sewerage.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, strike out "12", and insert "24".

**Amendment No. 2**

On page 1, line 12, of said bill, as amended, strike out "three", and insert "four".



**Amendment No. 3**

On page 1, line 13, of said bill, as amended, strike out the period, and insert "and shall not be guilty of a violation of this section until the expiration of said periods."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 707**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," as amended, relating to poison schedules and economic poisons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1936**—An act to amend Section 347½ of the Penal Code, relating to the sale and use of drugs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1762**—An act authorizing the investment of surplus funds of any bridge and highway district, incorporated under the act of May 25, 1923, of the State of California, in bonds and other obligations for the payment of which the faith and credit of the United States of America are pledged and legalizing all such investments heretofore made, and authorizing such bridge and highway districts to use such surplus funds for the refunding or partial refunding of any existing bonded indebtedness of bridge and highway districts.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 13 of the title of the printed bill, as amended, after "purposes", insert ", declaring the urgency of this act, to take effect immediately".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out "keep invested", and insert "reinvest".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out the semicolon, and insert a period.

**Amendment No. 4**

On page 2, line 1, of said bill, strike out "and", and insert "Such board of directors is authorized and empowered".

**Amendment No. 5**

On page 2, line 6, of said bill, strike out "shall be and become", and insert "may be made".

**Amendment No. 6**

On page 2 of said bill, between lines 7 and 8, insert "No investment shall be made pursuant to this section except in negotiable bonds or negotiable obligations."

**Amendment No. 7**

On page 2, line 14, of said bill, strike out "keep invested", and insert "reinvest".

**Amendment No. 8**

On page 2, line 27, of said bill, strike out "shall become", and insert "may be made".

**Amendment No. 9**

On page 2 of said bill, between lines 29 and 30, insert "No investment shall be made pursuant to this section except in negotiable bonds or negotiable obligations."

**Amendment No. 10**

On page 2, line 30, of said bill, strike out "shall take effect", and insert "becomes operative".

**Amendment No. 11**

On page 2 of said bill, after line 34, insert

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

This act provides for the investment of public funds in bonds and obligations of the United States and will aid in the successful prosecution of the war and in so doing will promote the public peace and safety of this State. Inasmuch as the United States is now making great efforts to dispose of billions of dollars worth of Government securities it is necessary that this act take immediate effect in order to assist the present program of the Federal Government."

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 279**—An act to amend Section 11 of the Motor Vehicle Fuel License Tax Act and to add Section 8104.5 to, and to amend Section 8105 of, the Revenue and Taxation Code, relating to refunds.

**Bill read second time, and ordered to third reading.**

**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill No. 613**—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California, at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 613?

**Amendment No. 1**

On page 1, line 11, of the printed bill, strike out "either with or without".

**Amendment No. 2**

On page 1, line 12, of said bill, strike out "in such lands, for cash at", and insert "including oil and gas in such lands, and reserving to the State or persons authorized to do so by the State the right to prospect for, extract and remove, said minerals, oil and gas therefrom, for cash at".

**Amendment No. 3**

On page 1, line 8, of the printed bill, as amended, strike out "Stanislaus", and insert "Merced".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 613 by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle and Ward—27.

**NOES**—None.

**Above bill ordered enrolled.**

**Consideration of Assembly Amendments**

**Senate Bill No. 562**—An act to amend Section 50½ of the Public Utilities Act, relating to fees for applications for certificates of public convenience and necessity.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 562?

**Amendment No. 1**

On page 2, line 50, of the printed bill, after "operating", insert "in the immediate vicinity".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 562 by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Mayo, McBride, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—25

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 726**—An act to amend Section 4041.11 of the Political Code, relating to control of dogs and predatory animals.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 726?

**Amendment No. 1**

On page 1, line 1, of the printed bill, strike out "1041.11", and insert "4041.11"

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 726 by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered 13.11a, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to dissent from a plan as defined in said Section 13.11a, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities or properties so received.

Pursuant to his motion previously made, Senator DeLap moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1531 was passed.

The roll was called, and Assembly Bill No. 1531 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

**Motion to Re-refer Assembly Bill No. 1531**

Senator DeLap moved that Assembly Bill No. 1531 be re-referred to Committee on Financial Institutions.

Motion carried.

**MOTION TO RE-REFER SENATE BILL NO. 415**

Senator Crittenden moved that Senate Bill No. 415, A-19 on the inactive file, be re-referred to Committee on Financial Institutions.

Motion carried.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 714**—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Pursuant to his motion previously made, Senator Jespersen moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 714 was passed.

The roll was called, and Senate Bill No. 714 refused reconsideration by the following vote:

AYES—Senators Biggar, Breed, DeLap, Dillinger, Donnelly, Gordon, Jespersen, Judah, Quinn, Rich, Slater, Swan, Tickle, and Ward—14.

NOES—Senators Brown, Burns, Carter, Collier, Crittenden, Deuel, Engle, Fletcher, Hatfield, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Swing, and Tenney—21.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 273 was taken up.

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

**Motion to Reset Special Order**

Senator Quinn moved that Senate Bill No. 273 be made a special order of business for Thursday, April 15, 1943, at 2.30 p.m.

Motion carried.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.45 p.m. having arrived, Assembly Bill No. 1387 was taken up.



**Assembly Bill No. 1387**—An act to add Sections 53.55 and 53.65 to the Alcoholic Beverage Control Act, relating to containers, cartons, and bottles.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, strike out all of lines 5 to 9, inclusive, and insert "Sec. 53.65. No empty "single".

**Amendment No. 2**

On page 2, lines 27 and 28, of the printed bill, strike out "of a different shape". and insert "other".

**Amendment No. 3**

On page 2, line 30, of the printed bill, strike out "or weight of glass".

**Amendment No. 4**

A new section is added to the printed bill as follows:

"Sec. 3. Section 2 of this act shall remain in effect until the ninety-first day after final adjournment of the Fifty-fifth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

Amendments read.

Roll call demanded by Senators Rich, Carter, and Seawell.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Breed, Carter, DeLap, Dillinger, Donnelly, Engle, Gordon, Rich, and Swan—10.

**NOES**—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Fletcher, Hatfield, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—27.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments to Assembly Bill No. 1387:

**Amendment No. 1**

On page 2, line 6, of the printed bill, as amended, strike out "except for export," and insert "or elsewhere".

**Amendment No. 2**

On page 2 of said bill, strike out lines 13 to 21, inclusive, and insert "bottles."

Amendments read.

**Motion to Table**

Senator Luckey moved that the amendments offered by Senator Carter to Assembly Bill No. 1387 be laid on the table.

Roll call demanded by Senators Rich, Swan, and Engle.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Brown, Burns, Collier, Cunningham, Deuel, Fletcher, Hatfield, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—25.

**NOES**—Senators Biggar, Breed, Carter, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Rich, Swan, and Ward—12.

**Further Consideration of Assembly Bill No. 1387**

**Assembly Bill No. 1387**—An act to add Sections 53.55 and 53.65 to the Alcoholic Beverage Control Act, relating to containers, cartons, and bottles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—28.

**NOES**—Senators Breed, Carter, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Rich, and Swan—10.

Bill ordered transmitted to the Assembly.

**Senator Biggar Presiding**

At 4.24 p.m., Senator Biggar of the Fourth District, presiding.

#### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 765**—An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 765?

##### Amendment No. 1

On page 1, line 12, of the printed bill, following "duties", insert "and a per diem of fifteen dollars (\$15) per day while in attendance at the meetings of the commission".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 765 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Dorsey, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Salsman, Seawell, Shelley, Tenney, and Ward—21.

**NOES**—Senators Carter, Cunningham, DeLap, Donnelly, Engle, Fletcher, Gordon, McCormack, Parkman, Powers, Quinn, Rich, Slater, Swan, and Swing—15.

Above bill ordered enrolled.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Tenney, ordered printed in the Journal:

CENTRAL LABOR COUNCIL OF LOS ANGELES  
LOS ANGELES, CALIFORNIA, April 12, 1943

*Hon. Jack B. Tenney  
State Senator, Sacramento, California*

MY DEAR SENATOR: It was with a great deal of interest that I read in Saturday morning's papers the announcement of the submission of your committee's report to the State Legislature, and while I have some criticism as to certain of its recommendations concerning legislation affecting the internal control of the affairs of local unions, I want to compliment you upon the report as a whole.

I can not help but feel that you and your committee have done the people of the State of California, yes, and of the whole United States, an immeasurable service.

You, of course, know my views upon the Communists, Nazi Bunds, and other organizations of that type, and particularly of the Communists, and that I think every American labor union ought to expel them from their ranks, and I think also, that during the war, at least, it should go further than that, that they should be prohibited from working in war plants or places where any information upon military matters could be secured that would be of value to an enemy of this Country.

The newspaper accounts of your report hint that the committee dwelt upon the subject of the activities of the Communists and the C. I. O. prior to the entrance of Russia into the World War in June of 1941, and refers to the many so-called strikes that took place in defense industries the months immediately preceding that time.

I earnestly hope that your committee went into that phase of Communist activity to a full extent, because I feel that if it did, it will find that there was a well-laid

pattern by the Communists to do three things, first, to deliberately prevent any labor dispute from being settled without a strike, regardless of how good a settlement could have been made on behalf of the workers in an industry, without a strike. Second, that this portion of the program had a double purpose, one of them to hinder, interrupt, and make impossible the then program of defense preparations that was then being carried on by the United States Government in anticipation of the inevitable entrance of this Country into the World War. The other objective was a well-defined plan to capitalize upon the then mounting unpopularity of the trade union movement, which was reflected in the legislation that was then being proposed in Congress, and in the several State Legislatures, and which had for its avowed purpose the outlawing of labor unions and their legitimate activities.

The Communists felt that if a sufficient amount of labor disturbances, and particularly unjustifiable strikes like that at the North American Aviation Co. plant and the Harvil Die Casting Co. plant here in Los Angeles, that Congress would pass legislation depriving labor unions of the right of assemblage, and control of their own operations; of the right to strike; and of the right of collective bargaining.

The Communists felt that the American working people had enjoyed so many liberties for so many years, that if Congress could be fooled into passing legislation to take those liberties away from the working people of this Country, it would lay the foundation of what the Communists called the "Grand Strike," and would be a springboard from which it could incite general strikes all over the Country.

They pointed out in their letters of instructions to their organizers and directors, that even the most conservative trade unionists, mentioning many names, such as Bill Green, Dan Tobin, myself, and others, would rebel against such restrictive legislation, and that, as a consequence of the precipitation of a fight for freedom of action by the workers of this Country, there would be none to oppose the leadership of the Communist Party and thereby transforming the so-called "Grand Strike" into a plain revolution.

I know, and you know, that such a program sounds fantastic, and that there are few who would believe that it exists, but I have become firmly convinced that a very major part of the strategy of the Communists is to lay their plans in such a fantastic manner that the average layman would not believe them, and, in itself, it furnishes the finest cover-up and refuge for them when they are attacked in our unions and other places.

I earnestly hope that the Legislature will continue your committee and will supply it with ample funds to more thoroughly and exhaustively go into this matter, because I am sure that if that is done, that the people of the State of California will have the opportunity, at least, to learn what is going on under their noses, and, surely, when they do learn it, they will appreciate the fact that America has a greater menace, and a far more dangerous enemy within our own borders, one that we meet every day, than all the combined Axis forces put together.

I am also sure that such a continued investigation will bring out facts that if the American people will only read and understand, will prove to them that the babies that our Soldiers, Sailors and Marines are leaving behind them now, will be just about old enough to be again drawn into the armed forces of this Country to engage in a war that will be forced upon America by the Communist Government of Russia in order to prevent that government from doing the very same thing that the German Government under Hitler, and the Italian Government under Mussolini, and the Japanese Government under Tojo, are now doing.

You have done a splendid job so far, Jack, and the people of this State owe you a far greater debt of gratitude than they will ever realize.

I would appreciate it a lot if you would send me a copy of your complete report, which I would like to present, a part at a time, to the delegates of the Los Angeles Central Labor Council from the many unions that make up that splendid body, so they may take the story back to the membership of those unions.

With all good wishes, and a pat on the back for the splendid job you have done, believe me to be

Sincerely and fraternally yours,

J. W. BUZZELL, Secretary-Treasurer  
Los Angeles Central Labor Council

P.S. If this letter is of any value to you, you may use it in any way you wish.  
J.W.B.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.



Pursuant to his motion previously made, Senator Ward moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 998 was refused passage.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 4.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1929**—An act to repeal Chapter 3 of Part 2 of Division 2 of the Military and Veterans Code and Sections 8, 9, 10, 11 and 12 of the California Guard Act of 1942 and to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the California State Guard, providing for the pay, privileges, allowances and rights of the California State Guard, for the organization and administration of the California State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school busses available for use by the California State Guard, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Slater moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 34, of the printed bill, strike out "chapter", and insert "Chapter 4 of Part 2 of Division 2 of the Military and Veterans Code which is added by this act".

**Amendment No. 2**

On page 2, line 36, of said bill, strike out "this", and insert "said".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1631**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 22, of the printed bill, as amended, strike out "to have", and insert "who has".

Amendment read and adopted.

Bill ordered printed, and to third reading.



## RESOLUTIONS

The following resolution was offered:

By Senators Engle, Hatfield, Mayo, Powers, Carter, Seawell, Brown, and Donnelly:

## Senate Resolution No. 104

Relative to grazing of cattle on or adjacent to National parks

WHEREAS, The war effort requires increased production of live stock and to that end various agencies of the Federal Government have requested and sought to encourage the increased production thereof; and

WHEREAS, Over one-half million acres of California's best range land are now in military reservations where live stock can not be grazed, and this loss must be replaced by other land if increased production is to be had; and

WHEREAS, There are within the State of California several National parks which have an over abundant supply of feed capable of supporting large numbers of live stock throughout the summer months without endangering the food supply for deer and other wild life and without interfering with the use and enjoyment of such parks by tourists who are now unable to use the park facilities to the same extent as in years past; and

WHEREAS, Thousands of acres of range lands adjacent to the Lassen Volcanic National Park heretofore used have been made unusable for grazing purposes because of threatened live stock trespass action against live stock owners in the event their live stock wanders into the park and by requiring fencing which was not heretofore required; and

WHEREAS, By reason of the aforesaid policy thousands of acres of feed in the Counties of Tehama, Shasta, Lassen, Inyo, Tulare, Fresno, Mono, Tuolumne, Mariposa, and others have been made unusable to producers; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Federal authorities be and the same are hereby requested to make available the grazing lands within the National parks in California to the live stock producers of this State; and be it further

*Resolved*, That the lands adjacent to the Lassen Volcanic National Park be made available by a more liberal policy as to the incidental trespass of live stock from said lands in said park; and be it further

*Resolved*, That the Secretary of the Senate is directed to send by telegram a copy of this resolution to Honorable Harold L. Ickes, Secretary of the Interior, and to the Senators and Congressmen representing California in the Congress of the United States.

Resolution read, and unanimously adopted.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Burns:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 4608 to the Labor Code of the State of California, relating to workmen's compensation and insurance.

Respectfully submitted.

SENATOR BURNS

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator McBride:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 1199.5 to the Labor Code, relating to wages of women and minors.

Respectfully submitted.

SENATOR McBRIDE

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Tickle:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 373 of the Elections Code, relating to elections.

Respectfully submitted.

SENATOR TICKLE

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Kenting, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1097:** By Senator Burns—An act to add Section 4606 to the Labor Code of the State of California, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

**Senate Bill No. 1098:** By Senator McBride—An act to add Section 1199.5 to the Labor Code, relating to wages of women and minors.

Referred to Committee on Labor.

**Senate Bill No. 1099:** By Senator Tickle—An act to amend Section 373 of the Elections Code, relating to elections.

Referred to Committee on Elections.

**Senate Constitutional Amendment No. 26:** By Senator Biggar—A resolution to propose to the people of the State of California an amendment to the Constitution by amending part of Section 11 of Article VI, relating to the compensation of judges of the superior courts.

Referred to Committee on Local Government.

**Senate Concurrent Resolution No. 33:** By Senator Salsman — Approving an amendment to the charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electives of said city at a general municipal election held therein on the fifth day of April, 1943.

#### Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 33, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 33

**Senate Concurrent Resolution No. 33**—Approving an amendment to the charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electives of said city at a general municipal election held therein on the fifth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—25.  
NOES—None.

Resolution ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.11 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 998 was reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Tickle, and Ward—21.

NOES—Senators Carter, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Powers, Quinn, Shelley, Slater, Swan, Swing, and Tenney—15.

## Further Consideration of Senate Bill No. 998

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Bill read third time.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 5.16 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686, 687 and 695 of, and to repeal Section 662 of, the Elections Code, relating to precinct boards; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill be further amended as follows:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out “, and to repeal Section 662 of,”

CARLSON  
MILLER  
SHERIDAN

DILLINGER  
BREED  
WARD

Assembly Committee on Conference

Senate Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

**NOES**—None.

**REPORTS OF STANDING COMMITTEES**

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, April 12, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

**Assembly Bill No. 1747**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

**Assembly Bill No. 639**

**Assembly Bill No. 640**

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.



**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 133**—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class;

**Senate Bill No. 451**—An act to add Section 249 to, and to amend Sections 250, 257, and 268 of the Health and Safety Code, relating to services for physically handicapped children providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government;

**Senate Bill No. 506**—An act to add Section 156.1 to the Welfare and Institutions Code, relating to travel expenditures by the Department of Institutions;

**Senate Bill No. 563**—An act to amend Section 675 of the Political Code, relating to the powers of the Director of Finance;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 678**—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment;

**Senate Bill No. 699**—An act to add Section 1407 to the Elections Code, relating to the initiative;

**Senate Bill No. 808**—An act to abolish the Waste Utilization Commission and to provide for the transfer of its property, powers, and duties to the Department of Agriculture, and to repeal certain acts specified herein;

**Senate Bill No. 959**—An act to amend Section 4280 of the Political Code, relating to the compensation of public personnel;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 29

Senate Bill No. 527

Senate Bill No. 60

Senate Bill No. 528

Senate Bill No. 577

Senate Bill No. 655

Senate Bill No. 664

Senate Bill No. 656

Senate Bill No. 853

Senate Bill No. 837

Senate Bill No. 374

Senate Bill No. 970

Senate Bill No. 433

Senate Bill No. 975

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1505

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## \*ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 227  
Senate Bill No. 299

Senate Bill No. 512  
Senate Bill No. 649

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 338  
Senate Bill No. 742

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 198  
Assembly Bill No. 344  
Assembly Bill No. 387  
Assembly Bill No. 544  
Assembly Bill No. 708  
Assembly Bill No. 919  
Assembly Bill No. 923  
Assembly Bill No. 995  
Assembly Bill No. 1005  
Assembly Bill No. 1035  
Assembly Bill No. 1081  
Assembly Bill No. 1158

Assembly Bill No. 1179  
Assembly Bill No. 1194  
Assembly Bill No. 1196  
Assembly Bill No. 1198  
Assembly Bill No. 1270  
Assembly Bill No. 1430  
Assembly Bill No. 1592  
Assembly Bill No. 1633  
Assembly Bill No. 1701  
Assembly Bill No. 1934  
Assembly Bill No. 1964

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 198**—An act to add Sections 10580 and 10581 to the Health and Safety Code, relating to birth certificates.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 344**—An act to amend Section 142 of the Vehicle Code, relating to exemption from registration.

Referred to Committee on Transportation.

**Assembly Bill No. 387**—An act to authorize municipal and county governments to vacate certain easements and providing a procedure therefor.

Referred to Committee on Local Government.

**Assembly Bill No. 544**—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 708**—An act to amend Section 4045 of the Business and Professions Code, and to amend Section 1066 of and add Section 1066.5 to the Agricultural Code, relating to economic poisons.

Referred to Committee on Business and Professions.

**Assembly Bill No. 919**—An act to add Section 57.2 to, and to amend Sections 62, 93, 95, 96, 131, and 132 of, the County Employees Retirement Act of 1937, relating to retirement.

Referred to Committee on Local Government.

**Assembly Bill No. 923**—An act authorizing municipal corporations to compromise litigation wherein the United States of America seeks to condemn tide or submerged lands heretofore granted such municipal corporation.

Referred to Committee on Judiciary.

**Assembly Bill No. 995**—An act to validate contracts between public utility districts and individuals, firms or corporations for the joint payment for or joint construction or joint use of sewers or sewer facilities or for the purchase of rights or capacity in any sewer or sewer facilities constructed by such districts.

Referred to Committee on Judiciary.

**Assembly Bill No. 1005**—An act to add Section 17a to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges, and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereto," approved May 25, 1923, and to add Section 27228 to the Streets and Highways Code, authorizing the refunding of existing indebtedness, whether bonded or otherwise, and for the issuance of bonds and other indebtedness in aid of the refunding of existing bonds, or the creation of a new bonded indebtedness.

Referred to Committee on Transportation.

**Assembly Bill No. 1035**—An act to provide for the formation of districts within municipalities for the acquisition, construction, maintenance and operation of parking places, garages and other improvements for the parking of motor vehicles; the levy and collection of assessments upon property in said districts; the issuance, sale and payment of bonds secured by such assessments; the collection of rentals, fees and charges for the use of such parking places, garages or other improvements; the administration thereof; the levy of taxes; and the powers and duties of cities relating thereto.

Referred to Committee on Local Government.

**Assembly Bill No. 1081**—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Referred to Committee on Local Government.

**Assembly Bill No. 1158**—An act to add Section 474b to the Political Code, relating to the collection of claims or judgments due the State.

or to any department, board or commission, under one thousand dollars (\$1,000), and payment for services therefor.

Referred to Committee on Judiciary.

**Assembly Bill No. 1179**—An act to amend Sections 6726 and 6727 of the Welfare and Institutions Code, relating to payment for family care and other needs of patients on parole from State hospitals, and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1194**—An act to amend Sections 6720 and 6721 of the Welfare and Institutions Code, relating to escapes and return from parole of patients under the jurisdiction of a State hospital.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1196**—An act to amend Section 5050.7 of the Welfare and Institutions Code, relating to the apprehension of mentally ill or insane persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1198**—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Referred to Committee on Judiciary.

**Assembly Bill No. 1270**—An act to amend Section 160 and to add Sections 55.5 and 154 to the County Employees Retirement Act of 1937, relating to retirement.

Referred to Committee on Local Government.

**Assembly Bill No. 1430**—An act to amend Section 797 of the Fish and Game Code, relating to abalones, and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1592**—An act to add Part 10, comprising Sections 17001 to 19452, inclusive, to Division 2 of, and to add Section 50015 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Personal Income Tax Act, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1633**—An act to add Sections 195.5 and 1623.5 to the Streets and Highways Code, relating to expenditure of money allocated to counties, cities, and cities and counties.

Referred to Committee on Transportation.

**Assembly Bill No. 1701**—An act to amend Section 4 of the "Municipal Water District Act of 1911," relating to elections therein.

Referred to Committee on Local Government.



**Assembly Bill No. 1934**—An act to add Section 3056 to the Business and Professions Code, relating to the admission to practice optometry, to take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1964**—An act to amend Section 4310 of the Political Code, relating to sheriffs' special funds.

Referred to Committee on Local Government.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 6.06 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 998 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Tickle, and Ward—21.

**NOES**—Senators Carter, Crittenden, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Kenting, McCormack, Powers, Quinn, Shelley, Slater, Swan, Swing, and Tenney—16.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 994**—An act to amend Section 13 of the Unemployment Insurance Act, relating to the definition of "suitable employment" under said act.

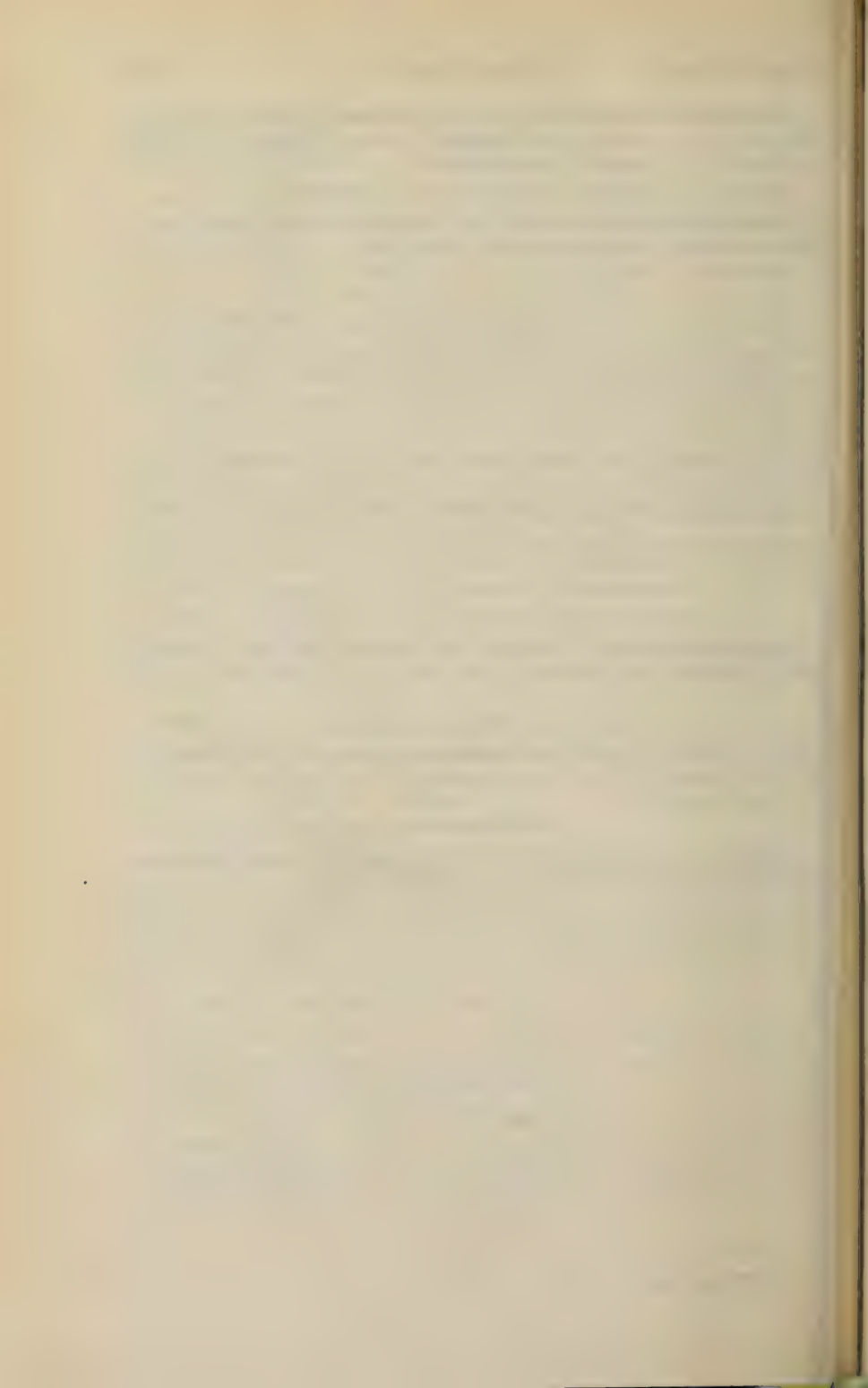
**Withdrawal of Motion to Reconsider**

Senator Shelley moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 994 was passed.

Motion carried.

**ADJOURNMENT**

At 6.09 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Thursday, April 15, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

ONE HUNDRED SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 15, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—37.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Rich, on motion of Senator Swing.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Barton B. Beek and J. Allan Beek, Jr., both of Balboa Island, sons of J. A. Beek, Secretary of the Senate.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. George R. Burris, manager of Placerville Times, Placerville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Katherine G. Pearson and daughter Geraldine K. Pearson, both of Scarsdale, New York.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Adah Taylor of Fresno.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his brother, Vincent J. Donnelly of Fresno.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Josie Bishop of Cantil, Kern County, and G. W. Garrard, Principal of Kern County Union Evening High School in Bakersfield.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John E. Carpenter, Principal, Evening Junior College in Sacramento.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James R. Tocher, Supervisor, First District, Middletown, Lake County, and Burt W. Busch, District Attorney, Lakeport.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. A. Fanner, Director for California to the National Reclamation Association of Exeter, and R. L. Patterson, President, Supervisors' Association of California, of Visalia.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1387

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### REPORTS OF STANDING COMMITTEES

##### Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 1092  
Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:  

Assembly Bill No. 669	Assembly Bill No. 626
Assembly Bill No. 144	Assembly Bill No. 632
Assembly Bill No. 445	Assembly Bill No. 915

 Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.



**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 458

Assembly Bill No. 472

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 8; absent 5.

DE LAP, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 335

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 8; absent 5.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 145

Assembly Bill No. 829

Assembly Bill No. 208

Assembly Bill No. 1169

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

DE LAP, Chairman

Above reported bills ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 589

Assembly Bill No. 1787

Senate Bill No. 1019

Assembly Bill No. 1171

Assembly Bill No. 945

Assembly Bill No. 1174

Assembly Bill No. 1337

Assembly Bill No. 1175

Assembly Bill No. 1338

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SHELLEY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 287

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 459

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

SHELLEY, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 561

Senate Bill No. 558

Senate Bill No. 733

Senate Bill No. 560

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 559

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 701

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

**President of the Senate Presiding**

At 1.10 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill No. 771**—An act to amend Section 1203.6 of the Fish and Game Code, relating to pheasants.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "between the third"; and strike out lines 4 to 10, inclusive, and insert "during a 15-day period commencing with the fourth Sunday in November. The bag limit is two per day and four in possession, except that not more than two such birds may be in possession on the first day of the open season."

Amendment read and adopted.

**Motion to Amend**

Senator Burns moved the adoption of the following amendment to Senate Bill No. 771:

**Amendment No. 1**

On page 1, lines 3 and 4, of the printed bill, strike out "the third Sunday in November", and insert "November 20th".

Amendment read.

**Motion to Table**

Senator Swan moved that the amendment offered by Senator Burns be laid on the table.

Motion carried.

**Motion to Amend**

Senator Burns moved the adoption of the following amendment to Senate Bill No. 771:

**Amendment No. 1**

On page 1, lines 3 and 4, of the printed bill, strike out "the third Sunday in November", and insert "November 15th".

Amendment read.

**Motion to Table**

Senator Swan moved that the amendment offered by Senator Burns be laid on the table.

Roll call demanded by Senators Burns, Tenney, and Brown.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Quinn, Salsman, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

**NOES**—Senators Brown, Burns, Cunningham, Luckey, Mayo, McBride, Powers, and Tenney—8.

Senate Bill No. 771 ordered printed, engrossed, and to third reading.

**Senate Bill No. 580**—An act to amend Section 1270 of, and to repeal Sections 1273 and 1274 of, the Fish and Game Code, relating to deer.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "any 60-day", and insert "a".

**Amendment No. 2**

On page 1, line 4, of said bill, after "period", and insert "or periods not to exceed a total of 60 days as may be".

**Amendment No. 3**

On page 1, line 5, of said bill, strike out "The".

**Amendment No. 4**

On page 1, line 6, of said bill, strike out "bag limit is two deer."

**Amendment No. 5**

On page 1 of said bill, strike out lines 10 and 11.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 398**—An act to amend Section 1035 of the Fish and Game Code, relating to domesticated fish.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "no live domesticated fish raised outside this State"; strike out lines 4 to 8, inclusive; and in line 9, strike out "within this State" and "upon", and insert "Upon".

**Amendment No. 2**

On page 1, line 11, of said bill, strike out the period, and insert ", domesticated fish raised in a hatchery regularly licensed under the laws of any other State may be imported into this State, transported, or sold."

**Amendment No. 3**

On page 1, line 16, of said bill, strike out the period, and insert "; provided, however, that live domesticated fish raised outside this State may be imported, brought into, or sold within this State subject to the provisions of Sections 560 to 570, inclusive, of the Fish and Game Code. Such fish imported into this State shall be tagged as provided above only when killed or dressed for sale for human consumption."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 94**—An act to amend Sections 990, 990.1, and 990.5 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 897**—An act to amend Sections 10202 and 10203 of the Insurance Code, relating to group life insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 10202 and 10203", and insert "Section 706.7".

**Amendment No. 2**

In line 2 of the printed bill, strike out "group life".

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "10202", and insert "706.7".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 3 to 28, inclusive; and strike out page 2, and insert

"706.7. As used in this section, the term 'reciprocal State' means a State the laws of which prohibit an insurer domiciled therein from insuring the lives or persons of residents of, or property or operations located in, the State of California unless it then holds a valid and subsisting certificate of authority issued by the Insurance Commissioner of this State. Such prohibition may be subject to the exceptions herein set forth.

Subject to the exceptions herein set forth, a domestic insurer shall not enter into a contract of insurance upon the life or person of a resident of, or property or operations located in, a reciprocal State unless it is authorized pursuant to the laws of that State to transact such insurance therein. The commissioner shall, annually, mail notice to every domestic insurer, specifying the reciprocal States.

The exceptions to the provisions of this section are the following:

(a) Contracts entered into where the prospective insured is personally present in the State in which the insurer is authorized to transact insurance when he signs the application.

(b) The issuance of certificates under a lawfully transacted group life or group disability policy, where the master policy was entered into in a State in which the insurer was then authorized to transact insurance.



(c) The renewal or continuance in force, with or without modification, of contracts otherwise lawful and which were not originally executed in violation of this section."

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1088**—An act to amend the Bank Act by adding a new section to be numbered 123.1, relating to travel expenses by the Superintendent of Banks Office.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 660**—An act to add Sections 3695.4, 3695.5, 3774 and 3775, and to amend Sections 3705 and 3773 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

#### **Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

##### **Amendment No. 1**

On page 2, lines 28 and 29, of the printed bill, strike out "If the last assessee of the property is the applicant, he may bid on such property."

**Amendment read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 706**—An act to add Chapter 3.3 to Part 6, Division 1, of the Revenue and Taxation Code, relating to real property taxes, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### **Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

##### **Amendment No. 1**

On page 2 of the printed bill, at the end of line 20, insert "Provided, however, that sales under said Chapter 8 may be made if before the sale is made the county tax collector approves the sales agreement in writing."

**Amendment read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 902**—An act to add Section 6363 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

Bill read second time.

#### **Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

##### **Amendment No. 1**

In line 1 of the title of the printed bill, strike out "6363", and insert "6359.5".

##### **Amendment No. 2**

On page 1, line 1, of said bill, strike out "6363", and insert "6359.5".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 and 4, and insert "6359.5. As incidental to the exemption provided for in Section 6359, there are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this State of containers, ice, packing materials and labels used or employed in packing, shipping or transporting food products."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

**Senate Bill No. 187**—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1061**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

In the title of the bill, after line 7, insert a period, and strike out line 8.

**Amendment No. 2**

On page 1, line 5, of said bill, strike out the blank, and insert "9".

**Amendment No. 3**

On page 1, line 6, of said bill, after "Senate", insert ", to hold office at the pleasure of the Governor".

**Amendment No. 4**

On page 1 of said bill, strike out lines 10 to 13, inclusive.

**Amendment No. 5**

On page 2, line 6, of said bill, after "Sec. 3.", insert "The terms of the members of the California Farm Debt Adjustment Commission in office on the effective date of this act shall expire on said date.

Sec. 4."

**Amendment No. 6**

On page 2 of said bill, strike out lines 23 to 26, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 185**—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 630**—An act to amend Sections 1300.15, 1300.16 and 1300.19 of the Agricultural Code, relating to the marketing of agricultural commodities.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

On page 7, line 5, of the printed bill, strike out "The", and insert "Upon recommendation by an advisory board the".

**Amendment No. 2**

On page 7, line 34, of the printed bill, strike out "or any rule or regulation".

**Amendment No. 3**

On page 8, line 29, of the printed bill, strike out "or any rule or".

**Amendment No. 4**

On page 8, line 30, of the printed bill, strike out "regulation".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 295**—An act to add Section 226 to the Labor Code, relating to wages.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1 of the printed bill, strike out line 7 except "such wages", and strike out lines 8 and 9 except the period.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**Assembly Bill No. 540**—An act to amend Sections 615.1 and 615.2 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 948**—An act to amend Section 1203.5 of the Fish and Game Code, relating to pigeons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1352**—An act to amend Section 661 of the Fish and Game Code, relating to salmon.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 348**—An act to add Section 167.5 to, and to amend Sections 277 and 278 of, the Fish and Game Code, relating to game refuges.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 407**—An act to amend Sections 422 and 990 of, and to add Section 422.5 to the Fish and Game Code, relating to hunting and fishing, and to provide for, the issuance of licenses therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 67**—An act to add Section 1176.5 to the Fish and Game Code, relating to falcons and pigeons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 516**—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "10971.7", and insert "10505".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "10971.7", and insert "10505".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "10971.7", and insert "10505. (A)".

**Amendment No. 4**

On page 1, line 4, of said bill, after "code", and before the colon, insert "relating to life and disability insurance in respect to the benefits herein specified and transactions connected therewith".

**Amendment No. 5**

On page 1 of said bill, after line 16, insert

"(B) Any incorporated organization, the membership and insurance in which are restricted to members of such labor union and the officers of which are the officers of the labor union, is likewise exempt from the provisions of this code to the same extent as such labor union."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 264**—An act to amend Sections 2.02, 2.04 and 12.06 of the Building and Loan Association Act, relating to building and loan associations, names and articles, and restrictions on advertising.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 284**—An act to amend Section 80.1 of the Bank Act, relating to loans by banks which are covered by guarantees or agreements to purchase made by any Federal Reserve Bank or by the United States or any department or agency thereof, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 331**—An act to amend Section 10.05 of, and to add Section 3.06 to, the Building and Loan Association Act, relating to audits of building and loan associations, and shares as legal investments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 484**—An act to amend Sections 9.09 and 9.18 of the Building and Loan Association Act, relating to building and loan associations and the making of loans by such associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 578**—An act to amend Section 21.5 of the California Small Loan Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 579**—An act to amend Section 23 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 580**—An act to amend Section 20.5 of the Personal Property Brokers Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 581**—An act to add Section 3a to the Industrial Loan Act, relating to the deposit of fees in the General Fund and support out of the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 584**—An act to amend Section 2 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 585**—An act to amend Sections 25, 26 and 28 of the Corporate Securities Act, relating to deposit of fees in and support from the General Fund, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 661**—An act to add Section 20.5 to the Personal Property Brokers Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 662**—An act to add Section 21.5 to the California Small Loan Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1549**—An act to add Section 1648.3 to the Insurance Code, relating to the qualifications of insurance brokers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 967**—An act to add Section 210.5 to the Revenue and Taxation Code, defining a householder.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 280**—An act to amend Sections 8353 and 8355 of, and to add Section 8353.5 to, the Revenue and Taxation Code, relating to apportionments and payments to counties out of the Motor Vehicle Fuel Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1061**—An act to amend Sections 8703, 8705, 9151, and 9174 of the Revenue and Taxation Code, relating to use fuel tax permits and refunds of the use fuel tax.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1395**—An act to amend Section 156 of the Revenue and Taxation Code, relating to abbreviations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 643**—An act to amend Section 105 of the Revenue and Taxation Code, relating to property taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 771**—An act to add Section 4114 to, and to repeal Sections 3511.3, 3571, 3572, 3573, 3574, 3575, 3576 and 3577 of, the Revenue and Taxation Code, relating to redemption of tax-sold and tax-deeded property located in distressed assessment districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 766**—An act to amend Section 3572 of the Revenue and Taxation Code, relating to the termination of the right of redemption of tax-delinquent property, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 3, of the printed bill, strike out "1943", and insert "1944".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 772**—An act to amend Sections 3791 and 3792 of the Revenue and Taxation Code, relating to property sold or deeded for taxes.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 3, of the printed bill, strike out "or", and insert "for taxes for two or more years or has been".

**Amendment No. 2**

On page 1, line 12, of the printed bill, strike out "or", and insert "for taxes for two or more years has been".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1951**—An act to add Section 256.5 to the Revenue and Taxation Code, relating to exemptions from real property taxation, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1 of the printed bill, strike out all of lines 3 to 10, inclusive; and in line 11, strike out "ing," and insert

"256.5. In any form of affidavit prescribed by the board to carry into effect the church exemption, the term "religious worship" shall be deemed to include the parking use of property exempt from taxation under Section 1½ of Article XIII of the Constitution for the temporary lodging of members of the armed forces of the United States or any auxiliary branch thereof, whether or not any charge is made to cover any portion of the cost of furnishing such lodging and in such affidavit no specific mention need be made thereof."

**Amendment No. 2**

On page 2, line 5, of the printed bill, strike out the comma, and insert a period; and strike out the remainder of said line, and all of line 6.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 444**—An act to add Sections 569, 3807.3, 3811, 3812, 3813, 3814, to, to amend Sections 2152, 2614, 2621, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2634, 3351, 3437, 3439, 3480, 3513, 3712, 3716, 3717.5, 3718, 3797, 3805, 4109, 4109.5, 4337, 4834, 4837, 4838, 4880, 4946, 4948, 4989, 4990, 4991, and 4992 of, and to repeal Section 3707.5 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 6, lines 39 to 41, of the printed bill, as amended on March 29, 1943, strike out "if the property is not redeemed or the initiation of an installment plan of redemption is made", and insert "unless the property is redeemed or an installment plan of redemption is initiated".

**Amendment No. 2**

On page 9, line 27, of the printed bill, as amended on March 29, 1943, following the end of the sentence, insert "A similar notice shall be sent to the last assessee, except that the grounds of cancellation need not be stated, in the event that any tax, penalty or costs, or any portion thereof, is ordered canceled or held void or ordered refunded by a final judgment of a court of competent jurisdiction."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add three new sections to be numbered 7.2, 8.1, and 34.2 to, the Personal Income Tax

Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "8.2", and insert "8.3".

##### Amendment No. 2

In line 4 of the title of said bill, after "Act", insert "and to repeal Sections 17054, 17155, 17303, 17818, 17819, 17820 and 18156 of, and to amend Sections 17126, 17127, 17154, 17159, 17211, 17213, 17310, 17311, 17313, 17316, 17351, 17503, 17506, 17560, 17562, 17563, 17672, 17673, 17711, 17713, 17743, 17744, 17782, 17783, 17813, 17817, 17952, 18133, 18135, 18431, 18596, and 19061 of, and to add Chapter 3.5 consisting of Sections 17250 to 17257, inclusive, to Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17324 to 17324.16, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.7, consisting of Sections 17325 to 17350, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17507 to 17516, inclusive, to Chapter 5 of Part 10 of Division 2 of, and Article 4, consisting of Sections 18470 to 18479, inclusive, to Chapter 10 of Part 10 of Division 2 of, and Sections 17019.3, 17019.5, 17019.7, 17055, 17056, 17057, 17104, 17105, 17106, 17107, 17125.3, 17125.5, 17125.7, 17131, 17132, 17133, 17134, 17135, 17136, 17163.5, 17302.5, 17305.5, 17317.5, 17318.05, 17318.1, 17318.2, 17318.3, 17318.4, 17318.5, 17318.7, 17319, 17319.3, 17319.5, 17320, 17320.3, 17320.5, 17320.7, 17321, 17321.3, 17321.5, 17321.7, 17322, 17322.3, 17322.5, 17322.7, 17322.9, 17322.11, 17357, 17560.3, 17560.5, 17560.7, 17560.9, 17567, 17568, 17569, 17716.5, 17721, 17722, 17723, 17724, 17784.5, 17787, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18172.3, 18172.5, 18172.7, 19053.3, 19053.5, and 19053.7."

##### Amendment No. 3

On page 1, line 24, of said bill, after "organization", insert a period.

##### Amendment No. 4

On page 4, line 31, of said bill, strike out the semicolon, and insert a period.

##### Amendment No. 5

On page 11, line 24, of said bill, after "(A)", insert a close parenthesis.

##### Amendment No. 6

On page 13, line 51, of said bill, after "gift", insert a comma.

##### Amendment No. 7

On page 23, line 30, of said bill, strike out "provided, however", and insert "and, provided".

##### Amendment No. 8

On page 23, line 34, of said bill, after "whether", insert "or not".

##### Amendment No. 9

On page 29, line 18, of said bill, strike out "Section 8(p)", and insert "subsections".

##### Amendment No. 10

On page 30, line 25, of said bill, strike out "specified in Section 10 (b) of the taxpayer", and insert "of the taxpayer as specified in Section 10 (b)".

##### Amendment No. 11

On page 33, line 13, of said bill, strike out "its", and insert "his".

##### Amendment No. 12

On page 33, line 23, of said bill, strike out "8.2", and insert "8.3".

##### Amendment No. 13

On page 33, line 25, of said bill, strike out "8.2", and insert "8.3".

##### Amendment No. 14

On page 34, line 9, of said bill, after "(3)", insert a close parenthesis.

##### Amendment No. 15

On page 37, line 36, of said bill, strike out "chapter", and insert "act".



**Amendment No. 16**

On page 41, line 36, of said bill, strike out the period and close parenthesis, and insert a close parenthesis and a period.

**Amendment No. 17**

On page 46, line 42, of said bill, strike out the period, and insert a semicolon.

**Amendment No. 18**

On page 48, line 3, of said bill, strike out "purpose", and insert "purposes".

**Amendment No. 19**

On page 48, line 45, of said bill, strike out "purpose", and insert "purposes".

**Amendment No. 20**

On page 49, line 1, of said bill, strike out "title", and insert "act".

**Amendment No. 21**

On page 49, line 13, of said bill, strike out "(a)", and insert "(A)".

**Amendment No. 22**

On page 49, line 16, of said bill, strike out "(b)", and insert "(B)".

**Amendment No. 23**

On page 49, line 28, of said bill, strike out "asset", and insert "assets".

**Amendment No. 24**

On page 52, line 52, of said bill, strike out "(1)", and insert "(I)".

**Amendment No. 25**

On page 53, line 4, of said bill, strike out "(1)", and insert "(I)".

**Amendment No. 26**

On page 53, line 41, of said bill, after "heir", insert a comma.

**Amendment No. 27**

On page 53, line 44, of said bill, after "heir", insert a comma.

**Amendment No. 28**

On page 54, line 43, of said bill, after "(1)", insert "of the Internal Revenue Code".

**Amendment No. 29**

On page 55, line 1, of said bill, after "(1)", insert "of the Internal Revenue Code".

**Amendment No. 30**

On page 56, line 2, of said bill, strike out "(1)", and insert "(I)".

**Amendment No. 31**

On page 64, line 36, of said bill, before "Board", insert "State".

**Amendment No. 32**

On page 64, line 48, of said bill, strike out "United States", and insert "State of California".

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PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

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**Amendment No. 33**

On page 67 of said bill, between lines 4 and 5, insert

"SEC. 19. Section 17019.3 is added to the Revenue and Taxation Code, to read: 17019.3. As used in this part, if the husband and wife therein referred to are divorced, wherever appropriate to the meaning of this part, the term "wife" shall be read "former wife" and the term "husband" shall be read "former husband." If the payments described in this part are made by or on behalf of the wife or former wife to the husband or former husband instead of vice versa, wherever appropriate to the meaning of this part, the term "husband" shall be read "wife" and the term "wife" shall be read "husband."

SEC. 20. Section 17019.5 is added to said code, to read:

17019.5. The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve Branch of the Naval Reserve.

SEC. 20.5. Section 17019.7 is added to said code, to read:

17019.7. The terms "counsel for the commissioner," and "Franchise Tax Counsel" as used in this part, means attorney or attorneys appointed or employed by the

commissioner and acting subject to the approval and under the supervision of the Attorney General.

SEC. 21. Section 17054 of said code is repealed.

SEC. 22. Section 17054 is added to said code, to read:

17054. In the case of compensation (a) received for personal services rendered by an individual or a partnership, and covering a period of 36 calendar months or more from the beginning to the completion of such services, (b) all or at least 80 per cent of which is received or accrued in one taxable year, the tax attributable to any part thereof which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period which precedes the date of such receipt or accrual.

SEC. 23. Section 17055 is added to said code, to read:

17055. As used in Section 17056, "artistic work or invention," in the case of an individual, means (a) a literary, musical, or artistic composition of that individual or, (b) a patent or copyright covering an invention of or a literary, musical, or artistic composition of that individual, (c) the work on which by that individual covered a period of 36 calendar months or more from the beginning to the completion of such composition or invention.

SEC. 24. Section 17056 is added to said code, to read:

17056. If, in the taxable year, the gross income of any individual from a particular artistic work or invention by him is not less than 80 per cent of the gross income in respect of the artistic work or invention in the taxable year plus the gross income therefrom in previous taxable years and the 12 months immediately succeeding the close of the taxable year, the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale or exchange of a capital asset held for more than one year shall not be greater than the aggregate of the taxes attributable to the part had it been received ratably over that part of the period preceding the close of the taxable year but not more than 36 calendar months.

SEC. 25. Section 17057 is added to said code, to read:

17057. For the purposes of Sections 17054, 17055 and 17056, a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

SEC. 26. Section 17104 is added to said code, to read:

17104. In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife. Such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband.

SEC. 27. Section 17105 is added to said code, to read:

17105. Section 17104 shall not apply to that part of any periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of the husband. In case any periodic payment is less than the amount specified in the decree or written instrument, that payment, to the extent of the sum payable for support, shall be considered a payment for such support.

SEC. 28. Section 17106 is added to said code, to read:

17106. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of Sections 17104 and 17105.

SEC. 29. Section 17107 is added to said code, to read:

17107. An installment payment shall be considered a periodic payment for the purposes of Sections 17104 and 17105 if the principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument. But it shall be considered a periodic payment only to the extent that the installment payment for the taxable year of the wife (or if more than one installment payment for the taxable year is received during the taxable year, the aggregate of these installment payments) does not exceed 10 per cent of the principal sum. The portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received.

SEC. 30. Section 17125.3 is added to said code, to read:

17125.3. Sections 17122, 17123, 17124, and 17125 shall not apply with respect to so much of a payment under a life insurance, endowment, or annuity contract, or any interest therein, as is includible in gross income under Sections 17104, 17105, 17106 and 17107.

SEC. 31. Section 17125.5 is added to said code, to read:

17125.5. If an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under Article 1.5 of Chapter 4 of this part, or if an annuity contract is purchased for an employee by an employer exempt under Section 4 (6) of the Bank and Corporation Franchise Tax Act, or Section 4 of the Corporation Income Tax Act, the employee shall include in his income the amounts received under such contract for the year received. If the employee paid any of the consideration for the annuity, the annuity shall be included in his income as provided in Sections 17123, 17124 and 17125. The consideration for the annuity is the amount contributed by the employee.

SEC. 32. Section 17125.7 is added to said code, to read:

17125.7. Except as provided in Section 17125.5, if the employee's rights under the contract are nonforfeitable other than for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the income of the employee in the year in which the amount is contributed. This amount, together with any amounts contributed by the employee, shall constitute the consideration paid for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under Sections 17123, 17124 and 17125.

SEC. 33. Section 17126 of said code is amended to read:

17126. Gross income also does not include the value of property acquired by gift, bequest, devise, or inheritance [...]. [but the income from such property shall be included in gross income.] *There shall not be excluded from gross income under this section, the income from such property, or, in case the gift, bequest, devise, or inheritance is of income from property, the amount of income. For the purposes of this section, if, under the terms of the gift, bequest, devise, or inheritance, payment, crediting, or distribution thereof is to be made at intervals, to the extent that it is paid or credited or to be distributed out of income from property, it shall be considered a gift, bequest, devise, or inheritance of income from property.*

SEC. 34. Section 17127 of said code is amended to read:

17127. [Gross] *Except in the case of amounts attributable to, and not in excess of, deductions allowed under Sections 17319, 17319.3 and 17319.5 gross income also does not include amounts received, through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness.*

*Gross income also does not include amounts received as a pension, annuity or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country.*

SEC. 35. Section 17131 is added to said code, to read:

17131. Gross income also does not include income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

SEC. 36. Section 17132 is added to said code, to read:

17132. Gross income also does not include income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to that debt, tax, or amount.

SEC. 37. Section 17133 is added to said code, to read:

17133. As used in Section 17132 "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

SEC. 38. Section 17134 is added to said code, to read:

17134. As used in Section 17132, "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

SEC. 39. Section 17135 is added to said code, to read:

17135. As used in Section 17132, "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

SEC. 40. Section 17136 is added to said code, to read:

17136. As used in Section 17132, "recovery exclusion," with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the commissioner, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this part, reduced by the amount excludable in previous taxable years with respect to such debt, tax or amount under this section.

SEC. 41. Section 17154 of said code is amended to read:

17154. Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in



exchange for the stock. The gain or loss to the distributee resulting from the exchange shall be determined under Article 1 of Chapter 6 of this part and shall be recognized only to the extent provided in Article 2 of that chapter. [Notwithstanding the provisions of Article 3 of Chapter 6, 100 per cent of the gain so recognized shall be taken into account in computing net income, except in the case of amounts distributed in complete liquidation of a corporation.]

SEC. 41.5. Section 17155 of said code is repealed.

SEC. 41.7. Section 17159 of said code is amended to read:

17159. A distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock shall [not] be treated as a dividend to the extent that it [does not constitute] constitutes income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution of the United States.

SEC. 42. Section 17163.5 is added to said code, to read:

17163.5. For the purposes of this Section 17163, a loss with respect to which a deduction is disallowed under Section 8(d) of the Bank and Corporation Franchise Tax Act or Section 7(d) of the Corporation Income Tax Act shall not be deemed to be recognized.

SEC. 43. Section 17211 of said code is amended to read:

17211. In the case of nonresident taxpayers the gross income includes only the gross income from sources within this State. [Gross income from sources within this State includes rentals or royalties from property located in this State or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using in this State, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property.]

SEC. 44. Section 17213 of said code is amended to read:

17213. Income of [nonresident beneficiaries from] estates [or] and trusts distributed or distributable to nonresident beneficiaries is income from sources within this State only if distributed or distributable out of income of the estate or trust derived from sources within this State. *For the purposes of this section, the nonresident beneficiary shall be deemed to be the owner of intangible personal property from which the income of the estate or trust is derived.*

SEC. 45. Chapter 3.5, comprising Sections 17250 to 17257, inclusive, is added to Part 10, Division 2 of said code, to read:

#### CHAPTER 3.5. GROSS INCOME AND DEDUCTIONS IN RESPECT OF DECEDENTS

17250. The amount of all items of gross income in respect of a decedent which are not properly includible in respect of the taxable period in which falls the date of his death or a prior period shall be included in the gross income, for the taxable year when received, of:

(a) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(b) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(c) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

17251. If a right, described in Section 17250, to receive an amount is transferred by the estate of the decedent or a person who receives such right by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent, there shall be included in the gross income of the estate or person, as the case may be, for the taxable period in which the transfer occurs, the fair market value of the right at the time of such transfer plus the amount by which any consideration for the transfer exceeds the fair market value.

17252. As used in Section 17251, "transfer" includes sale, exchange, or other disposition, but does not include a transfer to a person pursuant to the right of that person to receive such amount by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent.

17253. The right, described in Section 17250, to receive an amount shall be treated, in the hands of the estate of the decedent or any person who acquired such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or person in the transaction by which the decedent acquired that right. The amount includible in gross income under Sections 17250 and 17251 shall be considered in the hands of the estate or person to have the character which it would have had in the hands of the decedent if the decedent had lived and received that amount.

17254. The amount of any deduction specified in Sections 17301, 17304, and 17305 (relating to deductions for expenses, interest and taxes), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed in the taxable year when paid to the estate of decedent. But if the estate of the decedent is not liable to discharge the obligation to which the deduction relates, the amount of the deduction shall be allowed to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to that obligation, from the decedent an interest in property of the decedent.



17255. The amount of any deduction specified in Section 17314 (relating to deduction for depletion), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed to the person described in Section 17250 who, in the manner described therein, receives the income to which the deduction relates, in the taxable year when the income is received.

17256. A person who includes an amount in gross income under Sections 17250 and 17251 shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the California inheritance tax attributable to the net value for estate tax purposes of all the items described in Section 17250 as the value for inheritance tax purposes of the items of gross income or portions thereof in respect of which that person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for inheritance tax purposes of all the items described in Section 17250.

17257. As used in Section 17256, the term "inheritance tax" means the tax imposed upon the beneficiary of the decedent under the California Inheritance Tax Act. The net value for inheritance tax purposes of all the items described in Section 17250 shall be the excess of the value for inheritance tax purposes of all the items described in Section 17250 over the deductions from the gross estate in respect of claims which represent the deductions described in Sections 17254 and 17255. The inheritance tax attributable to the net value shall be an amount equal to the excess of the inheritance tax over the inheritance tax computed without including in the gross estate the net value.

Sec. 46. Section 17302.5 is added to said code, to read:

17302.5. In computing net income there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income.

Sec. 46.5. Section 17303 of said code is repealed.

Sec. 47. Section 17305.5 is added to said code, to read:

17305.5. In computing net income there shall be allowed as a deduction any tax imposed by any State, Territory, District or possession of the United States, or any political subdivision thereof, upon persons:

(a) Engaged in selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale, or which is a stated sum per unit of such property sold; or

(b) Engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of the tax is separately stated, then to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) to that person the amount shall be allowed as a deduction in computing the net income of the purchaser as if the amount constituted a tax imposed upon and paid by the purchaser.

Sec. 48. Section 17310 of said code is amended to read:

17310. In computing net income there shall be allowed as a deduction debts [ascertained to be] *which become* worthless within the taxable year [and charged off] or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable only in part, the commissioner may allow the debt as a deduction in an amount not in excess of the amount [ascertained to be] *which becomes* worthless in the taxable year [and charged off]. *If a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to that date, a deduction may be taken therefor during the first taxable year ending after December 31, 1942, in any prior year [to be] becomes* worthless, regardless of whether [charged off or] *or not* claimed as a deduction in any prior year. This section does not apply to a debt evidenced by a security as defined in Sections 17312.

Sec. 49. Section 17311 of said code is amended to read:

17311. If any securities, as defined in Section 17312, [are ascertained to be] *become* worthless within the taxable year [and are charged off] and are capital assets, the loss resulting shall be considered as a loss from the sale or exchange, on the last day of the taxable year, of capital assets.

Sec. 50. Section 17313 of said code is amended to read:

17313. In computing net income there shall be allowed as a deduction a reasonable allowance for the exhaustion, wear and tear of property used in the trade or business *or of property held for the production of net income*, including a reasonable allowance for obsolescence. *A taxpayer may elect to claim a deduction for amortization of emergency facilities, as defined by Section 124 of the Internal Revenue Code as amended, under regulations prescribed by the commissioner.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

**SEC. 51. Section 17316 of said code is amended to read:**

17316. Deductions for contributions or gifts shall be allowed to an amount which in all the cases listed in Section 17315 combined does not exceed 15 per cent of the taxpayer's net income as computed without the benefit of that section or of Sections 17319, 17319.3 and 17319.5. The contributions or gifts shall be allowed as deductions only if verified under rules and regulations prescribed by the commissioner.

**SEC. 52. Section 17317.5 is added to said code, to read:**

17317.5. In computing net income there shall be allowed as a deduction, in the case of a husband described in Sections 17104, 17105 and 17106, amounts includible under those sections in the gross income of his wife, payment of which is made within the husband's taxable year. If the amount of any payment is, under these sections or under Sections 18172.3 and 18172.5 stated not to be includible in the husband's gross income, no deduction shall be allowed with respect to that payment under this section.

**SEC. 53. Section 17318.05 is added to said code, to read:**

17318.05. In computing net income there shall be allowed as a deduction, in the case of a bondholder, the deduction for amortizable bond premium provided in Sections 17318.1 to 17318.5, inclusive.

**SEC. 54. Section 17318.1 is added to said code, to read:**

17318.1. In the case of any bond, as defined in Section 17318.5, the following rules shall apply to the amortizable bond premium on the bond for any taxable year beginning after December 31, 1942:

(a) In the case of a bond (other than a bond the interest on which is excludible from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(b) In the case of any bond the interest on which is excludible from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

**SEC. 55. Section 17318.2 is added to said code, to read:**

17318.2. For the purposes of Section 17318.3, the amount of bond premium in the case of the holder of any bond, shall be determined with reference to the amount of the basis (for determining loss on sale or exchange) of the bond, and with reference to the amount payable on maturity or on earlier call date, with adjustments proper to reflect unamortized bond premium with respect to the bond, for the period prior to the date as of which Section 17318.1 becomes applicable with respect to the taxpayer with respect to such bond.

**SEC. 56. Section 17318.3 is added to said code, to read:**

17318.3. The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to that year.

**SEC. 57. Section 17318.4 is added to said code, to read:**

17318.4. The determinations required under Sections 17318, 17318.1, 17318.2 and 17318.3 shall be made:

(a) In accordance with the method of amortizing bond premiums regularly employed by the holder of the bond, if that method is reasonable;

(b) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premiums, prescribed by the commissioner.

**SEC. 58. Section 17318.5 is added to said code, to read:**

17318.5. As used in Sections 17318.05 to 17318.4, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest including any like obligation issued by a government or political subdivision thereof, with interest coupons or in registered form, but does not include any obligation which constitutes stock in trade of the taxpayer or any obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

**SEC. 58.5. Section 17318.7 is added to said code, to read:**

17318.7. The amount of the amortizable bond premium for the taxable year shall be allowed as a deduction only if a taxpayer has elected to claim a deduction. The election shall be made in accordance with such regulations as the commissioner shall prescribe. If an election is made with respect to any bond, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all bonds thereafter acquired by him, and shall be binding for all subsequent taxable years with respect to all bonds of the taxpayer, unless, upon application by the taxpayer, the commissioner permits him, subject to such conditions as the commissioner deems necessary, to revoke the election.

**SEC. 59. Section 17319 is added to said code, to read:**

17319. In computing net income, there shall be allowed as a deduction, except as limited under Sections 17319.3 and 17319.5, expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent of the taxpayer specified in Section 17952. The term "medical care," shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance).

SEC. 60. Section 17319.3 is added to said code, to read:

17319.3. A husband and wife who file a joint return may deduct only those expenses as exceed 5 per cent of the aggregate net income of the husband and wife, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars (\$2,500) in the case of husband and wife.

SEC. 61. Section 17319.5 is added to said code, to read:

17319.5. An individual who files a separate return may deduct only those expenses as exceed 5 per cent of the net income of the taxpayer, computed without the benefit of this section, and the maximum deduction for the taxable year shall be not in excess of two thousand five hundred dollars (\$2,500) in the case of the head of a family, and not in excess of one thousand two hundred fifty dollars (\$1,250) in the case of all other individuals.

SEC. 62. Section 17320 is added to said code, to read:

17320. In computing net income, there shall be allowed as a deduction in the case of a tenant-stockholder, amounts, not otherwise deductible, paid or accrued to a cooperative apartment corporation within the taxable year, if those amounts represent that proportion of the real estate taxes on the apartment building and the land on which it is situated, allowable as deductions under Section 17305, paid or incurred by the corporation, or of the interest paid or incurred by the corporation on its indebtedness contracted in the acquisition, construction, alteration, rehabilitation, or maintenance of the apartment building or in the acquisition of the land on which the building is located, which the stock of the corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including that held by the corporation.

SEC. 63. Section 17320.3 is added to said code, to read:

17320.3. As used in Section 17320 "cooperative apartment corporation" means a corporation—

(a) Having one and only one class of stock outstanding;

(b) All of the stockholders of which are entitled, solely by reason of their ownership of stock in the corporation, to occupy for dwelling purposes apartments in a building owned or leased by such corporation, and who are not entitled, either conditionally or unconditionally, except upon a complete or partial liquidation of the corporation, to receive any distribution not out of earnings and profits of the corporation, and

(c) 80 per cent or more of the gross income of which for the taxable year in which the taxes and interest described in Section 17320 are paid or incurred, is derived from tenant-stockholders.

SEC. 64. Section 17320.5 is added to said code, to read:

17320.5. As used in Section 17320, "tenant-stockholder" means an individual who is a stockholder in a cooperative apartment corporation, and whose stock is fully paid up in an amount not less than an amount shown to the satisfaction of the commissioner as bearing a reasonable relationship to the portion of the value of the corporation's equity in the building and the land on which it is situated, which is attributable to the apartment which such individual is entitled to occupy.

SEC. 65. Section 17320.7 is added to said code, to read:

17320.7. In computing net income, there shall be allowed as a deduction in the case of a person described in Sections 17254 and 17255, the amount of the deductions in respect of a decedent to the extent allowed by those sections, and Section 17256.

SEC. 66. Section 17321 is added to said code, to read:

17321. In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer:

(a) If a renegotiation is made in respect of that contract or subcontract and an amount of excessive profits received or accrued under the contract or subcontract for a taxable year (hereinafter referred to as "prior taxable year") is eliminated, and

(b) In a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of profits eliminated, or

(c) The amount of profits eliminated is applied as an offset against other amounts due the taxpayer,

Then the profits so eliminated shall be excluded from gross income for the prior taxable year if they were included in gross income for the prior taxable year.

SEC. 67. Section 17321.3 is added to said code, to read:

17321.3. As used in Section 17321, "renegotiation" includes

(a) Any transaction which is a renegotiation within the meaning of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.) or that section, as amended.

(b) Any modification of one or more contracts with the United States or any agency thereof, and

(c) Any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.



SEC. 68. Section 17321.5 is added to said code, to read:

17321.5. As used in Section 17321, "excessive profits" includes

(a) Any amount which constitutes excessive profits within the meaning assigned to that term by subsection (a) of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942,

(b) Any part of the contract price of a contract with the United States or any agency thereof,

(c) Any part of the subcontract price of a subcontract under a contract, and

(d) Any profits derived from one or more contracts or subcontracts.

SEC. 69. Section 17321.7 is added to said code, to read:

17321.7. As used in Section 17321, "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to that term by subsection (a) of Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended by the Revenue Act of 1942.

SEC. 70. Section 17322 is added to said code, to read:

17322. In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed by the United States or any agency thereof is disallowed as an item of cost chargeable to that contract, and, in a taxable year ending after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed, or the amount disallowed is applied as an offset against other amounts due the taxpayer, for the purposes of this part the amount so disallowed or so applied as an offset shall be allowed as a deduction in the taxable year in which the reimbursement for the item was received or was accrued to the extent that the taxpayer's taxable net income for the year in which the cost was incurred would have been reduced had no reimbursement been received or accrued.

SEC. 71. Section 17322.3 is added to said code, to read:

17322.3. The amount of the payment, repayment, or offset described in Sections 17321 and 17322 shall not constitute a deduction for the year in which paid or incurred.

SEC. 72. Section 17322.5 is added to said code, to read:

17322.5. Sections 17321 to 17322.2, inclusive, shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under that method.

SEC. 73. Section 17322.7 is added to said code, to read:

17322.7. Any overpayment in tax which results from the application of Sections 17321 to 17322.5, inclusive, shall be credited or refunded as provided in this part. Notwithstanding the provisions of any statute of limitations, credit or refund shall be made if claim therefor is filed within four years from the last day prescribed for filing the return or within two years from the date of payment, repayment, or offset described in Sections 17321 to 17322.5, inclusive, whichever is later.

SEC. 74. Section 17322.9 is added to said code, to read:

17322.9. If prior to the payment of the last installment of tax for the taxable year the taxpayer becomes entitled to the exclusions or deductions provided in Sections 17321 to 17322.5, inclusive, for its taxable year, the taxpayer may, under regulation prescribed by the commissioner, file a claim in abatement of any unpaid tax or portion thereof, but not in excess of the reduction in tax resulting from the application of these sections.

SEC. 75. Section 17332.11 is added to said code, to read:

17332.11. In any case in which a claim in abatement is filed pursuant to Section 17322.9, and the commissioner makes an abatement, the tax disclosed by the original return shall, for the purpose of Article 2 of Chapter 11 of this part, be deemed to be reduced by the amount of the tax abated.

SEC. 76. Article 1.5, comprising Sections 17324 to 17324.16, inclusive, is added to Chapter 4, Part 10, Division 2, of said code, to read:

#### Article 1.5. Plans Deferring Receipt of Compensation

17324. In computing net income, if contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of the compensation, contributions or compensation shall not be deductible under Section 17301 but shall be deductible, if deductible under Section 17301 without regard to this article, under this article but only to the extent allowed under Sections 17324.1, 17324.2, 17324.3, and 17324.4.

17324.1. There shall be a deduction allowed in the taxable year when paid of contributions paid into a pension trust.



17324.2. If the taxable year ends within or with a taxable year of the trust for which the trust is exempt under Article 3 of Chapter 8, the amount deductible is:

(a) An amount not in excess of 5 per cent of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but the amount may be reduced for future years if found by the commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(b) Any excess over the amount allowable under (a) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the commissioner. However, if the remaining unfunded cost with respect to any three individuals is more than 50 per cent of the remaining unfunded cost, the amount of the unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years.

17324.3. In lieu of the amounts allowable under Section 17324.2, the amount deductible may be

(a) An amount equal to the normal cost of the plan, as determined under regulations prescribed by the commissioner, plus

(b) If past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per cent of the cost which would be required to completely fund or purchase the pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the commissioner, except that in no case shall a deduction be allowed for an amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

17324.4. Any amount paid in a taxable year in excess of the amount deductible in that year under Sections 17324.2 and 17324.3 shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each succeeding year and the maximum amount deductible for that year.

17324.5. A deduction shall be allowed in the taxable year when paid, in an amount determined in accordance with this article, if the contributions are paid toward the purchase of retirement annuities and that purchase is a part of a plan which meets the requirement of Sections 18159, 18160, 18161, and 18162 and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year toward the purchase of these retirement annuities.

17324.6. A deduction shall be allowed in the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if the taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under Article 3 of Chapter 8 in an amount not in excess of 15 per cent of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan.

17324.7. If in any taxable year beginning after December 31, 1942, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under Section 17324.6, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this section in any succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during that succeeding taxable year to the beneficiaries under the plan.

17324.8. In addition, any amount paid into the trust in a taxable year beginning after December 31, 1942, in excess of the amount allowable with respect to that year under Sections 17324.6 and 17324.7 shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this section in any one succeeding taxable year together with the amount allowable under Section 17324.6 shall not exceed 15 per centum of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under the plan.

17324.9. As used in this article "stock bonus or profit-sharing trust" shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarially. If the contributions are made to two or more stock bonus or profit-sharing trusts, these trusts shall be considered a single trust for the purposes of applying the limitations in Sections 17324.6, 17324.7, and 17324.8.

17324.10. There shall be allowed a deduction in the taxable year when paid, if the plan is not one included in the preceding sections of this article, if the employees' rights to or derived from the employer's contribution or compensation are non-forfeitable at the time the contribution or compensation is paid.

17324.11. For the purposes of the preceding sections in this article, except Section 17324.10, a taxpayer on the accrual basis shall be deemed to have made a payment on the last day of the year of accrual if the payment is on account of the taxable year and is made within 60 days after the close of the taxable year of accrual.

17324.12. If amounts are deductible under any of the preceding sections in this article except Sections 17324.10 and 17324.11, in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under these trusts and plans shall not exceed 25 per cent of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans.

17324.13. In addition, any amount paid into a trust or under annuity plans in a taxable year beginning after December 31, 1942, in excess of the amount allowable with respect to such year under Section 17324.12, shall be deductible in the succeeding taxable years in order of time. The amount deductible under this section in any one succeeding taxable year together with the amount allowable under Section 17324.12 shall not exceed 30 per cent of the compensation otherwise paid or accrued during the taxable years to the beneficiaries under the trusts or plans.

17324.14. Sections 17324.11, 17324.12, and 17324.13 shall not have the effect of reducing the amount otherwise deductible under the preceding sections of this article, except Sections 17324.10 and 17324.11, if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

17324.15. If there is no plan, but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this article shall apply as if there were a plan.

17324.16. Any deduction allowable under Section 17303 (as it read prior to its repeal in 1943) for a taxable year beginning before January 1, 1943, which was apportioned to any taxable year beginning after December 31, 1942, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under this article as it then read if it had remained in force with respect to that year.

SEC. 77. Article 1.7, comprising Sections 17325 to 17350, inclusive, is added to Chapter 4, Part 10, Division 2 of said code, to read:

#### Article 1.7. War Losses

17325. In computing net income there shall be allowed as a deduction losses sustained during the taxable year and not compensated for by insurance or otherwise of property destroyed or seized on or after December 7, 1941, in the course of military or naval operations by the United States or any other country engaged in the present war.

17326. Property described in Section 17325 shall be deemed to have been destroyed or seized on a date chosen by the taxpayer in the manner provided in Section 17333, which falls between:

(a) The latest date, as established to the satisfaction of the commissioner, on which that property may be considered as not destroyed or seized, and

(b) The earliest date, as established to the satisfaction of the commissioner, on which that property may be considered as having already been destroyed or seized.

17327. For the purposes of this article property within an area which comes under the control of a country at war with the United States after the date war with such country is declared by the United States shall be deemed to have been destroyed or seized in the course of military or naval operations by that country.

17328. The date specified in Section 17326 (a) shall not be later than the latest date determined by the commissioner as the date on which that area was under the control of the United States or a country not at war with the United States, and the date specified in Section 17326 (b) shall not be later than the earliest date determined by the commissioner as the date on which that area may be considered under the control of the country which is at war with the United States.

17329. Property within any country at war with the United States, or within an area under the control of that country on the date war with that country was declared by the United States, shall be deemed to have been destroyed or seized on the date war with that country was declared by the United States.

17330. Any interest in, or with respect to, property described in Sections 17325, 17326, 17327 and 17329, including any interest represented by a security as defined in Section 17307 or Section 17312, which becomes worthless shall be considered to have been destroyed or seized, and the loss therefrom shall be considered a loss from the destruction or seizure. The destruction or seizure shall be deemed to occur on the date chosen by the taxpayer which falls between the dates specified in Section 17326, or on the date prescribed in Sections 17327 and 17328, as the case may be, when the last property described in the applicable section to which the interest relates would be deemed destroyed or seized under the applicable section.

17331. Section 17330 shall apply only if the interest would have become worthless if the property had been destroyed. For the purposes of this section, an interest shall be deemed to have become worthless notwithstanding the fact that the interest has a value if that value is attributable solely to the possibility of recovery of the property, compensation (other than insurance or similar indemnity) on account of its destruction or seizure, or both. Sections 17311 and 17307 shall not apply to any interest which under this section is considered to have been destroyed or seized.

17332. Under regulations prescribed by the commissioner, a taxpayer who owns 100 per cent, excluding qualifying shares, of each class of stock of a corporation

may elect to determine the worthlessness of his interest, described in Section 17331, in or with respect to the property of the corporation, without regard to the amount of the property of that corporation which would be excluded under Section 17349 in determining the adjusted basis of all the assets of the corporation for the purposes of Sections 17348, 17349 and 17349.5, but that amount shall be treated under Section 17334 as a recovery by the taxpayer in the taxable year with respect to such interest.

17333. The taxpayer's choice of a date under Sections 17326 and 17330 shall be effective only if made within the time and in the manner as may be prescribed by regulations prescribed by the commissioner.

17334. In the case of any property or interest in or with respect to property deemed to be destroyed or seized under this article, the amount of the loss on account of that property or interest shall be determined with regard to any recoveries with respect thereto in the taxable year but without regard to any possibility of recovering that property or interest, or of receiving any compensation other than insurance or similar indemnity) on account of that property or interest in the taxable year or in any future taxable year.

17335. In the case of any property or interest in or with respect to property deemed to be destroyed or seized under this article, the taxpayer may choose to decrease the amount of the loss by all obligations or liabilities of the taxpayer with respect to that property or interest discharged or satisfied out of the property or interest upon its destruction or seizure, if the commissioner is satisfied that those obligations or liabilities are so discharged or satisfied in a subsequent taxable year, or that the taxpayer is unable to determine whether or not those obligations or liabilities are in fact discharged or satisfied.

17336. No loss shall be deemed to have been sustained upon the destruction or seizure of the property or interest to the extent that it is compensated for by the discharge or satisfaction of obligations and liabilities of the taxpayer out of the property or interest in the taxable year in which the destruction or seizure is deemed to have occurred. The taxpayer's choice under this article shall be effective only if made within the time and in the manner as may be prescribed by regulations prescribed by the commissioner.

17337. Upon the recovery in the taxable year of any money or property in respect of property considered under this article as destroyed or seized in any prior taxable year, the amount of the recovery shall be included in gross income to the extent provided in Section 17338.

17338. The amount of the recovery of any money or property in respect of property considered under this article as destroyed or seized shall be an amount equal to the aggregate of the money and the fair market value of the property, determined as of the date of the recovery.

17339. To the extent that this amount plus the aggregate of the amounts of previous recoveries do not exceed that part of the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in this article which did not result in a reduction of any tax of the taxpayer under this part, this amount shall not be includible in gross income and shall not be deemed gain upon the involuntary conversion of property as a result of its destruction or seizure.

17340. To the extent that this amount plus the aggregate of the amounts of previous recoveries exceed that part of the aggregate of the deductions which did not result in a reduction of any tax of the taxpayer under this part and do not exceed that part of the aggregate of the deductions which did result in a reduction of any tax of the taxpayer under this part, this amount shall be included in gross income but shall not be deemed a gain upon the involuntary conversion of property as a result of its destruction or seizure.

17341. To the extent that this amount plus the aggregate of the amounts of previous recoveries exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in this article, the amount shall be considered a gain upon the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in Section 17672.

17342. If for any previous taxable year the taxpayer chooses under Sections 17334, 17335 and 17336 to treat any obligations and liabilities as discharged or satisfied out of the property or interest described in Sections 17330, 17331 and 17332, and if such obligations and liabilities were not so discharged or satisfied, the amount of such obligations and liabilities treated as discharged or satisfied under Sections 17334, 17335 and 17336 shall be considered for the purposes of this article as a deduction by reason of this article which did not result in a reduction of any tax of the taxpayer under this part.

17343. For the purposes of Sections 17338, 17339, 17340, 17341 and 17342, an allowable deduction for any taxable year on account of the destruction or seizure of property described in this article shall, to the extent not allowed in computing the tax of the taxpayer for the taxable year, be considered an allowable deduction which did not result in a reduction of any tax of the taxpayer under this part.



17314. For the purposes of Sections 17337 to 17342, inclusive, the restoration in whole or in part of the value of any interest described in Sections 17330, 17331 and 17332 by reason of any recovery of money or property in respect of property to which the interest related and which was considered under Sections 17326 and 17327 as destroyed or seized shall be deemed a recovery of property in respect of property considered as destroyed or seized.

17315. The unadjusted basis of property recovered in respect of property considered destroyed or seized under this article shall be determined under Sections 17346 and 17347.

17316. The unadjusted basis shall be an amount equal to the fair market value of that property, determined as of the date of the recovery, reduced by an amount equal to the excess of the aggregate of the fair market value and the amounts of previous recoveries of money or property in respect of property considered under this article as destroyed or seized over the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in this article and increased by that portion of the amount of the recovery which under Section 17341 is treated as a recognized gain from the involuntary conversion of property.

17317. Upon application of the taxpayer, the aggregate of the bases, determined under Section 17346, of any properties recovered in respect of properties considered under this article as destroyed or seized may be allocated among the properties so recovered, in such manner as the commissioner may determine under regulations prescribed by him, and the amounts so allocated to any property so recovered shall be the unadjusted basis of the property in lieu of the unadjusted basis of the property determined under Section 17346.

17318. If:

(a) A taxpayer owns not less than 50 per cent of each class of stock of a corporation; and

(b) That corporation has property described under this article as destroyed or seized; and

(c) The adjusted basis for determining loss of that property is at least 75 per cent of the adjusted basis for determining loss of all the property of that corporation; and

(d) That corporation completely liquidates within one year after that property is deemed to be destroyed or seized, or by December 31, 1943, whichever is later; and

(e) The liquidation is accomplished by distributing all the assets which it is able to distribute and all its rights to assets which it is not able to distribute, including the right to the recovery of the property described in Sections 17326 to 17329, inclusive.

Then that part of the loss by the taxpayer on the liquidation which would be attributable to the destruction or seizure of the property, as established to the satisfaction of the commissioner, shall be treated for the purposes of this part as a loss by the taxpayer upon the destruction or seizure of the part of the stock or other interest of the taxpayer to which such loss is allocable. That part of the stock or other interest of the taxpayer shall be treated for the purposes of this article as property described in Sections 17330, 17331 and 17332.

17319. In determining the adjusted basis of all the property of the corporation, there shall be excluded money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of that country, and obligations issued or guaranteed as to principal or interest by the United States, except that there shall not be excluded any property which is destroyed or seized as described in this article within or before the taxable period.

17319.5. The adjusted basis of property of the corporation shall be determined as of the date immediately preceding the first date on which any property was destroyed or seized, as described in this article, or as of any later date falling within or before the taxable period on the basis of which the determination will produce a greater amount.

17350. The determination as to whether and to what extent an allowable deduction on account of the destruction or seizure of property described in this article did or did not result in a reduction of any tax of the taxpayer under this chapter shall be made in accordance with regulations prescribed by the commissioner.

SEC. 78. Section 17351 of said code is amended to read:

17351. In computing net income no deduction shall in any case be allowed in respect of:

(a) Personal, living, or family expenses [..], *except extraordinary medical expenses deductible under Sections 17319, 17319.3 and 17319.5.*

(b) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate.

(c) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

(d) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under the policy.



(e) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this part.

(f) Any amount paid or accrued on indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this subsection, if substantially all the premiums on a life insurance or endowment contract are paid within a period of four years from the date on which such contract is purchased, such contract shall be considered a single premium life insurance or endowment contract; or

(g) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the commissioner, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat those taxes or charges as so chargeable.

SEC. 79. Section 17357 is added to said code, to read:

17357. In computing net income no deduction shall be allowed under Section 17301 for any contribution or gift which would be allowable as a deduction under Sections 17315 and 17316 were it not for the 15 per cent limitation therein contained and for the requirement therein that payment must be made within the taxable year.

SEC. 80. Section 17503 of said code is amended to read:

17503. The method described in Section 17502 may be used

(a) Only in inventorying goods (required under Section 17501 to be inventoried) specified in an application to use such method filed at such time and in such manner as the commissioner may prescribe; and

(b) Only if the taxpayer establishes to the satisfaction of the commissioner that the taxpayer has used no procedure other than that specified in subdivisions (b) and (c) of Section 17502 in inventorying [to ascertain income, profit, or loss for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries] such goods for any period beginning with or during the first taxable year for which the method described in Section 17502 is to be used [to ascertain the income, profit, or loss of the first taxable year for which the method described in Section 17502 is to be used, for the purpose of a report or statement covering the taxable year to shareholders, partners, or other proprietors, or to beneficiaries, or for credit purposes].

SEC. 81. Section 17506 of said code is amended to read:

17506. If a taxpayer, having complied with Section 17503, uses the method described for any taxable year, that method shall be used in all subsequent taxable years unless

(a) With the approval of the commissioner a change to a different method is authorized; or

(b) The commissioner determines that the taxpayer has used for any [period beginning with or during any] such subsequent taxable year some procedure other than that specified in subdivision (b) of Section 17502 in inventorying [to ascertain income, profit, or loss for credit purposes or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries] the goods specified in the application [to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year to shareholders, partners, or other proprietors, or beneficiaries, or for credit purposes] and requires a change to a method different from that prescribed in Section 17502 beginning with such subsequent taxable year or any taxable year thereafter.

In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

SEC. 82. Article 1.5, comprising Sections 17507 to 17516, inclusive, is added to Chapter 5 of Part 10 of Division 2 of said code, to read:

#### Article 1.5. Involuntary Liquidation Due to War Conditions

17507. As used in this article, "involuntary liquidation" means the sale or other disposition of goods inventoried under the method described in Article 1, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which a sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the provisions of Article 1, if such failure on the part of the taxpayer is due, directly and exclusively:

- (a) To enemy capture or control of sources of limited foreign supply;
- (b) To shipping or other transportation shortages;
- (c) To material shortages resulting from priorities or allocations;
- (d) To labor shortages;
- (e) To other prevailing war conditions, beyond the control of the taxpayer.

17508. The net income of the taxpayer otherwise determined for the year of involuntary liquidation shall be adjusted according to the provisions of Sections 17509 and 17510:

(a) If, for any taxable year beginning after December 31, 1942, and prior to the termination of the present war as proclaimed by the President of the United States, the closing inventory of a taxpayer inventorying goods under the method provided in this section reflects a decrease from the opening inventory of goods for this year; and

(b) If, at the time of the filing of the taxpayer's income tax return for such year, the taxpayer elects to have the provisions of this section apply and so notifies the commissioner; and

(c) If, at the time of such election, it is established to the satisfaction of the commissioner, in accordance with rules and regulations prescribed by the commissioner, that such decrease is attributable to the involuntary liquidation of the inventory as defined in Section 17511; and

(d) If the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President of the United States, reflects a replacement, in whole or in part, of the goods so previously liquidated.

17509. The taxpayer's net income shall be adjusted as follows:

(a) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(b) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

17510. The taxes imposed by this part for the year of such liquidation and for all taxable years intervening between that year and the year of replacement shall be redetermined, giving effect to adjustments provided for in Section 17508. Any increase in taxes resulting from these adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

17511. If, in the case of any taxpayer subject to the provisions of Section 17508, the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of the goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced. If the liquidation was an involuntary liquidation, the goods reflecting the increase shall be included in the inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

17512. An election by the taxpayer to have the provisions of this article apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for subsequent taxable years insofar as they are related to the year of liquidation or replacement.

17513. If the adjustments specified in Section 17509 are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this article), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of proposed additional assessment is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement.

17514. If, at the time of the mailing of the notice of proposed additional assessment or the filing of the claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this article shall be limited to the increase or decrease of the tax imposed by this part previously determined for the taxable year which results solely from the effect of Section 17508. The tax previously determined shall be ascertained in accordance with rules and regulations prescribed by the commissioner.

17515. The amount of the adjustment shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year.

17516. The amount of the adjustment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of Section 17508. The amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of Section 17508.

SEC. 83. Section 17560 of said code is amended to read:

17560. If a separate return is made on account of a change in the accounting period, the net income, computed on the basis of the period for which the separate return is made, *hereafter referred to as the "short period,"* shall be placed on an annual basis by multiplying the amount thereof by 12 and dividing by the number of months [included] in the [period for which the separate return is made] *short period*. The tax shall be such part of the tax computed on such annual basis as the number of months in the short period is of 12 months.

SEC. 84. Section 17560.3 is added to said code, to read:

17560.3. If the taxpayer establishes the amount of his net income for the period of 12 months beginning with the first day of the short period, computed as if the 12-month period were a taxable year, under the law applicable to that year, then the tax for the short period shall be reduced to an amount which is that part of the tax computed on the net income for the 12 month period as the net income computed on the basis of the short period is of the net income for the 12-month period.

SEC. 85. Section 17560.5 is added to said code, to read:

17560.5. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file his return without the application of Section 17560.3. If the taxpayer was not in existence at the end of the 12 month period, then in lieu of the net income for the 12 month period there shall be used for the purposes of Section 17560.3 the net income for the 12-month period ending with the last day of the short period.

SEC. 86. Section 17560.7 is added to said code, to read:

17560.7. The tax computed under Section 17560 shall in no case be less than the tax computed on the net income for the short period without placing the net income on an annual basis. The benefits of Section 17560 shall not be allowed unless the taxpayer makes application therefor in accordance with and at such time as regulations prescribed hereunder require, but not after the time prescribed for the filing of the return for the first taxable year which ends on or after 12 months after the beginning of the short period.

SEC. 87. Section 17560.9 is added to said code, to read:

17560.9. The application, in case the return was filed without regard to Section 17560.3, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under Section 17560.3. The commissioner shall prescribe such regulations as he may deem necessary.

SEC. 88. Section 17562 of said code is amended to read:

17562. The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer unless under the methods of accounting permitted under Section 17556 any such items are to be properly accounted for as of a different period. In the case of the death of a taxpayer [there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect of such period or a prior period.] *whose net income is computed upon the basis of the accrual method of accounting, amounts (except amounts includible in computing a partner's net income under Chapter 9 of this part) accrued only by reason of the death of the taxpayer shall not be included in computing net income for the period in which falls the date of the taxpayer's death.*

SEC. 89. Section 17563 of said code is amended to read:

17563. The deductions and credits provided for in this part shall be taken for the taxable year in which "paid or accrued" or "paid or incurred," dependent upon the method of accounting upon the basis of which the net income is computed, unless in order clearly to reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer [there shall be allowed as deductions and credits for the taxable period in which falls the date of his death, amounts accrued up to the date of his death (except deductions for contributions and gifts) if not otherwise properly allowable in respect of such period or a prior period] *whose net income is computed upon the basis of the accrual method of accounting, amounts except amounts includible in computing a partner's net income under Chapter 9, accrued as deductions and credits only by reason of the death of the taxpayer shall not be allowed in computing net income for the period in which falls the date of the taxpayer's death.*

SEC. 90. Section 17567 is added to said code, to read:

17567. In the case of a taxpayer not in existence during the whole of an annual accounting period ending on the last day of a month, or, if the taxpayer has no annual accounting period or does not keep books during the whole of a calendar year, the return shall be made for the fractional part of the year during which the taxpayer was in existence.

SEC. 91. Section 17568 is added to said code, to read:

17568. If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of the obligation occurring in the taxable year does not (under the method of accounting used in computing his net income) constitute income to him in that year, the taxpayer may, at his election made in his return



for any taxable year beginning after December 31, 1942, treat the increase as income received in such taxable year.

SEC. 92. Section 17569 is added to said code, to read:

17569. If any election is made as provided in Section 17568 with respect to any obligation, it shall apply also to all obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless upon application by the taxpayer, the commissioner permits him, subject to such conditions as the commissioner deems necessary, to change to a different method. In the case of any obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of obligations occurring between the date of acquisition and the first day of the taxable year shall also be treated as income received in the taxable year.

SEC. 93. Section 17672 of said code is amended to read:

17672. No gain [or loss] shall be recognized, *but loss shall be recognized*, if property, as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof, is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the commissioner, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund.

If any part of the money is not so expended, the gain, if any, shall be recognized [ , but in an amount not in excess of the money which is not so expended. ] *to the extent of the money which is not so expended (regardless of whether the money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain).*

SEC. 94. Section 17673 of said code is amended to read:

17673. No gain or loss shall be recognized to a shareholder from a distribution of stocks or securities in liquidation of a corporation made pursuant to an order of the Federal Securities and Exchange Commission under authority vested in it by the Public Utility Holding Company Act of 1935, as amended [prior to January 1, 1939].

SEC. 95. Section 17711 of said code is amended to read:

17711. "Capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property used in the trade or business of a character which is subject to the allowance for depreciation provided in Section 17313 [ . , or real property used in the trade or business of the taxpayer.

SEC. 96. Section 17713 of said code is amended to read:

17713. In determining the period for which the taxpayer has held property received on an exchange, there shall be included the period for which he held the property exchanged, if under Articles 4 or 5 of this chapter, the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged. *For the purposes of this section, an involuntary conversion described in Section 17672 shall be considered an exchange of the property converted for the property acquired.*

SEC. 97. Section 17716.5 is added to said code, to read:

17716.5. In determining the period for which the taxpayer has held stock or securities acquired from a corporation by the exercise of rights to acquire the stock or securities, there shall be included only the period beginning with the date upon which the right to acquire was exercised.

SEC. 97.3. Section 17721 is added to said code, to read:

17721. For the purposes of this section and Section 17722, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in Section 17313, and real property used in the trade or business, which is not

(a) Property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or

(b) Property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

SEC. 97.5. Section 17722 is added to said code, to read:

17722. If, during the taxable year, the recognized gains upon sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion, as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof, of property used in the trade or business and capital assets into other property or money, exceed the recognized losses from the sales, exchanges, and conversions, the gains and losses shall be considered as gains and losses from sales or



exchanges of capital assets. If the gains do not exceed the losses, the gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets.

Sec. 97.7. Section 17723 is added to said code, to read:

17723. In determining whether gains exceed losses, the gains and losses described therein shall be included only if and to the extent taken into account in computing net income except that Sections 17711 and 17717 shall not apply.

Sec. 97.8. Section 17724 is added to said code, to read:

17724. Losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business of capital assets shall be considered losses from a compulsory or involuntary conversion.

Sec. 98. Section 17743 of said code is amended to read:

17743. If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that [for the purpose of determining loss the basis shall be the basis so determined or the fair market value of the property at the time of the gift whichever is lower.] *if such basis (adjusted for the period prior to the date of gift as provided in Article 5 of this chapter) is greater than the fair market value of the property at the time of the gift, then, for the purpose of determining loss, the basis shall be the fair market value.*

Sec. 99. Section 17744 of said code is amended to read:

17744. If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

Sec. 100. Section 17782 of said code is amended to read:

17782. Proper adjustment in respect of the property shall in all cases be made for expenditures, receipts, losses, or other items, properly chargeable to capital account, [including taxes and other carrying charges on unimproved and improvable real property,] but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable years.

Sec. 101. Section 17783 of said code is amended to read:

17783. Proper adjustment in respect of the property shall in all cases also be made for exhaustion, wear and tear, obsolescence, amortization and depletion, to the extent sustained prior to January 1, 1935, and for periods thereafter to the extent allowed (but not less than the amount allowable) under this part. *However, if a taxpayer has not claimed an amortization deduction for an emergency taxider, an adjustment shall be made only to the extent ordinarily provided under Section 17313.*

Sec. 101.5. Section 17784.5 is added to said code, to read:

17784.5. Proper adjustment in respect of the property shall in all cases also be made in the case of any bond (as defined in Section 17318.5) the interest on which is wholly exempt from the tax imposed by this part, to the extent of the amortizable bond premium disallowable as a deduction pursuant to Section 17318.1 (a), and in the case of any other bond (as defined in that section) to the extent of the deductions allowable pursuant to Section 17318.1 (b) with respect thereto.

Sec. 102. Section 17787 is added to said code, to read:

17787. Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of the property, be increased or diminished on account of income derived by the lessor in respect of the property and excludable from gross income under Section 17131. If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by lessee in respect of the property was included in gross income of the lessor for any taxable year beginning before January 1, 1943, the basis of each portion of the property shall be properly adjusted for the amount so included in gross income.

Sec. 104. Section 17813 of said code is amended to read:

17813. In the case of mines (other than metal, coal, *fluorspar, ball and sagger clay, rock asphalt or sulphur* mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within 30 days thereafter, if the mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost.

Sec. 105. Section 17817 of said code is amended to read:

17817. The allowance for depletion under Section 17314 shall be, in the case of coal mines, 5 per cent, in the case of metal, *fluorspar, ball and sagger clay or rock asphalt* mines, 15 per cent, and, in the case of sulphur mines or deposits, 25 per cent, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. The allowance shall not exceed 50 per cent of the net income of the taxpayer (computed without allowance for depletion) from the property[.], *except in no case shall the depletion allowance under Section 17314 be less than it would be if computed without reference to this section.*

SEC. 106. Sections 17818, 17819 and 17820 of said code are repealed.

SEC. 107. Section 17952 of said code is amended to read:

17952. There shall also be allowed as a credit four hundred dollars (\$400) for each individual (other than husband or wife living with the taxpayer) dependent upon and receiving his chief support from the taxpayer if the dependent individual is under 18 years of age or is incapable of self-support because mentally or physically defective [, and four hundred dollars (\$400) for each former or present spouse to whose support the taxpayer is contributing by order of a court of competent jurisdiction].

*A payment to a wife which is includible under Sections 17104, 17105, 17106 and 17107 or Sections 18172.3 and 18172.5 in the gross income of the wife shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit under this subsection shall be disallowed with respect to one of the dependents.*

SEC. 108. Section 18133 of said code is amended to read:

18133. There shall be allowed as an additional deduction in computing the net income of the estate or trust [(a) the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the *legatees, heirs, or* beneficiaries, [and (b) the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct,] but the amount so allowed as a deduction shall be included in computing the net income of the *legatees, heirs, or* beneficiaries whether distributed to them or not.

In the case of a nonresident beneficiary his income derived through such an estate or trust is taxable only to the extent it is derived from sources within this State.

SEC. 109. Section 18135 of said code is amended to read:

18135. If the taxable year of a *legatee, heir or* beneficiary is different from that of the estate or trust, the amount which he is required, under Section 18133, to include in computing his net income shall be based upon the income of the estate or trust for any taxable year of the estate or trust ending within or with his taxable year.

SEC. 110. Section 18156 of said code is repealed.

SEC. 111. Section 18156 is added to said code, to read:

18156. A trust forming part of a stock bonus, pension, or profit sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under Chapter 18 and no other provision of this chapter shall apply with respect to such trust or to its beneficiary if the trust is one provided for under Sections 18157, 18158, 18159 and 18160.

SEC. 112. Section 18157 is added to said code, to read:

18157. A trust described in Section 18156 is not taxable if contributions are made to the trust by the employer, or employees, or both, for the purpose of distributing to the employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with the plan.

SEC. 113. Section 18158 is added to said code, to read:

18158. A trust described in Section 18156 is not taxable if under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be, within the taxable year or thereafter, used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries.

SEC. 114. Section 18159 is added to said code, to read:

18159. A trust described in Section 18156 is not taxable if the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either:

(a) Seventy per cent or more of all the employees, or 80 per cent or more of all the employees who are eligible to benefit under the plan if 70 per cent or more of all the employees are eligible to benefit under the plan. The percentages shall exclude in each case:

(1) Employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years; and

(2) Employees whose customary employment is for not more than 20 hours in any one week; and

(3) Employees whose customary employment is for not more than five months in any calendar year, or

(b) Employees who qualify under a classification set up by the employer which is found by the commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

SEC. 115. Section 18160 is added to said code, to read:

18160. A trust described in Section 18156 is not taxable if the contributions or benefits provided under the plan do not discriminate in favor of employees who are

officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

SEC. 116. Section 18161 is added to said code, to read:

18161. A classification shall not be considered discriminatory within the meaning of Sections 18159 and 18160 merely because it excludes employees the whole of whose remuneration constitutes "wages" under Section 1426 (a) (1) of the Internal Revenue Code (relating to the Federal Insurance Contributions Act) of the California Unemployment Insurance Act or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of these provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees. Nor shall a plan be considered discriminatory merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by Section 1426 (a) (1) of the Internal Revenue Code or the California Unemployment Insurance Act differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

SEC. 117. Section 18162 is added to said code, to read:

18162. A plan shall be considered as meeting the requirements of this article during the whole of any taxable year of the plan if on one day in each quarter it satisfied these requirements.

SEC. 118. Section 18163 is added to said code, to read:

18163. The amount actually distributed or made available to any distributee by any trust shall be taxable to him, in the year in which so distributed or made available, under Article 2 of Chapter 3 as if it were an annuity the consideration for which is the amount contributed by the employee, but if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of distribution to the extent exceeding the amounts contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset.

SEC. 119. Section 18164 is added to said code, to read:

18164. Contributions to a trust made by an employee during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under Section 18156 shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in the contribution is nonforfeitable at the time the contribution is made.

SEC. 120. Section 18172.3 is added to said code, to read:

18172.3. There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or separate maintenance the amount of the income of any trust which the wife is entitled to receive and which, except for the provisions of this section and Sections 18172.3 and 18172.5 would be includible in the gross income of her husband, and such amount shall not, despite any provision of this part, be includible in the gross income of the husband.

SEC. 121. Section 18172.5 is added to said code, to read:

18172.5. Section 18172.3 shall not apply to that part of any income of the trust which the terms of the decree or trust instrument fix, in terms of an amount of money or a portion of the income, as a sum which is payable for the support of minor children of the husband. In case the income is less than the amount specified in the decree or instrument, for the purpose of applying Section 18172.3, the income, to the extent of the sum payable for support, shall be considered a payment for support.

SEC. 122. Section 18172.7 is added to said code, to read:

18172.7. For the purposes of computing the net income of the estate or trust and net income of the wife described in Sections 17104, 17105, 17106 and 17107, or Section 18172.3, the wife shall be considered as the beneficiary specified in Sections 18172.3 and 18172.5. A periodic payment under Sections 17104, 17105, 17106 and 17107 or any part of which the provisions of Sections 18172.3 and 18172.5 are applicable, shall be included in the gross income of the beneficiary in the taxable year in which that part is required to be included.

SEC. 122.5. Section 18431 of said code is amended to read:

18431. Returns required by Section 18405 shall be under oath [.] ; all other returns required by this chapter shall contain, or be verified by, a written declaration that they are made under the penalties of perjury. Such returns shall be in such form as the commissioner may from time to time prescribe, and shall be filed with the commissioner at his main office or at any branch office which he may establish. The commissioner shall prepare blank forms for the returns and shall distribute them throughout the State and furnish them upon application. Failure to receive or secure the form does not relieve any taxpayer from making any return required. Any individual who wilfully makes and subscribes a return which he does



*not believe to be true and correct as to every material matter, shall be guilty of a felony, and upon conviction thereof, shall be subject to the penalties prescribed in perjury by the Penal Code of this State.*

SEC. 123. Article 4, comprising Sections 18470 to 18479, inclusive, is added to Chapter 10 of Part 10 of Division 2 of said code, to read:

#### Article 4. Returns by Persons Outside the Americas

18470. If an individual is continuously outside the Americas after December 6, 1941, for longer than 90 days; that period of time and the next 90 days thereafter shall be disregarded in determining under this part the amount of any credit or refund (including interest) or in respect of any liability for taxes, interests or penalties of that individual, whether any of the following acts were performed within the time prescribed:

- (a) Filing any return of income tax (except income tax withheld at source);
- (b) Payment of any income (except income tax withheld at source);
- (c) Filing an appeal with the State Board of Equalization;
- (d) Allowance of a credit or refund of any tax;
- (e) Filing a claim for credit or refund of any tax;
- (f) Bringing a suit upon any such claim for credit or refund;
- (g) Assessment of any tax;
- (h) Giving or making any notice or demand, for the payment of any tax, or with respect to any liability in respect of any tax;
- (i) Collection, by the commissioner or the collector, by distraint or otherwise, of the amount of any liability in respect of any tax;
- (j) Bringing suit by the State of California or any officer on its behalf, in respect of any liability in respect of any tax; and
- (k) Any other act required or permitted under this part.

18471. In any case to which Section 18470 does not apply in which it is determined by the commissioner, under regulations prescribed by him, that—

- (1) By reason of an individual being outside the Americas, or
- (2) By reason of any locality (within or without the Americas) being an area of enemy action or being an area under the control of the enemy, as determined by the commissioner, or
- (3) By reason of an individual in the military or naval forces of the United States being outside the States of the Union and the District of Columbia, it is impossible or impracticable to perform any one or more of the acts specified in Section 18470,

then in determining, under this part whether the act was performed within the time prescribed therefor, in respect of any liability for taxes, interest or penalties affected by the failure to perform the act within such time, and in determining the amount of any credit or refund (including interest) affected by that failure, there shall be disregarded the period after December 6, 1941, as may be prescribed by the regulations.

18472. The period of time disregarded under this article shall not extend beyond whichever of the following dates is the earlier:

- (1) The fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President of the United States; or
- (2) In the case of an individual with respect to whom a period of time is disregarded under this article, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of the individual qualifies.

18473. Notwithstanding the provisions of this article, any action or proceeding authorized by Article 4, of Chapter 11 (regardless of the taxable year for which the tax arose), Article 5 of Chapter 8, Sections 18621 and 18622, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted.

18474. In any other case in which the commissioner determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of this article shall not operate to stay collection of that amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this section the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under this article.

18475. In any case to which this article relates, if the commissioner is required to give any notice to or make any demand upon any person, that requirement shall be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the commissioner is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand is signed. In that case the notice or demand shall be deemed to have been given or made upon the date it is signed.



18476. The assessment or collection of any tax or of any liability under this part, or any action in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of Sections 18470 and 18471, unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of those sections.

18477. This section shall not operate to extend the time for performing any act specified in Section 18470 (g), (h), (i) or (j) if such time under the law in force prior to the date of enactment of this section expired prior to that date.

18478. For purposes of this article:

(a) The term "Americas" means North, Central, and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

(b) For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, if any period of time is disregarded under this section by reason of any individual being outside the Americas or within an area of enemy action or control, that individual shall not, if he returns to the Americas or leaves the area after the date of enactment of this section, be deemed to have returned to the Americas or ceased to be within that area before the date upon which the commissioner receives from that individual a notice thereof in such form as the commissioner shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this section by reason of being outside the States of the Union and the District of Columbia.

18479. For the purpose of determining whether any act specified in Section 18470 (g), (h), (i) or (j) was performed within the time prescribed therefor, the month in which an executor, administrator, or conservator qualifies, if he qualifies after the date of enactment of this section, shall be deemed to be the month in which the commissioner receives from him a notice thereof in such form as the commissioner shall by regulations prescribe.

SEC. 125. Section 18596 of said code is amended to read:

18596. The board's determination becomes final upon the expiration of [60] 30 days from the time of the determination unless within the [60 day] 30-day period the [determination is modified] *taxpayer or the commissioner files a petition for rehearing with the board.* In that event the determination becomes final upon the expiration of [60] 30 days from the time [it is modified.] *the board issues its opinion on the petition.*

SEC. 125.3. Section 19053.3 is added to said code, to read:

19053.3. The period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the commissioner may make an assessment under the same circumstances, if:

(a) The taxpayer has, within the period prescribed in the preceding sentence, agreed in writing, under the provisions of Article 2 of Chapter 11, to extend the time within which the commissioner may propose an additional assessment, or

(b) The taxpayer has agreed with the United States Commissioner of Internal Revenue for an extension (or renewals thereof) of the period for proposing and assessing deficiencies in Federal income tax for any year.

SEC. 125.5. Section 19053.5 is added to said code, to read:

19053.5. The provisions of Section 19053 shall apply to any claim filed, or credit or refund allowed or made, before the execution of an agreement pursuant to Section 19053.3.

SEC. 125.7. Section 19053.7 is added to said code, to read:

19053.7. Insofar as the claim for credit or refund relates to an overpayment on account of the deductibility, under Section 17310, of a debt as one which became worthless, or a loss from worthlessness of a security under Section 17311, or Section 17307, or an erroneous inclusion of an amount attributable to the recovery of a bad debt, prior tax or delinquency amount, under Sections 17132, 17133, 17134, 17135, and 17136 due to an adjustment of a bad debt deduction under Section 17310, or a loss deduction from worthlessness of a security under Section 17311, or Section 17307, in lieu of the period of limitations prescribed in Section 19053, the period shall be seven years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

SEC. 126. Section 19061 of said code is amended to read:

19061. The determination is final upon the expiration of [60] 30 days from the date of the determination unless within the [60-day] 30-day period [it is modified.] *the taxpayer or commissioner files a petition for rehearing with the board.* In that event the determination becomes final upon the expiration of [60] 30 days from the date [it is modified] *the board issues its opinion on the petition.*

SEC. 127. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 128. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any

reason held to be unconstitutional, such decision shall not effect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portions of this act, irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 129. Except as hereinafter provided in Section 130 of this act, the provisions of this act effecting changes in the computation of taxes shall be applied only in the computation of taxes for taxable years beginning after December 31, 1942, and the remaining provisions of this act shall become effective on the effective date of this act. Provisions effecting changes in the computation of taxes shall include those affecting income, deductions, rates, methods of calculating tax, exclusions, exemptions and credits.

SEC. 130. (a) The provisions of this act adding Sections 2 (p), 7 (k), 8 (c), 12 (j) and which amend Sections 7 (b) (2) and 10 (b) (insofar as they relate to Section 7 (k)), of the Personal Income Tax Act, shall be applicable only with respect to taxable years beginning after December 31, 1942; except that if the first taxable year beginning after December 31, 1942, of the husband, does not begin on the same day as the first taxable year beginning after December 31, 1942, of the wife, such provisions shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1942, regardless of the taxable year of the husband in which such day falls.

(b) The provisions of this act adding Sections 17019.3, 17104, 17105, 17106, 17107, 17317.5, 18172.3, 18172.5, and 18172.7, to the Revenue and Taxation Code, and which add Sections 17125.3, 17125.5, 17125.7 to, and amend Sections 17952 (insofar as they relate to Sections 17104, 17105, 17106 and 17107) of said code, shall be applicable only with respect to taxable years beginning after December 31, 1942; except that if the first taxable year beginning after December 31, 1942, of the husband, does not begin on the same day as the first taxable year beginning after December 31, 1942, of the wife, such provisions shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1942, regardless of the taxable year of the husband in which such day falls.

(c) The provisions of this act which amend Section 7 (b) (2) (relating to employees' annuities), 8 (m) and 12 (f) of the Personal Income Tax Act shall be applicable only with respect to taxable years of the employer beginning after December 31, 1942, except that

(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1943,

(A) Such plan shall not become subject to the requirements of Section 12 (f) (1) (C), (D), (E), and (F) until the beginning of the first taxable year beginning after December 31, 1943,

(B) Such a plan shall be considered as satisfying the requirements of Section 12 (f) (1) (C), (D), (E) and (F) for the period beginning with the beginning of the first taxable year following December 31, 1943, and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944.

(C) If the contribution of an employer to such a plan in the employer's taxable year beginning in 1943 exceeds the maximum amount deductible for such year under Section 8 (m), as amended by this act, the amount deductible in such year shall be not less than the sum of—

(i) The amount paid in such taxable year prior to September 1, 1943, and deductible under Section 8 (a) or 8 (m) prior to amendment by this act, and

(ii) With respect to the amount paid in such taxable year on or after September 1, 1943, that proportion of the amount deductible for the taxable year under Section 8 (m), as amended by this act, which the number of months after August 31, 1943, in the taxable year bears to 12.

(2) In the case of a stock bonus, pension, profit-sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Section 12 (f) (1) (C), (D), (E) and (F) for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944.

(d) The provisions of this act which add Sections 17125.3, 17125.5, 17125.7 (relating to employees' annuities), Article 1.5 to Chapter 4 and 15156 to 18164, inclusive, to the Revenue and Taxation Code shall be applicable only with respect to taxable years of the employer beginning after December 31, 1942, except that

(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1943,

(A) Such a plan shall not become subject to the requirements of Sections 18157, 18158, 18159, 18160, 18161, 18162, 18163 and 18164 until the beginning of the first taxable year beginning after December 31, 1943.

(B) Such a plan shall be considered as satisfying the requirements of Sections 18157, 18158, 18159, 18160, 18161, 18162, 18163 and 18164 for the period beginning with the beginning of the first taxable year, following December 31, 1943,

and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944.

(C) If the contribution of an employer to such a plan in the employer's taxable year beginning in 1943 exceeds the maximum amount deductible for such year under Article 1.5 of Chapter 4, as added by this act, the amount deductible in such year shall be not less than the sum of:

(i) The amount paid in such taxable year prior to September 1, 1943, and deductible under Sections 17301, 17302, prior to their amendment and Section 17303 prior to the addition of Article 1.5 to Chapter 4, and

(ii) With respect to the amount paid in such taxable year on or after September 1, 1943, that proportion of the amount deductible for the taxable year under Article 1.5 of Chapter 4, as added by this act, which the number of months after August 31, 1943, in the taxable year bears to 12.

(2) In the case of a stock bonus, pension, profit sharing or annuity plan put into effect after September 1, 1943, such a plan shall be considered as satisfying the requirements of Sections 18157, 18158, 18159, 18160, 18161, 18162, 18163, and 18164 for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the plan satisfies such requirements by December 31, 1944.

(e) The provisions of this act which amend Sections 7 (b) (9), 7 (c) (2), 7 (f), and add Section 8.1 shall be retroactive.

The provisions of this act which amend Section 9.4 (c) (1) shall be applicable to all taxable years beginning after December 31, 1938.

(f) The provisions of this act which amend Sections 17132, 17503, 17506, and 17211 and add Article 1.5 to Chapter 5, (relating to nonresident beneficiaries), and Section 17357 and Sections 17321 to 17322.9, inclusive, shall be retroactive.

The provisions of this act which amend Section 17713 shall be effective for all taxable years beginning after December 31, 1938.

(g) The provisions of this act which amend Sections 8 (i) (relating to emergency facilities) and 9.3 (b) (1) (B) shall be applicable only with respect to taxable years ending after October 6, 1940.

(h) The provisions of this act which amend Sections 17313 (relating to emergency facilities) and 17783 shall be applicable only with respect to taxable years ending after October 6, 1940.

(i) The provisions of this act which add Section 8.3 shall be applicable only with respect to taxable years ending after December 6, 1941.

(j) The provisions of this act which add Article 1.7 to Chapter 4 shall be applicable only with respect to taxable years ending after December 6, 1941.

SEC. 131. The provisions of this act amending sections of the Revenue and Taxation Code become operative only if Part 10, Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time as said Part 10 takes effect. At this time, the sections of the Personal Income Tax Act amended or added by this act are hereby repealed."

#### Amendment No. 34

On page 67 of said bill, strike out lines 5 to 52, inclusive, and on page 68, strike out lines 1 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 787**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 784**—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 830**—An act to amend Sections 396 and 397 of the Agricultural Code, relating to estrays.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1771**—An act to amend Section 87 of the Agricultural Code, relating to agricultural societies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 786**—An act to add Section 4041i to the Political Code, relating to the transfer of county property used for fair purposes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 232**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to dairy sanitation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 2, line 13, of the printed bill, as amended, strike out the semicolon and the balance of line 13, and insert a period.

##### Amendment No. 2

On page 2 of said bill, strike out lines 14, 15, and 16.

##### Amendment No. 3

On page 2 of said bill, following line 37, insert

"(m) If any milk or cream is separated, cooled, mixed, canned or kept in any room or place which is occupied by any person as a sleeping or living apartment, or occupied by fowls or animals."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 788**—An act to amend Section 88 of the Agricultural Code, relating to property transfers by district agricultural associations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1 of the printed bill, strike out all of lines 5 to 13, inclusive, and insert "the Fair and Exposition Fund in the State treasury. The amount paid into said fund under the provisions of this section shall be available for expenditure by the association, with the approval of the State Department of Finance, for permanent improvements for fair purposes on the property of the association. Said funds or any portion thereof which are not expended within three years after being so paid into the State treasury as provided in this section shall be added to and become a part of the amount available under Section 19626 of the Business and Professions Code for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, in such amounts as may be allocated by executive order of the State Director of Finance."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1747**—An act to add Section 44.3 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2 of the printed bill, as amended, between lines 15 and 16, insert "This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is engaged as determined by an act of Congress or proclamation of the President of the United States, whichever first occurs."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 639**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 29 of, and to add two new sections to numbered 8.1 and 18.1 to, the Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended on April 3, 1943, strike out "two", and insert "three".

**Amendment No. 2**

On page 14, line 29, of said bill, after "and", insert a comma, and strike out "however".

**Amendment No. 3**

On page 21, line 33, of said bill, strike out the semicolon, and insert a comma.

**Amendment No. 4**

On page 22, line 23, of said bill, after "centum", strike out the comma, and insert an open parenthesis.

**Amendment No. 5**

On page 24, line 51, of said bill, after "(2)", insert a closed parenthesis.

**Amendment No. 6**

On page 44, line 8, of said bill, strike out "(1)".

**Amendment No. 7**

On page 60, line 28, of said bill, strike out "7(d)(1)", and insert "7.1".

**Amendment No. 8**

On page 14, line 29, of said bill, after "that", strike out "of", and insert "if".

**Amendment No. 9**

On page 43, line 20, of said bill, strike out "calender", and insert "calendar".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 640**—An act to amend Sections 4a, 5, 6, 8, 9, 11, 12, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 31, 32, and 35 of, and to add two new sections to be numbered 9.1 and 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended on April 3, 1943, strike out "two", and insert "three".

**Amendment No. 2**

On page 2 of said bill, between lines 40 and 41, insert "Taxes under this section shall be in lieu of all ad valorem taxes and assessments of every kind and nature upon the general corporate franchises of the corporations taxable hereunder but shall not be in lieu of any taxes or assessments upon special franchises owned, held or used by said corporations. All such special franchises shall be assessed annually by the State Board of Equalization (at their actual value) in the same manner as is provided for the assessment of other property to be assessed by said board under Section 14 of Article XIII of the Constitution of this State, and shall be subject to taxation to the same extent and in the same manner as other property so assessed by said board. Said board is hereby authorized and directed to assess said special franchises as of the first Monday in March of 1935 and annually thereafter."

**Amendment No. 3**

On page 4, line 20, of said bill, strike out "gross income", and insert "gross income".

**Amendment No. 4**

On page 22, line 37, of said bill, strike out "(D)", and insert "(4)".

**Amendment No. 5**

On page 30, line 20, of said bill, strike out "(1)".

**Amendment No. 6**

On page 35, line 12, of said bill, before "The", insert "(4)".

**Amendment No. 7**

On page 42, line 36, of said bill, strike out "no", and insert "No"; in line 39, strike out "the", and insert "The"; and in line 48, strike out "such", and insert "Such".

**Amendment No. 8**

On page 51, line 10, of said bill, strike out "21(g)", and insert "20(g)".

**Amendment No. 9**

On page 57, line 29, of said bill, before "Board", insert "State".

**Amendment No. 10**

On page 65, line 20, of said bill, after "General", insert "of this State,"; and after "commissioner", and in lines 20 and 21, strike out "of this State".

**Amendment No. 11**

On page 68, lines 27 and 28, of said bill, strike out "8(c)(1)", and insert "8.1".

**Amendment No. 12**

On page 60, line 41, of said bill, strike out "at".

**Amendment No. 13**

On page 68, line 27, of said bill, strike out "(d)", and insert "(c)" before "The".

**Amendment No. 14**

On page 63, line 4, of said bill, strike out "fund", and insert "found".

**Amendment No. 15**

On page 15, line 29, of said bill, after "and", insert a comma; and in line 30, strike out "however".

**Amendment No. 16**

On page 21, line 37, of said bill, strike out the comma following "(A)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1505**—An act to amend Section 1196 of the Agricultural Code, relating to articles of incorporation of cooperative marketing associations.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 1196", and insert "Sections 1196, 1200, 1201 and 1202".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out "articles of incorporation".

**Amendment No. 3**

On page 1, line 16, of the printed bill, strike out "the term of office of the directors."

**Amendment No. 4**

On page 1, line 17, of the printed bill, strike out "not exceeding five years;"

**Amendment No. 5**

On page 2 of the printed bill, after line 16, insert

"Sec. 2. Section 1200 of the Agricultural Code is hereby amended to read as follows:

1200. Each association shall within 30 days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with this chapter. A majority vote of the members or shares of stock issued and outstanding and entitled to vote, or the written assent of a majority of the members or of stockholders representing a majority of all the shares of stock issued and outstanding and entitled to vote, is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings. Meetings of members or stockholders shall be held at the place as provided in the by-laws, and if no provision be made, then in the city where the principal place of business is located at a place designated by the board of directors. Meetings of the board of directors may be held at any place within or without the State fixed by a quorum thereof unless otherwise provided in the articles of incorporation or by-laws.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both, and the conditions, manner, form and effects of such votes; the right of members or stockholders to cumulate their votes and the prohibition, if desired, of cumulative voting.

(d) The number of directors constituting a quorum.

(e) *The number of directors and the qualifications, compensation and duties and term of office of directors and officers and the time of their election. Subject to the provisions of the General Corporation Law, the number of directors may be changed by a by-law duly adopted by the shareholders or members.*

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the nonprofit character of any association organized hereunder.

(j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation



from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, and where the by-laws do not provide any procedure or penalty, the board of directors shall equitably and conclusively appraise his property interest in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

SEC. 3. Section 1201 of the Agricultural Code is hereby amended to read as follows:

1201. The affairs of the association shall be managed by a board of not less than three directors, elected by the members or stockholders.

SEC. 4. Section 1202 of the Agricultural Code is hereby amended to read as follows:

1202. The by-laws may provide that:

(a) The territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association.

(b) Primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by laws may also provide that the results of the primary elections in the various districts shall be final and must be ratified at the annual meeting of the association.

(c) The territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisers, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisers to be elected by each district, the manner and method of reapportioning the representatives or advisers and of redistricting the territory covered by the association.

(d) One or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such director shall represent primarily the interest of the general public in such associations. The directors so nominated shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

(e) The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1013

Senator Swan moved that Senate Bill No. 1013 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1013**—An act to add Section 5.712a to the School Code, relating to reappointment rights of permanent employees.

Bill read second time.

#### Motion to Amend

Senator Swan moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill strike out "5.712a to the School", and insert "13654 to the Education".

#### Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 10, inclusive, and insert "SEC. 1. Section 13654 is added to the Education Code, to read:

13654. Notwithstanding the provisions of Section 5.712, permanent employees dismissed because of the effect of the wars in which the United States is presently engaged upon enrollment or upon the maintenance of a particular kind of service shall have the preferred right to reappointment, in the order of their original employment, unless any such employee in the meantime shall have attained the age of 65 years, if the number of employees be increased, or such service is reestablished



within two years after cessation of hostilities in such wars. As to any employee who is so reemployed the period of his absence shall be treated as a leave of absence and shall not be considered as a break in the continuity of his service and any credit for prior service under any State or district retirement system shall not be affected by such absence but the period of such absence shall not count as a part of the service required for retirement."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

#### MOTION TO SET SPECIAL ORDER

Senator Slater moved that Assembly Bill No. 1929 be made a special order of business for Monday, April 19, 1943, at 2 p.m.

Motion carried.

#### MOTION TO EXTEND AN INVITATION

Senator Tenney moved that the Secretary of the Senate be instructed to extend, on behalf of the Senate, an invitation to Miss Kate Smith to address the Senate on Wednesday, April 21, 1943, at 4 p.m.

Motion carried.

#### RECESS

At 1.30 p.m., on motion of Senator Seawell, the Senate recessed to allow Senator Donnelly to introduce to the Senate Doctor Townsend and the leaders of the Old Age Pension Group, and to hear their remarks.

#### REASSEMBLED

At 2.01 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

##### Senate Resolution No. 105

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work April 14, 1943:

Sue Garrett, Stenographer	Per day \$6 00
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Resolution read, and unanimously adopted.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Constitutional Amendment No. 27:** By Senator Swing—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of said State, by adding Section 38 thereto, relating to the reorganization of the Executive Department of the State Government.

Referred to Committee on Rules.

**Senate Constitutional Amendment No. 28:** By Senator Swing—A resolution to propose to the people of the State of California an

amendment to the Constitution of the State, by adding Section 14 to Article XVI thereof, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to have the following statement regarding the introduction of Senate Constitutional Amendment No. 27 and Senate Constitutional Amendment No. 28, printed in the Journal:

#### Statement by Senator Swing

MR. PRESIDENT: The three major problems confronting the people of this State are: (a) Cost of State Government, (b) taxation as it affects all the people, and (c) care of our senior citizens.

These problems are so closely interrelated that a solution of one can not be properly approached without considering the effect any proposed solution of one would have upon the others. Assistance to the aged can not be materially increased and taxes at the same time materially reduced unless we also reduce the cost of government. The Governor's Tax Committee has recommended a material reduction in the sales tax, franchise, and income taxes. On the other hand, the Governor's Pension Committee has recommended a material increase in pensions to our aged citizens, but neither committee has suggested any material reduction in the governmental costs. The taxes sought to be reduced by the Governor's Tax Committee, and as embodied in the Assembly program, is the source of revenue for the State's General Fund, while the cost of old age pensions is paid from the General Fund. It is apparent that if both these recommendations are carried into effect without a reduction in the cost of government, a deficiency in our General Fund will inevitably follow.

Those familiar with the intricacies of our governmental system realize that no proper approach can be made to streamlining State Government and reduction in governmental costs unless the Legislature is relieved of the strait-jacket provisions of our Constitution which limit and control legislative action. Everyone admits that the care of the aged should be borne entirely by the Federal Government, but such Government has so far failed to assume its obligations in this respect. This has necessitated the States making a substantial contribution to such fund. In California we have passed a part of that cost on to the counties and the local taxpayer, where it does not now and never did belong. Care of the aged is not a local obligation but a State and Federal duty and no satisfactory solution can ever be had, and the regulations so irritating to our senior citizens removed, unless this burden is taken from common property and the local taxpayer and lodged in the Federal and State Government where it belongs.

There is nothing in the Assembly Tax Program as thus far adopted by it, nor in that recommended by the Governor's Tax Committee, that offers any relief to the common property taxpayer. He is the "forgotten man." Under either or both of these programs, everyone is to enjoy tax relief and tax reduction, except the class of people who most need it.

The small home owner, the farmer, and the people who depend upon rents and income from their farms are left "high and dry." They are harassed by the confusing OPA frozen rent regulations and labor shortage. They are confronted with ever-increasing cost of living and faced with a constantly declining income. Yet they comprise the great class of people who are told to "keep their chin up," maintain a high morale, and keep the home fires burning.

Unless some relief is afforded this group either by State grants to the counties or by the transfer of the counties' cost of old age pensions to the State, they will not be able to survive the ordeal. No tax reduction program is fair, equitable, or sound that does not include reduction in costs of State Government and relief for the common taxpayer.

In order to provide a sound basis for a permanent tax reduction and relief for the common property taxpayer, I have prepared and am this day submitting two constitutional amendments: one having for its purpose the streamlining of State Government and thereby materially reduce governmental costs, and the other to transfer from the common property taxpayer to the State, all of the costs of old age pensions not covered by Federal grants. If adopted, these amendments will afford permanent tax relief to both the State and to the counties.

I am asking that this statement be entered in the Journal immediately following the entry of the presentation of the two proposed constitutional amendments referred to, so that those giving consideration to these proposals will have a clear conception of the purpose sought to be obtained.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 338**—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption by a stepparent.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 338?

## Amendment No. 1

On page 2, line 20, of the printed bill, as amended, after "court", insert "; provided, that if said natural parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption".

## Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "by a stepparent".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 338 by the following vote:

**AYES**—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 742**—An act to provide for uniform blackout and dimout regulations throughout the State, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 742?

## Amendment No. 1

On page 1 of the printed bill, strike out all of lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 5, inclusive, and insert

## "CHAPTER 1. ZONES OF RESTRICTED LIGHTING

Section 1. The present situation requires as a matter of military necessity that a zone of restricted lighting be established within the areas described herein, and that illumination within said zone of restricted lighting be extinguished or controlled in such manner and to such extent as may be necessary to prevent such illumination from aiding the operations of the enemy.

Pursuant to said determination and statement of military necessity a zone of restricted lighting, as particularly described as follows, is hereby designated and established, and the entire area of each named county is included except where a portion of a county is specifically described: Alameda, Butte, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Kings, Lake, Marin, Mendocino, Merced, Monterey, Napa, Orange, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Trinity, Ventura, Yolo, Yuba, Amador—all that portion situated westerly of El Dorado National Forest, Calaveras—all that portion situated westerly of Stanislaus National Forest, El Dorado—all that portion situated westerly of El Dorado National Forest, Fresno—all that portion situated westerly of Sierra National Forest, Kern—all that portion situated westerly of Meridian 118° 45', which runs approximately three miles west of Glennville, one mile west of Bena and seven miles east of Lebec, Los Angeles—all that portion situated southwesterly of Angeles National Forest and westerly of Mint Canyon, Madera—all that portion situated westerly of Sierra National Forest, Mariposa—all that portion situated westerly of Stanislaus National Forest and Sierra National Forest, Nevada—all that portion situated westerly of Tahoe National Forest, Placer—all that portion situated westerly of Tahoe National Forest, Riverside—all that portion situated westerly of the



San Bernardino Meridian, including all of the City of San Jacinto, San Bernardino—all that portion situated southwesterly of the San Bernardino National Forest, San Diego—all that portion situated westerly of Anza Desert State Park, Shasta—all that portion situated westerly of the Mount Diablo Meridian, Tehama—all that portion situated westerly of the Lassen National Forest and westerly of the most westerly boundary of Lassen National Forest projected north along the Mount Diablo Meridian to the southerly boundary of Shasta County, Tulare—all that portion situated westerly of Sierra National Forest, Sequoia National Park and Sequoia National Forest, Tuolumne—all that portion situated westerly of Stanislaus National Forest.

Sec. 2. Illumination within the entire area of said zone of restricted lighting described in Section 1 shall be extinguished or controlled at all times at night from sunset to sunrise, as follows:

(a) Signs, Floodlighting, Display and Interior Lighting. Illuminated signs and ornamental lighting of every description which are located out-of-doors, and floodlighting which illuminates buildings or signs (including but not limited to all exterior advertising signs, billboards, display lighting, theater marquee signs, illuminated poster panels and building outline lighting), and all interior light sources (as hereinafter defined) which emit direct rays above the horizontal out-of-doors, shall be extinguished. The words, "light sources," as used herein are intended and shall be construed to mean and include any light generating elements and the bright portion of any reflector, lens, luminaire, transparency, or other equipment associated herewith for the control or diffusion of light. This Section 2 (a) shall not apply to illumination for industrial or protective purposes except to the extent provided for in Section 2 (b) hereof.

(b) Illumination of Outdoor Areas; Street and Highway Lights. Illumination of outdoor areas and industrial and protective illumination, shall be controlled as follows:

(1) Except as provided in Section 2 (b) (2) hereof, illumination on all outdoor areas (including but not limited to automobile service station yards, outdoor parking areas, recreation areas and outdoor structures and roofs) shall not exceed one foot candle at any point when measured on a horizontal plane at any level of such outdoor areas, and all outdoor light sources shall be shielded so that no direct rays from the light source are emitted above the horizontal. All interior lighting of every description shall be reduced or controlled so that it does not contribute more than one foot candle of illumination upon any outdoor area. All street and highway lights shall also be shielded so that each light source emits no more than 10 per cent of its total lamp lumens at angles above the horizontal. Provided the foregoing requirements are met, any further reduction or extinguishment of street or highway illumination which would unnecessarily aggravate traffic hazards is not required.

(2) Variations from the foregoing requirements shall be permitted in the case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior, but not including street or highway lights, only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Commanding General of the Western Defense Command or an agency designated by such commander to approve such variations, obtained in advance.

(c) Traffic Signs and Signals. Illuminated signs and signals which are authorized or maintained by Governmental authority for the purpose of controlling or directing street or highway traffic shall be shielded so that no direct rays from the light source are emitted above the horizontal in respect to lights mounted 10 feet or more above the ground, or above an angle of more than six degrees above the horizontal in respect to lights mounted less than 10 but more than three feet above the ground, or above an angle of more than 12 degrees above the horizontal in respect to lights mounted less than three feet above the ground. Relative variations in the upward limit of light are permissible to compensate for grades.

(d) Navigation and Railroad Lights. Authorized lights necessary to facilitate air or water navigation, authorized railroad signal lights, and headlights of railroad locomotives when in motion, are hereby excepted from all the provisions of this chapter.

Sec. 3. Definition of "Visible from the Sea." The phrase "visible from the sea," as used herein, is intended and shall be construed to mean and include the following:

Visible at any time from the waters of the Pacific Ocean, or visible from any of those bodies of water located on the shoreline of the State of California generally known and described as follows: Santa Monica Bay, Santa Barbara Channel, San Luis Obispo Bay, Estero Bay, and Monterey Bay; provided, however, that the waters of San Francisco Bay, lying easterly of a line extending from Point Bonita through Mile Rock, is not intended and shall not be construed to be a part of the sea; and solely for the purposes of Section 3 (c) hereof, concerning street and highway traffic, the phrase "areas visible from the sea" is also intended and shall be construed to mean and include that portion of streets or highways which may not in fact be visible from the sea but which is within areas generally visible from the sea.



In addition to the restrictions hereinbefore imposed, illumination within that part of the zone of restricted lighting which is visible from the sea, as herein defined, shall be further diminished or obscured at all times at night from sunset to sunrise, as follows:

(a) **Street, Highway and Traffic Lights.** Street and highway lights, and illuminated signs (but not signals) which are authorized or maintained by governmental authority for the purpose of controlling or directing street or highway traffic and which are visible from the sea, shall be so shielded that they are not visible from the sea at night and so that no direct rays from the light source are emitted above the horizontal.

(b) **Residential, Commercial and Industrial Windows.** No lighting shall be permitted behind windows or glazed doors visible from the sea unless they are covered by drapes or shades.

(c) **Street and Highway Traffic.** Within areas visible from the sea, but subject to the exceptions hereinafter stated, vehicles shall operate at night with no more than two lighted driving lamps, regardless of the direction of travel, and each such lamp shall provide a maximum of not more than 250 beam candlepower. Normal rear lights, license plate lights and clearance lights (where required by law) are permitted. Vehicles which are classified as authorized emergency vehicles under the laws of this State, when displaying an illuminated red spotlight, and when responding to a fire alarm, or when in the immediate pursuit of an actual or suspected violator of the law, or when going to or transporting a person who is in apparent need of immediate emergency medical or surgical care, or when responding to some other emergency involving the protection of life or property, shall be excepted from the foregoing provision.

(d) **Industrial and Protective Illumination.** Light sources for industrial purposes and light from industrial processes within areas visible from the sea, shall comply with the requirements of Section 2 (b) hereof, and shall also be shielded so that they are not visible from the sea at night; provided, that variations from these requirements may be permitted in case of illumination for industrial and protective purposes, and from industrial processes, whether interior or exterior (but not including street or highway lights), only when and to the extent that it is necessary to vary from such requirements in order to achieve and maintain maximum efficiency; but only with the written approval of the Commanding General of the Western Defense Command or an agency designated by such commander to approve such variations, obtained in advance.

(e) **Other Illumination.** Except as hereinabove provided in this Section 3, all other lights visible from the sea are prohibited at night, including but not limited to light from fires, bonfires, parked cars, flashlights and lanterns.

SEC. 4. Whenever the California State War Council, after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different provisions restricting lighting or that restrictions on such lighting are required in other areas in order to prevent aiding the operations of the enemy, the said State War Council shall address its findings to the Governor, and if the Governor concurs therein, he shall proclaim such additional or different restrictions and regulations governing illumination which shall thereupon become effective as laws of this State and shall supersede to the extent of any conflict the provisions of this chapter and any other provisions of law governing illumination. The violation of any such regulations shall constitute a misdemeanor and be punishable as a violation of this chapter. In making such investigations and determinations, the State War Council is hereby directed to consider the findings and recommendations of the Commanding General of the Western Defense Command, and in no event shall the Governor proclaim more restrictive regulations than those specified by said Commanding General, it being the intention that insofar as possible the regulations so adopted shall conform exactly to the orders or recommendations of the Commanding General of the Western Defense Command.

#### CHAPTER 2. AIR RAID PRECAUTIONS

SEC. 5. "Air raid signal" shall mean a public notice or signal requiring compliance with the provisions of this chapter covering precautions against possible enemy attack within a specified area. The form of said public notice or signal shall be an audible signal of approximately two minutes duration, made by siren, whistle, horn or other audible device, consisting of a fluctuating or warbling sound of varying pitch, or a succession of intermittent blasts of approximately five seconds duration separated by a succession of silent periods of approximately three seconds duration. "All clear signal" shall mean a public notice or signal indicating termination of the requirement of compliance with the provisions of this chapter. The form of said notice or signal shall be a continuous audible signal of approximately two minutes duration at a steady pitch, made by a siren, whistle, horn or other audible device. The form of air raid or all clear signals may be varied to meet local conditions when a permit to vary the form of such signals has been granted by the State Director of Civilian Protection.

"Period of Air Raid Alarm" shall mean the interval of time between the giving of the air raid signal and the giving of the next succeeding all clear signal.

"Period of Blackout" shall mean a period of air raid alarm occurring at night between sunset and sunrise.

"Area of Air Raid Alarm" shall mean the district or area in respect to which an air raid signal is given, as such district may have been defined by the State civilian defense authority and the military command.

SEC. 6. None of the signals described in Section 5 hereof shall be given except by or under the authority of the Fourth Fighter Command, or such other military agency as may be designated by the Secretary of War.

SEC. 7. Immediately upon the commencement of a blackout period, every person in control of lighting within an area of air raid alarm shall extinguish or obscure all lighting which is visible from out-of-doors and shall keep such lighting extinguished or obscured until such blackout period is ended.

SEC. 8. No person in control of lighting shall permit any such lighting visible from out-of-doors to be left unattended at night from sunset to sunrise. Lighting shall be unattended within the meaning hereof unless it is left under the control of a competent person who has undertaken responsibility for such lighting or unless the lighting is controlled by a mechanical device competent to control such lighting. Persons in control of lighting shall be responsible for the timely and proper functioning of any such mechanical device relied upon for the control of lighting.

SEC. 9. At the commencement of a period of air raid alarm (occurring during either the day or night), the operator of any vehicle shall forthwith bring such vehicle as far as possible to the side of the street, road or highway off the main traveled portion thereof, and the operator of such vehicle, and the operator of any street car, shall bring such vehicle or street car to a stop clear of any crossing, intersection, fire house, fire plug, hospital or other emergency depot or area, and during a period of blackout shall extinguish all lights therein or thereon, and said vehicle or street car shall remain so situated during the period of air raid alarm, unless directed or ordered to move by any highway patrolman, peace officer, auxiliary policeman, air raid warden or other authorized person.

SEC. 10. All persons within an area of air raid alarm in an unsheltered place shall immediately go to the nearest shelter and remain therein until the period of air raid alarm is ended except:

(a) Uniformed members of the armed forces of the United States or of the State Guard, and regular firemen, peace officers or highway patrolmen, all when acting under official orders.

(b) Persons lawfully wearing any arm band with insignia prescribed by the Director of the United States Office of Civilian Defense, and persons lawfully wearing arm bands authorized for the Aircraft Warning Service, only when and to the extent that such persons are required to move or remain away from shelter in the performance of their emergency duties.

SEC. 11. The provisions of this chapter shall not include the following:

(a) "Authorized emergency vehicles" when responding to a fire alarm or when going to or transporting a person who is in apparent need of immediate emergency medical care, or when in immediate pursuit of an actual or suspected violator of the law, or when transporting essential personnel to posts of duty in compliance with specific orders, or when responding to some other emergency involving the immediate protection of life or property or when returning to a dispatching station;

(b) "Auxiliary emergency vehicles" in respect to which a valid written vehicle permit has been issued by, and which is displaying insignia or other identifying devices or articles authorized by, the State Director of Civilian Protection in accordance with rules established by the State War Council; provided, however, such vehicles may travel during the period of air raid alarm only when operated by authorized personnel acting on orders from fire, police or civilian defense authorities, and when responding to a fire alarm, or when going to or transporting a person who is in apparent need of immediate emergency medical care, or when responding to some other emergency involving the immediate protection of life or property, or when transporting essential personnel to posts of duty in compliance with specific orders, or when returning to a dispatching station to receive further emergency orders; provided further, that notwithstanding the provisions of Section 3 (c) of this act auxiliary emergency vehicles shall be permitted to travel, as provided in this paragraph, in areas visible from the sea during periods of blackout when operated under the conditions prescribed by this paragraph.

(c) Vehicles under the control of the armed forces of the United States, the operators of which are acting under official orders.

(d) Illumination in connection with railroad operations (except passenger and freight stations, offices and warehouses), aeronautical operations, and illumination in connection with water navigation and in and about ports under the jurisdiction of the United States Navy, and all lights operated by military or naval authority.

SEC. 12. The blackout provisions of this chapter shall not include the following:

(a) Incandescent electric lamps lawfully marked "Indoor Blackout—War Department Standard," and complying with the specifications therefor expressed in "War Department Specifications—Blackout of Buildings," may be left burning in commercial and industrial building interiors without the complete obscuration of doors and

windows, only if such lamps are installed in accordance with the following specifications:

(1) In any one room, only one lamp shall be permitted for each two hundred (200) square feet of floor area or fraction thereof.

(2) Lamps shall be spaced not less than 10 feet apart in every direction.

(3) In hallways and corridors only one row of lamps shall be permitted, spaced not less than fifteen (15) feet apart, notwithstanding the provisions of paragraph (2) hereof.

(4) Lamps shall be placed at least three (3) feet from any window or other exterior opening in the building which is not completely obscured, and lamps shall not be pointed toward any such window or other exterior opening.

(5) All lamps shall be located or shielded so that they are not directly visible from out-of-doors when viewed from a point above the level of the bottom of the lamp.

(b) Red exit lights shall be permitted within buildings which are open to the public; provided, that all such lights are located or shielded so that no direct rays from such lights are emitted out of doors; and provided, that such lights shall be restricted to not more than one lamp of not more than fifteen (15) watts at each exit or at each turning point in the route to an exit.

(c) Flashlights may be used during periods of blackout in areas of air raid alarm, provided that such flashlights shall not be pointed above the horizontal and provided that the lens, cover glass or lamp of such flashlights shall be completely screened with material which is the equivalent, in density and light reduction properties, of three thicknesses of ordinary newspaper in the case of flashlights operated by two (2) dry cell batteries plus one additional thickness of such paper for each additional dry cell battery used in the operation of such flashlight.

(d) Lanterns may be left unattended and may be left burning during blackout periods in areas of air raid alarm for the purpose of marking excavations or obstructions in areas open to the public if such lanterns are equipped with red globes and if they are shielded so that no direct rays from the light source are emitted upward beyond twelve degrees (12°) above the base of the lantern flame, and if such lanterns are spaced at least ten (10) feet apart.

(e) Light emitted from industrial processes, such as furnaces, foundries and kilns, where the extinguishment of the light would involve serious difficulties in resuming operations after the blackout, shall be permitted during blackout periods in areas of air raid alarm; provided, that the light is shielded, obscured, reduced in intensity and otherwise controlled to as great an extent as may be practicable to reduce to a minimum the amount of light visible out of doors; and provided, that such light is specifically permitted in writing in advance by or under the authority of the State Director of Civilian Protection in respect to each individual case, and provided further, that the granting or denial of such permits shall be subject to review by, and rules and regulations of, the State War Council. Steam or smoke shall be reduced to the lowest practicable minimum except where such steam or smoke is used for protective concealment in accordance with plans approved by military authorities.

Sec. 13. All persons are forbidden to order, alter, publish, sound or simulate in any manner, any air raid or all clear signal unless authorized to do so as provided in this chapter.

Sec. 14. All persons are forbidden to wear, exhibit or use any arm band, pennant, permit, identification card or other identifying article or device unless lawfully authorized to do so.

Sec. 15. Whenever the State War Council after such study, investigation or hearing as it may make, direct or conduct, shall find and determine that additional or different air raid precaution regulations are required in order to protect life or property, the State War Council shall address its findings to the Governor and if the Governor concurs therein, he shall proclaim such additional or different air raid precaution regulations which shall thereupon become effective as law of this State. Such regulations shall supersede to the extent of any conflict the provisions of this chapter and also any other provision of law which interferes with the purposes of this chapter. The violation of any such regulations shall constitute a misdemeanor and shall be punishable as a violation of this chapter.

### CHAPTER 3

Sec. 16. Any lighting remaining visible out of doors contrary to the provisions of this act constitutes a public nuisance, and the same shall be summarily abated by any peace officer or highway patrolman. Such nuisance may be abated by authorized civilian defense personnel if forcible entry or destruction of property is not required.

Sec. 17. Any proclamation issued by the Governor pursuant to the provisions of this act shall be in writing and shall take effect immediately upon issuance thereof. As soon thereafter as possible such proclamation shall be filed in the Office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation. Within 10 days after the convening of the next session of the Legislature the Governor shall make a report thereto of the provisions of any such proclamation.



Sec. 18. Any person who violates any of the provisions of this act or who refuses or wilfully neglects to obey any lawful rule, regulation or order promulgated or issued as provided in this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

Sec. 19. This act shall remain in effect only until the cessation of hostilities in the present war in which the United States is engaged, as declared by the President or the Congress of the United States, or until such time as the Governor after recommendation made by the Western Defense Command or such other military agency as may be designated by the Secretary of War proclaims the provisions of this act are no longer necessary as a matter of military necessity, or to preserve life and property.

Sec. 20. If any section, subsection, subdivision, sentence, clause or phrase of this act is for any reason held to be not in immediate effect, it is the express legislative intent that such decision shall not affect the immediate operation or validity of the remaining portions of this act.

It is the intent of the Legislature that this entire act shall take effect immediately and that if any portion thereof can not, under the Constitution of this State, so take effect, that all of the remaining provisions hereof shall take effect immediately and that such portion or portions, if any, that can not take effect immediately, shall take effect at the time provided by law. Any portion of this act that may for any reason be held to be not in immediate effect is hereby expressly declared to be severable from the remaining portions of this act.

Further, in the event it is determined that the inclusion of a provision in this act that can not take effect immediately would prevent this act from being construed to be an urgency measure, then any such provision in this act shall be held to be inoperative, and the remaining portions of this act shall take effect immediately.

Sec. 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 22. This act is hereby declared to be an urgency measure within the meaning of Section 1 of Article IV of the State Constitution, necessary for the immediate preservation of the public peace, health and safety. The statement of the facts constituting such necessity is as follows:

The Western Defense Command of the United States Army has found that military necessity requires the restriction of the intensity of lights in certain areas of this State, and has by order prohibited the use of lights of more intensity than that prescribed. While a violation of such order is a crime under the Federal law, there is no adequate available means by which the Federal Government can enforce such order and it is essential to the war effort that the State be enabled at the earliest possible moment to enforce the provisions of such order. The effect of this bill will be to permit such enforcement by the State.

Uniform air raid precautions are urgently needed to minimize the effect of enemy attack upon life and property and military installations within this State and uniformity is necessary so that all persons going from one area of the State into another may know their duties and conform to the law. It is therefore provided that this act shall take effect immediately."

#### Amendment No. 2

In line 1 of the title of the printed bill, as amended, after "for", insert "precautions against enemy attack, including,".

#### Amendment No. 3

In line 2 of the title of the printed bill, as amended, strike out "throughout the State".

#### Amendment No. 4

On page 5, line 40, of the printed bill, as amended, after "lighting", insert "are required in the areas described in Section 1 hereof,".

#### Amendment No. 5

On page 10, line 15, of the printed bill, as amended, after the period, insert "Notwithstanding the provisions of this section any city, county, or city and county may provide by ordinance or resolution for the summary abatement of such nuisance by an auxiliary policeman or air raid warden."

#### Amendment No. 6

On page 7, line 18, of the printed bill, as amended, strike out the semicolon at the end of the line, and insert a period.

#### Amendment No. 7

On page 7 of the printed bill, as amended, strike out all of lines 19 to 29, inclusive, and insert in lieu thereof "Notwithstanding the provisions of Section".



**Amendment No. 8**

On page 9, line 29, of the printed bill, as amended, insert a period after the numeral "3", and insert "GENERAL PROVISIONS".

**Amendment No. 9**

In line 2 of the title of the printed bill, as amended, strike out "uniform".

**Amendment No. 10**

On page 2, line 42, of the printed bill, as amended, strike out "herewith", and insert "therewith".

**Amendment No. 11**

On page 4 of the printed bill, as amended, strike out lines 25 and 26, and insert "vehicles shall operate at night, regardless of the direction of travel, with two lighted driving lamps, but not more than two, and each".

**Amendment No. 12**

On page 4, line 31, of the printed bill, as amended, before the comma, and after "state", insert "or under Federal laws or regulations".

**Amendment No. 13**

On page 4, line 51, of the printed bill, as amended, after "Command", insert "or of any other military agency designated by the Secretary of War".

**Amendment No. 14**

On page 5, line 17, of the printed bill, as amended, after "effective", insert "and shall have the same effect".

**Amendment No. 15**

On page 5, line 19, of the printed bill, as amended, after "chapter", insert "(including persons or subjects herein excluded from the operation of this chapter)".

**Amendment No. 16**

On page 5, line 25, of the printed bill, as amended, before the comma and after "Command", insert "or such other military agency as may be designated by the Secretary of War".

**Amendment No. 17**

On page 5 of the printed bill, as amended, strike out lines 28 to 30, inclusive, and insert "as possible the regulations so adopted shall be uniform with the orders or recommendations of the said Commanding General."

**Amendment No. 18**

On page 5, line 36, of the printed bill, as amended, after "possible", insert "or assumed".

**Amendment No. 19**

On page 6 of the printed bill, as amended, strike out lines 8 and 9, and insert "may have been defined by the State War Council and the Commanding General, Western Defense Command, or such other military agency as may be designated by the Secretary of War."

**Amendment No. 20**

On page 8 of the printed bill, as amended, strike out lines 50 and 51, and insert "the Commanding General, Western Defense Command, or any other military agency designated by the Secretary of War, or an agency designated by such Commanding General to approve such variations."

**Amendment No. 21**

On page 9 of the printed bill, as amended, strike out lines 1 and 2; and in line 3, strike out "Council."

**Amendment No. 22**

On page 9 of the printed bill, as amended, strike out line 19, and insert "to the Governor and if the Governor and the Commanding General of the Western Defense Command or such other military agency as may be designated by the Secretary of War concurs therein, the Governor shall".

**Amendment No. 23**

On page 9, line 21, of the printed bill, as amended, strike out "as law", and insert "and shall have the same effect as laws".

**Amendment No. 24**

On page 9, line 23, of the printed bill, as amended, after "chapter", insert "(including persons or subjects herein excluded from the operation of this chapter)".

**Amendment No. 25**

On page 10, line 49, of the printed bill, as amended, strike out "adequate", and insert "satisfactory".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 742 by the following vote:

**AYES**—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

Chief Assistant Secretary Harry A. Hammond at the Desk

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 273 was taken up.

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

**Consideration of Motion to Reconsider**

Pursuant to his motion previously made, Senator Quinn moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 273 was refused passage.

The roll was called, and Senate Bill No. 273 reconsidered by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Senate Bill No. 273 ordered to third reading.

**COMMUNICATIONS**

The following communication was received, read, and, on motion of Senator Mayo, ordered printed in the Journal:

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, April 13, 1943

*To the Members of the Senate*

**GREETINGS:** I am herewith transmitting additional information received by my office relative to the pension problem. It is in the form of a statement submitted by John C. Cuneo, member of the Citizens Committee on Old Age Pensions.

Respectfully,

EARL WARREN, Governor

February 22, 1943

**A Suggestion for Governor Warren and His Tax and Pension Committees**

1. That present State tax programs be continued for one year with such minor changes as may be thought necessary for efficiency and equity.
2. That State surplus be held intact for the one-year period.
3. That a reasonable State Pension Plan be adopted, "as a right", payable to all citizens 60 years of age and over. As soon as the war ends, recipients to retire from gainful employment. The money for this purpose to be raised by a 2 per cent gross income tax on all business as now levied in Hawaii. The amount to be paid to be a pro rata share of money available after payment of operating expenses each month. The rate of tax and the minimum age to be raised or lowered by Governor and a committee, within certain limits, as conditions warrant.

At the end of a year after the 2 per cent gross income tax plan has been in operation we will know how successfully it operates and how much money will be available. At that time, if the results justify, a gross income tax plan can then be adopted with a rate high enough to absorb most all other forms of State taxes. The State surplus could then be allocated to the best advantage at that time. By lowering, or raising, the age requirement, the problem of unemployment should be under control. With a flexible rate of tax, the State could be on a "pay-as-we-go" basis and we would tax according to the ability to spend and at a time when the taxpayer has the money—MONTHLY, as sales are made. This plan need not interfere with the present old age assistance grants. The pro rata amounts available each month would apply on the assistance now paid to senior citizens each month and when such amount exceeds the sum they are now eligible to, they would automatically go off the old age assistance rolls.

#### Advantages of Transactions, or Gross Income Tax

1. Simpler—one tax, one report. No complicated formulas with deductions and additions.
2. More equitable. Collect the tax according to the ability to receive and as received.
3. On "pay-as-you-go" basis. No bonds issued or interest to pay.
4. Flexible. As costs rise, the revenue rises proportionately.
5. Governing body has full facts on kind and amount of business being done in area.
6. Taxpayer sees what he pays. Taxes not hidden.
7. With flexible rate, within limits prescribed, changing conditions can be met promptly without need for further legislation.
8. Keeps money in circulation. No large amount in treasury like on annual tax plan.
9. More people pay taxes, but more equitably. Raises more money.
10. Disadvantages—none known.

Respectfully submitted.

JNO. C. CUNEO

Modesto, California

(COPY)

TERRITORY OF HAWAII, BUREAU OF THE TAX COMMISSIONER  
HONOLULU, T. H., January 18, 1943

Mr. Jno. C. Cuneo  
Modesto, California

DEAR MR. CUNEO: I am sending under separate cover, two copies of the Gross Income Law. It is still working wonders for us. Regardless of whether it is used for pensions, it should be a Federal law. It's the solution of the tax problem due to its simplicity and the fact that it will produce the revenue for the war effort.

The gross income has more than doubled our receipts from that source. In fact, it has jumped from an estimated five million to over 14 million in a biennium. California needs this type of tax. So does the United States of America.

Sincerely,

W. BORTHWICK, Tax Commissioner

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 723**—An act to add Section 3515.5 to the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 454**—An act relating to the determination of the wartime population of cities or cities and counties for purposes of

allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, DeLap, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Swan, Tenney, Tickle, and Ward—27.

NOES—Senator Swing—1.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 3.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 501**—An act to amend Sections 120 and 4372 of, to repeal Section 4371 and Article 2, consisting of Sections 4406 to 4409, inclusive, of Chapter 4 of Part 7, Division 1 of, and to add Section 4377.5 to the Revenue and Taxation Code, relating to the redemption of property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Seawell, Shelley, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.40 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 454 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Shelley, Swan, Tenney, Tickle, and Ward—28.

NOES—Senators Crittenden, Gordon, Powers, and Swing—4.

Bill ordered transmitted to the Assembly.

#### Senator Mayo Presiding

At 4.25 p.m., Senator Mayo of the Twenty-sixth District, presiding.



**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 785**—An act to add Section 16904.5 to the Business and Professions Code, for the purpose of preventing evasion of resale price restrictions imposed with respect to any commodity by any contract entered into pursuant to the provisions of Section 16900 to 16905, both inclusive, of the Business and Professions Code.

Bill read third time.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried. Time, 4.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 830**

Senator Seawell moved that Senate Bill No. 830 be withdrawn from Committee on Business and Professions for purpose of amendment, and be re-referred to Committee on Governmental Efficiency.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 830**—An act to repeal Sections 10082 and 10083 of the Business and Professions Code, relating to the directory and bulletin issued by the Real Estate Commissioner.

Bill read second time.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "repeal Sections 10082 and 10083", and insert "amend Section 10055".

**Amendment No. 2**

In lines 2 and 3 of the title of said bill, strike out "directory and bulletin issued by the".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 10055 of the Business and Professions Code is amended to read:

10055. Each member of the board, except the commissioner, shall serve without compensation.

The commissioner shall receive an annual salary of [six thousand dollars (\$6,000)] *seven thousand five hundred dollars (\$7,500)*, to be paid monthly out of the State treasury upon a warrant of the Controller.

Each member shall be allowed his actual and necessary traveling expenses in the discharge of his duties."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1317**—An act to add Section 5.45-1 to the School Code and to add Section 20379 to the Education Code, relating to employees of State colleges not serving in the State civil service.

Bill read third time.

## Motion to Amend

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "20379", and insert "20380".

**Amendment No. 2**

On page 1, line 24, of the printed bill, as amended, strike out "20379", and insert "20380".

**Amendment No. 3**

On page 1, line 26, of the printed bill, as amended, strike out "20379", and insert "20380".

Amendments read and adopted.

Bill ordered printed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 4.55 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

## Call of the Senate

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried. Time, 4.56 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 4.57 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 785 passed by the following vote:

**AYES**—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Tickle, and Ward—21.

**NOES**—Senators Brown, Burns, Carter, Donnelly, Dorsey, Hatfield, Judah, Keating, Salsman, and Swing—10.

Bill ordered transmitted to the Assembly.

## President Pro Tempore of the Senate Presiding

At 4.58 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 664**—An act to include in the State civil service all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "all", and insert "certain".

Amendment No. 2

On page 1, line 2, of said bill, strike out "this act", and insert "the State Civil Service Act, except as hereinafter provided,".

Amendment No. 3

On page 1, line 5, of said bill, after "employees", insert "not now included in the State civil service and who are".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 527**—An act to amend Section 101 of and to add Section 103a to the State Employees' Retirement Act, relating to retirement benefits for members of the California Highway Patrol.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "for members of the California Highway Patrol".

Amendment No. 2

On page 1, line 1, of the printed bill, immediately following "of", strike out "and to add Section 103a to".

Amendment No. 3

On page 3 of the printed bill, strike out lines 13 to 20, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 797**—An act to amend Section 3423 of the Public Resources Code, relating to the imposition of a tax lien and the enforcement thereof by summary seizure and sale of property.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "tax", and insert "charges".

Amendment No. 2

On page 1, line 19, of the printed bill, as amended, strike out "tax", and insert "charges".

Amendment No. 3

On page 1, line 26, of the printed bill, as amended, strike out "levy", and insert "assessment"; and strike out "tax", and insert "charges".

**Amendment No. 4**

On page 2, line 39, of the printed bill, as amended, strike out "tax", and insert "charges".

**Amendment No. 5**

On page 3, line 3, of the printed bill, as amended, strike out "tax", and insert "charges".

**Amendment No. 6**

On page 3, line 5, of the printed bill, as amended, strike out "tax", and insert "charges".

**Amendment No. 7**

On page 3, line 6, of the printed bill, as amended, strike out "taxes", and insert "charges".

**Amendment No. 8**

On page 3, line 10, of the printed bill, as amended, strike out "taxes", and insert "charges".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 644**—An act to add Section 21409.1 to the Education Code, relating to facilities of community recreation centers maintained solely by school districts.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of said bill, strike out line 10, and insert "persons, other than students, or organizations desiring to use the recreational facilities on school grounds or belonging to a school or the facilities provided by".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 65

Senate Bill No. 797

Senate Bill No. 75

Senate Bill No. 863

Senate Bill No. 337

Senate Bill No. 1076

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 853

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 465

Assembly Bill No. 718

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

DeLAP, Chairman

Above reported bills ordered to second reading.



Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 802

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 498

Assembly Bill No. 421

Senate Bill No. 825

Assembly Bill No. 443

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 53

Senate Bill No. 437

Senate Bill No. 503

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 283

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 3.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Constitutional Amendment No. 24

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported resolution ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 227—An act to amend Section 6361 of the Business and Professions Code, relating to provision of library quarters for law libraries, by counties, by defining such provision;

Senate Bill No. 291—An act relating to the relief of gold and silver mining operators, permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust or contracts of purchase on gold and silver mines and gold and silver mining machinery and equipment, or postponement of forfeitures and terminations under gold and silver mining contracts and leases, regulating appointment of receivers in certain cases, extending the time in which the purchase price may be paid and extending the statute of limitations, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 299—An act to amend Section 328b of the Civil Code, relating to the transfer by trustees;

**Senate Bill No. 512**—An act to provide for the disposal of certain real property of the State in Sonoma County and for the disposition of the proceeds of such sale; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 562**—An act to amend Section 50½ of the Public Utilities Act, relating to fees for applications for certificates of public convenience and necessity;

**Senate Bill No. 613**—An act to provide for the final liquidation of the State Land Settlement, for the disposition by the State of all real and personal property and funds owned or held by the State in connection therewith, and to repeal the Land Settlement Act, an act entitled "An act authorizing the Department of Finance to manage, administer, or dispose of certain real and personal property owned by the State of California at Delhi State Lands Settlement, and acquired through trade of property at Delhi State Lands Settlement," approved July 22, 1939, and Sections 361e, 361f, 361g, 361h, 361i, 690a, 690b, 690c and 690d of the Political Code;

**Senate Bill No. 649**—An act granting to the County of Sonoma certain lands of the State of California located in the County of Sonoma, upon certain trusts and conditions;

**Senate Bill No. 726**—An act to amend Section 4041.11 of the Political Code, relating to control of dogs and predatory animals;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 765**—An act to amend Section 70 of and to add Sections 70.1 and 70.2 to the Streets and Highways Code, relating to the California Highway Commission and providing for the organization thereof;

**Senate Joint Resolution No. 20**—Relative to memorializing Congress to extend the effective date of the act providing for suspension of assessment work on mining claims held by location in the United States, including Alaska, to July 1, 1944; And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 124

Senate Bill No. 721

Senate Bill No. 362

Senate Bill No. 964

And reports the same correctly engrossed.

SEAWELL, Chairman

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 134

Senate Bill No. 547

Senate Bill No. 149

Senate Bill No. 855

Senate Bill No. 403

Senate Bill No. 896

Senate Bill No. 404

Senate Bill No. 1045

Senate Bill No. 466

Senate Bill No. 1078

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 289

Senate Bill No. 315

Senate Bill No. 666

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By JACK G. ROSSI, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 541

Assembly Bill No. 913

Assembly Bill No. 968

Assembly Bill No. 1013

Assembly Bill No. 1083

Assembly Bill No. 1097

Assembly Bill No. 1180

Assembly Bill No. 1181

Assembly Bill No. 1184

Assembly Bill No. 1187

Assembly Bill No. 1188

Assembly Bill No. 1190

Assembly Bill No. 1191

Assembly Bill No. 1193

Assembly Bill No. 1197

Assembly Bill No. 1280

Assembly Bill No. 1389

Assembly Bill No. 1425

Assembly Bill No. 1937

Assembly Bill No. 1950

Assembly Bill No. 1958

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By JACK G. ROSSI, Assistant Clerk

# FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 541**—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 913**—An act to add Section 37b to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Water Resources.

**Assembly Bill No. 968**—An act to add Section 487a to the Penal Code, and to add Section 378.5 to the Agricultural Code, relating to theft of animals or carcasses thereof.

Referred to Committee on Agriculture.

**Assembly Bill No. 1013**—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1083**—An act to amend Section 6854 of the Business and Professions Code, relating to exclusions from definition of "collection agency."

Referred to Committee on Business and Professions.

**Assembly Bill No. 1097**—An act to amend Section 8.1 of the Metropolitan Water District Act, relating to district taxation.

Referred to Committee on Local Government.

**Assembly Bill No. 1180**—An act to amend Sections 5355 and 5356 of and to add Sections 5355.1, 5356.1 and 5356.2 to the Welfare and Institutions Code, relating to the commitment, support, parole, and discharge of narcotic addicts.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1181**—An act to amend Sections 5260, 7009, and 7010 of the Welfare and Institutions Code, relating to the cost and reimbursement for the care of feeble-minded persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1184**—An act to amend Section 7302 of, and to add Section 7310 to, the Welfare and Institutions Code, relating to the Langley Porter Clinic.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1187**—An act to amend Sections 5701 and 5701.5 of the Welfare and Institutions Code, relating to licensing of private institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1188**—An act to amend Section 162 of the Welfare and Institutions Code, relating to the expenses of deporting non-resident persons who were committed to State institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1190**—An act to amend Sections 7500, 7501, 7505 and 7506 of the Welfare and Institutions Code, relating to the general powers and duties of the State Department of Institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1191**—An act to amend Sections 5700, 5703, 5705, 5706, 5707, 5708, 5750, 5751, and 5753 of the Welfare and Institutions Code, and to add Sections 5699 and 5700.5 thereto, relating to private institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1193**—An act to amend Sections 7352, 7353, 6514, and 7504 of the Welfare and Institutions Code, relating to the State Department of Institutions, providing for the establishment of in-service training programs for social workers in State hospitals, and providing for the care and parole of patients from State hospitals.

Referred to Committee on Welfare and Institutions.



**Assembly Bill No. 1197**—An act to amend Sections 1516, 1535, 1550, 1554, and 1558 of the Probate Code, relating to guardianship matters of persons confined in State institutions.

Referred to Committee on Judiciary.

**Assembly Bill No. 1280**—An act relating to public officers, deputies, assistants, and employees, and their return to public service, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1389**—An act to amend Sections 10170 and 10171 of the Insurance Code, relating to life insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1425**—An act to add Section 1656.5 to and to amend Section 1657 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1937**—An act to amend Sections 7618, 7630, to add Section 7632 to, and to amend Sections 7640, 7641, 7643, 7647, 7662, 7665, 7666, 7667, 7668, 7669, 7680, 7702, 7726 and 7729 of the Business and Professions Code, relating to funeral directors, embalmers and apprentice embalmers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 and 10735 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1958**—An act to add Section 782 to the Vehicle Code, relating to the expenditure of money for crossing guards by the Department of Motor Vehicles, declaring the urgency thereof, to take effect immediately.

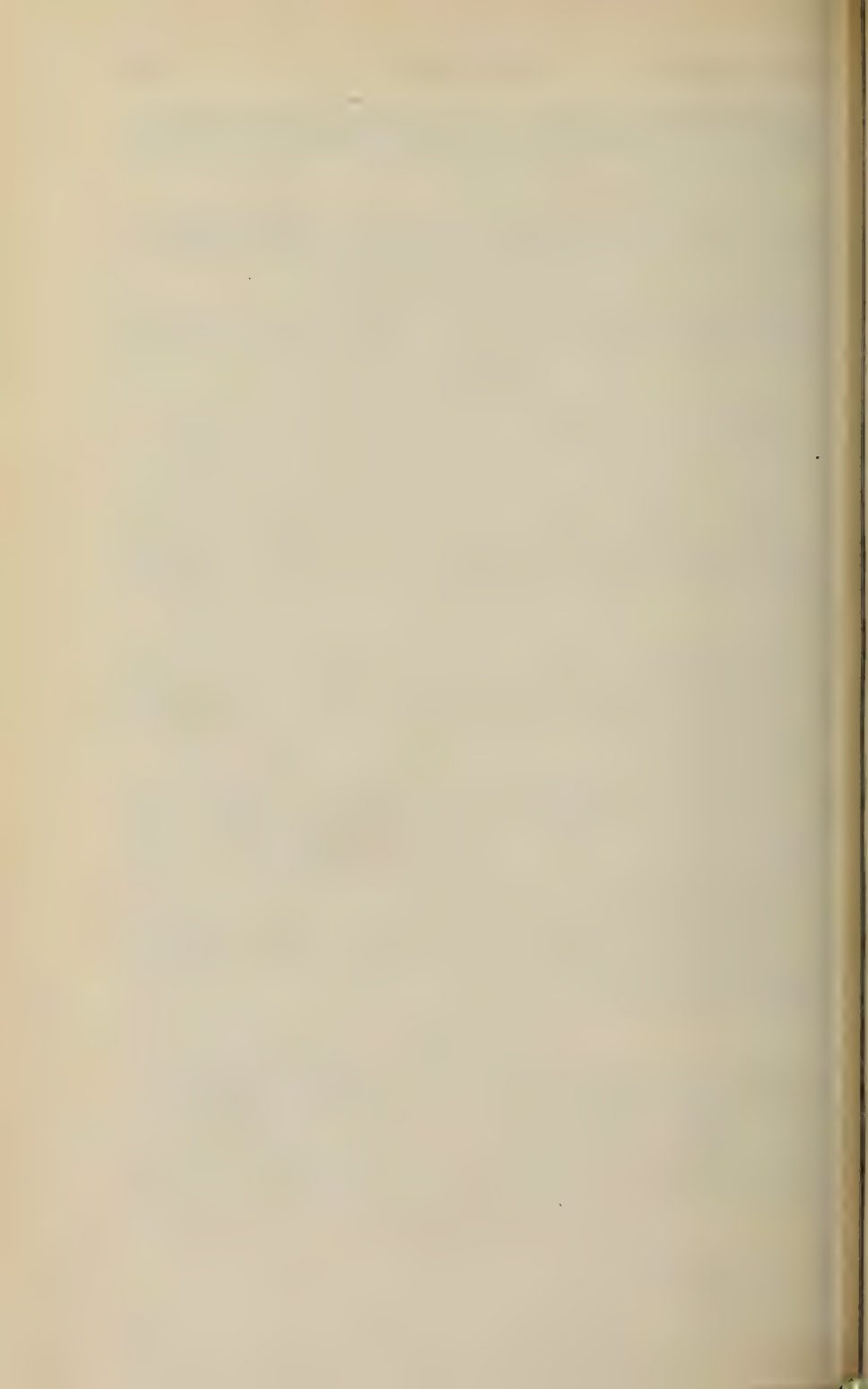
Referred to Committee on Transportation.

**Assembly Joint Resolution No. 44**—Relative to the appointment of the Honorable Jesse Tapp as Assistant to the Food Administrator of the United States.

Referred to Committee on Agriculture.

#### ADJOURNMENT

At 5.13 p.m., on motion of Senator Shelley, the President pro tempore declared the Senate adjourned until 10 a.m., Friday, April 16, 1943.



CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 16, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsensen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—35

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Jepsensen.

Senator Burns, on motion of Senator Tenney.

Senator Rich, on motion of Senator Seawell.

Senator Swing, on motion of Senator Seawell.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Myrtle Ralston, teacher, Mrs. E. Hordon, teacher, and the following students of Bates Joint Union School in Courtland: Ferral Calhoon, Albina Diaz, La Verne Rose, Lola Mae Hunter, Carla Mae Branden, Louise Schremser, Shirley Meek, Barbara Buckley, Doris Marie Heringer, Margaret Anne Leary, Betty Jean Gibbons, Patsy Burch, Dorothy Shanks, Jean Meek, Elizabeth Larsen, Ruthie Phillips, Catherine Swan, Eleanor Egbert, Elizabeth Elliot, Sumner Bryan, George Prue, Norman Rose, Verne Hudson, Loran Harder, Arthur Chase, John Primasing, Vernon Simoni,

Ralph Alspaw, Robert Tinney, Arthur Plasencia, Dennis Hill, Billy Atkins, Wilson Stambaugh, Edison Schrader, Dennis Leary, Mary Ann Mendoza, Betty Owyang, Carrie Lunn, Arsuela Kilot, George Yim, Clarence Jang, Ben Kilot, Margaret Ow Fook, Saint Briones, Victor Ow, and Bob Jang, Jr.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Lyons, Welfare Director of Yolo County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor George Kennedy of Sebastopol and Supervisor Joe D. Cox of Healdsburg.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Bessie Ferguson, Director, County Welfare Department of Stanislaus County.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Anson Prouty of Ione, Supervisor Ben Sanquinetti of Jackson, and Supervisor Cy Hensner of Shingle Springs.

On request of Lieutenant Governor Frederick F. Houser and Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Ross of Shasta County.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helen Clark Cranston of Carmel and Colonel Charles F. Wieland of Berkeley.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Consul General A. de Saboia of Brazil and Mr. Mauricio Wellisch, Vice Consul, of San Francisco.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Andy Jacobson, Chairman, Board of Supervisors of Monterey County.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Olive Grant, Director of the Pan-American League, of San Francisco.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. W. Bradbury, Supervisor of Santa Barbara County, Santa Barbara.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 94

Senate Bill No. 187

Senate Bill No. 185

Senate Bill No. 1088

And reports the same correctly engrossed.

SEAWELL, Chairman



**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 249	Assembly Bill No. 1530
Senate Bill No. 801	Assembly Bill No. 1569
Senate Bill No. 1075	Assembly Bill No. 1894
Assembly Bill No. 489	Assembly Bill No. 1956
Assembly Bill No. 975	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

POWERS, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 75  
Assembly Bill No. 310

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Joint Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 654  
Assembly Bill No. 1129

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Joint Resolution No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported resolution ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 781

Assembly Bill No. 686

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

POWERS, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 414

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

POWERS, Vice Chairman

Above reported bill ordered to second reading.

## Committee on Welfare and Institutions

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 197

Senate Bill No. 849

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 847

Senate Bill No. 690

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1039

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 4; not voting 1.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1472

Assembly Bill No. 1473

Assembly Bill No. 1475

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 399

Senate Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Joint Resolution No. 1

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported resolution ordered to third reading.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 1092**—An act to amend Section 737p of the Political Code, relating to the salary of the superior judge of the County of Kings.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 335**—An act to amend Section 13 of the Corporate Securities Act, relating to hearings after notice to desist and refrain from selling securities.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2", and insert "15".

**Amendment No. 2**

In the title of said bill, strike out lines 3 and 4, and insert "relating to review of orders, decisions, permits or evidences of other official acts of the Commissioner of Corporations by courts of competent jurisdiction."

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "2 of the act", and insert "15 of the act".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 4

On page 1 of said bill, strike out lines 13 to 24, inclusive, and insert

"Sec. 15. Every order, decision, permit or other official act of the commissioner shall be subject to review, mandamus or prohibition in accordance with the provisions of Chapters 1, 2, 3 and 4 of Title 1 of Part 3 of the Code of Civil Procedure. Within 60 days after the issue of any order, decision, permit or evidence of other official act of the commissioner or after completion of application to the commissioner and failure or refusal of the commissioner to act upon said application, a written petition praying that the order, decision, permit or evidence of other official act be issued, modified or set aside in whole or in part, may be filed in the superior, appellate or Supreme Court of the State of California. A copy of such petition shall be forthwith served on the commissioner and thereupon the commissioner shall certify and file with the court a transcript of the record upon which the order, decision, permit or evidence of other official act complained of was issued or a transcript of the record upon which the commissioner failed or refused to issue the order, decision, permit or evidence of other official act applied for. Upon the filing of such transcript such court shall have jurisdiction to affirm, modify or set aside such order, decision, permit or evidence of other official act in whole or in part. No objection to the order of the commissioner shall be considered by the court unless such objection shall have been urged before the commissioner or unless there were reasonable grounds for failure so to do. [The findings of the commissioner as to the facts, if supported by substantial evidence produced at the hearing before the commissioner, shall be conclusive.] If application is made to the court for leave to adduce additional evidence and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the commissioner or that the commissioner improperly refused to receive such evidence, then the court may order such additional evidence to be taken before the commissioner and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commissioner may modify his findings as to the facts by reason of the additional evidence so taken and he shall file with the court such modified or new findings [which, if supported by substantial evidence, shall be conclusive and his recommendation, if any, for the modification or setting aside of the original order, decision, permit or evidence of other official act of the commissioner]. The judgment and decree of the court affirming, modifying or setting aside in whole or in part any such order, decision, permit or evidence of other official act of the commissioner shall be final, subject to review by the appellate or Supreme Courts of the State of California."

#### Amendment No. 5

On page 2 of said bill, strike out lines 1 to 51, inclusive.

#### Amendment No. 6

On page 3 of said bill, strike out lines 1 to 52, inclusive.

#### Amendment No. 7

On page 4 of said bill, strike out lines 1 to 52, inclusive.

#### Amendment No. 8

On page 5 of said bill, strike out lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 589**—An act to add Section 2412 to the Business and Professions Code, providing additional causes for denial, suspension or revocation of licenses to practice medicine.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1019**—An act to amend Section 19598 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 287**—An act to add Section 6103.5 to the Business and Professions Code, relating to attorneys at law, and providing additional causes for suspension and disbarment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "justifying."

**Amendment No. 2**

On page 1, lines 11 and 12, of said bill, strike out "or which is affiliated, either directly or indirectly, with any such organization."

**Amendment No. 3**

On page 1 of said bill, strike out lines 14 to 18, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 459**—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "11504," insert "11506,".

**Amendment No. 2**

In line 4 of the title of said bill, after "11567," insert "11575,".

**Amendment No. 3**

In line 6 of the title of said bill, after "11625," insert "11627,".

**Amendment No. 4**

In line 10 of the title of said bill, strike out "11506,".

**Amendment No. 5**

In line 11 of the title of said bill, strike out "11575,".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 6**

On page 2 of said bill, between lines 45 and 46, insert

"SEC. 6.5. Section 11506 of said code is amended to read:

"11506. "Local ordinance" refers to an ordinance regulating the [design] plan and type of improvement of subdivisions, enacted by the governing body of any city or county under the provisions of this chapter [or any prior statute, regulating the design and improvement of subdivisions], insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this chapter."

**Amendment No. 7**

On page 3 of said bill, strike out line 10, and insert "and utilities to be installed, or agreed to be installed,".

**Amendment No. 8**

On page 3, lines 14 and 15, of said bill, strike out "of the subdivision".

**Amendment No. 9**

On page 3 of said bill, between lines 25 and 26, insert

"Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties but, in all matters concerning such design and improvement, any decision by a governing body is subject to review as to its reasonableness by the superior court in and for the county in which the land is situated."

**Amendment No. 10**

On page 3, line 28, of said bill, after "subdivision", insert a comma.

**Amendment No. 11**

On page 3, lines 36 and 37, of said bill, strike out "and safety", and insert "safety or welfare".

**Amendment No. 12**

On page 3 of said bill, strike out lines 39 and 40, and insert "improvements, other than defined in Section 11511, the reasonable cost of which would exceed:

(a) Two times the assessed value of the land for lots of one acre or more in size.

(b) Two and one-half times the assessed value of the land for lots of one-half acre in size.

(c) Three times the assessed value of the land for lots having building restrictions of five thousand dollars (\$5,000) or under.

(d) Three and one-half times the assessed value of the land for lots having building restrictions of over five thousand dollars (\$5,000)."

**Amendment No. 13**

On page 3, line 42, of said bill, strike out "15", and insert "90".

**Amendment No. 14**

On page 3, line 43, of said bill, strike out "demand that", and insert "bring".

**Amendment No. 15**

On page 3, line 44, of said bill, strike out "be instituted by the governing body".

**Amendment No. 16**

On page 4, line 35, of said bill, strike out "registered".

**Amendment No. 17**

On page 4, line 36, of said bill, strike out "licensed".

**Amendment No. 18**

On page 4, line 51, of said bill, strike out "two and one-half acres", and insert "one acre".

**Amendment No. 19**

On page 4, line 52, of said bill, strike out "one-year", and insert "one calendar year".

**Amendment No. 20**

On page 5, line 26, of said bill, after "code", insert "or Chapter 3 of this part".

**Amendment No. 21**

On page 8, line 33, of said bill, strike out "and title".

**Amendment No. 22**

On page 8 of said bill, between lines 43 and 44, insert

"SEC. 27.5. Section 11575 of said code is amended to read:

11575. If the subdivider does not elect to prepare and record a [final] subdivision map, then before proceeding with the sale of any part of the subdivision, he shall file, in the office of the county recorder, a record of survey map conforming, in respect to design, to the approved tentative [map] plan or maps.

In this event, the governing body may require only such street grading and surfacing and drainage provisions reasonably necessary for lot access and local neighborhood traffic and drainage needs.

The construction of any of these improvements may be accomplished as provided in Article 9."

**Amendment No. 23**

On page 8, line 52, of said bill, after the first "survey", insert "and record of survey maps".

**Amendment No. 24**

On page 9, lines 5 and 6, of said bill, strike out "of the character and occupy the positions indicated", and insert "correctly shown".

**Amendment No. 25**

On page 9, line 8, of said bill, strike out everything after the period; and strike out lines 9 and 10.

**Amendment No. 26**

On page 9, line 31, of said bill, insert

"A lien for State, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interest under bond indentures, shall not be deemed to be an interest in land requiring signatures for the purpose of this section. Any map including territory originally patented by the United States or the State of California, under patent reserving interest to either or both of said entities, may be recorded under the provisions of this chapter without the consent of the United States or the State of California thereto, or to dedications made thereon. Signatures required by this section, of parties owning the following types of interests, may be omitted if the names of such persons and the nature of their respective interests are endorsed on the map:

(a) Rights of way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body.

(b) Rights of way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of such signatures shall also be endorsed on the map."

**Amendment No. 27**

On page 9, line 48, of said bill, strike out "engineer or", and insert "civil engineer or land".

**Amendment No. 28**

On page 12, line 21, of said bill, strike out "property", and insert "easements and public rights".

**Amendment No. 29**

On page 12, line 41, of said bill, after "moneys", insert "for improvements".

**Amendment No. 30**

On page 13 of said bill, between lines 22 and 23, insert

"SEC. 43.5. Section 11627 of said code is amended to read:

11627. The approval in accordance with the provisions of this chapter by the [appropriate] governing body or bodies, and the recordation of the final map or the filing of a record of survey map shall automatically and finally determine the validity of the map, so far as the property thereon shown is included within such city, or county, under the terms and provisions of this chapter [and local ordinances]."

**Amendment No. 31**

On page 13, line 28, of said bill, strike out everything after "subdivisions".

**Amendment No. 32**

On page 13, lines 29 and 30, of said bill, strike out the period and "Upon recordation by the recorder," and insert ", and thereupon".

**Amendment No. 33**

On page 14, line 29, of said bill, strike out "11506".

**Amendment No. 34**

On page 14, line 30, of said bill, strike out "11575".

**Amendment No. 35**

On page 5, line 16, of said bill, insert "(d) Nothing contained in this shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California."

**Amendment No. 36**

On page 2 of said bill, strike out lines 7 to 9, inclusive, and insert "neer."

**Amendment No. 37**

On page 2, line 24, of said bill, strike out "licensed as", and insert "or a licensed".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Business and Professions.

**Senate Bill No. 558**—An act to add Chapter 4, comprising Sections 1850 to 1863, inclusive, to Division 8 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the California Veterans' Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 5, line 19, of the printed bill, as amended, after "1943", insert "in".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 560**—An act to add Chapter 2, comprising Sections 1770 to 1778, inclusive, to Division 8 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 2, line 1, of the printed bill, as amended, strike out "thereafter".

##### Amendment No. 2

On page 2, line 8, of the printed bill, as amended, strike out "1942", and insert "1941".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 561**—An act to add Chapter 3, comprising Sections 1810 to 1843, inclusive, to Division 8 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the California Veterans' Board in respect thereto.

Bill read second time.



Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 8, line 14, of the printed bill, as amended, strike out "Section 986.9", and insert "Sections 986.4 and 986.5".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 733**—An act making an appropriation to be expended under the direction of the Governor to effectuate the purposes of the California State War Powers Act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 3, of the printed bill, after "of", insert "\$1,500,000.00".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 559**—An act to add Division 8, comprising Sections 1750 to 1761, inclusive, to the Military and Veterans Code, creating a California Veterans' Board, defining its powers and duties, and making an appropriation in aid of its operation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 701**—An act relating to the National Flag and the Flag of the State of California, and other flags.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 14 and 15, insert "j. At the entrance of, or in every public park containing more than three acres, and at the entrance of or in every public playground, whether such park or playground belongs to a city or county or city and county or municipality within the State.

k. At the entrance of, or within every State highway maintenance station."

Amendment No. 2

On page 2, line 21, of said bill, strike out "three", and insert "four".

Amendment No. 3

On page 2, line 25, of said bill, after "States", insert "of America".

Amendment No. 4

On page 2, line 27, of said bill, after "played", insert "upon the structures or grounds thereof".

Amendment No. 5

On page 2, line 35, of said bill, after "department", insert "or".

Amendment No. 6

On page 2, line 45, of said bill, after the period, insert "In other cases of privately-owned property the owners or lessees or operators thereof shall be charged with the obligation, duty and responsibility of complying with the applicable provisions

of this act as shall be in accordance with contract or otherwise just and proper. The provisions of this act shall be complied with within 100 days after this act shall have become effective."

**Amendment No. 7**

On page 3, line 6, of said bill, strike out "or any", and insert "and all".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**Senate Bill No. 498**—An act to amend Section 4.250 of the School Code and to amend Section 5340 of the Education Code, relating to the public school system.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 825**—An act to add Sections 5.129-1 and 5.153 to the School Code and to add Sections 12010 and 12154 to the Education Code, relating to credentials and certificates.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 53**—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 2, line 16, of the printed bill, strike out the period, and insert a comma.

**Amendment No. 2**

On page 2, line 17, of said bill, after "California," insert "the University of Southern California,".

**Amendment No. 3**

On page 2, line 24, of said bill, after "effect", insert ", except that religious denominations which teach the State religion of a foreign country shall be licensed".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 437**—An act to add Section 5.500b to the School Code, and to add Section 13083.2 to the Education Code, relating to classification of certificated employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 4 of the title of the printed bill, as amended, strike out the period, and insert ", declaring the urgency thereof, to take effect immediately."

**Amendment No. 2**

On page 1, line 21, of the printed bill, as amended, after "person", insert "rendered during the continuation of hostilities in all wars in which the United States is now engaged".

**Amendment No. 3**

On page 2 of the printed bill, as amended, following line 8, insert

"Sec. 2. This act is declared to be an urgency measure within the meaning of Section 1 of Article IV of the State Constitution, necessary for the immediate preservation of the public peace, health and safety. The statement of the facts constituting such necessity is as follows:

A grave shortage of teachers has arisen because of conditions created by the wars in which the United States of America is now engaged. As a result, school districts have of necessity been compelled to employ many persons as teachers who in normal times, because of lack of training and experience, would not be employed. Such persons are the ones coming within the bill. In order that persons without normally adequate qualifications shall not become permanent employees of school districts by reason of service already rendered, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 503**—An act to amend Section 220 of the School Code and to amend Section 1502 of the Education Code, relating to the public school system.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 2, line 17, of the printed bill, as amended, strike out "date upon", and insert "end of the school year in".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment No. 24**—A resolution to propose to the people of the State of California an amendment to Section 3 of Article IX of the State Constitution, relating to county superintendents of schools.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 3 of the title of the printed bill, strike out "Section 3 of Article IX of the State", and insert "the Constitution of said State by adding Section 3½ to Article IX of said".

**Amendment No. 2**

On page 1, line 6, of the printed bill, strike out "3 of", and insert "3½ be added to".

**Amendment No. 3**

On page 1, line 7, of the printed bill, strike out "be amended to", and insert a comma.

**Amendment No. 4**

On page 1 of the printed bill, strike out all of lines 8 to 12, both inclusive, and insert "Sec. 3½."

**Amendment No. 5**

On page 1, line 17, of the printed bill, after "schools", insert "for other than any county having a population in excess of 1,000,000 and any city and county".

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Education.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 669**—An act to amend Section 12 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the investment of surplus funds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 144**—An act to amend Section 7b of the Municipal Court Act of 1925, relating to the salaries of marshal's deputies and assistants in cities of the first and one-half class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 626**—An act to amend Section 4132.5 of the Political Code, relating to duties of county recorders.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 632**—An act amending 4300c of the Political Code, relating to the fees of county recorders.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 915**—An act to amend the title of the Municipal Improvement Act of 1913, and to add Section 1f thereto, relating to the formation of maintenance districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 145**—An act to amend Section 837a of the Penal Code, relating to poolselling, bookmaking, bets and wagers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 208**—An act to amend Section 131.5 of the Civil Code, relating to the entry of an interlocutory decree of divorce nunc pro tunc.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 829**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1169**—An act to amend and renumber Section 1208 of the Code of Civil Procedure as added by Statutes of 1905, Chapter 472, and amended by Statutes of 1935, Chapter 104, to be Section 1208.5, relating to liens upon animals.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 945**—An act to add Section 4174 of the Business and Professions Code, relating to certificates to practice pharmacy, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1337**—An act to amend Section 4094 of the Business and Professions Code, relating to pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1338**—An act to repeal Article 1, comprising Sections 4160 to 4162, inclusive, of Chapter 9, Division 2 of the Business and Professions Code, relating to pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1787**—An act amending Section 4135 of the Business and Professions Code, relating to licentiates in pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1171**—An act to add Section 2108.5 to the Business and Professions Code, relating to issuance of certificates to practice medicine, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1174**—An act to add Section 2376.5 to the Business and Professions Code, relating to the reinstatement of certificates to practice medicine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1175**—An act to add Sections 2168.5 and 2316.5 to the Business and Professions Code, relating to the proof of the completion of instruction and training requirements to practice medicine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 465**—An act to add Section 2714 to the Penal Code, relating to prisons and prisoners.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2049", and insert "Sections 2049 and 2701".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 2

On page 2 of the printed bill, after line 18, insert

"Sec. 6. Section 2701 of the Penal Code is hereby amended to read:

2701. The board is hereby authorized and empowered to cause the prisoners in the State prisons of this State to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the State, or any political subdivision thereof, or that may be needed for any State, county, district, municipal, school, or other public use, [and also] or that may be needed by any public institution of the State

or of any political subdivision thereof, [or] and also by the Federal Government or any department, agency, or corporation until April 15, 1945, or until the termination of the present National emergency declared to exist by the President of the United States by his proclamation of September 8, 1939, or until the termination of the present war and six months thereafter, whichever of the foregoing first occurs. The board may enter into contracts for the purposes of this article."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 718**—An act to add Section 1714.5 to the Civil Code, relating to injuries sustained in air raid shelters.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out the period, and insert a semicolon and "and to declare the urgency thereof, to take effect immediately."

##### Amendment No. 2

On page 1 of the printed bill, as amended, after line 15, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into effect immediately."

A statement of the facts constituting such necessity is as follows:

The State of California is within the combat zone of the Western Defense Command of the United States Army and subject to enemy air attack. The establishment of air raid shelters is urgently needed to minimize the effect of enemy attack upon the lives of persons within this State. During an air raid alarm, all persons within such area are required to go to the nearest air raid shelter. Civilian Defense authorities have designated certain Class A buildings as suitable air raid shelters and in order to induce owners of such buildings to permit the use thereof for such purposes, it is necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 802**—An act to add Section 2.5 to an act entitled "An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately," approved January 28, 1942, relating to expenditures by the Division of Forestry of money appropriated for its purposes, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 421**—An act to add Section 6.744 to Article 1, Chapter 1, Part 3, Division 6 of the School Code, and to add Section 19405 to the Education Code, relating to the use of school property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 443**—An act to amend Section 4.965 of the School Code and to amend Section 7406 of the Education Code, relating to the canvassing of votes cast at elections for the issuance of school district bonds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 283**—An act to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to

add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for participation in religious exercises or for moral and religious instruction.

Bill read second time, and ordered to third reading.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.17 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1950

Senator Seawell moved that Assembly Bill No. 1950 be withdrawn from Committee on Public Health and Safety and referred to Committee on Business and Professions.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 289** An act to amend Sections 5439, 5440 and 5450 of the Public Resources Code, relating to public recreation districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 289?

##### Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "5437."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 2

On page 2 of said bill, after line 38, insert

"SEC. 4. Section 5437 of said code is amended to read:

5437. [Only those persons owning land in the proposed district are entitled to vote at the election, and each owner of land in the proposed district is entitled to cast one vote for each one hundred dollars (\$100) of assessed valuation of land owned by him in the district.] *Every registered voter residing in the district is entitled to cast one vote at the election.* If, upon the election, a majority of the votes cast in the district favor its establishment, the district is created."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 289 by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Tenney, Tickle, and Ward—23.

NOES—None.

Above bill ordered enrolled.

##### Consideration of Assembly Amendments

**Senate Bill No. 315**—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 315?

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, strike out the comma, and insert "and who".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 315 by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jepsen, Judah, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Tenney, Tickle, and Ward—22.

**NOES**—None.

Above bill ordered enrolled.

**COMMUNICATIONS**

The following communication was received, read, and, on motion of Senator Tenney, ordered printed in the Journal:

**Report of Special Committee Appointed by Department Commander  
Leon Happell to Investigate Japanese Relocation Centers  
in the State of California**

*Commander Happell and Members of the Executive Committee of the  
Department of California, The American Legion*

In January of 1943 the executive committee of the American Legion, Department of California adopted a resolution directing the department commander to appoint "a committee of five members, or any other number of members that may be deemed advisable from the California Department" for the purpose of conducting "an impartial investigation of all the Japanese relocation areas in the State of California."

Pursuant to the provisions of the resolution, Commander Leon Happell appointed Lieut. Harper L. Knowles, William M. Sisson, H. J. McClatchy, L. F. Olson, George Contreras, Al D. Guasti, Harold A. Vogelsand and Jack B. Tenney as members of the special committee. Comrade Jack B. Tenney was designated as the chairman.

**Purposes of the Investigation**

The resolution creating the special committee recited certain conditions allegedly existing in the Japanese relocation areas in the State of California. Japanese evacuees are reported as being permitted to drive trucks and to roam at will throughout the Shasta and Klamath National Forests, and to have participated in disturbances, sit-down strikes, and numerous violations of rules and regulations. The resolution, generally speaking, called for a sweeping investigation of these allegations.

After considerable correspondence between the widely separated members of the committee, it was decided to base the investigation on the following points:

- (1) General living condition.
- (2) Camp government.
- (3) Food.
- (4) Stores. (Camp commissaries).
- (5) Cash allowance (or script) to internees.
- (6) Schools.
- (7) Dual citizenship.

**Difficulties of Investigation**

The committee faced several difficulties at the outset of the investigation. First and foremost, the members of the committee were widely separated geographically, and meetings with all of the members presented inconveniences of time, place, traveling accommodations, and expenses. The second difficulty faced by the committee was the authority to summon and interrogate witnesses and to freely inspect the relocation centers.

The first difficulty was solved by dividing the committee into two parts, a subcommittee for Northern California, consisting of Comrades Sisson, McClatchy, and Vogelsand (Comrade Knowles having resigned because of active duty in the Army) and a subcommittee for Southern California composed of Comrades Olson, Contreras, and Guasti.

The second difficulty was met to some extent by taking testimony before notaries under oath. The Joint Fact-Finding Committee of the California Legislature, interested in the same problem, assisted your committee by detailing Senator Hugh Burns



of Fresno to the Tule Lake Area and Assemblyman Nelson Dilworth of Hemet to Manzanar. The Chief Investigator of the Joint Fact-Finding Committee, Mr. R. E. Combs of Visalia, accompanied Senator Burns to Redding and assisted Comrade Sisson in the investigation there, and later accompanied Comrades Contreras and Guasti to Manzanar, where, with the assistance of Comrade Commander Kenneth L. Williams of the fifteenth district, conditions at Manzanar were checked.

Many persons were questioned at both Manzanar, Bishop, Independence, Camp Newell, and the vicinity surrounding Tule Lake. Sworn affidavits were taken from Howard L. Dayton, George H. Frey, Ralph A. Ganger, Frank Mosebar, and C. W. Fensler on the conditions of Tule Lake. Comrade Sisson, who resides at Redding, was in possession of considerable information concerning the northern camp and also presented the committee with a sworn affidavit concerning the problems in which the committee was interested.

In presenting this report, the committee wishes to point out that the investigation is necessarily incomplete and that many reports and allegations made by numerous citizens of California have not been completely checked and verified. The committee therefore recommends that the Department of California of the American Legion continue its interest in the problem, and that every effort be made to determine conditions in the relocation camps with its effect upon the morale of our people and the war effort.

### War Relocation Authority

The War Relocation Authority was created when the funds of the C. C. C. and the W. P. A. were exhausted. The job of constructing the relocation centers was given to the United States Army Engineers. A man by the name of Eisenhower was sent from Washington to decide where the Japanese centers were to be located, and, during the time that the evacuees were being placed, they were directly under the supervision and authority of the Army. Everyone assumed, including the Army authorities, that the Japanese evacuees were to continue under the supervision of the Army. Later, General De Witt declared that he did not have enough men in his armed forces to spare for the policing of the centers. About this time the W. R. A. came into being.

When the Japanese were evacuated and placed in the relocation centers, Government officials established the policy of treating the evacuees in a "most civilized manner" in order to secure decent treatment for American soldiers and sailors who might become prisoners of war of the Japanese. An overwhelming pampering of the Japanese evacuees has been the result of this policy under the War Relocation Authority.

Farmers in agricultural belts, such as San Joaquin Valley, requested that relocation centers be placed in such areas so that the Japanese might aid in farm work, but these requests were denied on the ground that such areas were too vital for the presence of the Japanese. Farmers and growers in the Tule Lake Area were given to understand that they would be able to hire the Japanese for farm work. After the center was established, a committee of Tule Lake agriculturists called at the relocation center to make arrangements for the hiring of the Japanese. The director of the W. R. A. refused to permit the committee to arrange for such employment.

The citizens in and around Tule Lake believe that the W. R. A. administration has become "very self-centered" and that it specializes in social service and pampering. Your committee learned that many citizens in this community are apprehensive and fearful, realizing that the military authorities could not intervene in any other than a dire emergency. In a sudden riot or outbreak, the citizens believe that, even though military forces moved with lightning speed, their assistance would come too late. Witnesses, in sworn affidavits, have declared that they look upon the situation at Tule Lake as alarming and "a potential danger \* \* \* through the administration of the camp, to the citizens of the community."

Questions being asked by the citizens at Tule Lake include the following:

How many short wave radios are available in the camp?

Why are Japanese internees driven around through the forests and mountains in Government trucks?

Are saddle horses being purchased for the purpose of giving riding instructions at the camp?

Why are the Japanese internees permitted to make long distance phone calls in their native tongue?

When the internees go on strike, why does the W. R. A. hire Caucasian help for the unloading of lumber and other material sent to the camp for the use and comfort of the Japanese?

Citizens in and around Tule Lake declare that Caucasians were hired with trucks in 1942 to haul potatoes for the internees, and that the Japanese have gone on strike from time to time and have refused to participate in labors, the results of which are designed for their own benefit, such as unloading coal which had been brought to the camp for their particular comfort. It was stated, under oath, that

between four and five hundred acres of barley was left unharvested in the Tule Lake Center, although there was abundant equipment and manpower available.

It was learned that passes permitting entrance to the Camp at Tule Lake were issued by the Japanese themselves.

### **Tule Lake**

#### *General Living Conditions*

Housing at Tule Lake compares favorably to the housing constructed in our own military centers, and in many cases are said to be far better than housing in some military training centers being used by our own boys. At Tule Lake, up-to-date and modern facilities have been installed, and the camp is complete with community mess halls, recreation buildings, laundries, and bathhouses. Members of your committee who visited this camp report that they found much of the housing superior to quarters supplied for our armed forces while in training.

Furnishings in the homes of the internees at Camp Newell are not restricted, and in some of the quarters electric equipment, no longer available to our own citizens, was observed.

It was discovered that this same electric equipment, now denied to the citizenry of our country, can be purchased and delivered to the internees at Camp Newell.

Camp Newell is under civilian directorship. The restrictions, rules, and regulations in the camp are under the supervision of the Japanese themselves. It is briefly summed up as a matter of self-government generally referred to as the "Block System." The supervision and regulations, through this so-called "Block System" emanates from a governing body of the Japanese known as the "Japanese Block Councils." The civilian directorship of the camp is said to concern itself with social service work and problems.

Japanese evacuees from Camp Newell, without escort, have been observed by forest rangers at the Medicine Lake Guard Station inside the United States Forest Reserve, 40 miles from the restricted area. On this particular occasion, no one was permitted in the United States Forest Reserve because of the peril of fire. Many citizens declare that they have observed the internees riding around in Government trucks and cars without escort, far beyond the restricted area. Japanese have been arrested in the City of Tule Lake and questioned as to their reasons for being absent from the camp. They have been held in jail at Tule Lake until military authorities arrived to escort them back to the relocation center. Witnesses testified that the Japanese unnecessarily abuse Government equipment, particularly trucks and automobiles.

The situation became so bad at Camp Newell, according to sworn testimony, that a second camp was recently established 16 miles from Camp Newell for obviously disloyal and out-and-out insubordinate Japanese. The establishment of the second camp placed the Japanese internees on both sides of the Tule Lake area and this fact has caused considerable discomfort and alarm to about 400 farmers and the entire citizenry of the City of Tule Lake in between.

The general consensus of opinion in and around Tule Lake is that all restrictions over the internees have been abandoned. One sworn affidavit sums it up as follows: "You will find these foreigners, time and again, driving cars unescorted and assumed free-lance anywhere in this area. Approaching Camp Newell, you will see the inmates roving over the terrain like puppies unescorted and in some instances out of sight of the camp and its military attaches, and they have been known to be as far as 40 miles from the camp in Government vehicles."

Food is said to be procured on the same system per person as the armed forces are rationed through the quartermaster of the post. There is plenty of food, although the Japanese cooking staff at Camp Newell has gone on strike on occasion and refused to prepare it. The quality of the food is said to be excellent, and in many respects far superior to the food furnished our own armed forces. The Japanese are issued ration books, and it is reported that in some instances they receive coupons in addition to the number ordinarily issued by the Government.

There are around 3,000 hogs located near Camp Newell, and witnesses declare that around 300 are slaughtered each month, producing 1,200 hams and 600 sides of bacon every 30 days. Around 10,000 chickens are maintained in connection with the camp.

A general merchandise store is maintained at Camp Newell. It is under cooperative ownership, and is administered under Japanese supervision. There are no restrictions in buying, and the store carries many classes of merchandise offered for sale in unlimited quantities at prices considerably below the prices in retail stores in the Tule Lake vicinity.

The internees buy scrip at the general merchandise store. Those who work are paid in cash, and this they turn in for scrip. The purchases at the store through scrip and the cooperative ownership of the store by the Japanese result in accrued dividends, which the Japanese hope to take out some day in cash.

The Japanese are attending school at Camp Newell in the Recreation Building which is well furnished, heated, and adequately equipped with modern facilities. While the buildings now being used are said to be more than adequate, new school

buildings are being erected. A new high school or schools is presently being constructed, and it is estimated that it will involve more than 2,000,000 feet of lumber.

Comrade Sisson, while visiting in the vicinity of Camp Newell, observed many vehicles loaded with essential fuel which could not be unloaded because the Japanese internees were on a sit-down strike. He was told by the military authorities that they could not enter the camp unless the Japanese rioted. In entering Camp Newell, he was forced to secure a pass from a Japanese, and upon leaving the camp surrendered the pass to the Military Police.

#### Manzanar

On Monday, March 29, 1943, Comrades George Contreras and Al Guasti, accompanied by R. E. Combs, Counsel and Chief Investigator of the Joint Fact-Finding Committee on Un-American Activities, went from Los Angeles to Bishop, California, for the purpose of conducting a survey of the Manzanar Relocation Center.

March 5, 1942, Lieutenant General John De Witt issued an order excluding all Japanese from the area comprising the Western Defense Command. The execution of this order involved the removal of an estimated 110,000 citizens and alien Japanese to the several relocation centers, one of which was established in Inyo County near Independence, some 250 miles from Los Angeles. This center, Manzanar, received the first contingent of Japanese evacuees on March 21, 1942, when 61 men and 20 women arrived there from Southern California. By June of 1942, control of the project was transferred from the War Time Civil Control Authority to the War Relocation Authority, which now exercises jurisdiction over the center through the Civilian Project Director, Ralph P. Merritt, and his assistant, Robert L. Brown.

On March 30, 1943, the Japanese evacuee population was 9,500 persons at Manzanar.

Immediately prior to visiting the center, numerous persons were interviewed, including Comrade Kenneth L. Williams, District Commander of the American Legion, at Bishop, several officials of Inyo County, and responsible citizens in the vicinity of the project. Thereafter, Comrades Contreras and Guasti were conducted through the entire center by Mr. Robert L. Brown, who was most courteous and cooperative in every respect.

Prior to the administration of Mr. Merritt, the evacuees were permitted to leave the center and wander at will about the adjacent country. This practice quickly antagonized the residents of nearby communities, and is an example of the loose type of control exercised by some civilian administrators in this and similar projects in the State. The present administration does not permit such leniency.

The evacuees are adequately housed and fed. The men are occupied during the day in reclaiming desert lands and raising thereon a variety of vegetable produce. Many of the women are learning useful vocations, and others serve as waitresses in the various mess halls. For this work the evacuees are compensated at a rate of approximately \$16 per month. Contrary to current rumors, the evacuees are not fed any better than the average citizen. They are given oleomargarine instead of butter, and their food, while not luxurious, is ample and nourishing.

The center has excellent hospital facilities, a nursery for the production of fruit trees, a guayule experimental nursery, a newspaper, a vocation training program, a department of internal security headed by experienced Caucasian peace officers with a Japanese staff, and the boundaries of the project are guarded by a company of U. S. Army Military Police.

Entertainment and recreational facilities include the exhibition of 16 millimeter motion pictures, athletics, a music and art center, dances, and libraries.

Caucasian teachers instruct children of school age in the standard school curriculum prescribed by State law.

No major disturbance occurred at the center until the riot of December 6, 7, and 8, 1942, when several hundred evacuees assembled at the front gate. Fred Tayama, of Los Angeles, who had testified in Los Angeles at a public hearing conducted by the State Fact-Finding Committee on Un-American Activities, was severely beaten by the insurgent Japanese. The mob demonstration finally became so critical that the soldiers were compelled to open fire, killing two of the rioters and wounding four others. The *Manzanar Free Press*, issue of March 20, 1943, commented on this disturbance as follows:

This basic calm which Manzanar residents had been enjoying was disrupted unfortunately by the "riot" of December 6th, which was aggravated by newspaper accounts that stressed only the sensational aspects of the event. The emotional outburst was an inevitable outcome of the internal strife caused largely by the concentrated nature of the population. The fact that other centers have had strife and difficulties reflects on the basic difficulty of any group to maintain a normal life under crowded circumstances. That the date of the Manzanar trouble coincided with Pearl Harbor, 1941, created in the public press ample opportunity to misinterpret the essential facts. The sheer coincidence in date was, perhaps, the most unfortunate aspect of the whole thing.



Despite the foregoing statement, reliable information is available to the effect that it was far from sheer coincidence that the riot at Manzanar and similar demonstrations at other relocation centers occurred on the anniversary of Pearl Harbor. Conditions at Manzanar are certainly not so crowded that congestion alone would cause such an outbreak of subversive violence. As for newspapers stressing only the sensational aspects of the affair, it would be difficult to imagine anything more sensational than a riot by Japanese evacuees which lasted three days and resulted in the death of two, the wounding of four, and the serious beating administered an evacuee because of his cooperation with Government investigative agencies.

It must be remembered that only a handful of leaders of the riot were removed from the center. Several hundred evacuees comprised the mob of rioters, and the great majority of them are still there.

No attempt has been made to segregate subversive from loyal evacuees, or the Kibei from the Nisei. There is no American course for Kibei.

Conferences with county officials and citizens indicated that there is the strongest sentiment for Army control at Manzanar. The great contrast between conditions in the center under the present administration and those which preceded it indicate that considerable latitude is given the individual administrator. Under Army supervision, the administration would be much more uniform, and public sentiment emphatically favors Army supervision.

It is felt that an Americanism course, which all adult evacuees are compelled to attend, would be an excellent thing. Under present conditions the disloyal Japanese are left pretty much alone to nurture their subversive broodings. These subversive tendencies were deeply ingrained as a vital part of the Japanese heritage, and after years of intense indoctrination of Japanism and a firmly planted sense of fanatic devotion to the Emperor. Unless some measures are taken to replace these concepts with the principles of democracy and Americanism, there is no reason to believe that there will not be other demonstrations like the one which occurred five months ago.

Unquestionably, the problem of segregation is a difficult one. There is no doubt that the older evacuees are, for the most part, loyal to Japan, and that they exercise considerable influence on the Nisei with whom they have the closest contact.

Only 90 evacuees volunteered for service in the United States Army out of the entire male population at Manzanar, and the report of a Congressional Subcommittee, headed by Senator Albert B. Chandler of Kentucky, indicates that "especially at Manzanar, with its heavy Japanese contingents from Los Angeles metropolitan area like Little Tokyo and Terminal Island, are a large number of actively disloyal young Japanese, all of American birth, who are constantly breeding hatred against the United States and fomenting trouble. \* \* \* " (*Los Angeles Examiner*, April 1, 1943, Part I, p. 12.)

It is recommended that:

1. An appropriate course in Americanism be established, and that all adult evacuees be compelled to attend.
2. The English language be taught to all adult evacuees who are unable to speak English.
3. Some effort be made to segregate subversive from loyal evacuees.
4. Administration of all relocation centers be vested in the United States Army.

Respectfully submitted.

JACK B. TENNEY, Chairman  
WILLIAM M. SISSON  
H. J. McCLATCHY  
L. F. OLSON  
GEORGE CONTRERAS  
AL D. GUASTI  
HAROLD A. VOGELSAND

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 112**—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jaspersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Tenney, Tickle, and Ward—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 656**—An act to amend Section 6816 and to repeal Section 6817 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Cunningham, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1079**—An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 577**—An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.12 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 391**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code, relating to indices of registration.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Breed, Cunningham, Dillinger, Engle, McCormack, Salsman, Swan, Tenney, Tickle, and Ward—10.

**NOES**—Senators Biggar, Brown, Collier, Crittenden, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, and Slater—18.

#### Motion to Reconsider

Senator Tenney moved to reconsider the vote whereby Senate Bill No. 391 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Tenney, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 391 was refused passage, was continued until the next legislative day.

#### Senator Breed Presiding

At 11:20 a.m., Senator Breed of the Sixteenth District, presiding.

**Senate Bill No. 977**—An act to amend Section 10617 and to repeal Sections 10621 and 10622 of the Health and Safety Code, relating to registration of previously unregistered births, and making an appropriation therefor, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 65**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, Mixter, Powers, Quinn, Seawell, Slater, Swan, Tenney, and Ward—23.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1076**—An act to add Section 6060.6 to the Business and Professions Code, relating to admission to the practice of law

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Powers, Quinn, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 528**—An act to amend Sections 4803 and 4804 of the Labor Code, relating to disability indemnities for members of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 655**—An act amending an act entitled "An act to provide emergency unemployment relief through State loans in aid of counties and municipalities administering such relief; providing for the issue of bonds, and making appropriations for such purposes and declaring the urgency thereof," approved April 29, 1933, by adding thereto one new section, to be Section 23½ thereof.

Bill read third time.

**Motion to Re-refer Senate Bill No. 655**

Senator Mixer moved that Senate Bill No. 655 be re-referred to Committee on Finance.

Motion carried.

**Senate Bill No. 29**—An act to amend Sections 9201, 9202 and 9203 of the Health and Safety Code, relating to cemeteries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 374**—An act to add Section 485.5 to the Health and Safety Code, relating to contracts for local health administration.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 721**—An act to amend Sections 132, 5901 and 5931 of the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 75**—An act to add Section 555 to the Vehicle Code, relating to equestrian crossings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 666**—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 666?

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 13 and 14, and insert "10 of this part."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 666 by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Above bill ordered enrolled.

#### THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 910**—An act making an appropriation for support of Division of Parks, Department of Natural Resources, to take effect immediately.

Bill read third time.

##### Motion to Amend

Senator Mixer moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "the amount to be expended", and insert "for expenditure".



**Amendment No. 2**

On page 1, line 8, of said bill, strike out "the", and insert "The".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RECESS**

At 12.01 p.m., on motion of Senator Seawell, the Senate recessed until 1.30 p.m.

**REASSEMBLED**

At 1.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**REPORTS OF STANDING COMMITTEES****Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1474

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 979

Assembly Bill No. 1203

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 315

Assembly Bill No. 846

Assembly Bill No. 417

Assembly Bill No. 848

Assembly Bill No. 420

Assembly Bill No. 938

Assembly Bill No. 969

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 843

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 833

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1316

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 752

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1054

Assembly Bill No. 1050

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 529

Assembly Bill No. 889

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Joint Resolution No. 24:** By Senators Brown and Mayo—Relative to memorializing the Congress of the United States to act favorably on H. R. 1398 to provide the Mining and Mineral Leasing Laws of the United States be extended to include the area within the boundaries of Death Valley National Monument.

Referred to Committee on Natural Resources.

**Senate Constitutional Amendment No. 29:** By Senator Hatfield—A resolution to propose to the people of the State of California to

amend the Constitution of said State by adding Section 22 to Article V thereof, relating to the compensation of State officers.

Referred to Committee on Governmental Efficiency.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.39 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

#### Senate Resolution No. 106

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 16, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	Per day
J. Allan Beck, Jr., Assistant Secretary-----	\$7 00
Barton B. Beck, Assistant Secretary-----	7 00
TICKLE	COLLIER
MAYO	WARD

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 508**—An act to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Salsman moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "act", insert "to add Sections 1.94 and 1.95 to the School Code and".

#### Amendment No. 2

On page 2 of the printed bill, as amended, following line 30, insert

"SECTION 1. Section 1.94 is added to the School Code, to read:

1.94. The governing board of a school district may without complying with any other provision of law lease busses owned by, or under lease to, the district to any common carrier or to any other type of carrier for the transportation of persons employed by, or in the military service of, the United States of America and persons engaged in agriculture or other war industries upon such terms and conditions as the governing board of the district may prescribe except that such terms and conditions shall provide for the payment to the district by the lessee of an amount which shall not be less and may be more than sufficient to reimburse the district for all expense arising from, caused by, or incident to, such lease.

No bus shall be leased by the governing board of a school district under this section if by such lease pupils of the district will be deprived of necessary transportation to and from their homes and school.

The lease of a bus by a district under the conditions herein set forth shall not operate to make the district liable under any law now in effect, or hereafter enacted, for the payment of any fee, license, tax, or charge of any kind on account of such bus for which such district would not be liable if such bus had not been so leased.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

**Sec. 2.** Section 1.95 is added to the School Code, to read:

1.95. The governing board of a school district may operate any bus owned or under lease to the district for the transportation of persons employed by, or in the military service of, the United States of America and persons engaged in agriculture or other war industries and may require persons transported to pay a reasonable charge for transportation furnished.

Any such operation maintained for other than pupils of the public schools shall, if maintained on a fixed schedule between fixed termini for a period in excess of one week, be subject to such regulations as the State Railroad Commission may prescribe. Such operation of a bus shall not make the district a common carrier nor make the district liable under any law now in effect, or hereafter enacted, for the payment of any fee, license, tax, or charge of any kind on account of such bus for which such district would not be liable if such bus had not been so used.

Nothing in this section shall relieve a school district of any liability now imposed upon it by law and the governing board of a school district operating a bus under this section shall insure the liability of the district, other than that imposed by Division 4 of the Labor Code in any insurance company authorized to do business in California.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect, it shall supersede any existing provisions of law which are in conflict with it, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### **Amendment No. 3**

On page 2, line 32, of the printed bill, as amended, strike out "1", and insert "3".

#### **Amendment No. 4**

On page 3, line 3, of the printed bill, as amended, after "had", insert "not".

#### **Amendment No. 5**

On page 3, line 14, of the printed bill, as amended, strike out "2", and insert "4".

#### **Amendment No. 6**

On page 3 of the printed bill, as amended, following line 47, insert

"Sec. 5. Sections 3 and 4 of this act become operative only if the Education Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time as said code takes effect; at which time Sections 1.94 and 1.95 of the School Code added by this act are hereby repealed."

#### **Amendment No. 7**

On page 4, line 3, of the printed bill, as amended, strike out "3", and insert "6".

**Amendments read and adopted.**

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 337**—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES:** Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Quinn, Salsman, Seawell, Slater, Swan, Tickle, and Ward—24.

**NOES:** None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 964**—An act to add Section 276.5 to the Vehicle Code, relating to operator's license.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Slater, Swan, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 975**—An act to amend Section 142 of the Vehicle Code, relating to exemptions from registration.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 94**—An act to amend Sections 990, 990.1, and 990.5 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—20.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1088**—An act to amend the Bank Act by adding a new section to be numbered 123.1, relating to travel expenses by the Superintendent of Banks Office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 187**—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—23.

NOES—Senators Burns, Luckey, McBride, McCormack, Shelley, and Ward—6.

## Motion to Reconsider

Senator McBride moved to reconsider the vote whereby Senate Bill No. 187 was passed.

## Postponement of Reconsideration

On motion of Senator McBride, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 187 was passed, was continued until the next legislative day.

**Senate Bill No. 612**—An act to amend Section 696 of the Political Code, relating to the revolving fund for State purchases.

Bill read third time.

## Motion to Amend

Senator Slater moved the adoption of the following amendment:

## Amendment No. 1

On page 1, line 14, of the printed bill, strike out "of", and insert "to".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 362**—An act to make an appropriation to carry into effect Article 4 of Chapter 8 of Title 1 of Part 3 of the Penal Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 863**—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 60**—An act to amend Section 259 of the Vehicle Code, relating to school bus drivers, declaring the urgency of this act, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 34:** By Senators Tenney and Burns—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Referred to Committee on Military and Veterans Affairs.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1217**—An act to add Division 16, comprising Sections 25000 to 25551, inclusive, to the Streets and Highways Code, and to add Section 50005 to Division 50 of said code, thereby consolidating and revising the law relating to the creation, organization and government of joint highway districts composed of two or more counties of the State of California, and providing for the issuance of bonds and the levy and collection of all taxes, assessments and other moneys necessary for the retirement and payment thereof, and for the payment of the costs of all acquisitions and improvements and all other expenses hereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—Senator Hatfield—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1218**—An act to add Part 2, comprising Sections 26000 to 26263, inclusive, to Division 16 of the Streets and Highways Code, and to add Section 50006 to Division 50 of said code, thereby consolidating and revising the law relating to the formation, establishment and government of boulevard districts, and the construction, acquisition, maintenance, control and use of boulevards by such districts, and providing for the voting, issuing and selling of bonds and the levying of taxes to finance such boulevards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating,

Luckey, Mayo, McCormack, Mixter, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1219**—An act to add Part 3, comprising Sections 27000 to 27325, inclusive, to Division 16 of the Streets and Highways Code, and to add Section 50007 to Division 50 of said code, thereby consolidating and revising the law relating to the incorporation, organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Mayo, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1220**—An act to add Section 50008 to Division 50 of the Streets and Highways Code, thereby repealing certain special statutes, relating to roads, bridges and highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 213**—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to motor vehicles, and declaring the urgency of this act.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.



## Senator Salsman Presiding

At 3.20 p.m., Senator Salsman of the Eighteenth District, presiding. Chief Assistant Secretary Harry A. Hammond at the desk.

**Assembly Bill No. 934**—An act to amend Section 643 of, and to add Section 643.2 to, the Agricultural Code, relating to the definition for insanitary dairy farms, declaring the urgency thereof to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 471**—An act to amend Section 1203.2a of the Penal Code, relating to probation and terms of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Keating, Luckey, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1224**—An act to amend Section 791 of the Political Code and Section 8200 of the Government Code, relating to notaries public.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

## Assistant Secretary Barton B. Beek at the Desk

**Assembly Bill No. 1559**—An act to amend Sections 501, 502, 503, 504, and 505 of the Elections Code, relating to election precincts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Keating, Mayo, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 461**—An act to amend Section 4808 of the Penal Code, relating to the membership of the Advisory Pardon Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Keating, Luckey, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1007**—An act to amend Section 1a of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the Chairman of the Judicial Council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, as amended, relating to expenses of judges and justices of the peace sitting under assignment from the Judicial Council.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1552**—An act to amend Section 1 of an act entitled "An act to provide for the establishing and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, relating to destruction of such records as the result of enemy action or from any other cause.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Swan, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1631**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1526**—An act to add Section 359e to the Political Code, relating to sick leave for employees exempt from civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1128**—An act to amend Section 96 of the State Civil Service Act, relating to reemployment lists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1527**—An act to add Section 152.6 to the State Civil Service Act, relating to the effect of time spent in the military service by civil service employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Mayo, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 569**—An act to add Section 2710.2 to the Penal Code, relating to the California Institution for Men Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 570**—An act to add Section 2710.1 to the Penal Code, relating to the Folsom Working Revolving Fund, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—27.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 571**—An act to amend Section 2710 of the Penal Code, relating to working revolving funds for the State prisons, declaring the urgency thereof, to take effect immediately.

Bill read third time.



## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1799**—An act to add Section 1290.5 to the Fish and Game Code, relating to deer skins, declaring the urgency of this act, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 165**—An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation benefits for members of the State Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 619**—An act to add Section 7154.1 to the Labor Code, relating to scaffolding.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 201**—An act to add Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662 and 1663 of the Labor Code, relating to artists' managers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hatfield:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 16, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Sections 28.5, 28.6, 28.7, and 28.8 to the California Water District Act, relating to the liability of districts organized under said act and the liability of officers, agents, and employees of said districts, and providing that such districts may insure against such liabilities.

Respectfully submitted.

SENATOR HATFIELD

##### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

**NOES**—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Salsman:

##### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 16, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Article 16, comprising Sections 16.01 to 16.11, inclusive, and Section 13.20 of the Building and Loan Association Act and to add Section 13.20 thereto, relating to liquidations, rehabilitations, reorganizations and mergers of building and loan associations and the powers and responsibilities of public officers in respect thereto.

Respectfully submitted.

SENATOR SALSMAN

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 1100:** By Senator Hatfield—An act to add Sections 28.5, 28.6, 28.7, and 28.8 to the California Water District Act, relating to the liability of districts organized under said act and the liability of officers, agents, and employees of said districts, and providing that such districts may insure against such liabilities.

Referred to Committee on Water Resources.

**Senate Bill No. 1101:** By Senator Salsman—An act to repeal Article 16, comprising Sections 16.01 to 16.11, inclusive, and Section 13.20 of the Building and Loan Association Act and to add Section 13.20 thereto, relating to liquidations, rehabilitations, reorganizations and mergers of building and loan associations and the powers and responsibilities of public officers in respect thereto.

Referred to Committee on Financial Institutions.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 4.31 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

Bill read third time.

## Motion to Amend

Senator Quinn moved the adoption of the following amendments:

## Amendment No. 1

Strike out all of lines to 1 to 7, inclusive, of the printed bill, and insert  
"SECTION 1. The publisher or owner of any newspaper, weekly newspaper, magazine, periodical, or other publication in the foreign language of any enemy nation, shall file with the district attorney of the county in which said newspaper, weekly newspaper, magazine, periodical, or other publication is printed or distributed, a correct translation in English of every article, statement or word published in said newspaper, weekly newspaper, magazine, periodical, or other publication."

**Amendment No. 2**

On page 1, line 8, of the printed bill, after "newspaper", insert ", weekly newspaper, magazine, periodical, or other publication".

**Amendment No. 3**

On page 1, line 11, of the printed bill, after "newspaper", insert ", weekly newspaper, magazine, periodical, or other publication".

**Amendment No. 4**

On page 1, line 12, of the printed bill, after "newspaper", insert ", weekly newspaper, magazine, periodical, or other publication".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, April 13, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 603

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bill ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 76

Assembly Bill No. 983

Assembly Bill No. 88

Assembly Bill No. 591

Assembly Bill No. 1796

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 519

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1534

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

CARTER, Vice Chairman

Above reported bill ordered to second reading.



## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 498

Senate Bill No. 1019

Senate Bill No. 559

Senate Bill No. 1092

Senate Bill No. 589

Senate Joint Resolution No. 1

Senate Bill No. 825

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 134**—An act to amend Sections 737yy and 737fff of the Political Code, relating to the annual salaries of the judges of the superior courts of Sutter and Yuba Counties;

**Senate Bill No. 149**—An act to repeal Sections 7032, 7033, 9032, and 9033 of the Insurance Code, all relating to insurance;

**Senate Bill No. 338**—An act to amend Section 227 of, and to add Section 227aa to, the Civil Code, relating to adoption;

**Senate Bill No. 403**—An act to amend Section 444 of the Code of Civil Procedure, relating to grounds of demurrer to the answer;

**Senate Bill No. 404**—An act to amend Section 6021 of the Business and Professions Code, relating to election of officers of the Board of Bar Governors;

**Senate Bill No. 466**—An act to amend Sections 2271, 2274 and 2275 of the Public Resources Code, relating to the Ore Buyer's License Fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 547**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations;

**Senate Bill No. 742**—An act to provide for precautions against enemy attack, including blackout and dimout regulations, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 855**—An act to amend Section 96.5 of the State Civil Service Act, relating to status of members of armed forces on civil service lists;

**Senate Bill No. 896**—An act to add Section 161 to the Revenue and Taxation Code, relating to contracts for the publication of notices, delinquent lists and other documents;

**Senate Bill No. 1045**—An act to add Section 57.7 to the State Civil Service Act, relating to the secretary of the Advisory Pardon Board;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1078**—An act to amend Section 1005 of the Water Code and to add Section 41.5 to the Water Commission Act, relating to water rights;

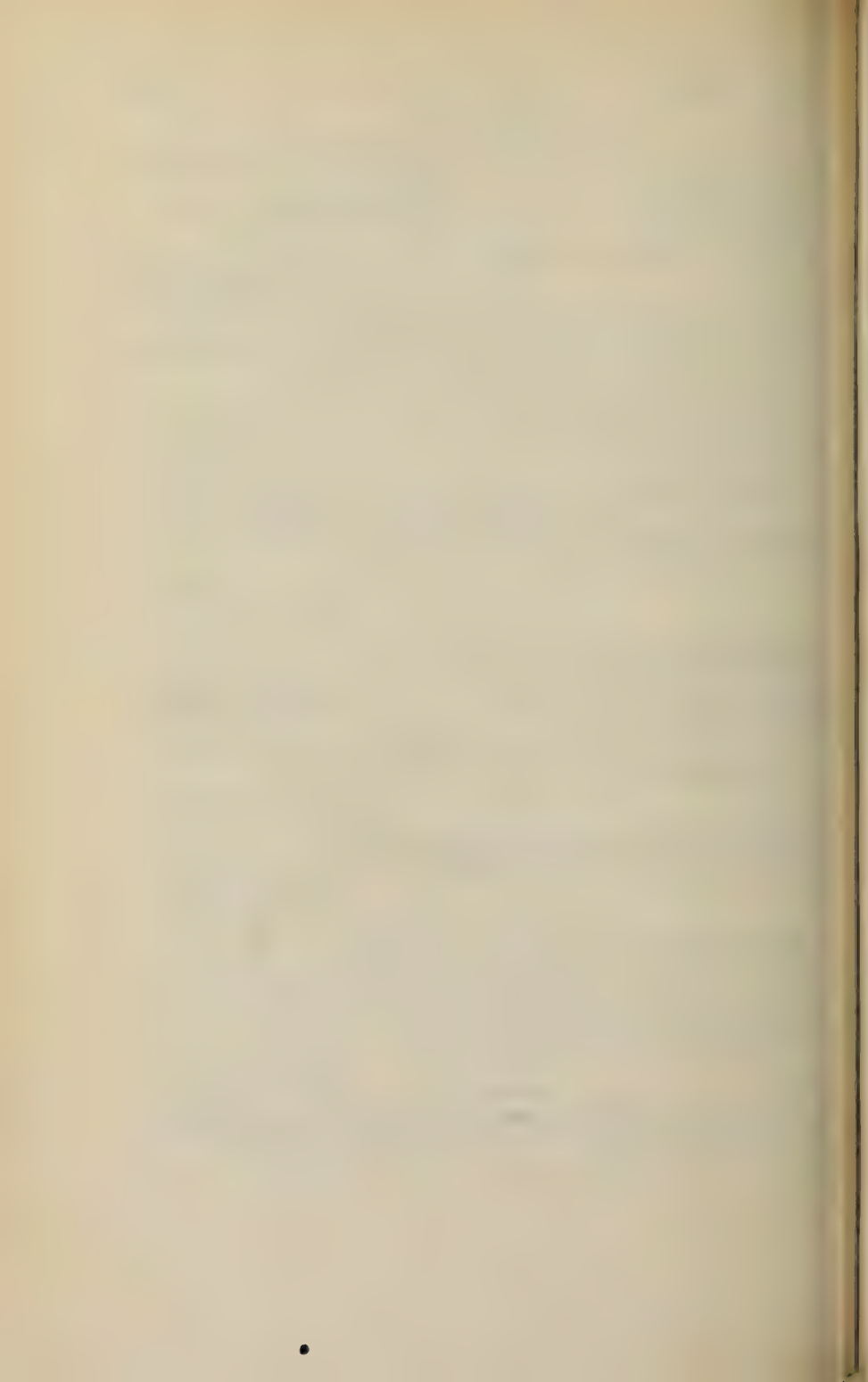
**Senate Joint Resolution No. 9**—Memorializing Congress and the United States Fish and Wild Life Service to allow hunting in the Sheepy Lake area;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

## ADJOURNMENT

At 4.38 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Saturday, April 17, 1943.



**CALIFORNIA LEGISLATURE**

**FIFTY-FIFTH SESSION**

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**SENATE DAILY JOURNAL**

**FIFTY-FIFTH LEGISLATIVE DAY**

**ONE HUNDRED FOURTH CALENDAR DAY**

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Saturday, April 17, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Jespersen.

Senator Engle, on motion of Senator Swan.

Senator Swing, on motion of Senator Rich.

Senator Carter, on motion of Senator Shelley.

Senator Parkman, on motion of Senator Seawell.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senators Breed and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. W. Lindsey, State President, Native Daughters of the Golden West, of Oakland.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lloyd James and Mrs. Hugh M. Burns of Fresno.

On request of Senators Burns and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Justice Lloyd Griffin of San Diego.

On request of Senators Donnelly and Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Mary Giovanni, Sister Mary Paraclita and Miss Dolores Kanowsky, pupil, of Holy Rosary Academy in Woodland.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Files Gray, Jr., of Sacramento.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bobbie Chaplin and Donald C. Barbee, both of Sacramento.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.06 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 348

Senate Bill No. 567

Senate Bill No. 535

Senate Bill No. 725

Senate Concurrent Resolution No. 33

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 110

Senate Bill No. 634

Senate Bill No. 154

Senate Bill No. 635

Senate Bill No. 161

Senate Bill No. 636

Senate Bill No. 162

Senate Bill No. 637

Senate Bill No. 163

Senate Bill No. 638

Senate Bill No. 269

Senate Bill No. 673

Senate Bill No. 347

Senate Bill No. 776

Senate Bill No. 629

Senate Bill No. 777

Senate Bill No. 631

Senate Bill No. 878

Senate Bill No. 632

Senate Bill No. 889

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 247	Assembly Bill No. 1127
Assembly Bill No. 249	Assembly Bill No. 1047
Assembly Bill No. 250	Assembly Bill No. 1207
Assembly Bill No. 255	Assembly Bill No. 1282
Assembly Bill No. 439	Assembly Bill No. 1312
Assembly Bill No. 531	Assembly Bill No. 1313
Assembly Bill No. 653	Assembly Bill No. 1484
Assembly Bill No. 1011	Assembly Bill No. 1503
Assembly Bill No. 1014	Assembly Bill No. 1914
Assembly Bill No. 1015	Assembly Bill No. 1915
Assembly Bill No. 1017	Assembly Bill No. 1916
Assembly Bill No. 1019	Assembly Bill No. 1917
Assembly Bill No. 1020	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Joint Resolution No. 45**—Relative to facilitating the employment of Mexican citizens in agriculture.

Referred to Committee on Agriculture.

**Assembly Bill No. 247**—An act to add Section 1428b to the Penal Code, relating to the destruction of old records in municipal courts.

Referred to Committee on Judiciary.

**Assembly Bill No. 249**—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Referred to Committee on Judiciary.

**Assembly Bill No. 250**—An act to amend Section 4300f of the Political Code, relating to jurors' fees in municipal courts.

Referred to Committee on Local Government.

**Assembly Bill No. 255**—An act to amend Section 6301 of the Business and Professions Code, relating to boards of trustees of law libraries.

Referred to Committee on Business and Professions.

**Assembly Bill No. 439**—An act to amend Sections 69, 77 and 79a of the Civil Code, relating to marriage.

Referred to Committee on Judiciary.

**Assembly Bill No. 531**—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Referred to Committee on Judiciary.

**Assembly Bill No. 653**—An act to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Referred to Committee on Labor.

**Assembly Bill No. 1011**—An act to add Sections 838.5, 1710, 1691.3, 1831.6, 1831.7, 1831.8, and 1831.9 to the Insurance Code, to add Article 18, comprising Sections 1110 to 1113, to Chapter 1, Part 2, Division 1, thereof, and to amend Sections 382, 763, 1200, 1202, 1591, 1808 and 1831.5, and to repeal Section 1710 of the Insurance Code, all relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1014**—An act to add Sections 10176, 10206.5 and 10641.5 to, and to amend Sections 10202, 10203, 10206, 10270.5, 10270.55, 10270.9, and 10270.93 of, the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1015**—An act to amend Sections 11502, 11505, 11507, 11510, 11512, and 11513 of, to add Sections 11512.1, 11512.2, 11512.3, and 11516.5 to, and to repeal Section 11497 of, the Insurance Code, all relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1017**—An act to add Section 11730x to, and to amend Sections 11561, 11699 and 11715 of, the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1019**—An act to amend Sections 916 and 918 and repeal Section 10487 of, to add Sections 10150.1, 10478, 10479, 10488, 10489 and 10929 to, and to add Article 3a to Chapter 1 and Article 3a to Chapter 5 of Part 2, Division 2 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1020**—An act to amend Section 12003 of the Revenue and Taxation Code; to repeal Article 1 of Chapter 3, Part 7, Division 2 of said code; to add a new article, comprising Sections 12251 to 12264 inclusive, to Chapter 3, Part 7, Division 2 of said code, to be known as Article 1; to amend Sections 12402, 12403, 12404, 12405, 12431, 12434, 12438, 12461, 12462, 12464, 12622, 12623, 12626, 12801, 12978, 12996, 12997 and 12999 of said code; and providing that it shall take effect from and after December 31, 1943; all relating to the taxation of insurers.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1127**—An act to add Section 45.1 to the California Irrigation District Act, and Section 26232 to the Water Code, relating to the assessment and redemption of property.

Referred to Committee on Water Resources.

**Assembly Bill No. 1047**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Referred to Committee on Judiciary.

**Assembly Bill No. 1207**—An act to repeal Section 22012 of the School Code and to repeal Section 4643 of the Education Code, relating to the annexation of school districts to unified school districts.

Referred to Committee on Education.

**Assembly Bill No. 1282**—An act to amend Section 266 of the Political Code and Section 9300 of the Government Code, relating to compensation for Members of the Legislature.

Referred to Committee on Rules.

**Assembly Bill No. 1312**—An act to amend Section 702 of the Probate Code, relating to notice in probate proceedings.

Referred to Committee on Judiciary.

**Assembly Bill No. 1313**—An act to amend Section 1023 of the Probate Code, relating to final distribution of estates in probate.

Referred to Committee on Judiciary.

**Assembly Bill No. 1484**—An act to amend Section 575 of the Welfare and Institutions Code of the State of California by providing that in counties of the second class the compensation of the referee of the juvenile court shall be three hundred fifty dollars (\$350) per month.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1503**—An act to amend Section 9176 of the Education Code, relating to the education of persons.

Referred to Committee on Education.

**Assembly Bill No. 1914**—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1062b to, the Code of Civil Procedure, relating to declaratory relief.

Referred to Committee on Judiciary.

**Assembly Bill No. 1915**—An act to add Section 1066 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1916**—An act to add Section 1065 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1917**—An act relating to review of decisions of administrative boards, commissions and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto and defining the powers and duties of the Judicial Council in relation thereto.

Referred to Committee on Judiciary.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 398

Senate Bill No. 706

Senate Bill No. 580

Senate Bill No. 771

Senate Bill No. 630

Senate Bill No. 897

Senate Bill No. 660

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 527

Senate Bill No. 664

Senate Bill No. 797

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 376

Assembly Bill No. 380

Assembly Bill No. 211

Assembly Bill No. 514

Assembly Bill No. 212

Assembly Bill No. 564

Assembly Bill No. 216

Assembly Bill No. 627

Assembly Bill No. 342

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 192

Assembly Bill No. 1648

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

BREED, Chairman

Above reported bills ordered to second reading.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 107

*Resolved*, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 17, 1943:

J. Allen Beek, Jr., Assistant Secretary	Per day
Barton B. Beek, Assistant Secretary	\$7 00
	7 00

Resolution read and unanimously adopted.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 249**—An act to repeal an act entitled "An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of



Congress entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 1, 1911, as amended," approved by the Governor September 20, 1934, relating to the acquisition of land in the State by the United States.

Bill read second time.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 11, 12, and 13, and insert "and county without the concurrence of the board of supervisors thereof; and provided further that existing contracts heretofore initiated and actually in the process of consummation on or before April 1, 1943, are specifically exempted from the requirements of such concurrence."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 801**—An act to amend Section 1030 of the Political Code, relating to office and working hours.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1075**—An act to add Section 111.5 to the Vehicle Code, relating to the Vehicle Code, relating to the California Highway Patrol, placing said patrol under the supervision and direction of The Adjutant General, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Joint Resolution No. 16**—Relative to the production of synthetic rubber.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1 of the printed measure strike out lines 1 to 26, inclusive, and insert "WHEREAS, Nearly all types of industrial and agricultural enterprise in California are dependent upon adequate transportation of material and workers and upon mobile farm equipment; a dependence well illustrated by the fact that approximately 10 per cent of the commercial vehicles of the entire Nation are concentrated in California; and

WHEREAS, At this critical time the effective production of agricultural and other commodities for war and civilian needs is the most vital factor in the drive for victory; and

WHEREAS, At the present time all forms of production are either being slowed or threatened by an alarming decrease of transportation facilities and farm equipment, due to the acute shortage of rubber and the consequent lack of tires to equip vehicles and mobile farm machinery; and

WHEREAS, It seems well established by all surveys, and by the Baruch Report in particular, that the only real hope for meeting these great shortages lies in the immediate manufacture of synthetic rubber; and

WHEREAS, The Federal Rubber Administrator reports that in spite of the great effort being made and the obstacles being overcome in carrying out the Presidential mandate for the construction and operation of plants for the manufacture of synthetic rubber as recommended in the Baruch Report, the completion and operation of such plants is far from accomplished; and

WHEREAS, Unless some means be found at once for increasing available commercial vehicles and farm machinery, properly equipped with sufficient rubber tires for maximum use, a disastrous reduction in the quantity of farm and other products will occur; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly.* That the Legislature of California commends the Federal Rubber Administrator, and those who have assisted him, upon the very great effort and progress which has been made, and directs the attention of the President, the Congress, the Federal Rubber Administrator, and the responsible heads of Government agencies whose activities affect the operation of the Rubber Program, to the urgent need of speeding up in every way possible the construction of the remaining plants called for in the Baruch Committee Report and to get them in operation for the manufacture of synthetic rubber at their maximum capacity at the earliest possible date; and be it further".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 781**—An act to amend Sections 19530 and 19532 and to repeal Section 19532.5 of the Business and Professions Code, relating to horse racing and horse race meetings.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In lines 2 and 3 of the title of the printed bill, as amended, strike out "Sections 19490, 19532.1 and 19561.5", and insert "Section 19532.1".

##### Amendment No. 2

On page 1 of said bill, strike out lines 19 to 23, inclusive; and on page 2, strike out lines 1 and 2.

##### Amendment No. 3

On page 2 of said bill, strike out line 4, and insert  
"SECTION 1. Section 19532.1 is added to the Business and Professions Code, to read:".

##### Amendment No. 4

On page 2 of said bill, strike out lines 13 to 20, inclusive.

##### Amendment No. 5

On page 2, line 22, of said bill, strike out "4", and insert "2".

##### Amendment No. 6

On page 2, line 36, of said bill, after the period, insert "This results in a decrease of the funds made available for the support of agricultural fairs and for aid to educational institutions of this State."

##### Amendment No. 7

On page 2, line 38, of said bill, after "impaired", insert "and that such funds for agricultural fairs and educational institutions shall not be further diminished".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Senate Bill No. 414**—An act to amend Sections 504, 2002, and the title of Chapter 2 of Division 2 of the Public Resources Code, to repeal Sections 507 and 2003 thereof, to add Sections 2198 and 2199 to Chapter 2 of Division 2 thereof, and to provide for appropriate transfers, creating the Department of Mines in replacement of the Division of Mines.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "504, 2002, 2200 and the title of"; strike out lines 2 to 11, inclusive, of said title, and insert "507, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2266, 2267, 2271, 2274 and 2275 of, and to add Section 2005 to, the Public Resources Code, to increase the membership of the State Mining Board and to provide for its powers and duties and for the powers and duties of employees and officers of the Division of Mines."

Amendment No. 2

On page 1, line 1, of said bill, strike out "504", and insert "507".

PRINTER'S NOTE: There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"507. The *Chief of Division of Mines* [shall be administered through a chief who shall be known as the State Mineralogist. He] shall be a technically trained mining engineer appointed by the director upon nomination by the State Mining Board. [General policies for the guidance of] The Division of Mines [shall be determined by] *shall be administered by and under the direction of a State Mining Board*, which]. *The board shall consist of [five] seven members appointed by [and holding office at the pleasure of] the Governor* [.], *with the advice and consent of the Senate. The members of the board hold office at the pleasure of the Governor. The board may appoint an executive officer to assist it in the administration of the Division of Mines.*

SEC. 2. Section 2005 is added to said code, to read:

2005. "Board" in reference to the Government of this State, means the State Mining Board.

SEC. 3. Section 2201 of said code is amended to read:

2201. The [State Mineralogist] *board* shall employ competent geologists, field assistants, qualified specialists, and office employees when necessary in the execution of the plans and operations of the division under this chapter and shall fix their compensation.

SEC. 4. Section 2202 of said code is amended to read:

2202. The [State Mineralogist] *board* shall maintain offices, and a museum, library, and laboratory in San Francisco for the purposes provided in this chapter.

SEC. 5. Section 2203 of said code is amended to read:

2203. The [State Mineralogist] *board* shall make a biennial report to the Governor on or before the fifteenth day of September next preceding the regular session of the Legislature.

SEC. 6. Section 2204 of said code is amended to read:

2204. The [State Mineralogist] *board* may receive on behalf of this State, for the use and benefit of the division, gifts, bequests, devises, and legacies of real or other property and may use the same in accordance with the wishes of the donors. If no instructions are given by the donors, the [State Mineralogist] *board* shall manage, use, and dispose of the gifts, bequests, and legacies for the best interests of the division and in such manner as [he] *the board* may deem proper.

SEC. 7. Section 2205 of said code is amended to read:

2205. The [State Mineralogist] *board* shall:

(a) Make, facilitate, and encourage special studies of the mineral resources and mineral industries of the State.

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the division.

(d) Provide a library of books, reports, and drawings bearing upon the mineral industries, and sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the division.

(e) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes.

(f) Preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours.



(g) Maintain, in effect, a bureau of information concerning the mineral industries of this State, to consist of such collections and library, and arrange, classify, catalogue, and index the data therein contained in a manner to make the information available to those desiring it.

(h) Issue from time to time such bulletins as [he] *the board* may deem advisable concerning the statistics and technology of the mineral industries of this State.

SEC. 8. Section 2206 of said code is amended to read:

2206. The [State Mineralogist] *board* may prepare a special collection of ores and minerals of California to be sent to or used at any world's fair or exposition in order to display the mineral wealth of the State.

SEC. 9. Section 2207 of said code is amended to read:

2207. The owner, lessor, lessee, agent, manager, or other person in charge of any mine of whatever kind or character within the State shall forward to the [State Mineralogist] *board*, upon [his request] *the request of the board*, at [his] *its* office, not later than the thirty first day of March in each year, a detailed report upon forms which will be furnished showing the character of the mine, the number of men then employed, the method of working the mine and the general condition thereof, and the total mineral production for the past year. He shall also furnish any additional information relative to such mine that the [State Mineralogist] *board* may from time to time require for the proper discharge of [his] *its* official duties. Any such person who fails to comply with the provisions of this section is guilty of a misdemeanor.

SEC. 10. Section 2208 of said code is amended to read:

2208. The [State Mineralogist] *board* or a qualified assistant may at any time enter or examine any and all mines, quarries, wells, mills, reduction works, refining works, and other mineral properties or working plants in this State in order to gather data to comply with the provisions of this chapter.

SEC. 11. Section 2209 of said code is amended to read:

2209. The [State Mineralogist] *board* may fix a price upon and dispose of to the public all publications of the division, including reports, bulletins, maps, registers, or other publications. The price shall approximate the cost of publication and distribution. [He] *The board* may also furnish the publications of the division to public libraries without cost and may exchange publications with geological surveys, scientific societies, and other like bodies.

SEC. 12. Section 2253 of said code is amended to read:

2253. The application for a license to carry on such business shall be made to the [State Mineralogist] *board*, and shall contain the full names and addresses of the applicants, if natural persons, and in the case of firms and associations the full names and addresses of the members thereof, and in the case of corporations, the full names and addresses of the officers and directors thereof, and the place or places where the business is to be carried on. The application shall be sworn to by the person making it.

SEC. 13. Section 2255 of said code is amended to read:

2255. Every application shall be filed not less than 30 days prior to the granting of the license. Notice of the filing of the application shall be posted in the office of the [State Mineralogist] *board* and shall be published, at the cost of the applicant, once a week for three successive weeks in a newspaper published in the county or counties where the business is to be carried on.

SEC. 14. Section 2256 of said code is amended to read:

2256. Protest may be made by any person to the issuing of a license, and when such protests are filed with the [State Mineralogist, he] *board*, *the board* shall give notice of and hold a public hearing upon the protest before issuing the license. The [State Mineralogist] *board* may reject any application for a license after a hearing upon the protest.

SEC. 15. Section 2257 of said code is amended to read:

2257. The [State Mineralogist] *board* may revoke any license for failure on the part of the licensee to observe any of the provisions of this chapter, or when the licensee has violated the provisions of any law of the State relating to ore buying or of any law relating to larceny or receiving stolen property, but no license shall be revoked except upon written charges filed by two or more reputable persons as accusers, specifying the violations of law for which revocation is sought, and only after a public hearing as in the case of protests against the granting of licenses.

SEC. 16. Section 2258 of said code is amended to read:

2258. Charges or protests against any licensee or applicant shall be made in writing to the [State Mineralogist] *board*. Reasonable notice thereof, not less than three days, shall be given to the licensee or applicant by serving upon him a copy of the charges or protest. A hearing shall be had before the [State Mineralogist] *board* within one week from the date of the filing of the charges or protest, and no adjournment shall be taken for longer than one week. A daily calendar shall be kept of all hearings by the [State Mineralogist,] *board*, which shall be posted in a conspicuous place in [his office] *the office of the board* for at least three days before the date of such hearing. The [State Mineralogist] *board* shall keep a record of all charges, protests, and hearings, and may refuse to issue and shall suspend or revoke



any license for any good cause shown, within the meaning and purpose of this chapter.

SEC. 17. Section 2259 of said code is amended to read:

2259. When it is shown that any licensee or applicant, either before or after conviction, is guilty of any conduct in violation of this or any law relating to such business, the [State Mineralogist] *board* shall suspend or revoke the license of the licensee, or reject the application of the applicant, but notice of the proposed action shall be presented to and a reasonable opportunity shall be given to the licensee or applicant to be heard in his defense.

SEC. 18. Section 2260 of said code is amended to read:

2260. Whenever, for any reason, a license is revoked, the [State Mineralogist] *board* shall not issue another license to the licensee until the expiration of at least one year from the date of revocation of the license. The [State Mineralogist] *board* shall decide all matters submitted to [him] *it* within 30 days from the time [he] *it* takes them under advisement.

SEC. 19. Section 2261 of said code is amended to read:

2261. An application for a review of any order made by the [State Mineralogist] *board* granting, refusing, or revoking a license may be made to the superior court in and for the county where the aggrieved party resides, which court shall have the right and jurisdiction to review the action of the [State Mineralogist] *board*, by any person who may feel aggrieved by the order and whose name appears in the record of the proceedings before the [State Mineralogist] *board* as a licensee, applicant for license, protestant, or accuser. The application shall be made by filing in the office of the clerk of the court, a certified copy of the transcript of the proceedings before the [State Mineralogist] *board*, including copies of all papers filed therein, accompanied by a short petition naming the person applying for the review as plaintiff and the [State Mineralogist] *board* as defendant, and praying for a review of the order.

SEC. 20. Section 2262 of said code is amended to read:

2262. Within 10 days after filing the application, the party applying for the review shall serve written notice of its pendency upon the [State Mineralogist] *board*. If the review is of an order granting a license or refusing to revoke a license, the notice shall also be served upon the person to whom the license was granted or whose license was permitted to remain in force.

The notice may be served by personal delivery or by registered mail, and proof of service shall be made to the satisfaction of the court if not admitted.

SEC. 21. Section 2263 of said code is amended to read:

2263. No review shall be allowed unless taken within 30 days after entry of the order. The court shall try all such reviews upon the transcript and such evidence as may be offered and admitted. When the court has finally determined any such proceeding, it shall forthwith cause its order in the premises to be certified to the [State Mineralogist] *board*. The costs in the review shall be awarded at the discretion of the court, and if any costs are awarded against the [State Mineralogist] *board*, they shall be paid out of funds arising from the payment of license fees under this chapter. When a review of an order of the [State Mineralogist] *board* revoking a license is had, such review shall operate as a stay upon the order.

SEC. 22. Section 2264 of said code is amended to read:

2264. For the making of the transcript the [State Mineralogist] *board* shall collect from the person ordering it, twenty five cents (\$0.25) per folio of 100 words, and twenty-five cents (\$0.25) for certifying it.

SEC. 23. Section 2266 of said code is amended to read:

2266. Such book shall be open for inspection by the [State Mineralogist, his] *the board, and its deputies, officers, and agents, on every day except Sundays and legal holidays, between the hours of 9 o'clock a.m. and 5 o'clock p.m.*

If any person, on his own behalf or being duly authorized by another, makes and files an affidavit with the [State Mineralogist] *board*, stating that, to his best knowledge and belief, he or his principals, as the case may be, has, within the three months next preceding the filing of the affidavit, sustained a loss of any of the property described in Section 2265, by theft or trespass, and that he believes that such property was delivered to a licensee under this chapter, naming the licensee, the [State Mineralogist] *board* shall forthwith issue a permit to such person to examine the book kept by such licensee as provided in this chapter. Upon the presentation of the permit to the licensee, such person may inspect and examine the entries made in such book during said period of three months, on the same terms and conditions as the [State Mineralogist] *board*.

SEC. 24. Section 2267 of said code is amended to read:

2267. Every licensee under this chapter shall file monthly with the [State Mineralogist] *board* a report of all purchases made under this chapter. The reports shall be made upon forms prescribed by the [State Mineralogist] *board* and shall contain the information required by this chapter. Any licensee who fails or refuses to comply with the provisions of this section is guilty of a misdemeanor.

SEC. 25. Section 2271 of said code is amended to read:

2271. Upon the trial, the court shall hear all parties who have appeared. If any party proves ownership or that he has any right or interest therein, the court shall make an order for the delivery of the property to him, or the sale thereof and a

distribution of the proceeds to discharge the right or interest which he has therein, the balance of the proceeds to escheat to the State; otherwise, the court shall declare the property to have escheated to the State. Thereafter he [State Mineralogist] *board* may sell the ores, concentrates and amalgams not theretofore sold by court order and shall account for and report the proceeds of the sale to the State Controller and at the same time remit the money to the State treasury to be credited to the Ore Buyer's License Fund.

SEC. 26. Section 2274 of said code is amended to read:

2274. Any violation of Sections 2250, 2251, 2252, 2265, 2266, 2267, or 2272 is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than 30 days nor more than six months, or both such fine and imprisonment. The [State Mineralogist] *board* shall notify the district attorney of the county in which the offense occurs of any such violation, and the district attorney shall institute criminal proceedings for the enforcement of this chapter before any court of competent jurisdiction.

All forfeited bail and fines received under the provisions of this section shall be sent without delay by the magistrate receiving them, 50 per cent to the State Treasurer, to be deposited in the State treasury to the credit of the Ore Buyer's License Fund and 50 per cent (50%) to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted.

SEC. 27. Section 2275 of said code is amended to read:

2275. All money received by the [State Mineralogist] *board* under this chapter, shall be accounted for and reported monthly to the State Controller, to be remitted by the Controller to the State treasury to the credit of the Ore Buyer's License Fund, which fund is continued in existence, except that money deposited with the [State Mineralogist] *board* for fees for licenses which have not been granted shall be retained by [him] *the board* in the trust fund of the division to be remitted to the State Treasurer upon the issuance of the license or returned to the applicant in case a license is refused. All money placed in the Ore Buyer's License Fund shall be expended, in accordance with law, for the payment of all actual and necessary expenses incurred in carrying out the provisions of this chapter.

SEC. 28. Nothing in this act shall in any manner be construed so as to affect the civil service status of the person holding the position of State Mineralogist at the time this act becomes effective."

#### Amendment No. 4

On page 1 of said bill, strike out lines 3 to 22, inclusive; and strike out all of pages 2, 3, 4, and 5.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 197**—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Sections 2701, 2702, and 2780 of, and to add"; and strike out line 2, and insert "add Section 2729 to the Penal Code, relating to".

##### Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 20, inclusive.

##### Amendment No. 3

On page 2, line 21, of the printed bill, strike out "Sec. 5", and insert "Section 1."

##### Amendment No. 4

On page 2 of the printed bill, strike out line 26, and insert "at any of the State prisons. Until April 15, 1945, or until the termination of the present National emergency declared to exist by the President of the United States by this Proclamation of September 8, 1939, or until the termination of the present war and six months there-

after, whichever of the foregoing first occurs, the board may sell any of the products of the jute mill to any person or persons, public or private, and the board shall fix the price of the products to be so sold."

#### Amendment No. 5

On page 2 of the printed bill, strike out lines 36 to 48, inclusive, and insert "foreign powers and has placed restrictions on the processing and sale of jute products and has determined that jute on hand can not be processed or manufactured unless the Government directs to whom the products shall be sold under priority regulations and this act is necessary to enable the jute mill to continue to operate and the products be sold immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 849**—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 2 of the title of the printed bill, strike out "powers and duties of", and insert "cost of care of persons committed to, or confined in institutions under the control of."

##### Amendment No. 2

On page 1, line 3, of said bill, strike out "The", and insert "Notwithstanding any other provision of law, the".

##### Amendment No. 3

On page 1 of said bill, between lines 7 and 8, insert

"This section shall not apply to any person committed to the authority upon conviction of a public offense punishable by imprisonment in a State prison, nor to any person committed to the authority and placed by it in a State prison while the person remains in the prison; but this section shall apply to all persons committed to the authority for placement in a correctional school under the jurisdiction of the authority, and to all persons committed to or for placement in any such school."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 847**—An act to provide for the identification of persons in State institutions in the event of disaster due to enemy action, by providing for the fingerprinting of such persons by or under the supervision of the Bureau of Criminal Identification and Investigation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 690**—An act to amend Section 1526 of the Welfare and Institutions Code, relating to the residence of needy children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1039**—An act to add Section 1559.5 to the Welfare and Institutions Code, relating to wages of orphans and other needy children.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 399**—An act to amend Sections 2005, 2007, 2011, 2020, 2021, 2140, 2141, 2160, 2160.5, 2160.6, 2180, 2181, 2182, 2183, 2186, 2187, 2188, 2200, 2220, 2221, 2222, and 2223 of the Welfare and Institutions Code, to repeal Sections 2012, 2022, 2023, 2160.7, 2184, 2185, 2189,



and 2224 thereof, and to add Sections 2012, 2020.5, 2184, and 2187.5 thereto, relating to aid to the aged, providing for the administration thereof, determining the amount of aid to be granted, the eligibility qualifications therefor, and the respective participation of the State and the counties in the cost thereof, eliminating the liability of relatives of recipients to make reimbursement for aid granted, granting burial and funeral expenses to recipients of such aid, and making an appropriation, to become operative as therein provided.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "2005, 2007, 2011, 2020, 2021, 2140," and insert "2011, 2020, 2021,".

##### Amendment No. 2

In the title of said bill, strike out lines 2 to 5, inclusive, and insert "2160, 2181, 2186, 2187, and 2222 of the Welfare and Institutions Code, to repeal Sections 2160.7 and 2224 thereof, and to".

##### Amendment No. 3

In line 6 of the title of said bill, strike out "2020.5, 2184", and insert "2183.1".

##### Amendment No. 4

In lines 12 and 13 of the title of said bill, strike out "granting burial and funeral expenses to recipients of such aid,".

##### Amendment No. 5

On page 1, lines 1 and 2, of said bill, strike out "2012, 2022, 2023, 2160.7, 2184, 2185, 2189," and insert "2160.7".

##### Amendment No. 6

On page 1 of said bill, strike out lines 4 to 17, inclusive.

##### Amendment No. 7

On page 2 of said bill, strike out lines 1 to 16, inclusive.

##### Amendment No. 8

On page 2, line 18, of said bill, strike out "4.", and insert "2."

##### Amendment No. 9

On page 2, line 19, of said bill, strike out "the State", and insert "any county".

##### Amendment No. 10

On page 2, line 29, of said bill, strike out "5.", and insert "3."

##### Amendment No. 11

On page 2 of said bill, strike out line 31, and insert "in the Department of Social Welfare or in any county office shall be open".

##### Amendment No. 12

On page 2, line 38, of said bill, strike out "department", and insert "county".

##### Amendment No. 13

On page 2, line 42, of said bill, strike out "6.", and insert "4."

##### Amendment No. 14

On page 3 of said bill, strike out lines 19 to 28, inclusive.

##### Amendment No. 15

On page 3, line 30, of said bill, strike out "8.", and insert "5."

##### Amendment No. 16

On page 3, line 34, of said bill, strike out "the State Department of Social Welfare", and insert "every county within this State".

##### Amendment No. 17

On page 3, lines 36 and 37, of said bill, strike out "and who have county residence as provided in this chapter".



**Amendment No. 18**

On page 3 of said bill, strike out lines 39 to 43, inclusive, and insert "each such aged person maintained or supported by such county."

**Amendment No. 19**

On page 3, lines 45 and 46, of said bill, strike out "the State Department of Social Welfare", and insert "every county within this State".

**Amendment No. 20**

On page 4, line 3, of said bill, strike out "The State Department of Social Welfare", and insert "every county within this State".

**Amendment No. 21**

On page 4, lines 5 and 6, of said bill, strike out "and who have county residence as provided in this chapter".

**Amendment No. 22**

On page 4 of said bill, strike out lines 8 to 11, inclusive, and insert "tained or supported by such county."

**Amendment No. 23**

On page 4, line 13, of said bill, strike out "The State Department of Social Welfare", and insert "every county within this State".

**Amendment No. 24**

On page 4 of said bill, strike out lines 22 to 46, inclusive.

**Amendment No. 25**

On page 4, line 48, of said bill, strike out "11.", and insert "6."

**Amendment No. 26**

On page 5, line 12, of said bill, after "(1)", insert "If under the age of 65 years:".

**Amendment No. 27**

On page 5, line 18, of said bill, after the period, insert "However, during such time as the Federal Government shall provide or make available to this State grants in aid for old-age assistance to persons under the age of 65 years, the period of State residence required of the persons for whom aid is so made available shall be reduced to the period required by subdivision (2) of this subdivision, and the length of State residence required of such persons shall be the same as that required of persons 65 years of age or over."

**Amendment No. 28**

On page 5 of said bill, strike out lines 19 to 22, inclusive, and insert "(2) If 65 years of age or over: Who resides in the State and has so".

**Amendment No. 29**

On page 6 of said bill, strike out lines 11 to 49, inclusive.

**Amendment No. 30**

On page 7, line 1, of said bill, strike out "15.", and insert "7."

**Amendment No. 31**

On page 7, line 3, of said bill, strike out "Division of State Aid to the Aged", and insert "board of supervisors, directly or through an authorized investigator".

**Amendment No. 32**

On page 8 of said bill, strike out lines 50 to 52, inclusive; strike out all of page 9; and on page 10, strike out lines 1 to 7, inclusive.

**Amendment No. 33**

On page 10 of said bill, strike out line 9, and insert "Sec. 8. Section 2183.1 is added to said code, to read:".

**Amendment No. 34**

On page 10, line 10, of said bill, strike out "2184.", and insert "2183.1."

**Amendment No. 35**

On page 10, lines 12 and 13, of said bill, strike out "State Controller", and insert "county auditor".

**Amendment No. 36**

On page 10, lines 18 and 19, of said bill, strike out "State Controller", and insert "county auditor".

**Amendment No. 37**

On page 10, line 21, of said bill, strike out "State Treasurer", and insert "county treasurer".

**Amendment No. 38**

On page 10, line 27, of said bill, strike out "19.", and insert "9."

**Amendment No. 39**

On page 10, line 31, of said bill, strike out "the State Department of Social Welfare", and insert "each county".

**Amendment No. 40**

On page 10, line 42, of said bill, before "any", insert "such county's proportionate share of".

**Amendment No. 41**

On page 10, line 46, of said bill, after the period, insert "The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be not less than one-half of the amount so granted or made available. The State Department of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties."

**Amendment No. 42**

On page 11, line 4, of said bill, strike out "20.", and insert "10."

**Amendment No. 43**

On page 11, lines 7 and 8, of said bill, strike out "the State Department of Social Welfare", and insert "each county".

**Amendment No. 44**

On page 11, line 10, of said bill, strike out "department", and insert "county".

**Amendment No. 45**

On page 11 of said bill, strike out lines 12 to 18, inclusive, and insert "so expended:  
(a) The amount paid to the county under subdivision (1) of Section 2186 of this code; and

(b) The sum of ten dollars (\$10) for each resident of the county granted the maximum amount of aid, and such lesser sum for each resident of the county granted less than the maximum amount of aid as bears that proportion to the sum of ten dollars (\$10) which the amount of aid granted to the individual bears to the maximum amount of aid which may be granted to any individual."

**Amendment No. 46**

On page 11 of said bill, strike out lines 20 to 43, inclusive, and insert

"SEC. 11. Section 2187.5 is added to said code, to read:

2187.5. The sums deducted under subdivision (b) of Section 2187 from the moneys paid under that section to each county constitute the county's share of the cost of aid to the needy aged in the county, and each county shall pay such share from the funds of the county."

**Amendment No. 47**

On page 11 of said bill, strike out lines 45 to 52, inclusive; and strike out all of page 12.

**Amendment No. 48**

On page 13 of said bill, strike out lines 1 to 37, inclusive.

**Amendment No. 49**

On page 13, line 39, of said bill, strike out "26.", and insert "12."

**Amendment No. 50**

On page 13, line 45, of said bill, strike out "State Department of Social Welfare", and insert "board of supervisors".

**Amendment No. 51**

On page 13, lines 46 and 47, of said bill, strike out "State Department of Social Welfare may", and insert "board may, on inquiry and with the approval of the State Department of Social Welfare,".

**Amendment No. 52**

On page 14 of said bill, strike out lines 6 to 51, inclusive.

**Amendment No. 53**

On page 15 of said bill, strike out lines 1 to 13, inclusive.

**Amendment No. 54**

On page 15, line 15, of said bill, strike out "20.", and insert "13."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**Senate Constitutional Amendment No. 12** - A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Article XVII thereto, relating to pensions.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 2, line 25, of the printed bill, strike out "which", and insert "under the direction of a board of five persons appointed by the Governor to serve for such terms and at such compensation as the Legislature shall provide, which department and board".

**Amendment No. 2**

On page 2, line 27, of said bill, after "charity", insert "and which board may employ such legal counsel and other assistants as the Legislature shall authorize".

Amendments read and adopted.

Resolution ordered printed, and re-referred to Committee on Welfare and Institutions.

**Senate Bill No. 833** - An act to add Sections 4931 and 4932 to the School Code, relating to the computation of average daily attendance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 15, of the printed bill, following "nature," insert "which are not an integrated part of an established teaching program."

**Amendment No. 2**

On page 2, line 1, of said bill, following "and", insert "successfully."

**Amendment No. 3**

On page 2, line 2, of said bill, after "course," insert "within a period of two years".

**Amendment No. 4**

On page 2, line 3, of said bill, after "named.", insert "This section shall not apply to persons enlisted in the military services of the United States."

**Amendment No. 5**

On page 2, line 20, of said bill, following "nature," insert "which are not an integrated part of an established teaching program."

**Amendment No. 6**

On page 2, line 31, of said bill, following "and," insert "successfully."

**Amendment No. 7**

On page 2, line 32, of said bill, after "course," insert "within a period of two years".

**Amendment No. 8**

On page 2, line 33, of said bill, after "named.", insert "This section shall not apply to persons enlisted in the military services of the United States."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**Senate Bill No. 752** An act to add Article 9.5, consisting of Sections 5.107-1 to 5.107-4, inclusive, to Chapter 1 of Part 1 of Division 5 of the School Code, relating to the granting of degrees to vocational teachers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, strike out "whose duties it shall be to administer"; strike out all of line 15; and in line 16, strike out "tion".

**Amendment No. 2**

On page 2, line 18, of the printed bill, as amended, strike out "authorize", and insert "recommend".

Amendments read and adopted.

**Motion to Amend**

Senator Swan moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Article 9.5, consisting of Sections 5.107-1 to"; strike out all of line 2; and in line 3, strike out "The School", and insert "Article 7.5 consisting of Sections 20490 to 20493, inclusive, to Chapter 2 of Division 10 of the Education".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert "SECTION 1. Article 7.5 consisting of Sections 20490 to 20493, inclusive, is added to Chapter 2 of Division 10 of the Education Code, to read:".

**Amendment No. 3**

On page 1, line 4, of the printed bill, as amended, strike out "9.5", and insert "7.5".

**Amendment No. 4**

On page 1, line 6, of the printed bill, as amended, strike out "5.107-1", and insert "20490".

**Amendment No. 5**

On page 2, line 3, of the printed bill, as amended, strike out "5.107-2", and insert "20491".

**Amendment No. 6**

On page 2, line 16, of the printed bill, as amended, strike out "5.107-3", and insert "20492".

**Amendment No. 7**

On page 2, line 23, of the printed bill, as amended, strike out "5.107-4", and insert "20493".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 603**—An act to amend Sections 6871 and 6873 of the Health and Safety Code, to amend the article heading of Article 3 of Chapter 9, Part 1 of Division 6 thereof, and to add Sections 6870.1, 6870.2, 6870.3 and 6870.4, relating to consolidation of sanitary districts without an election.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Sections 6871 and 6873 of the Health and"; strike out lines 2 and 3 of said title; and in line 4, strike out



"tions 6870.1, 6870.2, 6870.3 and 6870.4", and insert "add Chapter 9.5 to Part 1 of Division 6 of the Health and Safety Code".

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert "SECTION 1. Chapter 9.5 is added to".

**Amendment No. 3**

On page 1, lines 2 and 3, of said bill, strike out "is hereby amended to read as follows", and insert "to read".

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "Article 3. Annexation or", and insert "Chapter 9.5."

**Amendment No. 5**

On page 1 of said bill, strike out lines 7 and 8; and in line 9, strike out "6870.1", and insert "6890".

**Amendment No. 6**

On page 1 of said bill, between lines 11 and 12, insert

"6891. Whenever a petition signed by 55 per cent of the owners of real property in a district is presented to the board requesting that the district be consolidated with another district the board, after notice, shall hold a hearing on the question of such consolidation.

6891.5. The board shall give notice of such hearing by publication in at least one issue of a newspaper of general circulation printed and published in the district, or if no such newspaper is printed and published therein in some newspaper circulated within the district.

6892. The notice shall specify the time and place of hearing and that the hearing shall be on the question of consolidation with the other district, which shall be designated by name or otherwise identified in the notice.

6892.5. At the time and place of hearing, as stated in the notice, the board shall hear the evidence for and against the proposal, and if the board determines that the consolidation would not be for the best interests of the district the proceedings shall terminate.

6893. If the boards of two districts each determine after such hearing that the consolidation of the districts would be for the best interests of the respective districts the boards shall in joint meeting declare their respective determinations and each shall make an order that thereafter the land within its district shall be and become a part of the consolidated district under such name as the boards shall jointly determine. Thereafter the consolidated district shall constitute a district under such name.

6894. Upon the consolidation of such districts the consolidated district shall be governed by the joint boards until the next ensuing election, at which election a new board for the consolidated district shall be elected and the terms of office of the members of each of the two boards shall terminate upon the taking of office by the new directors."

**Amendment No. 7**

On page 1 of said bill, strike out lines 12 and 13; and in line 14, strike out "6870.2", and insert "6894.5".

**Amendment No. 8**

On page 1 of said bill, strike out lines 20 and 21; and in line 22, strike out "6870.3", and insert "6895".

**Amendment No. 9**

On page 2 of said bill, strike out lines 1 and 2; and in line 3, strike out "6870.4", and insert "6895.5".

**Amendment No. 10**

On page 2 of said bill, strike out lines 7 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 76**—An act to provide for the use of property belonging to public agencies for horseback riding.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "club," insert "subject to such conditions as such public agency may impose,".

**Amendment No. 2**

On page 1, line 13, of the printed bill, strike out the comma at the end of said line; and in line 14, strike out "public or private agency,".

**Amendment No. 3**

On page 1, line 16, of the printed bill, after the period, insert "Nothing contained herein shall limit the right of the granting power to extend, terminate or modify such permission at any time."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 489**—An act to add a new section to be numbered 14, to an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, and to add a new section, to be numbered 10, to an act entitled "An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands," approved April 22, 1937, relating to State lands, and extending time in respect to such lands, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 975**—An act to amend Section 67.5 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1530**—An act to add Section 387 to the Political Code, and to add Section 120 to the Government Code, relating to the acquisition of exclusive jurisdiction over lands in the State of California by the United States, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1569**—An act to amend Sections 46, 47, 85, 112, and 173 of and to add Section 116.5 to the State Civil Service Act, relating to the State civil service.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1894**—An act to add Section 57.1 to the State Civil Service Act, relating to the position of Associate Forestry Engineer.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1956**—An act to add Article 5, comprising Sections 1970 to 1973, inclusive, to Chapter 4, Part 1, Division 6, of the Harbors and Navigation Code, relating to the power of the Board of State Harbor Commissioners for San Francisco Harbor to sell and

lease to the United States of America or any of its departments, acting by and through any of its various agencies, property of the State of California under the control and jurisdiction of said board, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 686**—An act to amend Sections 101, 102, 104, 106, 107, 110, and 113 and to repeal Section 111 and to add Section 107.5 to the Health and Safety Code, relating to the State Department of Public Health.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 3 of the title of said bill, strike out "of."

##### Amendment No. 2

In line 4 of the title of said bill, after "Department," insert "of."

##### Amendment No. 3

On page 1, line 17, of said bill, strike out "The director", and insert "It."

##### Amendment No. 4

On page 1, line 19, of said bill, strike out "subpena", and insert "subpoena."

##### Amendment No. 5

On page 2, line 6, of said bill, strike out "practising", and insert "practicing."

##### Amendment No. 6

On page 2, line 6, of said bill, after "State", strike out "The", and insert "Six."

##### Amendment No. 7

On page 2, line 7, of said bill, strike out "practising", and insert "practicing."

##### Amendment No. 8

On page 2, line 22, of said bill, strike out "The director shall be a doctor of medicine", and insert "The director shall hold the degree of doctor of medicine from an approved medical college and shall be."

##### Amendment No. 9

On page 2, line 24, of said bill, after "training in", insert "a school of."

##### Amendment No. 10

On page 2, line 25, of said bill, after "of", insert "Public."

##### Amendment No. 11

On page 2, line 34, of said bill, after "salaries", insert "subject to the approval of the Department of Finance."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

**Assembly Bill No. 654**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1, line 17, of the printed bill, as amended, strike out "such".

**Amendment No. 2**

On page 1, line 13, of the printed bill, after "appointing", insert "power."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1129**—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's office.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "The" before "provisions", and insert "On and after January 1, 1944, the".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1472**—An act to add Sections 3083.3 and 3471.5 to the Welfare and Institutions Code, relating to aid to the blind.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1473**—An act to add Sections 3401.5 and 3432.1 to the Welfare and Institutions Code, relating to aid to the blind.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1475**—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid and income of partially self-supporting blind residents.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1474**—An act to amend Sections 1550, 2183, and 3082 of the Welfare and Institutions Code, relating to public assistance, providing for investigations into applications therefor, and for the time of commencement of payments thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out " , 2183,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 20 to 27, inclusive; and on page 2, strike out lines 1 to 21, inclusive; and in line 22, strike out "Sec. 3", and insert "Sec. 2".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 979**—An act to amend Section 666 of the Agricultural Code, relating to the labeling of milk products and imitations thereof.

Bill read second time.



## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

## Amendment No. 1

On page 1, line 19, of the printed bill, as amended, strike out "provisions", and insert "labeling requirements".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1203**—An act to amend Sections 736.14 and 737.6 of the Agricultural Code, relating to assessments for administration of stabilization and marketing plans for fluid milk and fluid cream.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

## Amendment No. 1

On page 2 of the printed bill, as amended, between lines 24 and 25, insert "The same license requirements shall apply to purchases of fluid cream, except, for the purpose of computation of the required license fee, 10 gallons of fluid cream shall be deemed the equivalent of 100 gallons of fluid milk."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 315**—An act to amend Section 506 and to add a new section numbered 509 (a) of the Agricultural Code, relating to the making of ice cream and ice milk.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 417**—An act to amend Sections 1299.1, 1299.6 and 1299.8 and to add Sections 1299.13, 1299.14 and 1299.15 to the Agricultural Code, relating to marketing of milk and other dairy products.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 420**—An act to amend Section 737.6 of the Agricultural Code, relating to money collected for the administration of stabilization and marketing plans for fluid milk or fluid cream or both.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 969**—An act to repeal Article 1 of Chapter 5 of the Agricultural Code, and to add to said chapter a new article, to be numbered Article 1, relating to seeds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 846**—An act to amend Section 787.5 of the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables, declaring the urgency hereof and that this act take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 848**—An act to add to Chapter 2 of Division 5 of the Agricultural Code a new section to be numbered 790.5, relating

to emergency standards, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 938**—An act to add to Chapter 4 of Division 4 of the Agricultural Code a new article to be numbered Article 9, including a new section to be numbered Section 690, relating to the disposition of moneys, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 843**—An act to amend Section 18461 of the Education Code, relating to schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1316**—An act to add Article 4a to Chapter 1 of Part 1 of Division 5 of the School Code and to add Article 3.5 to Chapter 2 of the Education Code, relating to the dismissal of employees of State colleges not in State civil service.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 1, line 7, of the printed bill, strike out "Any person", and insert "Every employee of a State college".

##### Amendment No. 2

On page 1 of the printed bill, strike out lines 8 and 9.

##### Amendment No. 3

On page 1, line 10, of the printed bill, strike out "person", and insert "employee".

##### Amendment No. 4

On page 1, line 11, of the printed bill, strike out "a person", and insert "an employee".

##### Amendment No. 5

On page 1 of the printed bill, beginning in line 20, strike out "head of the school or", and insert "president of the".

##### Amendment No. 6

On page 1 of the printed bill, beginning in line 24, strike out "head of the school or," and insert "president of the".

##### Amendment No. 7

On page 2, line 1, of the printed bill, strike out "head of the school or", and insert "president of the".

##### Amendment No. 8

On page 2, line 7, of the printed bill, strike out "head", and insert "president".

##### Amendment No. 9

On page 2, line 18, of the printed bill, strike out "not", and insert ". Not".

##### Amendment No. 10

On page 2, line 26, of the printed bill, strike out "head", and insert "president".

##### Amendment No. 11

On page 3, line 1, of the printed bill, after "persons", insert "not serving in State civil service".

##### Amendment No. 12

On page 3 of the printed bill, beginning in line 3, strike out "any school or college administered by the Director of Education or by the Department of Education", and insert "State colleges".

**Amendment No. 13**

On page 3 of the printed bill, beginning in line 7, strike out "school or college under the jurisdiction of or administered by the Director of Education or the Department of Education", and insert "State college not serving in State civil service".

**Amendment No. 14**

On page 3, line 12, of the printed bill, strike out "employee", and insert "employees".

**Amendment No. 15**

On page 3, line 41, of the printed bill, strike out "school or" and insert "State".

**Amendment No. 16**

On page 4 of the printed bill, following line 4, insert "5.49-11. "State colleges" or "college" as used herein does not include the California Polytechnic School".

**Amendment No. 17**

On page 4, line 12, of the printed bill, strike out "Any person", and insert "Every employee of a State college".

**Amendment No. 18**

On page 4 of the printed bill, strike out all of lines 13 and 14; and in line 15, strike out "Education".

**Amendment No. 19**

On page 4, line 15, of the printed bill, strike out "person", and insert "employee".

**Amendment No. 20**

On page 4, line 17, of the printed bill, strike out "a person", and insert "an employee".

**Amendment No. 21**

On page 4, line 26, of the printed bill, strike out "head of the school or", and insert "president of the".

**Amendment No. 22**

On page 4 of the printed bill, beginning in line 30, strike out "head of the school or", and insert "president of the".

**Amendment No. 23**

On page 4, line 34, of the printed bill, strike out "head of the school or", and insert "president of the".

**Amendment No. 24**

On page 4, line 40, of the printed bill, strike out "head", and insert "president".

**Amendment No. 25**

On page 4, line 51, of the printed bill, strike out "not", and insert ". Not".

**Amendment No. 26**

On page 5, line 7, of the printed bill, strike out "head", and insert "president".

**Amendment No. 27**

On page 5, line 32, of the printed bill, after "persons", insert "not serving in State civil service".

**Amendment No. 28**

On page 5 of the printed bill, beginning in line 34, strike out "any school or college administered by the Director of Education or the Department of Education", and insert "State colleges".

**Amendment No. 29**

On page 5 of the printed bill, beginning in line 38, strike out "school or college under the jurisdiction of or administered by the Director of Education or the Department of Education", and insert "State college not serving in State civil service".

**Amendment No. 30**

On page 5, line 43, of the printed bill, strike out "employee", and insert "employees".

**Amendment No. 31**

On page 6, line 22, of the printed bill, strike out "school or", and insert "State".

**Amendment No. 32**

On page 6 of the printed bill, following line 37, insert "20394.11. "State colleges" or "college" as used herein does not include the California Polytechnic School."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1054**—An act to add Section 862.29 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1050**—An act to amend Section 1 of an act entitled "An act relating to the doing of public work by day's labor or force account, except emergency and maintenance work and work costing less than ten thousand dollars (\$10,000); requiring the State Highway Engineer, State Engineer, the State Architect, county engineers, county surveyors, city and county engineers, county highway engineers, road commissioners, city engineers, commissioners of public works, superintendents of streets, harbor engineers, flood control engineers, and the engineers of any reclamation, irrigation or other districts, political subdivisions or agencies of the State directing, supervising or superintending such work, or in charge of the engineering for or in connection therewith, to keep the costs, prepare and file plans, specifications and estimates of costs, and, upon completion, prepare and file certificates of cost thereof; and providing for the keeping of such plans, specifications and certificates as public records," approved June 21, 1923, as amended, relating to reports to be filed thereunder.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 529**—An act to repeal Section 5 of an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, relating to the reconversion of registered bonds into coupon bonds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 889**—An act to amend Section 737dd of the Political Code, relating to the salary of judges.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 88**—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 15 to and including the word "services" in line 21, and insert "The city, in addition to furnishing quarters and a city prosecutor, as hereinafter provided, shall reimburse the county for the costs upon the county for maintaining the court, other than furnishing quarters, including heat, light and janitorial service, in excess of thirty-three thousand dollars (\$3,000) per annum. Settlement in this connection between said county and city shall, so far as practicable, be made monthly."

Amendment read and adopted.

Bill ordered printed.



**Motion to Refer Bill to Inactive File**

Senator Swan moved that Assembly Bill No. 88 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 1796**—An act to amend Sections 1, 2 and 3 of, and add Section 7.5 to, an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 24, 1921, relating to the office of the public defender.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "2".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "7.5", and insert "1.5".

**Amendment No. 3**

On page 1 of said bill, strike out lines 12 to 23, inclusive; and on page 2, strike out lines 1 to 9, inclusive, and insert

"SEC. 2. Section 1.5 is added to said act, to read:

Sec. 1.5. The board of supervisors shall, at the time it establishes the office, decide whether the public defender is to be appointed or elected. If to be appointed, he shall be appointed by the board to serve at its will."

**Amendment No. 4**

On page 2, line 11, of said bill, strike out "the", and insert "an elected".

**Amendment No. 5**

On page 2, line 13, of said bill, strike out everything after "election", and strike out lines 14 to 25, inclusive, and insert a period.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 983**—An act to amend Section 4077 of the Political Code, relating to the allowance or rejection of claims against counties.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, lines 9 and 10, of the printed bill, insert "on the claimant filing a receipt in full for his account."

**Amendment No. 2**

On page 1, line 13, of the printed bill, strike out "In all cases accept-"; and strike out lines 14 and 15.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 591**—An act to amend Section 14230 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "filing", strike out "and of a time fixed", and insert "together with the names of owners and a general description sufficient for identification of the real property proposed to be included in the district, and a statement of the time fixed".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out "it, together with a statement", and insert "the petition, and a statement".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 519**—An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, after "Procedure", insert "and Section 4312 of the Political Code".

**Amendment No. 2**

On page 1, line 18, of said bill, before the period, insert "and Section 4312 of the Political Code".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1534**—An act to add Section 1.5 to "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to deadly weapons.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "1.5 to", insert "and to amend Section 8 of,".

## Amendment No. 2

On page 2 of said bill, after line 27, insert

"SEC. 2. Section 8 of the act cited in the title hereof is amended to read:

Sec. 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this State, upon proof before said board, chief, marshal or other police head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed *any knife having a blade longer than three inches*, a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the State, upon forms to be prescribed by the Attorney General."

Amendments read and adopted.

Bill ordered printed, and to third reading.

## WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 459

Senator Breed moved that Senate Bill No. 459 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 459**—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Bill read second time.

## Motion to Amend

Senator Breed moved the adoption of the following amendments:

## Amendment No. 1

Strike out all of lines 1 to 11 of the title of the printed bill, as amended, and insert

"An act to amend Sections 11535, 11552, 11554, 11555, 11593 and 11612 of, the Business and Pro—".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 7, inclusive; and strike out all of pages 2 to 14, inclusive, and insert

"SECTION 1. Section 11535 of the Business and Professions Code is hereby amended to read as follows:

11535. (a) "Subdivision" refers to any land or portion thereof, shown on the last preceding tax roll as a unit or as contiguous units, which is divided for the purpose of sale, whether immediate or future, by any subdivider into five or more parcels within any one-year period.



(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) which contain less than five acres, (ii) which abut upon dedicated streets or highways, (iii) in which street openings or widening is not required by the governing body in dividing the land into lots or parcels, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels of land divided into lots or parcels, each of a net area of [two and one-half acres] *one acre* or more, a tentative map of which has been submitted to the governing body and has been approved by it as to street alignment and widths, drainage provisions and lot design.

(c) In either case provided in subsection (b) of this section, there shall be filed a record of survey map pursuant only to the provisions of Chapter 15 of Division 3 of this code.

(d) *Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.*

SEC. 2. Section 11552 of said code is hereby amended to read as follows:

11552. If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report on the map or maps of any subdivision submitted to it within 30 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body for a public hearing thereon. The governing body shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 10 days or at its next succeeding regular meeting. At the time fixed for the hearing the governing body shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body shall within seven days declare its findings based upon the testimony produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of the chapter.

[The governing body may, by a majority vote of its members, overrule any ruling of the advisory agency in regard to the tentative map and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.]

SEC. 3. Section 11554 of said code is hereby amended to read as follows:

11554. Within one year after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved, or he may proceed with the sale by metes and bounds or other similar definite description of the parcels or parts thereof as shown on an approved record of survey map. Upon application of the subdivider an extension of not exceeding one year may be granted by the governing body.

SEC. 4. Section 11555 of said code is hereby amended to read as follows:

11555. Any failure to record a final map or to file a record of survey map within one year from the approval or conditional approval of the tentative map or any extension thereof granted by the governing body, shall terminate all proceedings. Before a final map may thereafter be recorded, approved record of survey map filed or any sales made, a new tentative map shall be submitted.

SEC. 5. Section 11593 of said code is hereby amended to read as follows:

11593. (a) If a subdivision lies within an unincorporated area, a certificate by the county surveyor and, if a subdivision lies within a city, a certificate by the city engineer is required. The appropriate official shall state that:

(1) He has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinance applicable at the time of approval of the tentative map have been complied with.



(4) He is satisfied that the map is technically correct.

(b) Upon mutual agreement between the county surveyor and any city engineer, with the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him. *The county surveyor or the city engineer, or other public official or employee authorized to perform each function, shall complete and file with his governing body his certificate as required by this section within 20 days from the time said final map is submitted to him by the subdivider for approval.*

SEC. 6. Section 11612 of said code is hereby amended to read as follows:

11612. In the event an agreement for the improvement of the streets or easements is entered into, the governing body may require that the agreement shall be secured by a good and sufficient bond in an amount not in excess of the estimated cost of the improvement. However, the subdivider, at his option, in lieu of the agreement to construct improvements, and the bond to secure it, may enter into a contract with the governing body, secured by a faithful performance bond, if required by the governing body, in an amount not to exceed the estimated cost of the improvement, by which he agrees, within such time as may be provided in the contract, to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering the subdivision or part thereof, for the financing and construction of designated improvements upon the streets or easements dedicated by the map. *Said contract shall by its terms provide for the acceptance of the work as it progresses and for partial withdrawal of the deposit, in money or bonds, upon certificate of the county surveyor or the city engineer, or other public official or employee authorized to perform such function in a manner similar to cash payments under cash contracts and under rules established by the governing body."*

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 924**—An act to add Section 663.8 to the Political Code, transferring certain powers, duties, jurisdiction, property and personnel from the Department of Finance to the State Board of Control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 635**—An act to add Sections 453.5, 453.6, 453.7 and 453.8 to the Fish and Game Code, relating to storage locker plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 594**—An act to amend Section 5050 of the Welfare and Institutions Code, relating to the safekeeping and examination of persons alleged to be mentally ill.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 35**—Relative to memorializing the Congress of the United States to immediately launch an investigation into the administration of the Federal Rent Control Program in California as requested in House Resolution No. 51, presented by the Hon. Thomas Rolph, Representative of the Fourth California Congressional District.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1551**—An act to amend Section 41 of the Probate Code, relating to bequests to charity and charitable use.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 595**—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the commitment of persons addicted to the intemperate use of stimulants, and the parole and discharge thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 596**—An act to amend Section 6720 of, and to add Section 6726.5 to, the Welfare and Institutions Code, relating to the duty and power of the sheriff to arrest escaped and paroled patients and inmates of State hospitals and institutions and deliver them to persons authorized by the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride,

McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 886**—An act to add Section 1756.5 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and authorizing the Authority to return persons committed thereto who are found to be mentally abnormal to the committing court for recommitment to the Department of Institutions for placement in State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 593**—An act to amend Sections 701, 777 and 778 of the Welfare and Institutions Code, relating to minors who should be declared free from parental control, and relating to the procedure in such cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 350**—An act to amend Section 611 of the Agricultural Code, relating to oleomargarine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—Senators Cunningham, Donnelly, and Hatfield—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 850**—An act to amend Section 822 of the Agricultural Code, relating to markings on containers of apples.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1487**—An act to amend Sections 737.5, 737.6, 737.8, and 737.11 of the Agricultural Code, relating to licensing and bonding of distributors of fluid milk and fluid cream, and the fees therefor; providing for records of purchases, and for proceedings to refuse, revoke or suspend such licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1489**—An act to amend Section 489 of the Agricultural Code, relating to the sale of graded milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1490**—An act to amend Section 498 of, and to add Section 498.5 to, the Agricultural Code, relating to dairy farm building requirements and qualifications for milk and dairy inspectors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 710**—An act to amend Section 323 of the Agricultural Code, relating to the payment of moneys into the State treasury, and to further provide for the disposition of such moneys in the State treasury.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 711**—An act to amend Section 215.17 of the Agricultural Code, relating to the payment of moneys into the State treasury and to further provide for the disposition of such moneys in the State treasury.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**Assembly Bill No. 32**—An act to amend Sections 595 and 1054 of the Code of Civil Procedure, relating to extensions of time and continuances in any civil or criminal action or proceeding in a court, or in any administrative proceeding before a State board, commission or officer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 463**—An act to amend Sections 3043 and 3045 of the Penal Code, relating to paroles, and to add Article 4 to Chapter 8 of Title 1 of Part 3 of the Penal Code, to permit paroles of men from State prison, county jails and city jails into the armed forces of the United States during the war emergency and to create a new form of parole for such persons to be known as special service parole, declaring the urgency of this measure and providing that it should take effect immediately.

Bill read third time.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 524**—An act to amend Section 1458 of the Penal Code, relating to the fixing, acceptance and forfeiture of bail in justice's courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, McCormack,

Mixer, Powers, Quinn, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 592**—An act to amend Sections 224, 226 and 227a of the Civil Code, relating to the adoption of children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 940**—An act relating to municipal court fees and costs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 6**—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 644**—An act to add Section 9 to the Community Recreation Enabling Act of 1939 and to add Section 24409.1 to the Education Code, relating to facilities of community recreation centers maintained solely by school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1314**—An act to amend Section 5.120 of the School Code and to amend Section 12001 of the Education Code, relating to authorization of service in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1317**—An act to add Section 545-1 to the School Code and to add Section 20379 to the Education Code, relating to employees of State colleges not serving in the State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 35:** By Senator McCormack—Relative to approving certain amendments to the charter of the City of Vallejo, a municipal corporation of the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 6, 1943.

#### Request for Unanimous Consent

Senator McCormack asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 35, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 35

**Senate Concurrent Resolution No. 35**—Relative to approving certain amendments to the charter of the City of Vallejo, a municipal corporation of the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 6, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.02 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## RECESS

At 12.02 p.m., on motion of Senator Seawell, the Senate recessed until 1.30 p.m.

## REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 289—An act to amend Sections 5437, 5439, 5440 and 5450 of the Public Resources Code, relating to public recreation districts;

Senate Bill No. 315—An act to amend Sections 105 and 106 of the Welfare and Institutions Code, relating to the Director of Social Welfare, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 666—An act to amend Sections 10490, 10500, 10971, 10972 and 10974 of, and to add Section 10971.4 to the Insurance Code, relating to insurance; And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1943, at 11 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 53

Senate Bill No. 437

Senate Bill No. 287

Senate Bill No. 503

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 690

Senate Bill No. 1039

Senate Bill No. 801

Senate Bill No. 1075

Senate Bill No. 847

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 273

Senate Bill No. 508

Senate Bill No. 612

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1930—An act granting certain tidelands, submerged lands, and filled tidelands of the State of California to the City of Avalon, upon certain trusts and conditions.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jepsen, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 357**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States during the present war.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jepsen, Luckey, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1000**—An act to amend Section 4295 of the Political Code and to amend Sections 6103 and 6107 of the Government Code, relating to payment of fees to State, county and township officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jepsen, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1350**—An act to amend Section 7374 of the Political Code of the State of California referring to the salary of the superior judge of Lake County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jepsen, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 559**—An act to amend Section 4252 of the Political Code, relating to compensation for public services in counties of the twenty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jepsen, Keating, Luckey, Mayo,

McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Bill No. 442**—An act to amend Section 17 of an act approved March 22, 1941, entitled "An act creating a public airport district designated 'Monterey Peninsula Airport District'; defining its boundaries; providing for its organization, government and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries, and the dissolution of said district."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 281**—An act to amend Section 10 of the Municipal Court Act of 1925, relating to clerks and attaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 240**—An act to amend Section 45 of the Elections Code, relating to petitions and papers signed by voters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 399**—An act to amend Section 43 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for the carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to powers of the board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1992

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

**Assembly Bill No. 1992**—An act relating to officers, deputies, assistants and employees of counties, cities and counties, and cities, and their rights and privileges in relation to their several public offices and employments during and after termination of their service in civilian defense, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1943

**MR. PRESIDENT:** Your Committee on Rules, to which was referred:

Assembly Bill No. 1992

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

#### CONSIDERATION OF ASSEMBLY BILL NO. 1992

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Quinn:

*Resolved*, That Assembly Bill No. 1992 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 1992**—An act relating to officers, deputies, assistants and employees of counties, cities and counties, and cities, and their

rights and privileges in relation to their several public offices and employments during and after termination of their service in civilian defense, declaring the urgency of this act, to take effect immediately.

Bill read second time.

**Assembly Bill No. 1992**—An act relating to officers, deputies, assistants and employees of counties, cities and counties, and cities, and their rights and privileges in relation to their several public offices and employments during and after termination of their service in civilian defense, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1254**—An act to provide a method for the dissolution of Orange County Water District, a district organized and existing under an act of the Legislature of the State of California, approved June 14, 1933, and to provide for the distribution of its assets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 801**—An act making an appropriation in augmentation of the Special Emergency Fund specified in Item 217 of the Budget Act of 1941, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1260**—An act making an appropriation to the Printing Fund, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 910**—An act making an appropriation for support of Division of Parks, Department of Natural Resources, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1261**—An act making an appropriation to the Printing Fund, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1380**—An act making an appropriation in augmentation of the Emergency Fund specified in Item 216 of the Budget Act of 1941, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 2**—Relative to hearing-instruments for persons who are hard of hearing.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Quinn, Salsman, Shelley, Slater, Swan, Tenney, and Tickle—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 386**—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustee affecting real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 532**—An act to amend Section 1028 of the Code of Civil Procedure, relating to award of costs against the State.

**Motion to Refer Bill to Inactive File**

Senator Donnelly moved that Assembly Bill No. 532 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 1025**—An act to amend Section 756.5 of the Probate Code, relating to sale of personal property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1026**—An act to add Section 754.5 to the Probate Code, relating to the sales of personal and real property as a unit.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1862**—An act to amend Sections 3d and 38d of, and to add Section 28b to, the State Employees' Retirement Act, relat-

ing to authorizing the inclusion of any bridge and highway district in such Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 327**—An act to amend Section 1215 of the Health and Safety Code, relating to applicability of clinic and dispensary licensing provisions.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 8, of the printed bill, as amended, after "purposes", strike out "or", and insert ", or to any".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 707**—An act to amend Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," as amended, relating to poison schedules and economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1936**—An act to amend Section 347½ of the Penal Code, relating to the sale and use of drugs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 540**—An act to amend Sections 615.1 and 615.2 of the Fish and Game Code, relating to fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey,

Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 348**—An act to add Section 167.5 to, and to amend Sections 277 and 278 of, the Fish and Game Code, relating to game refuges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 407**—An act to amend Sections 422 and 990 of, and to add Section 422.5 to the Fish and Game Code, relating to hunting and fishing, and to provide for the issuance of licenses therefor.

Bill read third time.

#### Motion to Amend

Senator Keating moved the adoption of the following amendment:

#### Amendment No. 1

On page 3 of the printed bill, as amended in Assembly on April 7, 1943, strike out lines 20 and 21, and insert "authorized to do business in this State, if none of the officers or directors thereof are alien Japanese, and if less than the majority of each class of stockholders thereof are alien Japanese."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### Senator Fletcher Presiding

At 3.37 p.m., Senator Fletcher of the Fortieth District, presiding.

**Assembly Bill No. 516**—An act to amend Sections 10490, 10500, 10971 and 10972 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 284**—An act to amend Section 80.1 of the Bank Act, relating to loans by banks which are covered by guarantees or agreements to purchase made by any Federal Reserve Bank or by the United States or any department or agency thereof, declaring the urgency thereof, to take effect immediately.

Bill read third time.



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 264**—An act to amend Sections 202, 204 and 12.06 of the Building and Loan Association Act, relating to building and loan associations, names and articles, and restrictions on advertising.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 331**—An act to amend Section 10.05 of, and to add Section 3.06 to, the Building and Loan Association Act, relating to audits of building and loan associations, and shares as legal investments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 484**—An act to amend Sections 2.09 and 2.18 of the Building and Loan Association Act, relating to building and loan associations and the making of loans by such associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 578**—An act to amend Section 21.5 of the California Small Loan Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 579**—An act to amend Section 23 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the deposit of fees in the General Fund and support from the General Fund.

**Motion to Refer Bill to Inactive File**

Senator Tenney moved that Assembly Bill No. 579 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 580**—An act to amend Section 20.5 of the Personal Property Brokers Act, approved July 21, 1939, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 581**—An act to add Section 3a to the Industrial Loan Act, relating to the deposit of fees in the General Fund and support out of the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 584**—An act to amend Section 2 of "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 585**—An act to amend Sections 25, 26 and 28 of the Corporate Securities Act, relating to deposit of fees in and support from the General Fund, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 661**—An act to add Section 20.5 to the Personal Property Brokers Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### Secretary J. A. Beek at the Desk

**Assembly Bill No. 662**—An act to add Section 21.5 to the California Small Loan Act, approved July 24, 1939, relating to the deposit of money in the State treasury and to provide for support of the administration of said act out of the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1549**—An act to add Section 1648.3 to the Insurance Code, relating to the qualifications of insurance brokers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, and Tickle—25.

NOES—Senators Dillinger, and Donnelly—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 967**—An act to add Section 210.5 to the Revenue and Taxation Code, defining a householder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1395**—An act to amend Section 156 of the Revenue and Taxation Code, relating to abbreviations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 643**—An act to amend Section 105 of the Revenue and Taxation Code, relating to property taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 771**—An act to add Section 4114 to, and to repeal Sections 3511.3, 3571, 3572, 3573, 3574, 3575, 3576 and 3577 of, the Revenue and Taxation Code, relating to redemption of tax-sold and tax-deeded property located in distressed assessment districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 766**—An act to amend Section 3572 of the Revenue and Taxation Code, relating to the termination of the right of redemption of tax-delinquent property, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote.

**AYES**—Senators Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 772**—An act to amend Sections 3791 and 3792 of the Revenue and Taxation Code, relating to property sold or deeded for taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Jespersen, Keating, Luckey, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—22.

**NOES**—Senator Collier—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1951**—An act to add Section 256.5 to the Revenue and Taxation Code, relating to exemptions from real property taxation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Assembly Bill No. 1951 passed on file at request of Senator Rich.

**Assembly Bill No. 444**—An act to add Sections 569, 3807.3, 3811, 3812, 3813, 3814, to, to amend Sections 2152, 2614, 2621, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2634, 3351, 3437, 3439, 3480, 3513, 3712, 3716, 3717.5, 3718, 3797, 3805, 4109, 4109.5, 4337, 4834, 4837, 4838, 4880, 4946, 4948, 4989, 4990, 4991, and 4992 of, and to repeal Section 3707.5 of the Revenue and Taxation Code, relating to property taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 830**—An act to amend Sections 396 and 397 of the Agricultural Code, relating to estrays.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Judah, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 669**—An act to amend Section 12 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the investment of surplus funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 144**—An act to amend Section 7b of the Municipal Court Act of 1925, relating to the salaries of marshal's deputies and assistants in cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

**Motion to Refer Bill to Inactive File**

Senator McBride moved that Senate Bill No. 445 be placed on the inactive file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4.56 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 187**—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

**Postponement of Reconsideration**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 187 was passed, was continued until the next legislative day.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 391**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code.

**Postponement of Reconsideration**

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 391 was refused passage, was continued until the next legislative day.

**Motion to Take Bill From the Inactive File**

Senator Dillinger moved that Senate Bill No. 153 be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 1017**—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National Convention.  
Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 7, line 27, of the printed bill, as amended, after "selection", insert " , where his party has been in existence for eight years or more".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 287**—An act to add Section 6103.5 to the Business and Professions Code, relating to attorneys at law, and providing additional causes for suspension and disbarment.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "Directly or indirectly advocating, teaching,".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out "directly or indirectly".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 717

Has had the same under consideration, and reports the same back without recommendation, except that it be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 306

Has had the same under consideration, and reports the same back without recommendation, except that it be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 1541

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 581

Senate Bill No. 981

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 1304

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be placed on inactive file.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill ordered placed on the inactive file.



SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Assembly Bill No. 55

Assembly Bill No. 1299

Assembly Bill No. 913

Assembly Bill No. 1300

Assembly Bill No. 1247

Assembly Bill No. 1564

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

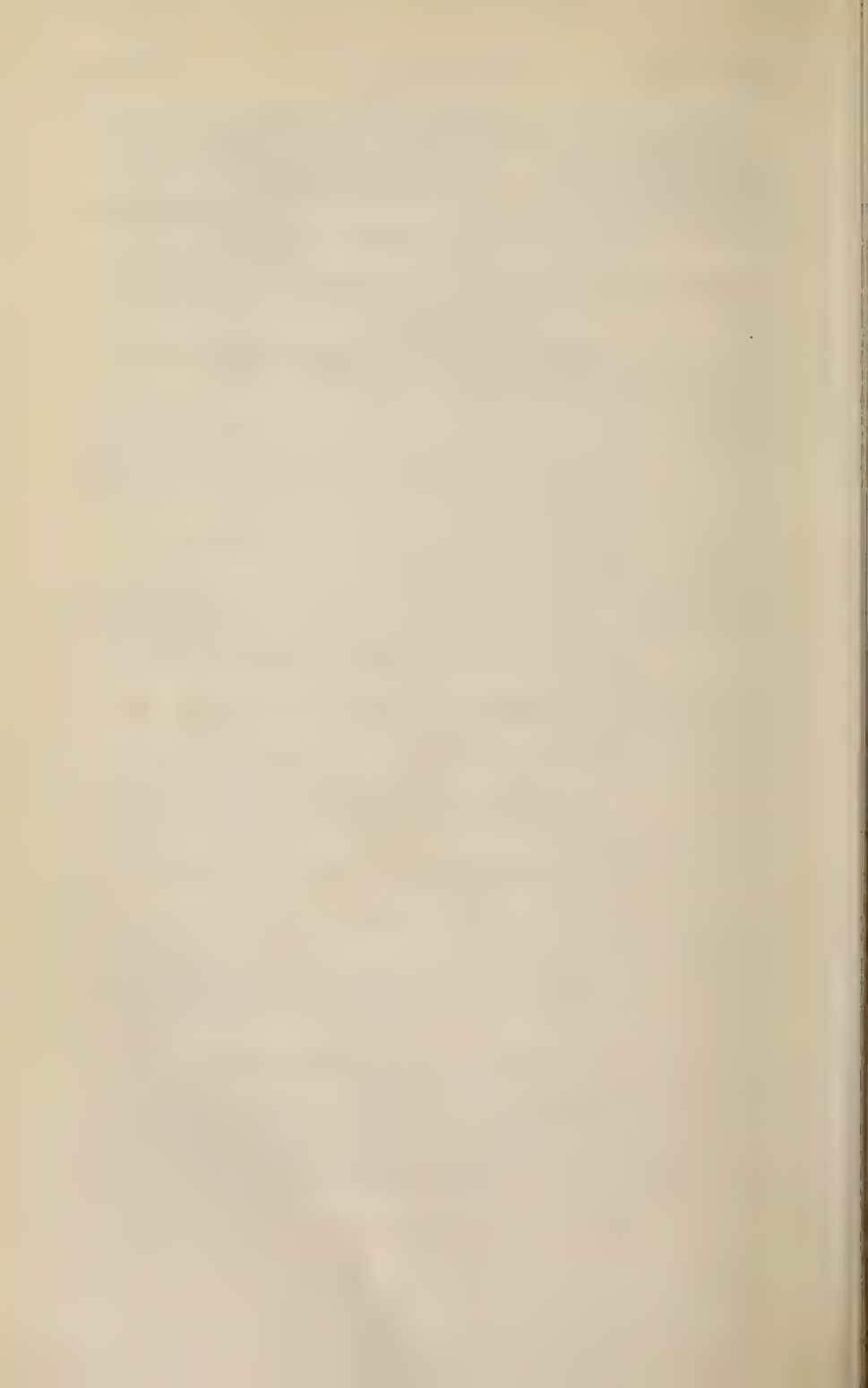
Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bills ordered to second reading.

## ADJOURNMENT

At 5.05 p.m., on motion of Senator Seawell, the President declares the Senate adjourned until 1 p.m., Monday, April 19, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED SIXTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 19, 1943

The Senate met at 1 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jacoby, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator DeLap.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Genevieve Shelley and her daughter, Joan Marie Shelley, of San Francisco, and Dick Salsman of Palo Alto.

On request of Senators Slater and Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles F. Reindollar and Mrs. H. G. Henderson of San Rafael.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank S. Balthis of Glendale.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. L. Carty of Oxnard.

## COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

WASHINGTON, D. C., April 17, 1943

*J. A. Beek, Secretary, Senate,  
Capitol, Sacramento, California*

Have had conference with National park officials regarding your wire sixteenth. Under present laws, Secretary of Interior has authority to permit grazing in National parks where not detrimental to park service. From my conversation, believe department will be very liberal during war period. Applications for California should be made to Owen E. Tomlinson, Regional Administrator, National Park Service, Sheldon Building, San Francisco. The incidental trespass form lands adjacent to parks was thoroughly discussed. My opinion is, park officials during period of war emergency will be very reasonable in the enforcement of trespass laws. Congressmen Tolan and Phillips are cooperating with me in this matter.

ALBERT E. CARTER, M.C.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 50

Assembly Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1069  
Assembly Bill No. 1591  
Assembly Bill No. 490  
Assembly Bill No. 127  
Assembly Bill No. 849  
Assembly Bill No. 699  
Assembly Bill No. 1931  
Assembly Bill No. 869  
Assembly Bill No. 1507  
Assembly Bill No. 1509  
Assembly Bill No. 1963  
Assembly Bill No. 851  
Assembly Bill No. 835  
Assembly Bill No. 359  
Assembly Bill No. 1310  
Assembly Bill No. 1195  
Assembly Bill No. 1510

Assembly Bill No. 1512  
Assembly Bill No. 1377  
Assembly Bill No. 316  
Assembly Bill No. 261  
Assembly Bill No. 867  
Assembly Bill No. 1488  
Assembly Bill No. 401  
Assembly Bill No. 1452  
Assembly Bill No. 738  
Assembly Bill No. 1687  
Assembly Bill No. 1362  
Assembly Bill No. 426  
Assembly Bill No. 1032  
Assembly Bill No. 1221  
Assembly Bill No. 1795  
Assembly Bill No. 1888  
Assembly Bill No. 1940

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Concurrent Resolution No. 50**—Relative to providing for a full year state-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a Joint Committee to plan for the celebration.

Referred to Committee on Rules.



**Assembly Concurrent Resolution No. 52**—Relative to the Joint Rules.

Referred to Committee on Rules.

**Assembly Joint Resolution No. 30**—Relative to an increase of pay for employees of the Department of Employment.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1069**—An act to amend Section 359b of the Political Code, relating to the Governor's Council.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1591**—An act to add Parts 8 and 9, comprising Sections 13301 to 16652, inclusive, to Division 2 of the Revenue and Taxation Code, and to add Section 50014 thereto, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Inheritance Tax Act of 1935, the Gift Tax Act of 1939, and Section 445 of the Political Code, and repealing acts and parts of acts specified therein.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 490**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a roster of public officials of California and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 127**—An act to add Section 57.1 to the State Civil Service Act, relating to the status of the employees of the Railroad Commission.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 849**—An act to amend Sections 761, 762, 762.5 and 763 of, and to add Sections 761.1, 762.6, 762.7, 762.8, 762.9, 763.1, 763.2, and 763.3 to, the Agricultural Code, relating to tomato standards, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 699**—An act to amend Section 108.5 of the Agricultural Code, relative to host-free periods and host-free districts.

Referred to Committee on Agriculture.

**Assembly Bill No. 1931**—An act authorizing any city, county, or city and county to acquire property and to construct, operate and maintain parking facilities in connection with any stadium or coliseum maintained by such city, county, or city and county, and to make such parking facilities available to the use of the public and to make a charge therefor.

Referred to Committee on Local Government.

**Assembly Bill No. 869**—An act to add Chapter 7 to Division 6 of the Agricultural Code, relating to contracts for the sale of agricultural products.

Referred to Committee on Agriculture.

**Assembly Bill No. 1507**—An act to amend Section 1300.1 of the Agricultural Code, relating to processors of farm products.

Referred to Committee on Agriculture.

**Assembly Bill No. 1509**—An act to amend Sections 122 and 123 of, and to add Sections 123.55, 123.56, 123.57 and 123.58 to, the Agricultural Code, relating to inspection and certification of nursery stock.

Referred to Committee on Agriculture.

**Assembly Bill No. 1963**—An act to amend Sections 802.6, 803, 823, 828.15, 828.25, 828.4 and 829.2 of the Agricultural Code, relating to standard containers for deciduous fruits and grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 851**—An act to amend Section 1106.2 of the Agricultural Code, relating to eggs.

Referred to Committee on Agriculture.

**Assembly Bill No. 835**—An act to amend Section 737d of the Political Code, relating to salary of the judge of the superior court in and for the County of Butte.

Referred to Committee on Local Government.

**Assembly Bill No. 359**—An act to add Section 1752.6 to the Welfare and Institutions Code, relating to the powers of the Youth Correction Authority.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1310**—An act to add Sections 1603, 1604, 1605, 1606, 1607, 1608, and 1609 to the Education Code, relating to the transfer of territory from one school district to another school district.

Referred to Committee on Education.

**Assembly Bill No. 1195**—An act to amend Sections 7051, 7058, 7069 and to add Section 7058.1 and to repeal Section 7051.5 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1510**—An act to add Section 1152.5 to the Agricultural Code, relating to cooperative agreements to effectuate the purposes of marketing laws.

Referred to Committee on Agriculture.

**Assembly Bill No. 1512**—An act to amend Sections 1261, 1268, 1269, 1271 and 1273, and to repeal Sections 1268.5 and 1270 of the Agricultural Code, relating to produce dealers and brokers.

Referred to Committee on Agriculture.

**Assembly Bill No. 1377**—An act to add Section 786.6 to the Fish and Game Code, relating to lobsters and shellfish.

Referred to Committee on Fish and Game.

**Assembly Bill No. 316**—An act to amend Section 270a of the Penal Code, relating to nonsupport of a wife.

Referred to Committee on Judiciary.

**Assembly Bill No. 261**—An act to amend Sections 19484 and 19562 of the Business and Professions Code, relating to horse racing meetings.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 867**—An act to amend Section 453 of, and to add Section 453.1 to, the Agricultural Code, relating to milk and cream.

Referred to Committee on Agriculture.

**Assembly Bill No. 1488**—An act to amend Section 469 of the Agricultural Code and to repeal Section 472, relating to milk and cream.

Referred to Committee on Agriculture.

**Assembly Bill No. 401**—An act to add Section 19.1 to the Bank Act, relating to the suspension of the provisions of the Bank Act, relating to the ratio of capital and surplus of banks to their deposit liabilities.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1452**—An act to add Section 26.5 to the Fish and Game Code, relating to stocking of waters of the State with fish and providing for the acquisition of public easements over private property for the purpose of taking fish from waters stocked by the State.

Referred to Committee on Fish and Game.

**Assembly Bill No. 738**—An act to add Section 2715 to the Penal Code to authorize the State Board of Prison Directors to establish a prison farm.

Referred to Committee on Judiciary.

**Assembly Bill No. 1687**—An act to amend Sections 956 and 957 of the Fish and Game Code, relating to drag nets.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1362**—An act to amend Section 30 of the State Employees' Retirement Act, relating to the membership of the retirement system established thereunder.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 426**—An act to amend Sections 177 and 178 of the Vehicle Code, relating to motor vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1032**—An act to amend Sections 28, 43.5 and 43.6 of the County Employees Retirement Act of 1937, relating to retirement.

Referred to Committee on Local Government.

**Assembly Bill No. 1221**—An act to amend Section 5362 of the Streets and Highways Code, relating to notices of filing of and hearings on assessments under the Improvement Act of 1911.

Referred to Committee on Transportation.

**Assembly Bill No. 1795**—An act to add Section 133 to the Los Angeles County Flood Control Act, relating to storm drain improvements and drainage system.

Referred to Committee on Water Resources.

**Assembly Bill No. 1888**—An act to add Section 1714.5 to the Civil Code, relating to negligence as a matter of law for acts or omissions in complying with orders or proclamations of military authorities, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 1940**—An act to amend Section 4247 of the Political Code, relating to salaries and expenses of officers.

Referred to Committee on Local Government.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 987

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

COLLIER, Chairman

Above reported bill ordered to second reading.

##### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 830

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

##### Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 733

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 458

Has had the same under consideration, and reports the same back with the recommendation: *Do pass.*

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 76

Senate Bill No. 197

Senate Bill No. 603

Senate Bill No. 752

Senate Bill No. 849

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 287

Senate Bill No. 1017

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 108

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work April 19, 1943:

Maxine Axtell, Stenographer.....	<i>Per day</i>
	\$6 00

Resolution read, and unanimously adopted.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 36:** By Senator McBride. Relative to recognition of entertainers who appeared at dinner given Members of the Legislature on April 16, 1943.

## Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 36, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 36

**Senate Concurrent Resolution No. 36**—Relative to recognition of entertainers who appeared at dinner given Members of the Legislature on April 16, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Luckey, Mayo,

McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.  
NOES—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 376**—An act to add Sections 4539, 4802.5, and 4805 to the Elections Code, relating to associations that support candidates for election or endorse measures for adoption by the voters, or solicit or receive moneys upon the promise to nominate or endorse candidates or propose or sponsor measures for adoption.

Bill read third time.

#### Motion to Amend

Senator Biggar moved the adoption of the following amendment:

#### Amendment No. 1

On page 3, line 17, of the printed bill, as amended, strike out "if", and insert "of".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 581**—An act to amend Sections 2 and 3 of an act entitled "An act defining henceforth the exterior boundaries of Reclamation District No. 108; situated partly in the counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the County of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the County of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108 or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 108, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as

described in this act, in the event that said assessment is not levied before this act shall take effect," approved May 7, 1919, relating to Reclamation District No. 108.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

In the title of the printed bill, strike out everything except "An act to amend", and insert "Section 3493 of the Political Code, relating to reclamation districts."

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

##### Amendment No. 2

On page 2 of said bill, strike out lines 1 to 15, inclusive, and insert

"SECTION 1. Section 3493 of the Political Code is amended to read:

3493. An action may be brought by the Attorney General in the name of the people of this State, upon his own information or upon the complaint of a private party for the dissolution of a swamp land or reclamation district for a misuse of its corporate powers. In such action the complaint and summons may be served personally upon a majority of the trustees of such district, or upon the president of the board of trustees. If two or more districts have been formed to include all or a portion of the same lands, they may all be joined in the same action.

In any such action, when service of summons has been made upon the defendant or defendants, and the defendant or defendants have appeared or default been entered, the court, upon the application of any of the parties, shall thereupon enter an order fixing a day for hearing, which shall not be less than 25 days from the date of the order, and shall, also, enter an order directing notice by publication, to be given by the clerk to all persons interested in said district or districts, either as owner or owners of land in said district or districts, or creditors of said district or districts, or otherwise, requiring them to be and appear on the day fixed for the hearing of said cause, if any they have, why the district or districts named in the complaint, as defendant or defendants, should not be dissolved. The court shall order the notice to be served by publication in some newspaper of general circulation published in the county where the district or districts are situated, for a period of not less than 20 days. On the day fixed for a hearing or some later date to which the cause may be continued, the court may proceed with the hearing, due proof having been first made of the service of the notice by publication for the length of time required by the order. Any person interested in the district or districts that is defendant or defendants shall upon showing his interest be allowed to file an answer or objections to the dissolutions of the defendant or defendants, and shall from the filing of said answer or objections become a party defendant, and be entitled to all the rights of a defendant in any civil action. Any vacancy in the board of trustees heretofore or hereafter caused by resignation, death, removal from the State, or otherwise, may be filled by the board of supervisors of the county in which the district is situated upon the application of any person or persons owning land in the district. The appointment of a trustee or trustees to fill a vacancy or vacancies shall not operate to destroy or remove any cause of action existing before such appointment or appointments were made, against the corporation or district for non-user of its corporate powers; provided, suit be commenced within one year after the passage of this act. If upon the trial of any such action it be determined by the court:

1. That trustees have not been elected for said corporation within five years prior to the passage of this act.

2. That the trustees have not within five years, prior to the passage of this act, exercised any of the powers of a corporation, or performed any of the duties of trustees.

3. That the corporation is not in debt, or if in debt, that all claims are barred by the statute of limitations, the court shall then enter a decree dissolving the corporation, or make such further order as may be deemed necessary to protect the rights of all parties interested.

A reclamation district may also be dissolved in the following manner:

Whenever a petition signed by landowners representing not less than 50 per cent of the lands of the district as shown by the last county assessment rolls praying for the dissolution of the district is presented to and filed with the board of trustees of the district, the said board of trustees shall submit the question of the dissolution



of said district to the qualified voters of the said district at the next biennial election of the said district; provided, however, the board of trustees shall not be required to accept a petition for the dissolution of the district within 10 days preceding any biennial election of such district. If, at said election, 60 per cent of the votes cast thereat are in favor of the dissolution of the district, then the trustees of said district must, within 60 days thereafter, file for record in the office of the county recorder of the county a certified copy of an order declaring said district to be dissolved, and cease all activities, and shall proceed immediately to wind up the affairs of the district [.] ; provided, that within said period of 60 days after an election for dissolution has carried, the board of trustees shall have the right to dispose of any of the physical properties of said district to any irrigation district or districts within its boundaries for the use and benefit of the lands of the reclamation district. At the expiration of 90 days after said election, the board of trustees shall deliver all property and assets in their possession belonging to said district to the clerk of the board of supervisors of the county to be held and used by him as in his judgment shall be for the best interest of the district. Any funds which may be in the hands of the county treasurer to the credit of the district or to which the district may thereafter become entitled, shall be transferred to the credit of the county in which said district is located and shall be expended by the board of supervisors for the benefit of the district. All claims and accounts against said district which have not been settled by the board of trustees within 90 days after the election authorizing the dissolution of the district shall be presented to the board of supervisors of the county in which said district was located and shall be passed and approved by them in the same manner as county claims and shall be paid out of the funds of the dissolved district. In the event there are insufficient funds to discharge all claims and accounts then the board of supervisors shall, at the time of levying the next general county taxes, make a levy upon the property of said dissolved district sufficient in amount to discharge all outstanding claims and accounts against said district."

#### Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 981**—An act to amend Section 2526 of the Water Code, relating to statutory adjudication of water rights.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "and 2532", and insert "2532 and 2533".

##### Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 6, 7, and 8, and insert

"2531. Any subsequent petitions requesting such hearing filed in a different court shall be dismissed without prejudice to the petitioners joining in the pending proceeding. Any subsequent petitions filed in the same court shall be added to and made a part of the pending proceeding."

##### Amendment No. 3

On page 2 of the printed bill, as amended, between lines 10 and 11, insert "2532. At the hearing the department shall present in evidence the facts upon which it concluded that the public interest and necessity for the adjudication was involved, and any other evidence pertinent to the issues involved may be presented by any interested party.

The determination of the court shall be based upon all facts and evidence adduced, but the conclusions of the department shall not be considered unless more than 25 per cent of the users of water from the stream system have petitioned for its adjudication in which event the conclusion of the department as to public interest and necessity shall constitute prima facie proof thereof to the court.

The matter shall be speedily tried and determined and the issues at the hearing shall be strictly confined to the matters referred to in Section 2533 and shall not extend to an adjudication of the water rights on the stream system.

SEC. 5. Section 2533 is added to said code, to read:"

##### Amendment No. 4

On page 2, line 11, of the printed bill, as amended, strike out "2532", and insert "2533".



**Amendment No. 5**

On page 2, line 18, of the printed bill, as amended, strike out "the court", and insert "or if the court concludes that insufficient facts have been presented on which to base a conclusion that public interest and necessity will be served by the adjudication and less than 25 per cent of the users have petitioned for the adjudication, it".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 153**—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

Bill read second time, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 211**—An act to amend Section 3824 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 212**—An act to amend Section 3714 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 216**—An act to amend Section 1406 of the Elections Code, relating to initiative and referendum petitions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 342**—An act to amend Sections 2353, 2705, and 5556 of the Elections Code, relating to the time for opening and closing the polls.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 380**—An act to amend Section 1003 of the Elections Code, relating to proclamation of election days.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 514**—An act to amend Sections 679, 1400, 2604, 2631, 2700, 5557, 5565, 5809, 7967, and 11581 of the Elections Code, and to repeal Sections 19, 45, 46, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 180, 181, 182, 183, 184, 185, 186, 224, 225, 226, 227, 228, 229, 230, 291, 292, 293, 294, 295, 296, 297, 298, 330, 370, 371, 372, 373, 374, and 9000 of the Elections Code as contained in Chapter 26 of the Statutes of 1939, relating to elections and matters incidental thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 564**—An act to amend the heading of Article 3 of Chapter 1 of Division 4, and Sections 1511, 1512, 1513, and 1514 of, and to add Sections 1509.5, 1511.5 and 1514.5 to the Elections Code, relating to ballot pamphlet.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 627**—An act to add Section 4539 to the Elections Code, relating to campaign statements.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 192**—An act to repeal Section 3715 of the Elections Code, relating to ballots.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1648**—An act to amend Section 2671.5 of the Elections Code, relating to declarations of candidacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1541**—An act to add Section 37i to the Water Commission Act, and Chapter 9 to Part 4 of Division 2 of the Water Code, relating to methods and procedure to carry into effect decrees providing for the distribution of water and for the allocation and payment of the expenses thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

##### Amendment No. 1

On page 2, line 25, of the printed bill, strike out "4406", and insert "4407".

##### Amendment No. 2

On page 2 of said bill, strike out lines 29 to 52, inclusive; and on page 3, strike out lines 1 to 16, inclusive, and insert

#### "CHAPTER 9. ALTERNATIVE DISTRIBUTION PROCEDURE

4400. The foregoing provisions of this part shall be applicable to this chapter, so far as adaptable thereto or consistent therewith, and whenever rights to water have been ascertained and determined as specified in Section 4027 the department may elect to proceed under this chapter.

4401. Insofar as the foregoing provisions of this part may not be adaptable to or may be inconsistent with the provisions of any decree of court, the department may conform to the requirements of such decree of court and observe the foregoing provisions of this part only insofar as the same may be adaptable to or consistent with such decree of court.

4402. In the event an order or decree of court provides for an allocation among and payment of costs of water distribution by the owners of the rights decreed, the department, in lieu of the procedures provided in the foregoing provisions of this part for allocation and payment of costs, may proceed in accordance with such decree and as hereinafter provided.

4403. A certified copy of the order or decree shall be recorded in the county or counties wherein the water is diverted or used and a certified copy filed in the office of the department and such recordation and filing shall constitute constructive notice of the provisions of the order or decree to the owners of the rights decreed and their successors in interest.

4404. Obligations to pay for the respective allocations of cost set forth in the order or decree may be enforced by the department against the respective owners or their successors by execution or as may be otherwise provided in such order or decree.

4405. One-half of the entire annual cost of the work to be performed by the department in rendering water-master service and incidental duties required under the order or decree shall be paid out of the general support funds of the department into the State Water Master Service Fund prior to commencement of said work and the other one-half shall be paid by the owners and deposited into said fund by the department as received from the respective owners.

4406. The total sum thus made available shall be subject to expenditure by the department in performing said work, and any money remaining at the end of any year shall be available for use the following year for the respective water master district to which credited.

4407. Any moneys collected or received by the department for or on account of owners of the rights involved may be placed in a special deposit fund and paid out

in accordance with the provisions of the order or decree or as provided for by the agreement between the owners of the rights affected thereby."

**Amendment No. 3**

On page 3, line 22, of said bill, after "Act", strike out "is".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 55**—An act to amend Section 4 of the California Water Storage Act, relating to giving of notice of proposed organization of a water storage district to landowners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 913**—An act to add Section 37b to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1247**—An act to amend Section 24950 of the Water Code, relating to bonds of irrigation districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1299**—An act to add Section 24628.5 to the Water Code, relating to warrants of an irrigation district.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1300**—An act to amend the title and Sections 3 and 4 and to repeal Sections 4e and 4d of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, and to add Article 6 to Chapter 5, Part 5, of Division 11 of the Water Code, relating to the government, operation, and functions of irrigation districts of an area of over 500,000 acres.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1564**—An act to amend Section 7 of the "American River Flood Control District Act," approved May 28, 1927, relating to the board of trustees.

Bill read second time, and ordered to third reading.

**CONSIDERATION OF ASSEMBLY AMENDMENTS**

**Senate Bill No. 348**—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26e, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23c, 23d, 26, 27 and 38.2, relating to the taxation of beer and wine and to provide that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 348?

**Amendment No. 1**

On page 2, lines 31 and 32, of the printed bill, strike out "within 30 days from the date of such sale".

**Amendment No. 2**

On page 2 of said bill, between lines 39 and 40, insert "In the event excise taxes under this act have been paid on beer subsequently exported from the State or sold for export and actually thereafter exported from this State, a taxpayer may claim and shall be allowed credit with respect to such tax in any report filed or assessment made under this act".

**Amendment No. 3**

On page 4, line 9, of said bill, after "on", insert "beer or".

**Amendment No. 4**

On page 4, line 12, of said bill, strike out "on", and insert "or".

**Amendment No. 5**

On page 4, line 20, of said bill, strike out "September", and insert "August".

**Amendment No. 6**

On page 4 of said bill, between lines 29 and 30, insert "It shall be presumed for the purpose of this act that any wine in the possession of a wine manufacturer at 12 o'clock midnight, June 30, 1943, on which the United States internal revenue tax had been previously paid, but on which the excise tax imposed by Section 23 of this act had not been paid, and that any beer or wine in the possession of a beer or wine importer at 12 o'clock midnight, June 30, 1943, previously imported into California, but on which the tax imposed by Section 23 of this act had not been paid, has been sold, and such wine manufacturer or beer or wine importer shall pay the tax imposed by Section 23 of this act. Such wine manufacturer or beer or wine importer shall file a report of such beer or wine, together with a remittance of the amount of tax due, to the office of the board on or before August 1, 1943."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 348 by the following vote:

**AYES**—Senators Burns, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Keating, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

**NOES**—None.

Above bill ordered enrolled.

**CONSIDERATION OF ASSEMBLY AMENDMENTS**

**Senate Bill No. 725**—An act to repeal Section 5.63 of the School Code, and to repeal Section 20431 of the Education Code, relating to the admission of persons not residents of California to the State colleges.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 725?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 5.63 of the School Code, and to repeal".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "Section 5.63 of the School Code is repealed."

**Amendment No. 3**

On page 1, line 2, of said bill, strike out "SEC. 2."

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 6, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 725 by the following vote:

**AYES**—Senators Brown, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

**NOES**—None.

Above bill ordered enrolled.



## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 391**—An act to amend Sections 291, 372, 375 and 5552 of the Elections Code.

## Withdrawal of Motion to Reconsider

Senator Tenney moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 391 was refused passage.

Motion carried.

## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 187**—An act to amend Sections 735.3, 736.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

## Postponement of Reconsideration

On motion of Senator McBride, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 187 was passed, was continued until the next legislative day.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

## Senate Resolution No. 109

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 19, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
W. M. Randall, Stenographer	\$6 00
Jesse M. Mayo, Jr., Page	2 50
Raymond Mayo, Page	2 50
Tony DeLap, Jr., Page	2 50
Teddy Barr, Page	2 50
Robert Sweeny, Page	2 50
Robert Bromley, Page	2 50
Peter Redwine, Page	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crutenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

## MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 12, 1943; Tuesday, April 13, 1943; Wednesday, April 14, 1943; Thursday, April 15, 1943; Friday, April 16, 1943; and Saturday, April 17, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

Motion carried.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Slater:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission.

Respectfully submitted.

SENATOR SLATER

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

**Senate Bill No. 1102:** By Senator Slater—An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission.

Referred to Committee on Fish and Game.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Constitutional Amendment No. 13**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 22 of Article XX thereof, relating to intoxicating liquors.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Dillinger, Hatfield, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Seawell, Shelley, Tenney, and Ward—16.

NOES—Senators Brown, Carter, Cunningham, DeLap, Deuel, Donnelly, Engle, Judah, Rich, Slater, Swan, Swing, and Tickle—13.

**Senate Bill No. 999**—An act to amend Section 56 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 1.58 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 1.59 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 999 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Tickle, and Ward—22

NOES—Senators Carter, DeLap, Donnelly, Dorsey, Fletcher, Keating, McCormack, Shelley, Slater, Swan, Swing, and Tenney—12.

Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 999 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 999 was passed, was continued until the next legislative day.

President Pro Tempore of the Senate Presiding

At 2 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF SPECIAL ORDER

The hour of 2 p.m. having arrived, Assembly Bill No. 1929 was taken up.

**Assembly Bill No. 1929**—An act to repeal Chapter 3 of Part 2 of Division 2 of the Military and Veterans Code and Sections 8, 9, 10, 11 and 12 of the California Guard Act of 1942 and to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the California State Guard, providing for the pay, privileges, allowances and rights of the California State Guard, for the organization and administration of the California State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school busses available for use by the California State Guard, making an appropriation for the operation, maintenance and organization of the California State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 9, of the printed bill, strike out "impossible", and insert "difficult".

**Amendment No. 2**

On page 2, line 16, of the printed bill, strike out "prevented", and insert "made difficult".

**Amendment No. 3**

On page 2, line 17, of the printed bill, after "the", insert "duties".

**Amendment No. 4**

On page 2, line 19, of the printed bill, after "effective", insert "and adequate".

**Amendment No. 5**

On page 2 of the printed bill, strike out all of lines 22 to 35, inclusive.

**Amendment No. 6**

On page 3, line 2, of the printed bill, after "defend", insert "and protect the people and the property of the people of the State".

**Amendment No. 7**

On page 3, line 29, of the printed bill, after the comma, strike out the rest of the line; and strike out lines 30, 31, and 32.

**Amendment No. 8**

On page 3 of the printed bill, strike out lines 42 to 46, inclusive, and insert "Sec. 565. The active force shall be two infantry regiments and necessary auxiliary troops of not less than 1,250 men, one to be stationed in the south and one in the north, which shall be organized in conformity with the United States Army Table of Organization."

**Amendment No. 9**

On page 4 of the printed bill, strike out lines 15, 16, and 17, inclusive.

**Amendment No. 10**

On page 7 of the printed bill, strike out lines 41 and 42; and in line 43, strike out "is in active Federal service."

**Amendment No. 11**

On page 8 of the printed bill, strike out lines 11 to 19, inclusive.

**Amendment No. 12**

On page 8 of the printed bill, strike out lines 21 to 35, inclusive.

**Motion for Division of the Amendments**

Senator Quinn moved a division of the amendments.

Motion carried.

**Request for Unanimous Consent**

Senator Quinn asked for, and was granted, unanimous consent to consider the amendments out of order so that Amendment No. 5 may be considered first.

**Consideration of Amendment No. 5****Amendment No. 5**

On page 2 of the printed bill, strike out lines 22 to 35, inclusive.

Amendment read.

Roll call demanded by Senators Quinn, Carter, and Swan.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Carter, Donnelly, Quinn, Swan, and Tenney—5.

**NOES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—29.



**Further Consideration of the Amendments to Assembly Bill No. 1929****Amendment No. 1**

On page 2, line 9, of the printed bill, strike out "impossible", and insert "with cult".

**Amendment No. 2**

On page 2, line 16, of the printed bill, strike out "prevented", and insert "made difficult".

**Amendment No. 3**

On page 2, line 17, of the printed bill, after "the", insert "duties".

**Amendment No. 4**

On page 2, line 19, of the printed bill, after "effective", insert "and adequate".

**Amendment No. 6**

On page 3, line 2, of the printed bill, after "defend", insert "and protect the people and the property of the people of the State".

**Amendment No. 7**

On page 3, line 29, of the printed bill, after the comma, strike out the rest of the line, and strike out lines 30, 31, and 32.

**Amendment No. 8**

On page 3 of the printed bill, strike out lines 42 to 46, inclusive, and insert "Sec. 565. The active force shall be two infantry regiments and necessary auxiliary troops of not less than 1,250 men, one to be stationed in the south and one in the north, which shall be organized in conformity with the United States Army Table of Organization."

**Amendment No. 9**

On page 4 of the printed bill, strike out lines 15, 16, and 17, inclusive.

**Amendment No. 10**

On page 7 of the printed bill, strike out lines 41 and 42, and in line 43, strike out "is in active Federal service."

**Amendment No. 11**

On page 8 of the printed bill, strike out lines 11 to 19, inclusive.

**Amendment No. 12**

On page 8 of the printed bill, strike out lines 21 to 35, inclusive.

Amendments read.

**Motion to Table**

Senator Mayo moved that the rest of the amendments be laid on the table.

Motion carried.

**Further Consideration of Assembly Bill No. 1929**

**Assembly Bill No. 1929**—An act to repeal Chapter 3 of Part 2 of Division 2 of the Military and Veterans Code and Sections 8, 9, 10, 11 and 12 of the California Guard Act of 1942 and to add Chapter 4 to Part 2 of Division 2 of the Military and Veterans Code, relating to the California State Guard, providing for the pay, privileges, allowances and rights of the California State Guard, for the organization and administration of the California State Guard to permit the efficient operation thereof consistent with such privileges, allowances and rights, permitting school districts to make school busses available for use by the California State Guard, making an appropriation for the operation, maintenance and organization of the California State Guard and providing for the expenditure thereof, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

**NOES**—Senator Tenney—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swing, Tickle, and Ward—28.

**NOES**—Senators Carter, Quinn, Shelley, Swan, and Tenney—5.

Bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1017**—An act to amend Sections 2300 and 2304 of the Elections Code, relating to the delegates to the National Convention.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Breed, Brown, Crittenden, DeLap, Deuel, Fletcher, Hatfield, Judah, Mayo, McCormack, Powers, Rich, Swing, Tenney, Tickle, and Ward—16.

**NOES**—Senators Biggar, Burns, Carter, Collier, Cunningham, Donnelly, Dorsey, Engle, Keating, Luckey, McBride, Parkman, Quinn, Seawell, Shelley, Slater, and Swan—17.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Swing asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

**MR. PRESIDENT:**

Mr. C. M. Brown of Redlands has again remembered and complimented us by sending an allotment of the golden fruit—the like of which can only be produced in the sun-kissed valley within my district.

Mr. Brown is hopeful that the vitamins contained in these oranges may invigorate you and aid you in solving the weighty problems confronting you.

Our appreciation is hereby expressed. (The members are now eating and enjoying the oranges.)

**SENATOR SWING**

**President of the Senate Presiding**

At 3.40 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1003**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employment under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tickle, and Ward—24.

**NOES**—Senators Carter, DeLap, Keating, Shelley, Swan, and Tenney—6.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 734**—An act to amend Sections 2½ and 50½ of an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission Fund' and appropriating the moneys therein to carry out the provisions of this act and repealing Title 15 of Part 4 of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, relating to the definition of and regulation of passenger stage corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.  
NOES—Senators Engle, Hatfield, Parkman, and Tenney—4.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1026**—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Ward—22.  
NOES—Senators Carter, Crittenden, Cunningham, Dillinger, Shelley, Swan, and Tenney—7.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 612**—An act to amend Section 696 of the Political Code, relating to the revolving fund for State purchases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 508**—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating,

Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 853**—An act to amend Section 1233 of the Probate Code, relating to rules of practice in probate matters, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 527**—An act to amend Section 101 of and to add Section 103a to the State Employees' Retirement Act, relating to retirement benefits for members of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Secretary J. A. Beek at the Desk

**Senate Bill No. 664**—An act to include in the State civil service all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, McBride, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tenney, and Ward—25.

NOES—Senators Cunningham, DeLap, Gordon, McCormack, Mixer, and Rich—6.

Bill ordered transmitted to the Assembly.



**RESOLUTIONS**

The following resolution was offered :

By Senator Mixer:

**Senate Resolution No. 110**

WHEREAS, It has come to the attention of several Members of the Senate of the California Legislature, that Harry L. Jordan, bookkeeper to the Sergeant at Arms of the Senate since 1927, will on Wednesday, April 21, 1943, celebrate the golden anniversary of his wedding; and

WHEREAS, "Harry," as he is affectionately known to the Members of the Senate, has, by reason of his unfailing courtesy, conscientious attention to his duties and the efficiency with which he has performed his work, endeared himself to the members of this body; and

WHEREAS, The Members of the Senate desire to express their appreciation of his character and his efficient service; now, therefore, be it

*Resolved*, That the Senate extends to Harry L. Jordan and his good wife its felicitations upon their arrival at the fiftieth milestone in their matrimonial career, and expresses the hope that they may be spared for the observance of many more recurrences of this happy event; and, be it further

*Resolved*, That the Secretary of the Senate be instructed to have a suitably engrossed copy of this resolution prepared and to present the same to Mr. and Mrs. Harry L. Jordan.

Resolution read, and unanimously adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Donsey, Engle, Fletcher, Gordon, Hatfield, Jubak, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Payers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37

**WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1100**

Senator Hatfield moved that Senate Bill No. 1100 be withdrawn from Committee on Water Resources, and referred to Committee on Judiciary.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 53**—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 16 to 21, inclusive, and insert "any public school, college or university of this State, or any institution of collegiate rank or grade in existence on January 1, 1943."

**Amendment No. 2**

On page 2 of said bill, strike out lines 24 to 26, inclusive, and insert "well established as such, and maintaining and operating one or more schools within this State, other than in a war relocation center, at the time this act takes effect."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Tenney moved that Senate Bill No. 393, A-6 on the inactive file, be re-referred to the Committee on Labor.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 580**—An act to amend Section 1270 of, and to repeal Sections 1273 and 1274 of, the Fish and Game Code, relating to deer. Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendments:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "amend Section 1270 of, and to repeal Sections 1273 and 1274 of," and insert "add Section 1272 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 and 2; and in line 3, strike out "1270", and insert  
"SECTION 1. Section 1272 is added to the Fish and Game Code, to read:  
1272."

**Amendment No. 3**

On page 2 of said bill, between lines 6 and 7, insert  
"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 970**—An act to add Section 17.5 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to the refunding of debts, and to the issuance of bonds in connection therewith.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

In line 10 of the title of the printed bill, after "1923," insert "and to add Section 27229 to the Streets and Highways Code,".

**Amendment No. 2**

On page 1, line 17, of said bill, strike out "Section 15", and insert "Sections 15 and 16".

**Amendment No. 3**

On page 1 of said bill, after line 20, insert  
"SEC. 2. Section 27229 is added to the Streets and Highways Code, to read:  
27229. Whenever the board deems it necessary or advisable to refund any outstanding bonds, it may, by resolution, declare such necessity or advisability and

outline a general plan of refunding, including the issuance of refunding bonds and the terms and conditions thereof.

Upon adopting a general plan of refunding, the board shall, by resolution, provide for submitting to the qualified electors of the district the proposition of whether the refunding bonds shall issue. The resolution shall provide for the manner of submitting the proposition to the electors, and shall state the purpose of the refunding, the terms and conditions of the bonds, and any other facts essential for the information of the electors. The election held on the proposition shall conform to the provisions of this article.

If the proposition is favorably voted upon, the board of directors has plenary power in the matter of executing the bonds and providing for their sale and disposition.

SEC. 3. Section 2 of this act shall take effect only if Part 3 is added to Division 16 of the Streets and Highways Code by the Legislature at its Fifty-fifth Session, and in such case at the same time as Part 3 takes effect, at which time Section 17.5 as added to the act cited in the title by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 489**—An act to add a new section to be numbered 14, to an act entitled "An act providing for the sale of certain State lands," approved May 19, 1915, as amended, and to add a new section, to be numbered 10, to an act entitled "An act relating to State lands, making demand for payment of the balance due on the purchase price of certain lands, providing for the forfeiture of such lands for failure to make such payment, and reducing the rate of interest on all contracts for the sale of school lands," approved April 22, 1937, relating to State lands, and extending time in respect to such lands, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Powers moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 19, of the printed bill, strike out "if", and insert "as".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1534**—An act to add Section 15 to "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to deadly weapons.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendments:

**Amendment No. 1**

In line 20 of the title of the printed bill, as amended, strike out "deadly weapons", and insert "knives".

**Amendment No. 2**

On page 2, line 22, of said bill, after "such", insert "knife or".

**Amendment No. 3**

On page 2, line 24, of said bill, after "the", insert "knife or".

**Amendment No. 4**

On page 2, line 25, of said bill, strike out "giving", and insert ", and, in the case of a weapon, give".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1747**—An act to add Section 44.3 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 16, of the printed bill, as amended, strike out "fifth", and insert "sixth".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1316**—An act to add Article 4a to Chapter 1 of Part 1 of Division 5 of the School Code and to add Article 3.5 to Chapter 2 of the Education Code, relating to the dismissal of employees of State colleges not in State civil service.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Article 4a to Chapter 1 of Part 1 of Division 5 of the School Code and to add".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 23, inclusive; strike out pages 2 and 3; and on page 4, strike out lines 1 to 13, inclusive.

**Amendment No. 3**

On page 4, line 15, of said bill, strike out "Sec. 2", and insert "Section 1".

**Amendment No. 4**

On page 4, line 26, of said bill, strike out "a".

**Amendment No. 5**

On page 7 of said bill, strike out lines 1 to 6, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.



# REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 673**—An act to amend Section 1293 of the Fish and Game Code, relating to damage by animals and the taking of such animals.

**Senate Bill No. 776**—An act to amend Section 29 of the "Personal Property Brokers Act" as revised and set forth in Chapters 952 and 1044 of the Statutes of 1939, relating to personal property brokers and to persons who, as brokers, negotiate loans made by personal property brokers;

**Senate Bill No. 777**—An act to amend Section 19 of the "California Small Loan Act," relating to lenders engaged in the business of making loans of three hundred dollars (\$300) or less, and to persons who, as brokers, negotiate loans made by such lenders;

**Senate Bill No. 878**—An act to amend Section 625 of the Fish and Game Code, relating to Fish and Game District 14;

**Senate Bill No. 889**—An act to amend Section 610 of the Fish and Game Code, relating to bag limits;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 110**—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear;

**Senate Bill No. 154**—An act to repeal Section 645 of, and to amend Section 1270 of, the Fish and Game Code, relating to deer seasons, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 161**—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Correction Authority;

**Senate Bill No. 162**—An act to add Section 1714.5 to the Welfare and Institutions Code, and to amend Sections 1717 and 1718 thereof, relating to the Youth Correction Authority, and providing for the appointment of temporary members thereof;

**Senate Bill No. 163**—An act to add Section 1767.3 to the Welfare and Institutions Code, relating to the Youth Correction Authority, and providing for the custody of the authority of persons committed thereto who are at liberty on parole or otherwise;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 269**—An act to add Section 20.7 to the Personal Property Brokers Act as revised by Chapters 952 and 1044 of the Statutes of 1939, relating to licensees in military service;

**Senate Bill No. 347**—An act to add Section 656.5 to the Fish and Game Code, relating to salmon;

**Senate Bill No. 629**—An act to amend Sections 619.5 and 620 of the Fish and Game Code, relating to bag limits and to lake fishing;

**Senate Bill No. 631**—An act to amend Section 25.1 of the Agricultural Prorate Act, relating to changes in proration zone boundaries;

**Senate Bill No. 632**—An act to amend Section 5 of the Agricultural Prorate Act, relating to meetings of the Agricultural Prorate Advisory Commission;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 634**—An act to amend Sections 18.1 and 19.1 of the Agricultural Prorate Act, relating to hearings on marketing program modifications and to functions of program committees under marketing programs;

**Senate Bill No. 635**—An act to amend Section 21 of the Agricultural Prorate Act, relating to the disposition of funds collected under marketing programs;

**Senate Bill No. 636**—An act to add Section 21.1 to the Agricultural Prorate Act, relating to proceedings for the collection of fees;

**Senate Bill No. 637**—An act to add a new section, to be numbered 25.2, to the Agricultural Prorate Act, relating to a periodic referendum;

**Senate Bill No. 638**—An act to repeal Section 12108 of the Business and Professions Code, relating to the construction and installation of heavy duty scales; And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, April 16, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 974

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

PARKMAN, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 164

Senate Bill No. 444

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 140

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 934**—An act to amend Section 643 of the Agricultural Code, relating to the definition for insanitary dairy farms; And appointed Messrs. Thorp, Desmond, and Dills, Ralph C., as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of

Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred;  
And appointed Messrs. Bashore, Erwin, and Leonard as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1540

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

# FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

**Assembly Bill No. 1540**—An act to add Section 1005 to the Political Code and Section 1779 to the Government Code, relating to appointments by the Governor.

Referred to Committee on Governmental Efficiency.

## RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 111

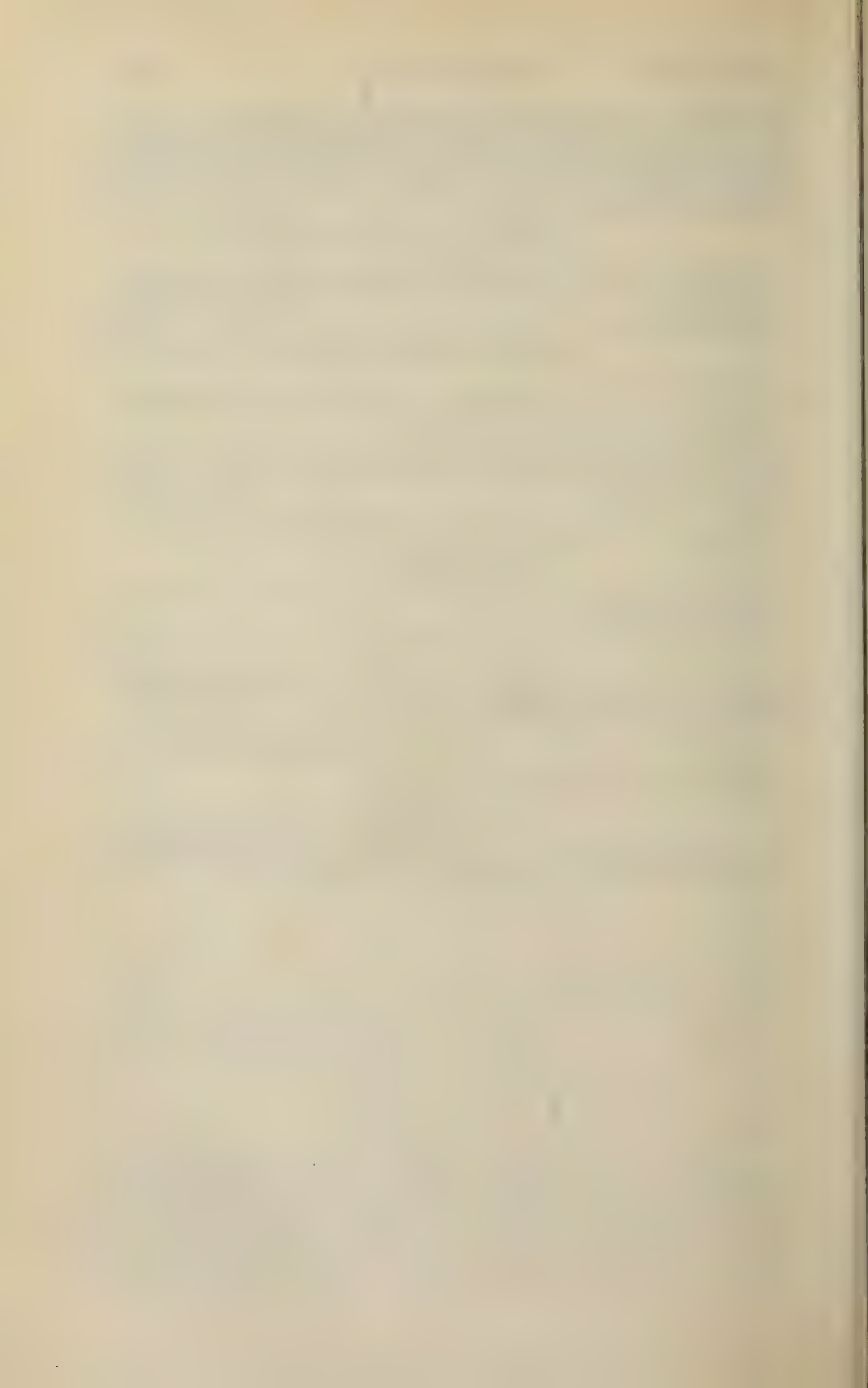
*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 17, 1943:

H. B. Thomas, Assistant Enrolling and Engrossing Clerk ----- *Per day* \$6 00

Resolution read, and unanimously adopted.

## ADJOURNMENT

At 5.23 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Tuesday, April 20, 1943.





# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

FIFTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED SEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 20, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—39.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dwight Manning of Quincy, Plumas County, and Mrs. E. J. Hurley and Mrs. J. R. Barr, leaders of the Girl Scout Troop No. 10 of Bret Harte School, with the following Girl Scouts, all of Sacramento: Barbara Seldon, Jane Reed, Nancy Meyer, Alice Sessarego, Shirley Hullin, Marilyn Osenbaugh, Carol Caldwell, Joanne Liddicoat, Mildred Fingado, Arline Rodda, Doris Marty, Joan Addison, Nancy Meyer, and Barbara Long.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles Anderson of National City and Dr. Frank B. Gigliotti of La Mesa.

On request of Senators Shelley and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended

to Rev. Ettore Di Giantomasso, Pastor of St. John's Methodist Church in San Francisco.

On request of Senators Tenney and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. Dorr Demaray, president, Lydia McNichols, director, and the following students of the Los Angeles Pacific College A Cappella Choir: Bob Carson, Harold Heydenfeldt, Ray Wells, Ernest Harton, Don Atkinson, Wilbur Ruth, Merlyn Fordice, Donald Demaray, Bob Watson, Ernest Franklin, Paul Kugler, Dona Cooper, Jean Summers, June Pifer, Betty Vinson, Barbara Swanson, Mildred Abbott, Marge Chambers, Pricilla Zahniser, Martha Keaton, Winifried Whited, and Ruby Petry.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Theresa Wilkinson and George of Los Angeles.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. G. A. Castleman, Miss Grace Castleman, and Stanley Castleman, all of Sacramento.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ursula Silver, Vice Commander-at-Large, Department of California, American Legion, of Hollywood, and her parents, Mr. and Mrs. Barker of San Francisco.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. Gilmore of New York.

## REPORTS OF STANDING COMMITTEES

### Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 20

Assembly Bill No. 538

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Joint Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1391

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 335

Assembly Bill No. 995

Assembly Bill No. 227

Assembly Bill No. 1158

Assembly Bill No. 228

Assembly Bill No. 1198

Assembly Bill No. 325

Assembly Bill No. 1347

Assembly Bill No. 541

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1197

Assembly Bill No. 1353

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

DE LAP, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1282

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Constitutional Amendment No. 25

Senate Constitutional Amendment No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

**Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1089

Assembly Bill No. 667

Senate Bill No. 961

Assembly Bill No. 928

Assembly Bill No. 666

Assembly Bill No. 1094

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

KEATING, Chairman

Above reported bills ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 75

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 558

Senate Bill No. 560

Senate Bill No. 561

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 29

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 686

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 249

Senate Bill No. 376

Senate Bill No. 414

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 53

Senate Bill No. 970

And reports the same correctly re-engrossed.

SEAWELL, Chairman



CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS

**Senate Bill No. 987**—An act to amend Section 6008 of the Water Code, relating to dams.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Water Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "6008", and insert "6004".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out the period after "dams", and insert "and to amend Section 2 of an act entitled 'An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor,' approved June 10, 1929, as amended, relating to dams."

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "6008", and insert "6004".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert "6004. No obstruction in a canal used to raise or lower water therein or divert water therefrom, *no levee, no railroad fill or structure, and no road or highway fill or structure*, shall be considered a dam.

SEC. 2. Section 2 of the act approved June 10, 1929, cited in the title hereof, is amended to read:

SEC. 2. The word "dam" whenever used in this act shall mean any artificial barrier, whether heretofore or hereafter constructed, together with appurtenant works, if any, across a stream channel, watercourse or natural drainage area, which does or may impound or divert water, which is or will be either 25 feet or more in height from natural streambed to crest of spillway, or which has or will have an impounding capacity of 50 acre-feet or more; provided, however, that any such barrier which is or will be not in excess of six feet in height, regardless of storage capacity, or which has or will have a storage capacity not in excess of 15 acre-feet, regardless of height, shall not be considered a dam within the meaning of this act; and provided further, that no obstruction in a canal used to raise or lower water therein or divert water therefrom, *no levee, no railroad fill or structure, and no road or highway fill or structure*, shall be considered a dam within the meaning of this act.

SEC. 3. The provisions of Section 1 of this act shall take effect only if the Water Code is adopted at the Fifty-fifth Session of the Legislature and in that event at the same time said code takes effect, at which time Section 2 of the act cited in the title hereof as amended by this act is repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

**Senate Bill No. 733**—An act making an appropriation to be expended under the direction of the Governor to effectuate the purposes of the California State War Powers Act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 458**—An act to amend Section 2720 of the Penal Code, relating to the Jute Mill Revolving Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 974**—An act to amend Section 494 of the Civil Code, relating to the sale of property and franchises of railroad corporations.

Bill read second time, and ordered to third reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Joint Resolution No. 25:** By Senator Judah—Relative to old-age assistance.

Referred to Committee on Welfare and Institutions.

#### RESOLUTIONS

The following resolution was offered by Senator Slater:

##### **Senate Resolution No. 112**

Relative to adjournment of the Senate on Good Friday, April 23, 1943,  
from 12 m. to 3 p.m.

In accordance with time honored custom and in order to permit those who desire to participate in the observance of Good Friday, which for years has signalized to the Christian world an appealing influence on countless millions of people everywhere, be it

*Resolved by the Senate of the State of California.* That an adjournment be taken from 12 m. to 3 p.m. on Friday, April 23.

Resolution read and unanimously adopted.

#### REPORTS OF STANDING COMMITTEES

##### **Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Rules has appointed the following Senators as a Special Investigating Committee created by Senate Resolution No. 90: Collier, Chairman; Engle, and Powers.

SEAWELL, Chairman

##### **WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 754**

Senator DeLap moved that Senate Bill No. 754 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 754**—An act to repeal Sections 650 to 653 inclusive, 950 to 954 inclusive and 958 of the Code of Civil Procedure, relating to rules of practice and procedure on appeal in civil actions and proceedings.

Bill read second time.

##### **Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

##### **Amendment No. 1**

In line 1 of the title of the printed bill, strike out "repeal Sections 650 and 653 inclusive, 950 to 954"; and strike out all of lines 2, 3, and 4 of said title, and insert "amend Section 953e of the Code of Civil Procedure relating to appeals in civil actions and proceedings."

**PRINTER'S NOTE**—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 1 of said bill, strike out lines 1, 2, and 3, and insert

"SECTION 1. Section 953e of the Code of Civil Procedure is hereby amended to read as follows:

953e. When it shall be impossible to have [the] a phonographic report of the trial transcribed by a stenographic reporter as provided in [Section 953a of this code] law or by rule, because of the death or [other] disability of a reporter who participated as a stenographic reporter at the trial, or because of the loss or destruction, in whole or in substantial part, of the notes of such reporter, the court or a judge thereof shall have power to set aside and vacate the judgment, order or decree from which an appeal has been taken or is to be taken and to order a new trial of the action or proceeding."

Amendments read and adopted.

Bill ordered printed, and re referred to Committee on Judiciary

### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS

##### Consideration of Assembly Amendments

**Senate Bill No. 535**—An act to amend Section 540 of the Political Code, relating to State printing

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 535?

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 540", and insert "Sections 528 and 540".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 2

On page 2 of said bill, after line 28, insert

"SEC. 2. Section 528 of said code is amended to read:

528. 1. There must be printed of the laws of each session of the Legislature, [two thousand two hundred fifty] one thousand eight hundred copies in English, to be deposited with the Secretary of State, who after receiving a sufficient number of said volumes for distribution, in accordance with the provisions of Section 410 of the Political Code, shall sell the remaining copies at a price to be approved by the State Board of Control, who may authorize the Superintendent of Printing to compile and print any number of additional copies; the moneys thus received to be paid into the State treasury at the end of each month. Whenever any bill, joint or concurrent resolution is passed to enrollment, by either the Senate or Assembly, the committee on enrollment of the house, in which the bill, joint or concurrent resolution originated, shall transmit the same, without delay, to the Superintendent of State Printing, who shall receipt for all such bills and resolutions, and proceed at once to have the same printed, in the order in which received, in the manner prescribed by law for the Statutes. So soon as printed, one copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills, shall be printed on bond paper, which, together with the engrossed bill, shall be sent to the committee on enrollment of the house in which the bill originated. Said committee shall compare such copy with the engrossed bill, and if it is found to be correct shall present it to the proper officers for their signatures. When such officers shall have signed their names, thereon, as required by law, it shall be an enrolled bill, and shall be transmitted to the Governor for his approval. If the same is signed by the Governor and becomes a law, the printed law shall go to the Secretary of State and become the official record.

2. Whenever a law is signed by the Governor, official notice shall be forwarded, in writing, to the Superintendent of State Printing of the fact. Upon the receipt of said official notice, the Superintendent of State Printing shall cause to be printed, for the use of the Legislature, 240 copies of said law, joint or concurrent resolution, to be distributed, one-third to the Senate and two-thirds to the Assembly, the

Sergeant-at-Arms of the respective houses to receipt to the Superintendent of State Printing for the same, whose receipt shall be a proper voucher for the work. He shall also cause to be printed the requisite number of sheets to make the number of copies of the Statutes required by law to be printed, the one composition of type to answer the purpose of printing the three editions.

The Superintendent of State Printing shall have the laws, Journals of Senate and Assembly, and the Appendices thereto, properly indexed and bound, the laws in law buckram binding, and deliver the same to the Secretary of State for distribution as soon as practical after the final adjournment of the Legislature, and the receipt of the Secretary of State shall be his voucher therefor."

#### Amendment No. 3

On page 2, line 30, of the printed bill, as amended, strike out "Whenever any bill, joint or concurrent resolution, is"; and strike out all of lines 31 to 50, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 535 by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tickle—32.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 567**—An act to amend Section 1346 of the Fish and Game Code, relating to antelope.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 567?

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of lines 17 to 20, inclusive, and insert "Fund. The commission may make such".

#### Amendment No. 2

On page 1, line 8, of the printed bill, as amended, after "commission," insert "30 days".

#### Amendment No. 3

On page 1, line 8, of the printed bill, as amended, strike out "first", and insert "opening".

#### Amendment No. 4

On page 1, line 8, of the printed bill, as amended, strike out the last "the".

#### Amendment No. 5

On page 1, line 9, of the printed bill, as amended, strike out "month of May", and insert "hunting as may be prescribed by the commission".

#### Amendment No. 6

On page 1 of the printed bill, as amended, after line 24, insert "The provisions of Section 1275.5 of this code shall apply to the possession of antelope meat."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 567 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—32.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 33**—Approving an amendment to the charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electives of said



city at a general municipal election held therein on the fifth day of April, 1943.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 33?

#### Amendment No. 1

In line 4 of the title of the printed resolution, strike out "electives", and insert "electors".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 33 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crutcher, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slattery, Slater, Swan, Swing, and Tickle—29.

NOES—None.

Above resolution ordered enrolled.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 187**—An act to amend Sections 745.3, 746.3, and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Pursuant to his motion previously made, Senator McBride moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 187 was passed.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator McBride moved a call of the Senate.

Motion carried. Time, 2.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

##### Senate Resolution No. 113

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 20, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Tom Quinn, Assistant Sergeant-at-Arms-----	\$6 00
Dick Salsman, Page-----	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, and Tenney—27.

NOES—None.

By Senator Tickle:

**Senate Resolution No. 114**

*Resolved*, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 19, 1943:

W. M. Randall, Stenographer.....	Per day \$6 00
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Resolution read and unanimously adopted.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Crittenden, Hatfield, and Biggar as a Senate Committee on Conference concerning Assembly Bill No. 934 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Crittenden, Gordon, and Cunningham as a Senate Committee on Conference concerning Assembly Bill No. 768 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

**COMMUNICATIONS**

The following communication was received, read, and ordered printed in the Journal:

LOS ANGELES, CALIFORNIA, April 19, 1943

*Senator Jack Tenney, California Legislature  
State Capitol, Sacramento, California*

Will advise Wednesday a.m. definite time and date Kate Smith appearance before California Legislature. Movie shooting schedule combined with transportation difficulties prevents her coming north this week. Kindest regards.

FOX CASE

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 650**—An act to add Section 3.735-3 to the School Code and to add Sections 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Hatfield, Jaspersen, Keating, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—Senators Burns, Carter, Collier, Fletcher, Judah, McCormack, Shelley, and Tenney—8.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 129**—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amount.

**Motion to Refer Bill to Inactive File**

Senator Shelley moved that Senate Bill No. 129 be placed on the inactive file.

Motion carried.

**Senate Bill No. 837**—An act to amend Section 6816 of, and to repeal Sections 5014 and 6817 of the Public Resources Code, relating to and

providing for the abolition of the State Park Maintenance and Acquisition Fund and for certain transfers in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 124**—An act to amend Section 1621 of the Streets and Highways Code and Section 8356 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—53.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 433**—An act to amend Sections 318, 473 and 613.2 of, and to add Section 614 to, and to repeal Section 653 of, the Streets and Highways Code, relating to the State highway routes and adding a new route.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 641, 639, and 640, at this time, for consideration.

#### THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add three new sections to be numbered 7.2, 8.1, and 34.2 to, the Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers,

Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 2.42 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 639**—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 29 of, and to add two new sections to be numbered 8.1, and 18.1 to, the Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 640**—An act to amend Sections 4a, 5, 6, 8, 9, 11, 12, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 31, 32, and 35 of, and to add two new sections to be numbered 9.1 and 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.48 p.m., on motion of Senator McBride, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 187 refused reconsideration by the following vote:

AYES—Senators Burns, Collier, Cunningham, Fletcher, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Tickle, and Ward—17.

NOES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Mayo, Mixer, Rich, Slater, Swan, Swing, and Tenney—21.

Senate Bill No. 187 ordered transmitted to the Assembly.



CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 856**—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Dillinger moved a call of the Senate.

Motion carried. Time, 3.14 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1077**—An act relating to the regulation of the practice of naturopathy.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Engle, Fletcher, Gordon, Jepsen, Judah, McBride, McCormack, Parkerson, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tamm, Tokio, and Ward—26  
 NOES—Senators DeLap, Hatfield, Keating, Mayo, and Powers—5

Bill ordered transmitted to the Assembly.

MOTION TO PRINT IN THE JOURNAL

Senator Biggar moved that the following Report of the Senate Committee Appointed to Investigate the Establishment of Nursery School and Child Care Centers be printed in the Journal:

Motion carried.

REPORT OF THE SENATE COMMITTEE TO INVESTIGATE THE  
 ESTABLISHMENT OF NURSERY SCHOOLS AND  
 CHILD CARE CENTERS

(Created by Senate Resolution No. 51, 1943)

Nursery Schools and Child Care Centers in California

Members of Committee

SENATOR GEORGE M. BIGGAR, Chairman  
 SENATOR JOHN HAROLD SWAN  
 SENATOR CLARENCE E. WARD

Attorney for Committee

MURRAY M. CHOTINER

Senate Resolution No. 51

WHEREAS, The necessity of war production has made it essential in many instances that both parents be employed and children are consequently left uncared for, or the parents are put to unwarranted expenses to provide for their care; and

WHEREAS, Many plans for caring for these children have been proposed; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a committee to investigate the need for and all problems connected with the establishment and operation of child care centers and nursery schools for children of working parents; and be it further

*Resolved*, That said committee shall consist of three Members of the Senate; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (1) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To make a complete study, survey, and investigation of all matters connected with any phase of the subject of this resolution;

(2) To meet at any place within the State in public or executive session;

(3) To adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To employ such clerical, technical, engineering, or professional assistants as may be necessary to carry out its purposes;

(6) To hold public hearings at any place in California;

(7) To meet at any time during the sessions of the Fifty-fifth Session of the Legislature or any recess thereof, but not after the final adjournment of the Fifty-fifth Session of the Legislature sine die;

(8) To report its findings to the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly, the Sergeant-at-Arms of the Senate, or other officers designated by either of them are hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That the Department of Education and every other department, commission, board, agency, officer, and employee of the State Government and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records, and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; provided, however, that no member of said committee shall be entitled to receive expenses or mileage during the session of the Legislature, except such expenses and mileage as shall be incurred during the constitutional recess.

## Introduction

The report of the Senate Fact-Finding Committee created by Senate Resolution No. 156 (1941), pertaining to the care of children in California, filed with the Legislature at the Fifty-fifth Session in 1943, stated:

"Mothers and fathers who are employed have found it necessary to make arrangements for the day-care of their children, and in many instances for overnight care. For the most part, these children have been placed in private homes and nurseries. Prior to the entry of the United States into World War II, the facilities for the care of children of working parents were admittedly inadequate. Since December 7, 1941, there has been a greater number of mothers

who have entered industry, and the number is expected to increase tremendously. The need for more and better facilities for the care of their children is one of the crying demands at present."

The 1941 Senate Committee on Economic Planning, in its report called attention to the necessity of taking care of children of working mothers. The committee pointed out that it will be necessary to recruit an army of women to replace millions of men drawn from civilian occupations into the armed forces.

The State Legislature, in the 1943 opening session, enacted Assembly Bill No. 307, which was subsequently signed by Governor Earl Warren. The bill, in substance, enables the governing board of any school district to set up a child care center under standards established by the Superintendent of Public Instruction, for children between 2 years and 16 years of age, subject to the further provisions of the bill, and in particular subject to the provisions prohibiting the use of funds derived from taxes levied by any taxing agency and prohibiting the use of any funds of a district derived from the receipts of district taxes or money apportioned to the district for the support of the schools, for or in connection with a child care center; but permitting the school district to accept funds from the Government of the United States, or any agency thereof, for that purpose.

Senate Resolution No. 51 was adopted by the State Senate, which authorized the creation of this committee to investigate the need for and all problems connected with the establishment and operation of child care centers and nursery schools for children of working parents.

### Need for Child Care Centers

#### *Statements from Industry*

#### *Aircraft War Production Council, Inc.,*

*Consisting of Consolidated, Douglas, Lockheed,  
Northrup, North American, Ryan, Vega, Vultee*

"Until children can be taken care of, it is not feasible for many mothers to work, so the percentage of women employees who have minor children needing care probably is not large.

"Answering your question—Will the establishment under school supervision of child care centers for the children of working parents promote the war effort?—the answer is yes. It will release mothers for work in war production and thereby assist the war effort. You are, of course, aware of the labor shortage in California and anything which will tend to increase the number of workers available will expedite the production of war goods."

#### *Basalt Rock Company, Inc.*

"The Basalt Shipyard is now employing approximately 165 women. These women have approximately 50 minor children. The establishment of child care centers makes it possible for a great many women to enter war work who would otherwise have to stay at home. With the manpower of the yards being rapidly depleted by the armed forces, it is certain that women in ever increasing numbers must come into the picture. In this way it will directly promote the war effort."

#### *Bendix Aviation, Ltd.*

"We have approximately 950 women employees. We keep no record, nor do we have any way of being able to determine how many of these women have minor children. . . . We haven't, as yet, made an investigation in this connection because we haven't found that this situation has become critical. . . . In our judgment, the establishment under school supervision of child care centers for the children of working parents will help to promote the war effort. While we have stated that it hasn't, as yet, presented a difficult problem to us, it could easily do so; and too, we find that very often it is necessary to reject a woman applicant for employment because she has not been able to satisfactorily show us that arrangements have been made for the care of her child."

#### *Columbia Steel Company*

"We employ 105 women with minor children needing care. . . . It is our opinion that the establishment of child care centers for minor children of working parents will materially expand the field for defense employment of a considerable number of mothers who would accept employment if assured of supervised care of their children. Because of the lack of such care, we have already lost the services of some of our women workers. It is estimated that, due to our defense expansion program, we will employ 350 additional women during this year, and our list of applicants indicates that approximately 60 per cent of the women will have minor children."

#### *Consolidated Aircraft Corporation*

"A critical situation in relation to the provision of child care centers for the children of working mothers in war industries in California demands attention. . . . War industries have no desire to employ women with children young enough to require supervision. Production requirements leave them no choice."



**Lockheed Aircraft Corporation**

"Inasmuch as we anticipate the new hires in our company alone will be 80 per cent women, we feel very definitely that the establishment under school supervision of child care centers will be essential to the war effort.

"(a) We are concerned with the extended care for children; that is, the care before and after school.

"(b) We are also concerned with the care for children on Saturdays, holidays, and vacations, including the summer vacation.

"(c) In the Aircraft War Production Council Survey, we also learned that 40 per cent of the children of our women on the swing and graveyard shifts needed care. We need some provision for these children, in order to be certain they are not being left uncared for.

"(d) We are also concerned for the sick child, inasmuch as this will definitely hinder the war effort by keeping women home to care for the sick children."

**Moore Dry Dock Company**

"We wish to give the following report of our findings regarding the need for care of children of working mothers now in our employ:

	<i>Approximately</i>
Number of women in our yards (exclusive of administrative personnel) .....	3,000
Number of women with children .....	1,000
Number of women with children needing care .....	335
Number of children needing care .....	500
Ages of children needing care:	
Children 5 years of age or under .....	60%
Children between 5 and 8 years .....	30%
Children between 10 and 15 years .....	10%
Hours during which they need care:	
6 a.m. to 6 p.m. ....	80%
2 p.m. to midnight .....	20%

"The consensus of opinion of those that had no need for such centers was that at the present time they had been able to work out a satisfactory arrangement for the care of their children. In many cases this is a temporary plan, and these mothers will be desirous of a permanent, dependable plan such as that offered by the Child Care Program."

**North American Aviation, Inc.**

"We have approximately 2,000 women with minor children. From the requests we have had for child care we would estimate that probably one-third are in need of child care. Of the 2,000 women with minor children, two-thirds work the day shift and one-third the second shift. . . . The placement of children of working mothers seems to be a serious problem and anything that can be done to relieve the situation will, we are sure, further the war effort."

**Northrop Aircraft, Inc.**

"In our best judgment the establishment under school supervision of child care centers would definitely promote the war effort by making the woman employed who has such minor children a better worker. She would be relieved of the anxiety attendant upon the realization that she has had to leave her child or children sometimes in the care of persons with no training—nor perhaps inclination even—for that kind of a job, and she could thereby give her whole energy and attention to her own job whatever it may be in the plant.

"In any war effort which involves the use of women, we have to think of the generation coming along which must ultimately assume the responsibilities placed upon them by the inevitable results of such a war. Adequate care of these children, our future citizenry, in their formative years will pay rich dividends in the kind of citizens America can be sure of when the actual fighting is over."

**Richmond Shipyards**

"A survey of the women in the Richmond Shipyards shows that there are 4,358 women now employed with 7,692 minor children."

**Statements of School Officials****Alameda County****ALAMEDA**

"We have had six (6) child center schools under WPA, four (4) of which have been abandoned during the last year due to lack of funds. We received notice the other two (2) would be abandoned on February 15th, but the time has been extended. . . . We do not plan to operate on a 24 hour basis. Our present plans call for opening the school at 7.30 a.m., and closing at 5.30 p.m., six days a week."

**BERKELEY**

"We already have four Federal nursery schools which have been financed by WPA for the past several years. Last fall these schools were converted from



the type serving the needs of children from homes on relief to schools serving the school age children of working mothers. In order to show the need for this service, I shall refer to information from the War Manpower Commission.

"We are advised by the War Manpower Commission that 38,250 additional workers will be needed in the immediate area in which Berkeley is located by May 31, 1943. Since the supply of manpower is becoming quite limited because of the selective service, and the small number of physically able men remaining in non-essential industry, the great majority of these new workers (approximately 22,000) will have to be women. Industry wants women who are strong physically. Therefore, these women will be those young mothers who have very young children; because virtually all the young single women are already working. In addition to the labor requirements in the immediate vicinity of Berkeley, the shipyards and other industries in Richmond just a few miles away will require 42,500 more workers by May 31, 1943, according to the War Manpower Commission. Large numbers of these workers will have to be women because of the shortage of men.

"Parents, as well as industries, have expressed an interest in having this child care service provided.

"In addition to the four schools which we now have organized, it is planned to have three additional ones as soon as Federal funds are provided. We already are taking care of one hundred sixteen (116) children and have a waiting list for our present schools of thirty nine (39). Farther than this, we have made a survey which shows a need for providing facilities for seventy eight (78) more children of mothers who are now working, or who plan to go to work soon. Before the establishment of our nursery schools, there was no particular agency to take care of the children of working mothers.

"Insofar as our present information is concerned, it does not seem necessary for us to plan to operate on a 24 hour a day basis."

#### HAYWARD

"There is a definite need for such schools and or centers in this area. Parents have requested the service."

#### OAKLAND

"It is estimated that 1,000 nursery school children and 1,250 kindergarten and elementary school children will be enrolled in the services offered at the child care centers. At the present time I do not see how any of the child care centers which we contemplate establishing could be operated on a 24 hour a day basis."

#### Contra Costa County

#### ANTIOCH LIVE OAK

"In the past there have been working mothers but the number has been so greatly increased, especially in the past few months, as to create a new problem. No plans have been made to operate a 24 hour a day nursery school."

#### PITTSBURG

"There is a real need for day care centers in Pittsburg. As far as we have gone with the problem it is probable that we would require two shifts running from somewhere around 8 o'clock in the morning to 8 or 10 o'clock at night. Very few women are employed during the midnight hours."

#### RICHMOND

"The war industries in this area which are employing women are (1) the ship yards being operated by the Maritime Commission. These shipyards now employ 87,000 workers of whom 40,000 are women. They plan to employ by July 1, 1943, 125,000 workers, 30,000 to 40,000 of whom will be women. (2) The Standard Oil Company of California, which operates the largest refinery in the world here, is employing a great number of women as are many of the other industries handling war materials.

"The shipyard management feels that it will be necessary to operate some of the child nursery centers on a 24 hour day basis because jobs on which women are employed are 24 hour jobs and the women work in three shifts. Personally, I feel the need for day nurseries in this area is very great. As it is at present, parents are working and children are left to get themselves to school as best they can. In some cases, they are obliged to get their own breakfasts. The result is a great deal of truancy and delinquency."

#### Fresno County

#### FRESNO

"There is a need in our district for child care centers. . . . The Lockheed Vega Aircraft Corporation has just completed arrangements for opening a plant for the manufacture of airplane parts. They will employ several thousand men and women (60 per cent women) and will expand if help can be had. Other war industries are negotiating for plants here. Such plants, no doubt, will increase the need for child care centers. At present, it will not be necessary to operate any child care centers on a 24 hour basis."

## SELMA

"80 to 100 mothers desire child care centers. . . . It will not be necessary to operate child care centers on a 24 hour a day basis."

*Imperial County*

## EL CENTRO

"We felt that insofar as possible, women who did not have small children should enter necessary employment first, and that we should discourage, insofar as possible, the women who have small children from entering employment necessitating that some means be provided for taking the responsibility of their children. There has been sufficient demand for child care to overrun the limited facilities provided by private individuals for taking care of children. Parents of children have requested this service. . . . I do not think that it will ever be necessary to operate child care centers here on a 24 hour day basis unless conditions change materially."

*Kern County*

## BAKERSFIELD

"A survey was conducted in the Bakersfield City School District by the Kern County Welfare Department showing that approximately 186 parents would make use of child care centers if they were established. The centers have not been requested by parents or industries, but have been recommended and encouraged by welfare workers. War industries that will employ women with young children are now in the process of being established. It is too early for requests for child care centers to come from either industry or parents."

## TAFT

"The need for such a care center here is quite apparent. . . . Many women have professed a willingness to work provided some means may be had with which to care for their children during their working hours. . . . The problem of child delinquency looms big here. . . . The local industries could so arrange the working hours of these mothers of small children that they could care for their children at night. For the sake of these children we should nearly insist that this be done."

*Kings County*

## LEMOORE

"In my opinion I doubt if it is necessary to establish a child care center in this small community."

*Lassen County*

## WESTWOOD

"Social welfare workers have recommended it. It has not been requested either by parents or the industry, which in this town is essentially lumber. There are 25 mothers of children between the ages of 2 and 16 who are now working, and 132 mothers who are not working but who may be doing so when husbands are drafted."

*Los Angeles County*

## ALHAMBRA

"The need in our district for child care centers is not exactly certain. . . . It is my belief that industry can make sufficient adjustments in the work schedules of mothers of small children so that the mothers can be home with the children at night."

## BELLFLOWER

"Douglas Aircraft officials have told us that while they employ approximately 54 per cent women now, by this time next year they will have to rely on personnel that will approximate 80 per cent women. To date we have had many parents ask that we extend additional services through the schools to take care of children while the parents are actively engaged in war work."

"At the present time the defense industries are attempting to assign women to the day shift, but we have been told that the point is rapidly being approached when this can no longer be done."

## BURBANK

"The terrific demand for manpower in war industries has led to an extensive use of women in war industries. Between 28,000 and 30,000 women are now employed in these industries in the Burbank area. . . . Already 5,000 mothers of children living in and around Burbank are employed in war industries. The only existing facilities for child care are two small private nursery schools whose facilities are limited. There are four nursery schools which are conducted under the auspices of the WPA. These are able to serve only a fraction of the children needing child care. These WPA schools are now being closed down in line with the President's order for the liquidation of the WPA. . . . We believe that it will be necessary to operate some child centers in our district on a 24 hour basis."

# COMPTON

"The nursery school service has been requested by parents and civic organizations in Compton. . . . There is only one privately operated nursery school in this area. It has a total capacity of 20 children. . . . One other nursery school, with a capacity of 40 children has been sponsored by the Compton Union High School District and operated by the WPA. For the present, the hours of operation will be from 6 a.m. to 6 p.m., daily, with the exception of Sunday."

# GLENDALE

"The need for child care centers in Glendale is determined by a study of school records of the number of elementary and junior high school students whose mothers were employed. This survey was made in October, and indicated that there were 1,962 working mothers with children attending the Glendale schools. . . . It is anticipated that the number of women employed will be greatly increased during the next few months, due to the expansion of the plants and the replacement of men inducted into the armed forces. The extension of employment of women is directly conditioned upon adequate and proper care of the children of employed mothers. . . . We had not planned to operate our schools on a 24 hour basis."

# GLENORA

"We have six citrus packing houses which employ over 150 women. We expect this number to increase as men leave for the armed forces. A group of citizens recognized the need for a child care center. The demand here was acute and has been steadily growing. I do not think it will ever be necessary for a 24 hour day."

# HAWTHORNE

"We have in our files questionnaires from 49 families involving the care of 61 children under 5 years of age and 60 children over 5 years of age. The nursery school will run from 7 a.m. to 7 p.m., with the understanding that schedules will be modified and adjusted to meet the needs of parents whose children are in attendance. Extended day care. This service to be offered at the five centers for school age children from 6 a.m. until 9:30 a.m., and from 3:30 p.m. until 6:30 p.m., and from 7 a.m. until 6:30 p.m. on Saturdays and vacation periods. Schedules to be adjusted to meet the needs of the parents."

# INGLEWOOD

"The local school board was informed, last November, that there were approximately 90 children needing this care because their mothers were working. . . . Parents of 65 children have made definite requests for nursery school care. Many of these parents have children of school age, and have requested care for those children outside of school hours. Also, we have requests from many other parents, who have children of school age, for care out of school hours. . . . It appears to be impractical for industry to make the necessary adjustments to avoid or to make unnecessary, on a 24 hour a day basis. Since there are many mothers working at night, it definitely is our judgment that at least one center in each school district will have to operate on a 24 hour a day basis."

# LONG BEACH

"At the present time over 8,500 women are employed in this area. In the coming year approximately 12,000 additional women will be needed for employment in war production plants here. . . . A large number of women currently engaged in defense plants have minor children. A good many women leave their employment because arrangements made with private persons for the care of their children have fallen through or proven unsatisfactory. Practically all women who are available for work and who do not have minor children are currently employed. . . . An emergency situation exists in the community. . . . day nurseries are full and have waiting lists, children are not receiving proper care. . . . Petitions, oral and written, have been received from parents and from industries. Both industry and parents have been urgently requesting the schools to establish child care centers."

"A minimum of 500 children, under 5 years of age and whose mothers are employed, now need nursery school care. . . . So far there is little indication that 24 hour care will be needed in this district."

# LOS ANGELES

"Our evidence is the following: There is an ever-increasing demand for extended child care in many of our schools, especially those in areas where defense workers are living. These requests are not from any one source but are coming from parents direct, from the principals of the schools involved where parents have made the request to them, and through the welfare chairman of the CIO and the A. F. of L. Our telephone lines are clogged by the importunities of parents seeking care for children. The majority of these want care for pre-school children. Approximately 23 of our schools have requested that child care centers be set up either on their grounds or as near them as possible. We have had urgent requests for this service from



the personnel offices of Lockheed-Vega, Douglas, and North American. . . . Figures with regard to women laborers in the Los Angeles districts given us by the War Manpower Commission are as follows:

311,000 women now employed in the Los Angeles area.

102,000 are mothers with children needing supervision.

215,000 additional women needed by the end of 1943.

"The War Manpower Commission further estimates that in the Los Angeles School District there are now, for working mothers:

9,391 children under 2 years of age.

14,087 children from 2 to 4 years of age.

32,707 children from 5 to 11 years of age.

26,595 children from 12 to 16 years of age.

"This sums up to a total of 82,780 children, a number which War Manpower says will be greatly increased by December.

"We do not believe that provisions for the care and supervision of all of these children will become a school responsibility. Certainly the care of infants will be no part of the school problem. Where mothers of children under two are obliged to work, relatives, friends or foster care will surely have to be found. Also, relatives, friends, and various types of foster homes will doubtless take care of a great many of the children of school age. But that there will remain a tremendous number which the schools are now called upon to supervise, no one who has been close to the problem can doubt.

"Our current request for funds under the Lanham Act contemplates the operation of child care centers only from 6 a.m. to 6 p.m. It is quite possible that it may later become necessary to operate centers on an 18 or 24 hour basis."

#### MONTEBELLO

"We have estimated that our district needs four or five child care centers for small children at the present time. . . . Whether or not child care centers would have to be operated on a 24 hour per day basis depends upon the practice of industry in regard to the hours which they assign mothers."

#### PASADENA

"Early in November, a survey was conducted in the schools. . . . At that time there were 1,456 children who were left without adult care at some portion of each day because of absence of both parents who were working in defense industries. . . . At present we do not contemplate operation of any child care centers on a 24 hour basis although if the war crisis deepens it may be necessary for us to do so."

#### POMONA

"I find that at present there is not a real demand for child care centers."

#### REDONDO BEACH

"Talks with children in school, with social workers, and with parents themselves show that there is a need for child care centers. Only a few parents have requested the schools to render this service. Social workers have urged and community organizations are urging elementary schools to establish this service. . . . I should be very unwilling to recommend 24 hours a day in child care centers."

#### SANTA MONICA

"According to the statement of the coordinator of women's activities in Douglas Aircraft, the number of women now employed is in excess of 50 per cent. The employment of women is expected to increase rather than decrease. The greatest problem of these women is child care and requests for such service are an everyday affair. The aircraft industry has repeatedly requested Santa Monica to provide care for young children. Parents of young children are also requesting this service daily through public and private agencies and by making application directly to the public schools. Child care has been recommended, also, by the Santa Monica Council of Social Agencies which has just completed a survey of the resources of Santa Monica.

"There is at present one day nursery sponsored by a private organization and the Community Chest. There are, also, four small private nursery schools. All these together would make little impression on the total number of children for whom our aircraft industries feel we should provide. The children of working mothers are accommodated at present in the above mentioned schools and in the two child day care centers open on the school grounds. That, however, leaves a vast number of busy parents to work out their own plans. Too often there is no working plan and the young child becomes a burden upon the entire neighborhood or is allowed to run the streets with no supervision. Almost daily calls from citizens in the community to the various agencies prove this point.



"We believe it will be found necessary to operate one or more 24 hour centers for the reason that Douglas Aircraft Company assures us that in furnishing day care only we are meeting just a part of the problem of women in defense industry."

*Marin County*

**MILL VALLEY**

"The people of this community have requested that a nursery school be established here as the need is very great. More than 100 parents have asked that the schools give this service. . . . We estimate there will be approximately 100 children to be enrolled in the nursery school. . . . I do not think it necessary to operate a child care center on a 24 hour per day basis. We have arranged hours from 7 a.m. to 6 p.m."

*Merced County*

**MERCED**

"Due to the fact that a number of mothers are working in and near Merced and taking the place of men who have enlisted in the service, there has been a need for the establishment of this child care center. . . . The requests came from both parents and industries employing parents. In my opinion, it will not be necessary to operate our child care center on a 24 hour basis."

*Napa County*

**NAPA**

"There is a need in this community for a child care center, perhaps more than one, because we do have many working mothers. . . . The information collected brought to light the fact that there were already a hundred or so working mothers who desired more adequate care for their children, and the same number would go to work if they could be sure their children were well cared for. . . . If and when more mothers go into war work, and especially when they go on swing and night shifts, we will have to give 24 hour service."

*Orange County*

**FULLERTON**

"I found that 142 children ranging in ages from 5½ to 15 years of age had no supervision whatsoever, and were not responsible to anyone from the time school closed until 5.30 or 6 in the afternoon. Such a situation is a fertile field for juvenile delinquency."

**ORANGE**

"There have been several requests for child care centers by working parents. . . . As far as I know there will be no 24-hour centers operated. . . . They would take the responsibility away from the parents all the time and the child would suffer."

**SANTA ANA**

"The need for these centers has been determined by a school survey. The juvenile authorities have indicated that this service is quite necessary due to large numbers of unsupervised children and consequent increase in juvenile delinquency. Parents and industries have not specifically requested this service though they are deeply interested in its provision."

"The total reports of need of uncared-for children of school age revealed some 600 or more children in that category."

*Placer County*

**ROSEVILLE**

"We have 24 mothers now working in the war effort. Twenty-three of these mothers state they will use the nursery school when one is provided. These 23 mothers have a total of 41 children, ranging in ages from 2 to 11 years."

"We have 81 mothers who say they will go to work in defense plants when the child-care school has been established. These 81 mothers have 134 children, ranging in ages from 2 to 12 years."

"We have 30 mothers who will work in the fruit industry this summer, providing child-care centers are established. There are 43 children in this group whose ages range from 2 to 12 years, inclusive."

"The nursery school, as set up in this community, will provide a 24-hour service."

*Riverside County*

**HEMET**

"On receipt of a notice that our WPA nursery school expected to close about February 15, 1943, parents started worrying about the care of their children. . . ."

"We feel that eight or nine hours are ample at the present time. Our program will very likely expand to 16 or 18 hours per day as soon as the processing of food season starts in full force."

## RIVERSIDE

"Occasionally, parents have made inquiry for such service. . . . For the most part they have been adequately cared for by individual means. . . . In answer to your final question as to whether or not in my judgment it will be necessary to establish child-care centers on a 24-hour day basis. . . . I sincerely trust that no such child-care centers will need to be established. My own strong conviction is that while the community has a responsibility in sharing with parents their responsibility for childhood care, I still believe the basic responsibility for child care rests in the home and that the first duty of parents is to see that the children are cared for."

*Sacramento County*

## NORTH SACRAMENTO

"I estimate that from 100 to 150 school-age children (6 years through 14 years) need supervision before and after school. Approximately the same number of children of preschool age (2 years through 5 years). Bases for estimate are: (1) A survey made last spring to determine number of children not properly supervised at home; (2) a survey made last December to determine number of parents requesting such service; (3) statements of Sacramento Air Depot officers that more women must be employed, and that unmarried and childless women are nearly all employed. . . . I do not believe it will be necessary to operate any child-care centers in this district on a 24-hour basis."

*San Bernardino County*

## BARSTOW

"A recently completed survey shows we have 61 children affected by working mothers. Of this group, 15 are within the ages of 2 to 5 years; 46 are of the age group of above 5 to 16 years. . . . Some parents have asked regarding the service. No industries have requested the service, although employees at the Marine Base have asked regarding it. Welfare workers have recommended it."

## FONTANA

"The need for child-care centers in our district has not been determined. I have a 'hunch' that we will need a center capable of handling 40 children. . . . I do not contemplate the operation of any 24-hour centers. I do believe, however, that it will be necessary to operate at least one 16-hour center."

## REDLANDS

"The need for child-care centers in our district has been determined by a survey of the need of mothers who are and would be available for war-connected work if the child-care centers were established. The following estimate is based on requests as shown in results of the survey and more recent requests by parents for day and extended school care of children.

Ages 2-5	-----	75
Ages 5-8	-----	150
Ages 8-12	-----	150
Over 12	-----	50
Total	-----	425

"In all probability, it will be necessary to operate at least one of the centers on a 24-hour basis."

## SAN BERNARDINO

"The request for this service has come from the San Bernardino Air Depot. On January 1, 1943, Major John Milledge, Air Corps, Acting Chief of Civilian Personnel, said:

"It is anticipated that approximately 10,000 women will be employed at the San Bernardino Army Air Depot within the next nine months, of which it is estimated 60 per cent will be married women.

"Approximately 5 per cent of all resignations are due to inadequacy of child care while the mothers are working, and this number is increasing. A growing number of applications fail to materialize into employment because of inability of women to secure proper care for their children. This phase of the situation will be greatly aggravated as more mothers become employed, for not only are children added to the number requiring care, but the number of homes capable of providing care is also reduced.

"Round-the-clock employment of women with dependent children will necessitate a 24-hour per day nursery program."

*San Diego County*

## CORONADO

"The dean of women at North Island Naval Base and the Consolidated Air Plant urged that such a program be set up and that the nursery school would have 35 in

attendance. Some mothers have hesitated in taking employment or placing their children in the school until they found whether or not the school was to be a permanent one. The school is operated from 6 a.m. to 6 p.m., and doubt if a 24-hour school is necessary.

"The recreation program is to care for children of grammar school age after school hours from 2 to 5.30 o'clock whose parents are engaged in some form of activity in support of the war effort. . . . Over 700 questionnaires were sent to parents of grammar school children. Four hundred twelve were returned, expressing the need of such a program. One hundred sixty-eight expressed the desire to make use of this service immediately. One hundred one were children with ages from 6 to 8 inclusive and 67 were from 9 to 12 years of age."

#### ESCONDIDO

"Parents of a number of children have requested the service as have a few of the local industries. . . . Child care centers will normally operate from 8 o'clock in the morning until 5 or 6 at night. . . . at the present time, no requests have been made requiring services earlier than 4.30 in the morning nor later than 7.30 at night."

#### LA MESA-SPRING VALLEY

"The Board of Education of the La Mesa-Spring Valley School does not consider that the need for child care centers is sufficient to make application for the Lanham Act Funds."

#### NATIONAL CITY

"At the present time, I do not believe that there is a critical need for child care centers, particularly nursery school. . . . Although we are not at present contemplating operating nursery schools or 'extended day care' for children during the school year, we are looking forward to a considerable need for day care centers, or at least a summer playground program to take care of the number of children of school age who will probably be left unsupervised. . . . Of the 1,630 children in the six grades in National City, 475 have both parents working or away from home. In many cases, adequate care is provided, but in 231 cases either there is no supervision provided at all during the daytime or supervision is left in the hands of a brother or sister under 15."

#### OCEANSIDE

"Approximately 40 parents have requested child care center service. Schools only on a 24-hour basis would serve the needs of this community."

#### SAN DIEGO

"It is estimated that there is an immediate need within the city of San Diego for facilities to care for 1,000 children from 2 to 5 years of age and another 1,000 children of school age. It is probable that by next fall facilities will be needed for 2,000 children 2 to 5 and 3,000 children of school age. . . . At the present time there are more applications for children to enroll than there is space in existing nurseries."

"The Department of Welfare has been directed to handle the 24-hour and night care program. The Department of Welfare is expanding its licensing of boarding homes for this purpose. Therefore, it is expected that the school district will have no responsibility for other than the day care of children. The present child care program contemplates operation from 5 a.m. to 6 p.m., Monday through Saturday."

#### San Francisco City and County

An application has been made for Lanham Act Funds to cover a program of 30 centers which would accommodate 3,000 students. Care could be given children from 7 a.m. to 7 p.m., with recreation hours from 2.30 p.m. to 7 p.m."

#### San Joaquin County

#### LODI

"The Lodi Coordinating Council sponsored the establishment of a day care center here last summer. It was felt at that time that there was a need for one—first, because of the possibility of neglected children, and second, because of the need to release every worker possible. . . . It is my opinion that child care centers do not need to be based upon a 24 hour per day basis. It is my opinion that mothers of small children can arrange their working time so as not to be away from home at night."

#### STOCKTON

"The need in our district is for child care to keep about 120 pre-school children and 500 to 800 school-age pupils. . . . The USIS has a list of mothers willing to work who have requested child day care. Some weeks ago, they stopped adding to this list because they had no facilities to offer. . . . Dozens of women with children have started to work, found that their child care plans would not work out, and



have quit work, in many cases after being trained for the job. . . . The only real pool of untouched labor is women with children. . . . It is our opinion that we will eventually be forced to operate at least two pre-school child care centers on a 24-hour basis. We propose to start with a day care program only, and work into 24-hour care only as we are forced to."

#### *San Luis Obispo County*

##### SAN LUIS OBISPO

"It is quite likely that there is a need in this district for a child care center since a great many mothers are working in many types of work here, due to the presence of an army camp of 20,000 soldiers. . . . I think it would be safe to say that a child care center here should not be in operation on a 24-hour a day basis."

#### *San Mateo County*

##### MILLBRAE

"There doesn't seem to be any need for a nursery school or child care center."

##### REDWOOD CITY

"Numerous requests for child care have been received from parents. Letters from three local industries stating that their future manpower needs must be filled from the ranks of married women, and that until child care centers are established this problem will be very difficult. It has been recommended that we establish a child care center by the San Mateo County Social Welfare Department. . . . We have not yet contemplated operating any of our centers on a 24-hour basis."

##### SAN BRUNO

"The parents of children have requested that child care centers and nursery schools be established. . . . The industrial organizations themselves have requested that such centers be established and representatives of social welfare groups have recommended their establishment. . . . We do not contemplate operating child care centers on a 24-hour a day basis."

#### *Santa Barbara County*

##### SANTA BARBARA

"A survey of the need for child care was undertaken by the Child Care Section of the Social Service Agencies of Santa Barbara about two months ago. At that particular time there did not seem to be any extensive need. No parents have thus far requested this service, nor have industries requested it. The social welfare workers have requested that we make application under the Lanham Act. . . . It does not appear at the present time that it would be necessary to operate child care centers on a 24-hour basis as there are no activities on more than a two-shift basis."

##### SANTA MARIA

"We have made an occupational survey along with registering patrons of our district for War Ration Book II. The survey revealed 141 children of nursery school age and 547 for extended child care service. . . . Twenty-four hour schools are not necessary in Santa Maria."

#### *Santa Cruz County*

##### SANTA CRUZ

"The Santa Cruz nursery school has been operating since 1937 under the Works Progress Administration. . . . All WPA assistance will be terminated on April 15th. . . . The service of such a nursery school has been requested by many parents of the community. We have letters on file recommending the continuance of the nursery school from the United States Employment Service, Santa Cruz Police Department, Santa Cruz Chamber of Commerce, Santa Cruz Branch of the American Association of University Women, Santa Cruz County Health Department, and Santa Cruz Social Welfare Department. . . . It will not be necessary to operate the Santa Cruz nursery school on a 24-hour a day basis."

#### *Solano County*

##### VALLEJO

"The need for the child care centers was determined by an increasing number of requests from parents, by strong recommendations of the officials of the Mare Island Navy Yard who are by far the greatest employers of women in this area, and also by the recommendation of social welfare agencies. The county welfare department was being besieged by requests for such service, and furthermore, from all contacts they found that many children were being neglected. . . . We are not planning on operating any centers on a 24-hour day basis."

#### *Stanislaus County*

##### MODESTO

"Survey has shown that there is need now for 12-hour child care for children of working mothers for two to three units of nursery children—30 each, or 60 to 90



children—and two to three school child units, 60 to 90 pupils, for extended care 12 hours supplementing the school day program. Parents have urgently requested the service. Industries in our immediate region have asked the Modesto Board of Education to provide for it. The Stanislaus County Defense Council and the Stanislaus County War Manpower Commission have sent written requests to the Modesto Board of Education to provide it, and the Stanislaus State Welfare Department has recommended it. . . . It will not be necessary to operate the child care centers on the 24 hour a day basis in Modesto."

#### RIVERBANK

"During the summer of 1942, at the request of the Riverbank Canning Company, and The Riverbank Dry Yard, the Riverbank School Board allowed the use of the local school plant for the conduct of a day care project. At that time there appeared to be a need for service for about a hundred children. However, the actual total enrollment was about 35. . . . We gave 12 hour service last year."

#### TURLOCK

"The immediate need for a child care center or centers in this community is not pressing at present. . . . A nursery school for children of working mothers, with an average enrollment of about 25, has been conducted by the WPA since December 14th of last year. . . . After considering an application for Lanham Act Funds for several meetings, the Turlock Elementary School Board voted to take an application. However, after receiving a petition signed by 32 mothers, and requests from the Turlock Chamber of Commerce, the Turlock Com. Council, and from several local industries employing mothers, the school board reconsidered and will make application for Lanham Act Funds. . . . We are not planning to operate any child care center on a 24 hour a day basis."

#### Tulare County

##### VISALIA

"A survey has just been completed by the Visalia Chamber of Commerce which appears to indicate the need of such service in this community. . . . It will probably not be necessary to operate child care centers on a 24 hour a day basis."

##### WOODLAKE

"We have no immediate need for child care centers and it is the policy of our board of trustees not to start such a thing in the Woodlake community unless pressure comes from parents in sufficient numbers to warrant child care. So far only social workers have been urging such a plan."

#### Ventura County

##### OXNARD

"In my judgment under present conditions the need for women labor is not such, but what mothers of young children are more needed in their homes than they are in industry."

##### VENTURA

"To date we have 44 applications on file. It appears that there is a definite need for a small number of parents, but the need in this district is not very widespread. So far, industries employing women have not requested the service. . . . Mothers who are working at the present time have made arrangements for private persons to take care of their children. Many of them state that this is not satisfactory, particularly because there is no organized program of training or care. . . . It will not be necessary to operate them on a 24 hour basis. Most of our requests have been from 8 a.m. to 5 p.m."

#### Yolo County

##### WOODLAND

"A great many of the parents work in the tomato crop, the cannery, and the sugar factory during the summer and fall months, and they have requested that they have someone care for the children while they are away from home. This request has also come from the various employers. . . . It is not necessary to operate on a 24 hour basis in Woodland. Eight hours in the daytime and four hours at night would be sufficient."

The committee finds that there is a growing need for child care centers with the increase in the number of mothers who are working due to the demand for more workers in various types of defense industries. In past years mothers who found it necessary to work could usually find some means of caring for their children. Domestic help was available; neighbors, relatives, and friends would care for the children; and sufficient private nursery schools and boarding homes were available. However, because of the large number of women who are now and will be employed, the means which were formerly used can not now be relied on to any great extent. The committee finds that supervised playgrounds for after-school-hour use will in many instances solve the problem for school-age children.

It should be noted, however, that the committee decries the use of any child care center by mothers who may attempt to shirk their responsibility in caring for their children.

It should be noted also that the need for child care centers arises primarily from the demands of industry for additional labor supply due to the war; it is not intended that these facilities should be used by "bridge playing" or "cocktail lounge" parents.

### Types of Care for Children

The Bureau of Public Administration of the University of California at Berkeley, in its February, 1943, issue of *War-time Nurseries*, lists the forms of day care in the United States:

#### "INDIVIDUAL CARE"

"Individual children may be accommodated by foster-family care and house-keeping (or homemaker) service. Foster-family care consists of caring for a child in a family home other than his own. It is particularly useful for infants, for whom group care is seldom recommended, and for older children who do not readily adapt to group programs because of physical, emotional, or mental problems. In this category might also be considered the 'parent-child' homes, where room and board, or a room alone, are provided for a parent and child. Care and supervision of the child are given during the parent's absence. Housekeeper (or homemaker) service enables a child to receive care in his own home. This has been successfully practiced on a National scale in low income homes by means of WPA projects. Women generally available to give such service have been attracted in increasing numbers to more remunerative work, however.

#### "GROUP CARE"

"Group care of children includes day nurseries, nursery schools, kindergartens and extended school programs. Day nurseries, for children from about 2 to 5 years of age, have been more concerned with welfare needs. Family casework, parent education, health aspects, and preschool education have been included in the programs of better day nurseries.

"Nursery schools, while serving approximately the same age group of children from 2 to 4 years, emphasize preschool education. Careful intake policies screen out the children for whom such services would benefit least, and parent education and health factors are considered.

"Kindergartens render service comparable to that of nursery schools and accommodate children of the next age group, from about 4½ to 6 years of age. They are administered by the local school districts and their program is accordingly geared to educational needs.

"Many schools are now devising means whereby extended school programs will offer supervision and recreation. Such care should be available for children from 5 through 16 years and necessarily involves a variety of activities suitable to the age of the child. Plans for after-school care involve the coordinated efforts of not only the schools but other recreational centers, settlement houses, churches, and related community resources."

### Reports From Other States

#### *Louisiana*

"The Department of Education is inaugurating a program of extended school services for children of working mothers in the war-affected areas in Louisiana. This program includes nursery school and before and after school care of children. The program cares for children on Saturdays and during the summer months. The State Department of Public Welfare is cooperating with the Department of Education in fostering the extended school service program in Louisiana. They are also caring for the children through foster-home care for children under 2 years of age, through day-care nurseries, and through cooperation with other agencies and private institutions in the various communities.

"In the extended school service program as planned by the department, the only charges made to parents will be for food. The amount to be paid will range between 25 and 50 cents per day, depending upon the number of meals served each day and the cost of commodities in that community."

#### *Michigan*

"We have just received our first day care center grant of Lanham Act Funds in Michigan. The City of Highland Park has received \$56,000 in Federal funds and will immediately attempt to open these centers. Many other cities are making application and our State departments, including the Department of Public Instruction, Health Department, Social Welfare, and Labor and Industry are cooperating in meeting the situation.

"There is no local financing for day care programs in Michigan. Each district is making application for Federal funds to be submitted with fees collected from the families. The following is a suggested sliding scale of fees for nursery school service:

Suggested Sliding Scale of Fees for Nursery School Service

	Monthly Income			
	\$100	\$150	\$200	\$300
Number in family-----	3	3	3	2
One child—				
Daily fee-----	.25	.30	.40	.55
Number in family-----	4	4	4	4
Two children—				
Daily fee each-----	.20	.25	.30	.40
Number in family-----	5	5	5	5
Three children—				
Daily fee each-----	.15	.20	.25	.30
Number in family-----	7	7	7	7
Five children—				
Daily fee each-----	.10	.15	.20	.25
Number in family-----	10	10	10	10
Eight children—				
Daily fee each-----	.00	.05	.10	.15

"There are no 24 hour day care centers or nursery schools operated as congregated child care centers.

"Michigan has about 45 nursery schools. The membership in these schools ranges from 5 to 35. There is a total of approximately 1,200 pupils in all of these centers and about 275 persons employed to service these centers.

"Surveys show that mothers would be willing to go into industry if proper care is offered for their children.

"Reports indicate that juvenile delinquency is on the increase in Michigan. This seems to go hand in hand with war and our schools are taking a very active part in this problem of day care in order to offer some solution to this problem."

CITY OF DETROIT

"There are 69 nursery schools. The average attendance for each is 25. This would mean that about 1,700 preschool children are being accommodated in this community. About one-half of these are the children of war workers. This would mean that about 800 children of war workers are participating in this child care program. In this community there are about 100,000 women in the war labor force. One out of every three is a mother. This would mean that there are about 33,000 mothers with an average of 1 1/2 child per mother. This would mean they handle about 50,000 children of war working mothers in this community. About half of the children of war working mothers are being cared for by relatives, or approximately 25,000. This leaves another 25,000 children being cared for by neighbors or left alone."

Minnesota

"In Minnesota the problem of day care is being handled through the Director of the State Division of Social Welfare in cooperation with the Office of Civilian Defense and the many private and public agencies interested in the problem of day care. The program is conceived of as an emergency program, of a general welfare nature in which the existing social agencies have a large responsibility.

"The program is financed by State Civilian Defense funds managed through regular departments of the State Government. Additional moneys are received from the President's Fund for day care through the Federal Children's Bureau. Private social agencies are making contributions of staff, space, and equipment. The WPA is contributing through its continuance of nursery school services. Surplus commodities are used for lunches. Fees are collected from the working parents who are served by the program. Finally, Lanham Act funds have been applied for by many localities.

"Our experience has not carried us far enough yet to make a final determination on what fees to charge, whether to make them uniform or base them on parents' earnings. By and large, the emphasis is going to be placed on the parents accepting as much responsibility as possible for payment of costs and this will tend toward a uniform scale of fees.

"We do not have 24 hour nurseries or day care centers although consideration will be given as soon as the need is indicated. In this respect, the defense industries have cooperated by adjusting hours of work of mothers who have children to eliminate the necessity of 24 hour nurseries."

New York

The New York State War Council, on March 10, 1943, recommended an appropriation by the State Legislature of \$5,000,000 for a State-wide program to care for the children of mothers working in war industries. The program is to be financed one-third by the State, one-third by the localities, and one-third by the parents.

The program will be available to all children of the State whose mothers are working either in war industries or in manpower shortage areas. Applications shall be filed by local war councils. Child care centers to be conducted in the public schools will be investigated, passed upon and supervised by the



State Education Department, while all other centers, whether sponsored by religious, charitable, fraternal or other community effort, will be investigated, passed upon and supervised by the State Department of Social Welfare.

The cost of child care under the program is estimated at a maximum of \$275 per year per child between 2 and 5 years of age, and \$100 per year per child over 5 years of age. Thus the State, localities, and parents would each contribute a maximum of \$1.80 per week for the care of each child under 5 and 65 cents per week for each child over 5 years of age.

The War Council adopted the following statement of policy and rules and regulations under which applications for State funds should be considered by the Secretary:

"(1) That it be established in connection with each application that there is (A) a general shortage of manpower in the area involved, or, in the alternative, (B) that the mothers of the children involved are engaged in the production of goods for the United States or its allies;

"(2) That it is not the policy of the War Council to encourage women with children to enter industry except in areas where there is a manpower shortage;

"(3) That each application for State funds for child care projects must certify that at least one-third of the cost of each such project will be paid by the parents or guardians of the children to be cared for;

"(4) That where facilities presently exist and are in operation for the day care of children which can be converted to the services of mothers working in war industries, such facilities may be continued temporarily under the financial formula specified in the resolution until the changeover can be accomplished;

"(5) That where application for Lanham Act or other Federal grants municipalities or local agencies for child care projects are pending or may hereafter be made, State funds may temporarily be made available to such projects pending approval of such applications by Federal authorities. Upon the award of Federal funds to any child care project, the payment of State funds to any such project shall cease."

#### Ohio

Cuyahoga County, in which the City of Cleveland is located, reports:

"We encouraged the volunteering and training of acceptable women who might supplement the training force in present established nursery schools. More than 150 women have taken intensive training courses and are now serving in this capacity, principally in institutions such as settlement houses, child care units of similar organizations, etc., and second, we encouraged housewives who felt that they had the time, abilities, and facilities to take care of the children of other women, to register with our proper Civilian Defense committee. Some 350 of such private homes were registered, and 150 passed rigid inspection and were licensed....

"All this progress is in addition to the nursery school work conducted through the Board of Education. There are 20 nursery school units under various institutions that are now caring for about 1,200 children. We estimate the total need in our community to be between 3,500 and 4,000. An additional number are being very largely taken care of by other means.

"Child delinquency is on the increase and, to a very large extent, grows out of inadequate care of the children of these mothers who are working. In a great number of cases, mothers have taken employment—they think they have made adequate arrangements for care of their children by neighbors and others, but this care is inadequate.

"In practically all cases, mothers are paying for the care of children. The amounts which they pay vary and, to a degree, they are determined on the ability of the mother to pay.

"We have no 24 hour child care institutions set-up, particularly, to take care of children of working mothers."

#### Pennsylvania

"A bill providing \$5,000,000 for two fiscal years for the use of school districts who have established or do establish, equip and maintain centers for day care of below-school-age children of parents gainfully employed, and before and after school education-recreation centers for children of school age, has been introduced in the State Legislature, but this bill is still in committee, and has not been acted upon. This bill places responsibility for rules, regulations, and standards upon the Superintendent of Public Instruction."

#### Washington

"Here in Washington we had a very few private day nurseries prior to the present emergency. These have expanded their facilities slightly but had neither the facilities nor the funds for expansion commensurate with the need. After discussion between the educational and welfare groups in the State it was agreed between them that the schools already having plant, equipment and staff and being accus-



tomed to the organization of group programs could more effectively expand such facilities than could other agencies not having such a nucleus with which to start. The Superintendent of Public Instruction early advised local school directors that the operation of nursery schools for children 2 years of age and upward was a problem and after-school programs for school-age children was the responsibility of the schools and that they should plan accordingly, applying for Lanham Act funds as they, together with other local interested groups, determined a need to exist.

"Approximately 32 day care centers and nursery schools are now in operation over the State. Some were started by the schools, with the assistance of WPA funds, in advance of receipt of Lanham Act money. Appropriation for funds is pending for an additional 86 nursery schools and 56 before- and after-school centers. In some instances, local community funds have underwritten the purchase of needed equipment, etc., in order that the program might go forward promptly.

"It is our understanding that the State Day Care Committee has recommended in the matter of charges for day care that each community make its own decision in regard to this but in general a sliding scale from 10 cents to 50 cents per day is used as a basis, the exact amount to be decided according to the particular place to pay. Some favor a uniform fee, and it is believed that any fee charged should be small enough so as to encourage the use of the day care center for any child who needs this type of care.

"I believe there are no day care centers operating on a 24 hour basis in the State of Washington. Operation, rather, is on a 12 hour shift though this may prove not to be adequate as experiences develop.

"There appears to be no question but what more and more women are going to be needed in industry.

"It would appear that the need for before- and after-school programs for school-age children will soon much larger than does the need for nursery school care for the younger children."

The Bureau of Public Administration, University of California, at Berkeley, in its February, 1943, issue of *Wartime Nurseries*, reports the following:

#### CHILD CARE ACTIVITIES IN OTHER STATES

"By December, 1942, approximately 35 states had formed day care committees or were planning to establish them. These committees usually have representation from state departments of health, education, welfare, WPA, state employment office, and related agencies. Many such committees are operated by part of the state defense councils. Approximately 250 communities have organized some type of local committee with similar representation on a local level.

#### "Community Surveys

"About 200 community surveys have been made to determine the need for child care programs, often with the cooperation of the local office of the United States Employment Service. In almost every survey it has been found that existing facilities are inadequate; that large numbers of preschool or school children were without responsible supervision. In Ogden, Utah, the mothers of 805 children between 6 and 12 years were working. 382 of these children entered for themselves, and of them, 196 were under 9 years of age. A survey carried on Bristol, Connecticut, showed 46 children who had absolutely no supervision while their mothers were employed. In Texarkana the United States Employment Service indicated that of 1,324 women accepted for employment at the ordnance plant, 226 had 350 children, many under 5 years, for whose care no plans had been made.

"In Trenton, New Jersey, a survey was conducted with the cooperation of state agencies, school officials, and teachers, to discover to what extent mothers with school and preschool children were employed, and what care their children had while the mothers were away.

"It was estimated that about 19 per cent of the mothers of Trenton public school children worked; 46 per cent of the mothers considered did not have responsible supervision provided for their children during out-of-school hours.

"A survey of Detroit indicated that there were 80,000 children whose mothers were employed and that while there were 55 nurseries in the city, they could care for but 1,000 children. In St. Louis, 4,048 employed mothers had 7,764 children. No provision had been made for 2,563 of these children.

#### "State Plans Approved for Federal Funds

"In November, 1942, Alabama became the first state to secure approval of the Office of Defense Health and Welfare Services for federal funds to assist in a program of child care. Other states which subsequently received approval of their plans were: Arkansas, California, Florida, Georgia, Indiana, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Oregon, Virginia, and Washington."

#### Present Laws

##### *Federal Lanham Act*

The Federal Works Agency, under the Lanham Act, may make contributions for child care programs.

Under the original directive contained in War Public Services Letter No. 8, Lanham Act Funds were available for all costs of maintaining child care centers except the cost of food, which was to be defrayed by fees paid by parents.

On February 13, 1943, War Public Services Letter No. 8 (Revised) was issued, in which the following statement appeared:

"111-4 Fees to be charged together with local contributions shall be sufficient to defray at least 50 per cent of the current operating cost of the facility. Charges for equipment and rent shall not be included in computing the current operating cost."

#### *California Assembly Bill No. 307*

The California Legislature, in the 1943 opening session, enacted an emergency act, which accomplished the following:

1. The governing board of any school district was empowered to establish and maintain child care centers within the district, and to determine the hours, days and months in which such centers should be maintained.

2. Children between 2 and 16 years of age were to be eligible if the persons having custody of them were gainfully employed and living within the district; the children were to be cared for only during the time that the parents were unable to do so due to work-connected absence.

3. The responsibility of establishing standards was delegated to the State Department of Education, although local school districts were authorized to draft their own regulations if these did not conflict with State standards.

4. School facilities and personnel were made available and the governing board was given permission to enter into agreements with other public agencies, cities, or cities and counties.

5. Employees of the centers were required to hold permits issued by the State Department of Education, or to be engaged in training which would qualify the person for a permit.

6. The governing board of each school district was authorized to accept Federal funds for child care purposes.

7. The governing board was directed to charge fees, not necessarily uniform, to supplement Federal funds so that the district would be reimbursed for the cost of the center.

8. All such funds would be known as the "Child Care Center Fund."

9. No funds of a district derived from the receipts of district taxes or derived from moneys apportioned in the district for the support of the schools thereof, nor funds derived from taxes levied by any taxing agency, may be expended for or in connection with a child care center.

10. The governing board was given permission to discontinue child care centers with 30 days' notice.

11. The act terminates on July 1, 1945, or six months following the end of the war, whichever date is the earlier.

12. No person employed in a child care center shall be deemed to be one employed in a position requiring certification qualifications, or eligible to participate in the State Teachers' Retirement System.

#### **Financing of Child Care Centers**

The directive of February 13, 1943, under the Lanham Act, requires that fees to be charged, together with local contributions, shall be sufficient to defray at least 50 per cent of the current operating cost of the facility. It will therefore be necessary to adopt one of two courses: (1) Charge fees of the parents in such amounts as will defray the entire 50 per cent of the cost of operation; or (2) make a contribution from tax funds in order to assist setting up and maintaining child care centers.

#### *Statements from Industry*

##### *Consolidated Aircraft Corporation*

"Parents can and will pay fees for such services but those fees would be prohibitive in many cases for families having several children if the fee had to cover all operating costs. This directive specifically prohibits including rental on properties, buildings, and equipment as part of operating costs, which could otherwise be figured as part of the 50 per cent contribution of the local school districts.

"If this directive stands and if the State of California takes no action to make State funds available to school districts for the operation of child care centers as a war measure, it is almost certain that the centers for the care of pre-school children now operated with Federal funds, which were to be taken over by the school districts if Lanham Act funds were available, will be discontinued. Moreover, it is certain that provisions for supervision centers for children of school age, before and after school and during the summer vacation months, will not be made. This will mean that the war industries of California will be deprived of services of thousands of mothers now making splendid contribution to the war effort. It will also mean that as manpower needs grow greater because of increases

in the armed forces, recruitment of some of the best and most stable women workers will not be possible because their first obligation is to their children.

"War industries have no desire to employ women with children young enough to require supervision. Production requirements leave them no choice."

#### *Lockheed*

"It was discovered that the average amount women expected to pay, and could pay, was \$1 per day. If there is more than one child to be cared for, this runs into too much money. Consequently, the nursery schools now in operation have been charging approximately 50 cents a day, per child. They establish their rate on the circumstances of the family, which we feel is proper."

#### *Moore Dry Dock Company*

"In regard to cost, all seemed more than willing to pay a reasonable fee for this service."

#### *North American Aviation, Inc.*

"You are probably aware of the charges made in the Federal nursery schools. For example, in Inglewood the daily fee is 25 cents to 80 cents a day, dependent upon the parent's income and financial responsibilities. The majority of the foster day homes charge from \$1 to \$1.25 a day per child and the 24 hour homes about \$10 per week per child."

#### *Richmond Shipyards*

"The director of the Richmond nursery schools informs us that each child receiving care will be charged at the rate of 50 cents per day."

#### *Statement of School Officials Pertaining to Cost to Parent and Cost of Operation*

##### *Alameda County*

##### ALAMEDA

"The charges that I have set up will be 50 cents per child per day. For each school there will be a teacher for each 10 children, a cook, matron, and a janitor. Salaries as set up are as follows:

Head teacher.....	\$175 00	per month
Assistant teachers .....	140 00	per month
Cook .....	135 00	per month
Matron .....	135 00	per month
Handy man.....	135 00	per month."

##### BERKELEY

"It is planned to charge parents fifty cents (\$0.50) per day for each child in nursery school. It is contemplated that forty four (44) teachers will be used to handle the children directly. Other individuals, including a doctor, nurse, cooks, and a handy man, will be used in general on a part-time basis to facilitate the operation of these units."

##### HAYWARD

"I should say that parents should pay \$1 per day per child for the feeding and caring for such children. Standard wages should be paid and each teaching employee should be able to take care of at least 20 children; but other employees are necessary to take care of cooking and household duties."

##### OAKLAND

"We have made no estimates of charges to parents, except that at present we are charging 50 cents per day. What is charged parents will depend upon the policy of administration of Lanham Act funds.

"Budget for the period commencing February 15, 1943, and ending June 30, 1943:

#### (a) Salaries and Wages—

1. For 13 child care centers operating from February 15 to June 30, 1943, with a combined enrollment of 650 nursery school children, 150 kindergarten, 650 children grades 1-8:	
13 head teachers @ \$175 each per 4 week period.....	\$11,375 00
78 N. S. teachers @ \$140 each per 4 week period.....	54,600 00
26 Matrons @ \$120 each per 4 week period.....	15,600 00
7 Teachers for extended day program for kindergarten children @ \$140 each per 4 week period.....	4,900 00
13 Teachers (part-time) for extended day program for children grades 1-8 @ \$72 each per 4 week period.....	4,680 00
26 Teachers' aides (part-time) for extended day program for children grades 1-8 @ \$56 each per 4 week period.....	7,280 00
13 Clerks (part-time) @ \$56 each per 4 week period.....	3,640 00
13 Cooks @ \$130 each per 4 week period.....	8,450 00
19 Cook's helpers @ \$100 each per 4 week period.....	9,500 00

**\$120,025 00**



2. For 10 child care centers operating from March 11 to June 30, 1943, with a combined enrollment of 350 nursery school children, 100 kindergarten children, 350 children grades 1-8:	
10 Head teachers @ \$175 each per 4 week period.....	\$7,000 00
40 N. S. teachers @ \$140 each per 4 week period.....	22,400 00
20 Matrons @ \$120 each per 4 week period.....	7,000 00
10 Teachers (part-time) for extended day program for children, kindergarten-grade 8, @ \$72 each per 4 week period.....	2,880 00
20 Teacher's aides @ \$56 each per 4 week period.....	4,480 00
10 Clerks (part-time) @ \$56.....	2,240 00
10 Cooks @ \$130 each per 4 week period.....	5,200 00
10 Cook's helpers @ \$100 each per 4 week period.....	4,000 00
	<hr/>
	\$55,200 00
	120,025 00
	<hr/>
	\$175,225 00
3. For administration and supervision of 23 child care centers during the period February 15 to June 30, 1943:	
1 Director @ \$300 per 4 week period.....	\$1,500 00
1 Assistant director @ \$200 per 4 week period.....	1,000 00
1 Supervisor of nursery school program @ \$200.....	1,000 00
1 Supervisor of extended day program @ \$200.....	1,000 00
1 Supervisor of nutrition @ \$200.....	1,000 00
1 Timekeeper @ \$150 for 4 week period.....	750 00
1 Storekeeper @ \$120 per 4 week period.....	600 00
1 Secretary @ \$150 per 4 week period.....	750 00
2 Stenographer-clerks @ \$120 each per 4 week period.....	1,200 00
1 Custodian (janitor) @ \$120 per 4 week period.....	600 00
1 Service man @ \$150 per 4 week period.....	750 00
2 Truck drivers @ \$170 each per 4 week period.....	1,700 00
	<hr/>
	\$11,850 00
	175,225 00
	<hr/>
Total budget for personnel.....	\$187,075 00
(b) Supplementary Operating Equipment.....	\$8,855 00
(c) Food Supplies	
1. Estimated on the basis of 30 cents per child per day	
For 1,450 children for 120 days from February 15 to	
June 30, 1943.....	\$52,200 00
For 800 children for 84 days from March 18 to June 30, 1943.....	20,160 00
	<hr/>
	\$72,360 00
(d) Supplies Other Than Food	
For 13 centers, February 15 to June 30, 1943.....	\$3,575 00
For 10 centers, March 11 to June 30, 1943.....	2,200 00
	<hr/>
Total for supplies.....	\$5,775 00
(e) Gas, Electricity, Telephone, Water	
For 13 centers, February 15 to June 30, 1943.....	\$1,225 00
For 10 centers, March 18 to June 30, 1943.....	735 00
	<hr/>
Total.....	\$1,960 00
(f) Maintenance and Repair	
23 centers at \$210 each.....	\$4,830 00"

*Contra Costa County***ANTIOCH-LIVE OAK**

"The committee is working on the problem for an estimated \$1 per day as an appropriate charge to parents who are both gainfully employed. Charges should be scaled down to zero for working mothers who have more than one child that must be cared for and when such mother is the only wage earner in the family.

"Since this program is just getting under way, it is impossible to estimate accurately the number of employees that will eventually be required. At present, the committee plans to use a head teacher, two assistant teachers, and a cook. Wages will be determined by the demand. It is expected that the head teacher will probably receive \$175 per month. The assistants will be paid \$75 to \$100. The staff detailed above is estimated to be reasonably adequate to care for an enrollment of approximately 40 children, or 10 to 15 per teacher."



PITTSBURG

"It seems that parents would be willing to share a portion of the cost of caring for the children; the price range from 50 cents up to \$1 per day."

RICHMOND

"We estimate that the charges to parents will be about 50 cents per day for food. We plan to operate, when we receive our grant, 10 units. Each unit will take care of about 20 children, and it is estimated that it requires one caretaker to 10 children. This will include teachers, nurses, cooks, and custodians."

*Fresno County*

FRESNO

"I believe that under present circumstances a charge of 25 cents per day per child will cover the cost of food in a day child care center. Of course, all other charges would have to be taken care of by Lanham Act Funds or by funds from some other source.

"Estimate of the Number of Employees Needed

To give nursery child care center service to a unit of 30 would require:	
1. 1 Nursery school supervisor for entire city, per month	\$175 00
2. 3 Matrons at \$150 per month (to work a six or seven-hour day, six-day week, staggered shifts)	\$450 00
3. 1 Cook, per month	\$100 00
4. 1 Handy man (elderly man would be satisfactory) to do repair jobs, sweeping, etc., per month	\$75 00
Total	\$800 00

"Estimate of the Number of Employees Needed for Child Care Center Recreational Activities for Children of School Age

1. Two playground teachers (one man and one woman) paid at the rate of \$1 per hour. After school, 2.20 to 6.00 p.m. and all day Saturday; also during all vacation periods.
- 22 Recreational playground centers should be operated—a total of 44 playground teachers per month (approximately) \$6,000 00
2. Additional employees needed—1 playground supervisor, per month \$175 00

Approximately 200 or 300 children of school age will be cared for at each recreational center."

SELMA

"We estimate the charges to the parents will be 25 cents to 50 cents per child per day. We contemplate using 8 to 10 employees at \$75 to \$125 per month for each employee."

*Lassen County*

WESTWOOD

"Seventy five cents per day, charge to be adjusted one way or other according to experience. The Lanham Act expresses a minimum of one employee per 10 children. According to what we gather they would receive the salary of an elementary school teacher, or, in this district, a minimum of \$1,450 per year and a maximum of \$1,600, subject, of course to new legislation which may raise the minimum."

*Los Angeles County*

ALHAMBRA

"If we establish child care centers in Alhambra, it is my opinion that we will use a sliding scale based on the family income and the number of children in each family. Our fees on the basis stated would probably run from approximately 25 cents a day for a widowed mother who has several children to \$1.25 a day for a family where both parents are making good incomes and where only one or two children are in the family. If we establish additional nursery school facilities in the other side of our district and child care centers at each of our elementary schools, it would be necessary to employ 25 or 30 persons to handle the program."

BELLFLOWER

"There have been a number of proposals all the way from 25 cents per meal to several dollars a day per child for this service. I believe it unwise to make this cost more than a dollar per day or it might become very difficult to encourage women to leave the home for the defense activities. In the nursery school program we expect to pay prevailing wages for teachers, custodians, cooks, and other personnel. Our average teacher's salary is approximately \$1,550 for nine months, \$140 per month for custodians, and approximately \$75 per month for cooks."

## BUREBANK

"At the present time, this cost is between 50 cents and \$1 per child per day.

"On the nursery school level, it is anticipated that one teacher be employed for every 10 children, on the kindergarten level, one worker for every 20 children. As anticipated, we will need 113 workers to carry out the entire program."

## COMPTON

"Fees will be charged on a five or six day weekly basis. The tentative rate will be \$2.50 and \$3. Children of widowed mothers or of service men will be accepted free of charge if circumstances justify such action.

"The personnel of the extended day care services will consist of 25 full-time teachers, 26 part-time teachers, 10 part-time cooks, 10 part-time clerks, and eight part-time custodians. The administrative staff will include a director, senior secretary, bookkeeper, and purchasing agent, and a junior clerk. Provision has also been made for part-time supervisors of instruction in arts and craft, curriculum, speech, music, physical education, and agriculture, and the part-time services of a librarian and psychologist."

## GLENDALE

"In our plan for operation under the Lanham Act, we propose to charge the parents 75 cents per day per child for nursery school care. Each nursery school unit will have a director, a teacher for every 10 pupils, one cook, one housekeeper, and a part-time gardener-custodian. Our salary schedule would pay to the head teacher \$175 a month, to the other instructors \$140 per month, housekeepers \$100 a month, gardener-custodian \$125 per month."

## GLENORA

"We charge parents by a sliding scale depending upon joint salary of mother and father.

\$150	25 cents day
150-200	30 cents day
200-250	35 cents day
250-300	40 cents day
300	50 cents day

"We charge 5 to 10 cents per day for breakfast depending upon the salary of the parents.

"Our elementary school has provided us with a delightful cottage and adequate yard, ideally located between the kindergarten and main school. Their equipment is available during the late afternoon. Number of personnel and wage:

Teacher	\$140 16
Teacher	132 48
Teacher	132 48
Teacher	132 48
Cook	101 76
Attendant	84 48"

## HAWTHORNE

"Forty cents per day for each child in nursery school. Twenty-five cents per day for each child in day-extension school.

## Nursery school only:

1 head teacher	\$170 00 per month
3 assistant teachers	146 00 per month

## Nursery school and day extension care:

1 nurse	\$146 00 per month
10 recreation teachers	146 00 per month
6 part-time workers	65 00 per month
6 part-time helpers	53 00 per month
1 janitor	132 00 per month
1 coordinator	235 00 per month
1 secretary	132 00 per month"

## INGLEWOOD

"The charges will range from 25 cents to \$1 per day, depending upon the income of the mother. We will use one teacher for every 10 children, or a total personnel of one person for every six children, including head teacher, nurse, custodian, and cooks. The wages will be comparable to the remuneration paid regular employees of the local school district for similar kinds of work, modified by differences in qualifications and hours of work."

## LONG BEACH

"Charges will be sufficient to cover the cost of food. This is estimated to be 50 cents per day per child in nursery schools and 15 to 30 cents per day for extended day care pupils. As prices of food change, fees will have to change.

"The following staff and salaries are planned for at each of six nursery schools.

1 Head teacher at.....	\$180 00 per month
2 First assistant teachers at.....	150 00 per month
2 Second assistant teachers at.....	135 00 per month
5 Assistants at .....	125 00 per month
1 Head cook at.....	100 00 per month
1 Assistant cook and housekeeper at.....	100 00 per month
1/4 Nurse at .....	52 50 per month

"Note that this personnel, working in two shifts, will care for 80 preschool children, six days a week, 12 hours or more a day.

"For extended school service, teachers will be paid at the rate of \$150 per month in vacations and \$100 per month when school is in session."

## LOS ANGELES

"Various informal comments have indicated that different amounts are under consideration at different times, but the range seems to be from 50 cents to \$1 per day depending upon what the actual cost proves to be."

The Budget Division of the Los Angeles School District, on December 31, 1942, submitted the following detailed exhibit of budget request for nursery school funds for five months from February 1, 1943, to June 30, 1943:

Item	Monthly Salary or Detail	Unit	Total for 50 Units
<b>Over-all Administration—</b>			
1 Supervisors, Class C.....	\$315 per mo.		\$1,575 00
3 Asst. supervisors, Class D .....	254 per mo.		3,810 00
1 Junior secretary .....	158 per mo.		790 00
2 Junior clerks .....	122 per mo.		1,220 00
Total Administration .....			\$7,395 00
<b>Instruction—</b>			
Directors .....	\$200 per mo.—	1 per unit	\$1,000 00
Assistant directors .....	180 per mo.—	1 per unit	900 00
Assistant teachers .....	150 per mo.—	2 per unit	1,500 00
Instructional supplies .....	10 per mo.—	per unit	50 00
Total Instruction .....			\$3,450 00
<b>Auxiliary Services—</b>			
Junior matrons .....	\$103 per mo.—	19 units	515 00
Nurses .....	150 per mo.—	1/5 per unit	150 00
Playground directors .....	50 per mo.—	1 per unit	250 00
Cooks .....	100 per mo.—	1 per unit	500 00
Housekeeper .....	75 per mo.—	1 per unit	375 00
Playground supplies .....	20 per mo.—		20 00
Total Auxiliary Services.....			\$1,810 00
<b>Operation of plant—</b>			
Custodian help, utilities....	\$56 per mo. per unit	280 00	14,000 00
Supplies, etc. ....			
Total Operation of Plant .....		\$280 00	\$14,000 00
<b>Maintenance of plant—</b>			
Repairs and replacements..	\$240 per unit	240 00	12,000 00
Total Maintenance of Plant.....		\$240 00	\$12,000 00
<b>Fixed Charges—</b>			
Compensation & liability....	\$150 per unit	150 00	7,500 00
Insurance, State retirement and rentals			
Total Fixed Charges.....		\$150 00	\$7,500 00
Total Maintenance and Operation.....		\$5,930 00	\$287,930 00
<b>Capital Outlays—</b>			
Alterations to buildings....	\$2,000 per plant—30 plants	2,000 00	60,000 00
Equipment .....	2,000 per unit	2,000 00	100,000 00
Total Capital Outlays.....		\$4,000 00	\$160,000 00
<b>Grand Total Maintenance, Operation and Capital Outlays .....</b>			
		\$9,930 00	\$447,930 00



## MONTEBELLO

"We have found that 25 to 50 cents per day, the exact amount determined on the basis of family income, would cover the food bill. This was for children of pre-school age. The actual cost per day for caring for these small children probably runs around \$1.75, perhaps as much as \$2 for very small children. Older youngsters of school age can be handled for a relatively small expenditure. One supervisor paid perhaps a dollar an hour can handle a fairly large group of children of school age either before or after school.

"Our plans for child care centers at the preschool age based on having the program open from 7 a.m. to 6 p.m. and caring for approximately 40 pupils call for the employment of housekeeper, cook, part time nurse, one senior nursery attendant and three junior nursery attendants. The following wages were to be paid: Housekeeper, \$90; cook, \$100; senior nursery attendant, \$150; junior nursery attendant, \$140. Our program contemplated one attendant per 10 pupils, plus the services of cook, housekeeper, and nurse."

## PASADENA

"Parents will be required to pay the costs of food, which will range from 25 cents to \$1 a day, depending upon the number of meals they are served.

"The number of employees includes teachers, supervisors, secretary, clerks, nurses, doctors, case workers, counselors, cooks, and custodians. We have tentative plans for employment of 336 people for the care of young children and for the extended day care of school children. We contemplate approximately 240 children under school age and 2,300 of school age, making a total of 2,540 children. We plan to pay a supervisor for the groups of young children \$275 a month, a secretary for the four centers \$125 a month, and a clerk in each of the centers \$100 a month. The head teacher will be paid \$160 a month, assistants \$140 a month, custodians \$150 a month, cooks \$150 a month, and their assistants \$100 a month, a part time doctor \$300 a month, nurses \$160 a month. Workers in the extended day care of school children will be paid at the same rate which we pay adult education workers, \$2.25 an hour. Assistants from the junior college who may be interested in receiving training in child care will be paid 60 cents an hour."

## SANTA MONICA

"We are contemplating a charge of 50 cents a day if there is only one parent, \$1 a day where there are two parents.

"It is planned to employ five persons (one director @ \$200, three teachers @ \$150 each, and one cook housekeeper @ \$100 a month) for each child care center. The salary rates are those suggested by a committee of school superintendents. Each child care center will handle from 40 to 50 children."

*Merced County*

## MERCED

"The cost from 7 a.m. to 6 p.m., including three feedings, was 50 cents per day per child, with rates for more than one child in the same family; 25 cents for after-school children. Recently we have cut the cost to 25 cents for all day care and 10 cents for afternoon. This amount barely covers the cost of food. The WPA furnishes the personnel, the school the facilities. Under the Lanham Act for which we have applied, it is estimated that one employee can take care of 10 children. Our budget calls for \$175 for the head teachers and \$160 per month for each assistant teacher. This is for a 48 hour week."

*Napa County*

## NAPA

"My personal opinion is that if both parents are working they can afford to pay the full cost of care for their children, the amount of course, depending upon the cost of the operation in whatever community the center happened to be located. I do not believe the Government should take over the responsibilities of the parents without compensation.

"The number of employees will depend upon the type of care given. We have a full-time director, part-time doctor, part time nurse, cook and nutritionist, matron, and one teacher for every 10 children."

*Orange County*

## ORANGE

"Charges have been 50 cents per day. It should depend on the number of hours the child is attending. It is estimated that each employee should handle 10 or more pupils."

## SANTA ANA

"Charge to the parents for care: We have estimated at 50 cents to \$1 per week. Under the Lanham Act, the only charge we can make is for food. Number of employees, wages paid, number of children cared for by each has not been determined."



*Placer County*

## ROSEVILLE

"Mothers who work have in the past and are in the present placing their children in private homes where they pay from \$15 to \$25 per month for the care of their children. The nursery school and child care centers will, when established, charge 50 cents per child per day and 40 cents per child per day when there are more than one child in a family.

"It necessitates 12 employees on the nursery school to care for 20 children, our budget on the nursery school will total \$21,730 per year. This will care for those children from 2 to 5 years of age, inclusive. We have not completed our budget on the child care schools for children above the age of 6 years.

"The personnel of the nursery schools will be paid a monthly salary from \$100 to \$175 per month."

*Riverside County*

## HILMEI

"Parents of children attending nursery school will pay the expenses of providing food, its preparation, and of utilities in proportion to their gross family income according to the following scale:

Gross Family Income Per Month									
Below \$100	\$100	\$125	\$150	\$200	\$250	\$300	\$350	\$400	
	to	to	to	to	to	to	to	to	
	\$100	124	149	199	249	299	349	399	449
Rate per 8 hr. day	10c	15c	20c	30c	50c	60c	70c	80c	90c

"At present, with an expected average daily attendance of 30 in nursery school, we will provide two teachers, one cook and laundress, or an average of one per 10 average daily attendance. At times, the enrollment will be 12 or 15 to average 10 per employee. Teachers will receive \$125 per month for a 48 hour week. Cook and laundress, \$100 per month for a 48 hour week."

*Sacramento County*

## NORTH SACRAMENTO

"The charges in this district will be from 25 cents to 50 cents per day, depending on the number of meals served. I expect to employ six teachers at \$150 per month, each caring for 25 to 35 children; two part-time cooks (28 hours per week) at 65 cents per hour; two part-time janitors (28 hours per week) at 75 cents per hour; one part-time doctor at \$50 per month (on call)."

*San Bernardino County*

## FONTANA

"I would venture a guess that the charge would be somewhere between \$7.50 per child per month and \$10 per child per month.

"I would contemplate using five employees for 40 children in single shifts. The minimum wage at which I could obtain people would be around \$120 and ratio of children per person should run one person for eight children."

## REDLANDS

"Our estimate of what the charges will be to parents: Cost of meals.

"The number of employees needed and wages:

1 Head principal administrator	\$200 00	per month
1 Head nursery school teacher	150 00	per month
2 Assistant nursery school teachers	@ 50 00	per month
3 Head extended day care teachers	@ 150 00	per month
10 Head extended day care teachers	@ 50 00	per month
1 Cook	100 00	per month
2 Cook helpers	@ 60 00	per month
1 Janitor	125 00	per month
1 Clerk	100 00	per month

"Nursing and medical services furnished through present school facilities. No extra charge."

## SAN BERNARDINO

"We have followed the recommendation of the Field Supervisor of the Federal Works Agency, Mr. Ralph Boyden, in suggesting a 35 cents per day charge to parents.

Breakdown of Maintenance and Operation Costs  
San Bernardino Nursery Schools, 6 Units 4½ Months

<b>1. Administration</b>				
1 Clerical worker ----	@	\$132.48 x 4½ months	\$596.16	
1 Business manager --	@	143.08 x 4½ months	643.86	\$1,240.02
<b>2. Instruction</b>				
1 Supervisor -----	@	233.64 x 4½ months	\$1,051.38	
1 Relief teacher -----	@	132.48 x 4½ months	596.16	
1 Teacher -----	@	140.16 x 4½ months	\$630.72	
2 Assistants -----	@	264.96 x 4½ months	1,192.32	
			\$1,823.04 x 6-	10,938.24
Supplies -----			286.40 x 6	1,718.40- 14,304.18
<b>3. Auxiliary Services</b>				
1 Nurse -----	@	140.16 x 4½ months	\$630.72	
1 Housek'per and cook	@	101.76 x 4½ months	457.92	
First aid supplies--		2.50 x 4½ months	15.00	
Laundry -----		5.00 x 4½ months	22.50	
			\$495.42 x 6-	2,972.52
Washroom, nap room and miscellaneous---			440.72 x 6-	2,644.32
Food -----			4,000.00	10,247.56
<b>4. Operation of Plant</b>				
Utilities -----		20.00 x 4½ months	90.00 x 6	\$540.00 530.00
<b>5. Maintenance of Plant</b>				
1 Handyman -----	@	132.48 x 4½ months	\$596.16	596.16
<b>6. Fixed Charges</b>				
Rental -----	@	50.00 x 4½ months	225.00 x 6-	1,350.00 1,350.00
Total Maintenance and Operation-----				\$28,277.92"

## San Diego County

## CORONADO

"Fees have been set at the nursery school at 25 cents to \$1 per day according to the parent's ability to pay. Sufficient fees will be collected to cover the cost of food."

## ESCONDIDO

"Parents will be charged only the cost of the food served and all families will be charged exactly the same amount.

"It is anticipated that the meals will cost children 15 cents each.

"Teachers for child-care centers are hired at the rate of one for each 10 children enrolled. In addition, it will be necessary to have janitors and cooks for four nursery schools and out-of-school care for school children we have estimated that there will be 20 teachers and one supervisor, one clerk, four cooks, and such janitor service as is essential."

## SAN DIEGO

"It is expected that the fees will pay between 50 and 70 per cent of the cost of operating the child care services.

## Suggested Fee Schedule for Nursery Centers

Family income per month	Number of dependents		
	1 or 2	3, 4 or 5	6 or more
\$0-\$100 -----	1	1	1
\$100-\$150 -----	2	1	1
\$150-\$175 -----	3	2	1
\$175-\$200 -----	4	3	2
\$200-\$225 -----	5	4	3
\$225-\$250 -----	6	5	4
\$250-Over -----	6	6	5

Dollars per week per enrollee listed above

## Suggested Fee Schedule for Extended Day Care Centers\*

Family income per month	Number of dependents		
	1 or 2	3, 4 or 5	6 or more
\$0-\$100	1	1	1
\$100-\$200	2	1	1
\$200-\$250	3	2	1
\$250-Over	4	3	2

Dollars per week per enrollee listed above

\*If a child is enrolled for one session only (either before school or after school) the fee shall be one-half that listed on this fee schedule.

During periods when public schools are not in session, the fees for extended day care centers shall be the same as fees for nursery centers.

The total number of employees will be determined by the total number of centers opened. Five persons will be needed for each nursery center (four teachers and one cook-housekeeper) and two teachers for each extended day center. This personnel allotment will mean one teacher for each 10 enrollees in nursery centers and one teacher for each 20 enrollees in extended day centers.

The following salary schedule for child care employees has been tentatively adopted by the San Diego Board of Education:

Position	Years of service		
	1	2	3
Supervisors	\$200	\$210	\$220
Head teacher	160	170	180
Teacher	150	160	170
Nurse	150	160	170
Assistant teachers	130	135	140
Cook housekeeper	115	120	125
College student assistants	(\$0.60 per hour)		
High school student assistants	(\$0.50 per hour)		
Secretaries	110	115	120"

## City and County of San Francisco

"Seventy five cents a day was decided upon as the proper charge for food.

## I. Personnel

1.	105 Teachers at \$225 per month for 5 months	\$118,125 00
2.	60 Cooks at \$175 per month for 5 months	52,500 00
3.	60 Cook's helpers at \$75 per month for 5 months	22,500 00
4.	36 Clerks at \$155 per month for 5 months	27,900 00
5.	150 Recreation directors at \$130 per month for 5 months	97,500 00
6.	30 Janitors at \$145 per month for 5 months	21,750 00
7.	5 Physicians (part time) at \$150 per month for 5 months	3,750 00
8.	30 Public health nurses at \$165 per month for 5 months	24,750 00
9.	1 Supervising nurse at \$200 per month for 5 months	1,000 00
10.	6 Bookkeepers at \$175 per month for 5 months	5,250 00
11.	1 Accountant at \$190 per month for 5 months	950 00
12.	1 Supervisor at \$250 per month for 5 months	1,250 00
13.	1 Director at \$400 per month for 5 months	2,000 00
14.	1 Truck driver's helper at \$145 per month for five months	725 00
15.	1 Rental of truck and driver at \$2 45 per hour for 5 months	3,900 00
II.	Transportation	3,800 00
III.	Utilities	63,000 00
IV.	Accident Liabilities	5,000 00
V.	Supplies	34,112 50
VI.	Maintenance and Repair	5,862 50

TOTAL \$495,125 00"

## San Joaquin County

## LODI

"Children can be cared for at the rate of 80 cents per day. You will note that we found that six people can handle 100 children, if distribution of ages is normal. We paid \$160 for the head director and proposed \$110 per month for untrained assistants. However, it is my belief that women will not be available at these wages."

## STOCKTON

"We estimate charges to be as follows:

For full day nursery care (1 meal and 2 liquid feedings) .....	75c per child
For part-time day care school-age pupils, about 3 hours .....	15c per child
For full-time day care school-age pupils (1 meal) .....	45c per child
Day nurseries, 25 employees for 100 children.	
Day care centers (school-age children) we propose to employ the equivalent of 42 full-time employees. They will be paid annual (12 months) salaries, varying from \$3,600 for the director; \$2,400 for supervising teachers; \$2,160 for assistant supervising teachers; \$1,800 for teachers; \$1,200 for cooks and \$900 for housekeepers. We will average 15 children or more per teacher for the entire child care project."	

*San Luis Obispo County*

## SAN LUIS OBISPO

"Where both father and mother are working in any establishment whereby reasonable wages are received, they should pay at least \$1 per day for the care of children. That I would think ought to be a maximum charge.

"A properly developed child care center ought to employ at least four persons, a teacher, a nurse, a caretaker, and a dietitian. I can not say what the wages ought to be, but I should think they ought to compare to wages paid teachers, considering experience and training."

*San Mateo County*

## REDWOOD CITY

"Nursery school charges will be 50 cents per day and extended day care charges will be 10 cents per day. These charges are made to cover the cost of food.

"The plan as set up by our community calls for approximately 24 employees some of whom will be on a part-time basis. Salaries will range from \$125 to \$200 per month with part-time people receiving \$1 per hour.

"In the nursery school each employee will care for 10 children while in the extended day care service one employee will care for 30 children."

## SAN BRUNO

"We estimate that the charges to parents for caring for their children will be 50 cents per day for food and materials providing that the Federal Government grants the school districts funds under the Lanham Act.

"We contemplate using approximately 20 employees in operating a nursery and leisure time supervision program. The wages paid to them will approximate that paid to public school teachers. We anticipate having to take care of 100 to 150 children."

*Santa Barbara County*

## SANTA BARBARA

"Under the WPA project we charge a maximum of 25 cents per day.

Our projected staff in the Lanham application included:

2 principal teachers.....	\$124 80/mo.
6 assistant teachers.....	120 96/mo.
1 nutritionist.....	124 80/mo.
1 janitor and handyman.....	153 60/mo.

"This would provide care in two nursery schools of 40 children each."

## SANTA MARIA

"The charge to parents of children attending our nursery school is around 50 cents per day. Extended service charge should be around 25 cents per day.

"We plan on using eight people in nursery school and 16 part-time people in extended day service. The cost to the Government will be \$8,550. This will care for 60 nursery school pupils and 400 extended day pupils. The salary ranges 70 cents per hour for part-time people to \$150 per month for head teacher."

*Santa Cruz County*

## SANTA CRUZ

"The charge to the parents will be \$5 per month per child. This is to provide a hot lunch each day for the child.

"To operate this school, it will be necessary to use five employees; three teachers, a cook, and a maintenance man. It is expected that there will be an average daily attendance of 40. The head teacher will receive \$130 per month, two assistant teachers will receive \$120 each, a cook and the maintenance man will each receive \$100 per month."



*Solano County*

## VALLEJO

"At present we are charging parents who can afford to pay, \$1 per day for the nursery care and 50 cents per day for the extended day care providing we furnish one meal to these children of school age."

"For the nursery service of pre-school children we are planning one full-time teacher to each 10 children. For the extended day service we plan one full-time teacher for approximately 25 children."

*Stanislaus County*

## MODESTO

"The Modesto proposal under our Lanham Act application would charge the parents 25 cents per meal, or 50 cents per 12 hour day care center because of the cost to come from Lanham Act Funds, except the cost of general administration which comes from the Board of Education and the cost of heating equipment, which comes from the county health center through the board of supervisors' budget."

Item	Assignment	12 month cost	Total
<b>General administration</b>			
(Modesto city schools) -----	1/10 time, four months	\$ 500	
Director -----	1/10 time, four months	5,000	\$ 5,500 00
Director transportation (city) -----	1/10 time, four months	400	400 00
Teacher-supervisor -----	1/10 time, four months	2,000	500 00
Teacher-supervisor transportation -----	1/10 time, four months	120	
Nursery teachers -----	Full-time, four months	1,500	4,500 00
Recreation teachers -----	Full-time, four months	1,500	1,500 00
Instructional supplies -----	\$3 per pupil year	450	1,500 00
		\$9,070	\$7,920 00
Supervising nurse -----	1/10 time, four months	2,000	3,000 00
Supervising nurse transportation -----	1/10 time, four months	\$120	\$20 00
Dietician -----	1/10 time, four months	2,000	1,000 00
Dietician, transportation -----	1/10 time, four months	120	10 00
Cooks (300 da. at \$5) -----	Full-time, four months	1,500	1,000 00
Cooks (300 da. at \$5) -----	Full-time, four months	1,500	1,000 00
Kitchen-dining room helpers -----	Part-time (2c hrs. daily ea.) four months (50c per hr.)	1,500	500 00
Recording and acct. clerk -----	Full time, four months	1,440	480 00
Health (county unit) -----	1/10 time, four months	400	
		\$10,580	\$3,010 00
Custodians -----	Full-time, four months	1,200	800 00
Custodians -----	1/10 time, four months	1,200	400 00
Custodial supplies -----	\$0.50 per pupil	225	75 00
Heat-gas -----	\$8 per center per month	96	128 00
Lights -----	\$4 per center per month	48	64 00
Phones, rental -----	\$5 per center per month	60	10 00
Garbage -----	\$1.50 per center per month	18	24 00
		\$2,847	\$1,531 00
Repairman -----	1/10 time, four months	1,200	200 00
Repair supplies -----		150	100 00
		\$1,350	\$ 300 00
Compensation liability insurance (professional 16c per \$100, nonprofessional \$1.27 per \$100, \$0.08 per \$100 for clerical) -----		167 58	55 86
Rent of nursery center; building \$25, equipment \$10 per month -----		420 00	140 00
		\$587 58	\$195 86
Food for 150 pupils daily for 100 days -----		(22,500)	(7,500 00)
Total -----		\$24,414 58	\$12,060 21
Capital outlay equipment, \$1,244 70 -----			1,244 70
Grand total -----			\$13,304 91"

## RIVERBANK

"We charged the parents 25 cents per day but this was insufficient to cover costs. Fifty cents should be a bare minimum. A teacher may care for about 20 children. Little folks require eternal vigilance to guarantee safety. One would be herding

them if the number were increased. We pay \$8.50 per day for substitute teachers this school year. A cook would be worth \$6 a day and helpers \$3.50 as minimums. A cook and helper should be able to serve 100 children, providing the cook and helper are efficient people."

## TURLOCK

"The charge to parents will probably be not less than 25 cents or more than 50 cents per child. The number of employees and their wages have not yet been determined."

## Ventura County

## VENTURA

"If Lanham Act Funds are available for the establishment of a child care center, we estimate that the cost to the parents would be 50 cents per day for children between the ages of 2 and 5, which would include two meals for each child. We estimate that the cost would be 25 cents per day for children between 6 and 16 years of age, on the basis of one meal per day.

"In our judgment, it will be necessary to have a supervisor of the Nursery School Program, with an assistant for at least every 10 children between the ages of 2 and 5 years, and a supervisor of child care centers, with an assistant for at least every 30 children between the ages of 6 and 16. This is, of course, before and after school care only."

## Yolo County

## WOODLAND

"The charge to parents for the care of their children has been from 40 cents to 60 cents an hour.

"I estimate that we will need two women to care for the children in the daytime and one at night during the three months of harvest season. Each employee should be able to care for from 15 to 20 children; this will vary according to age and time of day. It would be necessary to pay the person in charge at least \$160 a month or they would prefer to work in the harvest. In which case they would make from \$175 to \$200 a month.

### Applications for Lanham Act Contributions for Child Programs as of March 17, 1943

County	Applicant	Number of Preschool Children	Number of School-age Children	Amount of Application	Subtotal	Allotment
Alameda	Alameda.....	150	----	\$27,315 00		
	Albany.....	40	100	15,960 00		
	Berkeley.....	225	----	47,287 50		
	Mills College.....	-----	-----	10,000 00		
	Oakland.....	1,000	1,250	204,365 00	\$304,907 50	
Contra Costa	Antioch.....	40	----	7,075 00		
	Richmond.....	600	----	83,147 60	90,222 60	
Fresno	Fresno.....	240	----	44,780 00	44,780 00	
Kern	Taft.....	60	----	39,190 00	39,190 00	
Los Angeles	Baldwin Park.....	100	200	27,103 00		
	Bellflower.....	160	----	41,475 00		
	Bellflower (Equip.)..	-----	-----	13,368 44		
	Burbank.....	450	1,300	138,754 00		
	Clearwater.....	50	200	14,830 50		
	Compton.....	280	2,000	98,396 00		
	Glendale.....	120	----	35,705 00		
	Glendora.....	35	35	3,395 00		
	Hawthorne.....	60	350	81,055 71		
	Inglewood.....	180	-----	61,906 98		
	Lakewood.....	80	200	22,473 31		
	Long Beach.....	360	1,750	120,928 00		
	Long Beach (Equip.)..	-----	-----	15,161 31		
	Los Angeles.....	2,000	-----	449,733 00		
	Lynwood.....	120	600	37,782 91		
	Montebello.....	100	-----	35,000 00		
	Pasadena.....	240	2,300	115,588 10		
	Santa Monica.....	250	250	62,951 00		
Marin	Scripps College.....	30	-----	3,097 69		
	U. C. L. A.....	20	200	13,767 66		
	U. S. C.....	-----	-----	3,680 00	1,326,157 59	
Merced	Merced.....	60	----	3,861 00	3,861 00	
Merced	Merced.....	60	----	5,887 00	5,887 00	

**Applications for Lanham Act Contributions for  
Child Programs as of March 17, 1943—(Continued)**

County	Applicant	Number of Preschool Children	Number of School-age Children	Amount of Application	Subtotal	Allotment
Monterey	Monterey Peninsula Community Center.....	100	100	\$15,180 00		
	Salinas American Ass'n. of Univ. Women	60		11,640 00	\$26,820 00	
Napa	Shortleff .....	50	50	9,790 00	9,790 00	
Orange	Costa Mesa.....	24		4,004 00		
	Orange.....	30	100	12,944 00		
	Santa Ana.....	75	400	27,450 00	44,095 00	\$10,300 00
Riverside	Hemet.....	30		1,300 00		
	Redlands.....	40	400	20,800 00		
	San Jacinto.....	35		3,664 00	25,764 00	
Sacramento	No. Sacramento High..	200	200	35,800 75		
	No. Sacramento Elem.		150	5,794 00		
	Sacramento.....	240	360	27,472 00	69,128 75	
San Bernardino	San Bernardino.....	300		31,724 61	31,724 61	
San Diego	Chula Vista.....	93		9,193 96		
	Coronado.....	35	168	6,413 50		
	Esccondido.....	120	230	26,203 00		
	San Diego.....	1,000	1,000	202,000 00	273,810 46	
San Francisco	San Francisco.....	400		11,250 00		
	San Francisco.....		30,000	495,125 00		
	San Francisco St. Coll.	50	30	10,350 00	546,725 00	
San Joaquin	Woodbridge.....	23	43	3,150 00	3,150 00	
San Mateo	Redwood City.....	60	300	21,025 00		
	San Bruno.....	35		13,880 00	34,905 00	
Santa Barbara	Lompoc.....	60		7,015 00		
	Santa Barbara.....	30	700	12,850 20		
	Santa Maria.....	Recalled for revision			19,865 20	
Santa Clara	San Jose.....	120		14,901 00	14,901 00	
Santa Cruz	Santa Cruz High.....	40		3,319 00		
	Santa Cruz Elem.....		120	1,000 00		
	Watsonville.....	30		4,646 00	8,965 00	
Solano	Benicia.....	60	40	19,468 00		
	Floden.....	300	700	30,800 00		30,075 00
	Vallejo.....	150	550	136,150 00		53,000 00
	Vallejo (Equip.).....			28,426 00	214,844 00	
Sonoma	Petaluma.....	50		3,970 00	3,970 00	
Sutter	Sutter Co.....	50		8,000 00	8,000 00	
Tulare	Tulare P.T.A.....	60		8,243 75		
	Union.....	60		6,035 00	14,278 75	
Various	Farm Security Admin.	480	640	79,761 95	79,761 95	
Grand Totals.....		11,605	46,825	\$3,245,524 70		\$113,678 00

**Recommendations of the Committee**

**1. Continuance of Child Care Centers**

Your committee recommends the continuance of the authority to the governing boards of the school districts to set up and maintain child care centers in accordance with Assembly Bill No. 307, subject to such modifications and changes as are set forth in these recommendations.

With the steady increase of the number of mothers working in industry, it is apparent that some means must be provided for the proper care of their children. The committee recognizes that a mother's responsibility is to her child; it also recognizes that industry should employ single women and married women without children before employing mothers, but with the drafting of our manpower from within industry and fathers being imminent, it is apparent that more and more women will be working. The children must not be allowed to roam the streets or left to makeshift arrangements. Juvenile delinquency must

be curbed. The future of America demands better care for the children. The best suggestion that has come forward up to the present time is the setting up and maintenance of child care centers through our educational facilities. Reports from almost every section of the State show the urgent need for child care centers.

## **2. Type of Service**

Your committee recommends: (a) The local governing boards should be continued to be vested with the power to determine the hours, days and months in which the centers will be maintained.

However, your committee finds that it is impractical to offer service for the care of infants up to two years of age. The number of personnel required to care for infants up to that age is excessive; it is far better that those mothers who find it necessary to work should provide other means of care for their children. Your committee further finds that it is advisable to have nursery classes for children whose ages range from two to five. It may be deemed advisable by local governing boards to organize classes for children whose ages range from six to ten. However, in most instances, organized and supervised use of the school grounds and playgrounds for hours before and after school should solve the problem for most school-age children. Your committee is opposed to the operation of 24-hour service at the child care centers; it believes that children should be at home at night with their parents. However, it recognizes that it may be necessary for the local governing board in certain instances to maintain a 24-hour service as it progresses. Therefore, it believes the question of hours should be left to the sound discretion of the local governing boards.

(b) Legislation should be passed empowering the school authorities to keep open and maintain school grounds and playgrounds and their facilities for hours both before and after school during the school year and during the entire vacation periods.

(c) Legislation should be passed amending the provisions of Assembly Bill No. 307 so that a parent may leave his or her child at a child care center in a school district other than that of the residence of the parent, if the school district of the parent's residence does not maintain a child care center.

This will be necessary to care for those cases where the school district does not find enough of a demand to warrant the opening of a child care center. There are many instances where parents request and need the child care service and who will find it convenient to take the child to the school district en route to work.

## **3. Fees From Parents**

Your committee recommends that the local governing boards continue to have the authority to charge fees, not necessarily uniform, to supplement such funds as may be received by the school district for the child care centers.

Your committee finds that it is impractical to charge a uniform fee for all parents in every section of the State. The fees must necessarily be based on the number of children who are cared for at the centers, the earnings of the parents, the type of service rendered, and the costs entailed. The consensus seems to be that the fees should range from 25 cents per child per day to \$1 per child per day. However, this is a matter which can best be left to the judgment and discretion of the local governing boards.

## **4. Appropriation of State Funds**

Your committee recommends that a special appropriation to the State War Council be made of State funds to assist in the setting up and maintenance of child care centers.

When Assembly Bill No. 307 was enacted, it was understood that the Federal Government would defray the entire cost of the operation of child care centers, with parents being required to pay for the cost of food for the children. However, the Federal Government has refused to bear the entire cost and will advance funds under the Lanham Act only to the extent of 50 per cent of the cost. In some instances the parent will be able to defray the additional 50 per cent of the cost; however, in other instances, they will not be able to do so. It, therefore, becomes necessary to supplement the funds so that there can be an assurance of the operation of the child care centers.

## **5. Budgeting and Allocation of Funds**

Your committee recommends that the State War Council shall be responsible for the strict budgeting of all child care centers.

Your committee finds that unless extreme care is exercised, the personnel of a child care center can grow beyond that which is reasonably necessary. It is the consensus that one person is needed for every 10 children between the ages of 2 and 5; that one person is needed for every 25 children over the age of 5. There is a tendency to overstaff the child care centers with supervisors, matrons, nutritionists, doctors, nurses, cooks, assistant cooks, and handymen. Many of



these services can be combined; and your committee recommends to the State War Council that the budgets be carefully scrutinized to avoid unnecessary expense on the part of the taxpayers.

#### 6. Reversion of State Appropriation

Your committee recommends that any unexpended funds which may be appropriated or allocated for child care centers will revert to the General Fund of the State on July 1, 1945, or six months after the termination of hostilities in the present war, whichever date is earlier.

#### 7. Cooperation of Industry

Your committee recommends that steps be taken by the necessary authorities to enlist the cooperation of industry in the matter of employment of mothers. It is important that mothers be employed on the day shift instead of the swing or graveyard shifts. This will avoid the necessity of 24-hour service, and will be the means of having the children at home with their parents at night.

Industry should also be urged to employ single women and married women without children whenever possible. The survival of American home life should be kept paramount in the minds of all persons concerned. There can be no substitute for parental care. It has become necessary during the war emergency to endeavor to care for the children of working parents. However, this should not be regarded as any permanent procedure, and should be considered only as temporary in nature and scope. The future of America must be safeguarded at home as well as on the battlefields abroad. The American home is one of the foundation stones of our system of life. Everything should be done to insure its maintenance and the early restoration of complete family life.

Respectfully submitted.

SENATOR GEORGE M. BIGGAR, Chairman  
SENATOR JOHN HAROLD SWAN  
SENATOR CLARENCE C. WARD

#### MOTION TO PRINT ADDITIONAL COPIES

Senator Biggar moved that 250 additional paper-bound copies of the Report of the Committee Appointed to Investigate the Establishment of Nursery Schools and Child Care Centers be printed and made available to the Members of the Senate.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 771**—An act to amend Section 12036 of the Fish and Game Code, relating to pheasants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, DeLap, Donel, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—25.

**NOES**—Senators Burns, Crittenden, Cunningham, Donnelly, McCormack, and Quinn—6.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 398**—An act to amend Section 1035 of the Fish and Game Code, relating to domesticated fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 897**—An act to amend Sections 10202 and 10203 of the Insurance Code, relating to group life insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senator Kuchel Presiding**

At 3.38 p.m., Senator Kuchel of the Thirty-fifth District, presiding.

**Senate Bill No. 660**—An act to add Sections 3695.4, 3695.5, 3774 and 3775, and to amend Sections 3705 and 3773 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 706**—An act to add Chapter 3.3 to Part 6, Division 1, of the Revenue and Taxation Code, relating to real property taxes, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 630**—An act to amend Sections 1300.15, 1300.16 and 1300.19 of the Agricultural Code, relating to the marketing of agricultural commodities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 1092**—An act to amend Section 737p of the Political Code, relating to the salary of the superior judge of the County of Kings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 589**—An act to add Section 2412 to the Business and Professions Code, providing additional causes for denial, suspension or revocation of licenses to practice medicine.

Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

#### Amendment No. 1

On page 1 of the printed bill, strike out line 3; and in line 4, strike out "fying aiding", and insert "2412. (a) Aiding".

#### Amendment No. 2

On page 1, line 5, of said bill, strike out "directly or indirectly".

#### Amendment No. 3

On page 1 of said bill, strike out lines 11 and 12, and insert "of this section, constitutes unprofessional conduct".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 1019**—An act to amend Section 19598 of the Business and Professions Code, relating to horse racing and the redistributions from pari-mutuels conducted in connection therewith

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Kuchel, Luckey, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 287**—An act to add Section 6103.5 to the Business and Professions Code, relating to attorneys at law, and providing additional causes for suspension and disbarment.

Bill read third time.

#### Previous Question

Senator Cunningham moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 287.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Burns, Cunningham, Dorsey, Gordon, Hatfield, Kuchel, Luckey, McBride, Parkman, Quinn, Seawell, Tenney, and Ward—13.

**NOES**—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Jepsen, Judah, Keating, McCormack, Mixter, Rich, Salsman, Shelley, Slater, Swan, Swing, and Tickle—22.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.34 p.m., on motion of Senator Dillinger, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 856 refused passage by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Dorsey, Gordon, Hatfield, Luckey, Mayo, McBride, Mixter, Parkman, Rich, Seawell, Tickle, and Ward—19.

**NOES**—Senators Burns, Carter, Crittenden, DeLap, Donnelly, Engle, Fletcher, Jepsen, Judah, Keating, McCormack, Powers, Quinn, Salsman, Shelley, Slater, Swan, Swing, and Tenney—19.

#### Motion to Reconsider

Senator Dillinger moved to reconsider the vote whereby Senate Bill No. 856 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Dillinger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 856 was refused passage, was continued until the next legislative day.

#### President Pro Tempore of the Senate Presiding

At 5.39 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator McCormack, ordered printed in the Journal:

#### CALIFORNIA MARITIME ACADEMY TRAINING SHIP GOLDEN STATE, April 20, 1943

*Lieutenant Governor Frederick F. Houser*

*President of the Senate, State Capitol, Sacramento, California*

DEAR LIEUTENANT GOVERNOR: The Members of the Legislature, their ladies, and friends, are cordially invited to attend a public inspection of the United States Training Ship *Golden State* operated by the Academy for the training of midshipmen of the United States Naval Reserve for service in the merchant marine.

The inspection shall take place Sunday, April 25th, between the hours of 1 p.m. and 3 p.m. on board the training ship at the Port of Stockton. A buffet luncheon will be served on board ship at 2 p.m.

The *Golden State* is making its annual cruise through the deep water canal to the Port of Stockton to afford the midshipmen practical experience in navigating and ship handling in inland waterways.

I assure you that your presence at the inspection will be inspirational to the midshipmen who are about to graduate and start active sea duty in the United States Merchant Marine.

Cordially yours,

CLAUDE B. MAYO, Captain, U. S. N., Superintendent



CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 825**—An act to add Sections 5129.1 and 5153 to the School Code and to add Sections 12010 and 12154 to the Education Code, relating to credentials and certificates.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "Sections 5129.1 and 5153 to the School Code and to add".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 21, inclusive.

**Amendment No. 3**

On page 1, line 23, of said bill, strike out "SEC. 3.", and insert "SECTION 1."

**Amendment No. 4**

On page 2, line 4, of said bill, strike out "SEC. 4", and insert "SEC. 2".

**Amendment No. 5**

On page 2 of said bill, strike out lines 18 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 801**—An act to amend Section 10.30 of the Political Code, relating to office and working hours.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, strike out "Section 73", and insert "Sections 73 and 73.5".

**Amendment No. 2**

On page 3 of said bill, strike out line 1, and insert "SEC. 2. Section 73.5 is added to said act, to read: 73.5. Within 30 days of the effective date of Section 73 of this act.".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 733

Senate Joint Resolution No. 24

Senate Constitutional Amendment No. 25

Senate Constitutional Amendment No. 27

Senate Constitutional Amendment No. 29

And reports the same correctly engrossed.

SEAWELL, Chairman

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 21

Assembly Bill No. 600

Assembly Bill No. 90

Assembly Bill No. 865

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 571

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Joint Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 903

Assembly Bill No. 1005

Assembly Bill No. 126

Assembly Bill No. 1588

Assembly Bill No. 148

Assembly Bill No. 1958

Assembly Bill No. 169

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

**Committee on Natural Resources**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 1093

Assembly Bill No. 1392

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 348**—An act to amend Sections 23, 23a, 23b, 24.1 and 24.5, and to repeal Sections 19, 25, 26, 26a, 26b, 26c, 27, 31, 31a, 31b, 31c, 31d, 31e, 31f, 31g and 32 of the Alcoholic Beverage Control Act and to add thereto new sections to be designated Sections 19, 23e, 23d, 26, 27 and 38.2, relating to the taxation of beer and wine and to provide that this act shall take effect immediately;

**Senate Bill No. 725**—An act to repeal Section 20431 of the Education Code, relating to the admission of persons not residents of California to the State colleges. And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of April, 1943, at 4 p.m.

SEAWELL, Chairman

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1016

Assembly Bill No. 1107

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1016**—An act to add Chapter 6a to Part 2, Division 1, of the Insurance Code, relating to taxes on nonadmitted insurance.

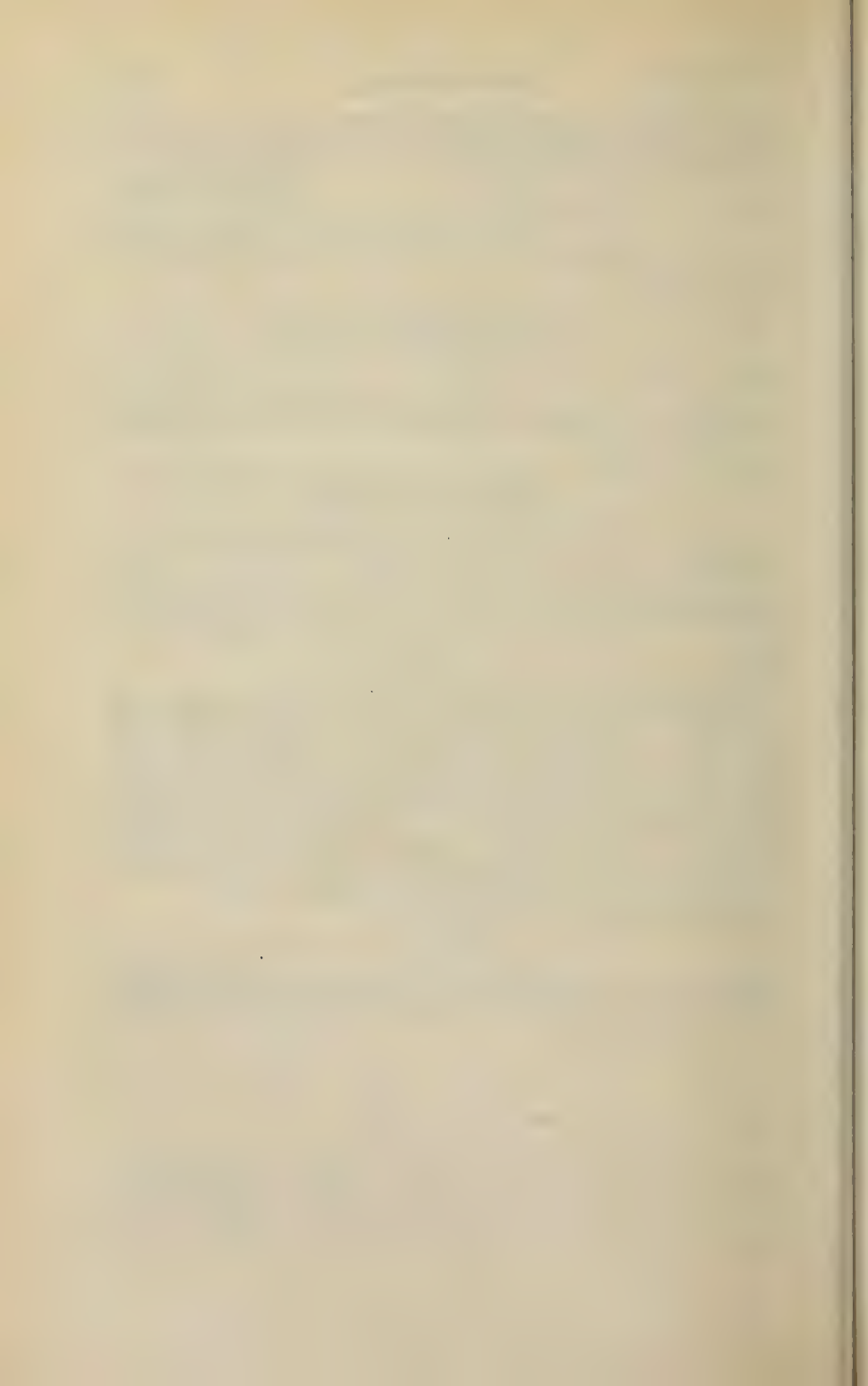
Referred to Committee on Financial Institutions.

**Assembly Bill No. 1107**—An act to amend Education Code Sections 14265, 14268, 14272, 14274, 14325, 14326, 14327, 14361, 14363, 14427, 14431, 14432, 14433, 14434, 14435, 14436, 14440, 14441, 14442, 14444, 14445, 14446, 14447, 14450, 14452, 14458, 14491, 14492, 14494, 14496, 14523, 14526, 14534, and to add Education Code Sections 14274.1, 14274.2, 14274.3, 14274.4, 14274.5, 14437, 14438, 14458.1, 14458.2, 14458.3, 14469, 14523.1, 14523.2, 14523.3, 14526.1, and 14542, and to repeal Education Code Sections 14365, 14437, 14438, 14439, and 14456, relating to the California State Teachers' Retirement System.

Referred to Committee on Education.

#### ADJOURNMENT

At 5.44 p.m., on motion of Senator Deuel, the President pro tempore declared the Senate adjourned until 1 p.m., Wednesday, April 21, 1943.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED EIGHTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 21, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beck at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dan H. Reese, District Superintendent of Schools, Elk Grove, and G. H. Offerman of Sacramento.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Zelma C. Halleck, instructor of McCloud High School, Girls League and the following members: Violet Leppi, Marcella Doyle, Betty Jean Nelson, Carol Leppi, Shirley Frulan, Annie Dal Gallo, Elaine Nelson, and Margaret Malone, all of McCloud, California.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Sydney D. Law, Vice President of Exeter Union High School, and Mrs. Sydney D. Law of Exeter.

On request of Senators Burns and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Bea Wadsworth and Miss Margie Russell of Sacramento.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Luckey, Miss Julie Luckey and Miss Alma A. De Vries, all of Brawley, and Mrs. Dorothy Bobb of Roseville.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bruce Taft of Palo Alto.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles Strong of Piedmont, Mrs. Floyd Shank of San Francisco, Miss Thomas Cassidy of Beverly Hills and Mrs. C. R. Wilson of Los Angeles.

## REPORTS OF STANDING COMMITTEES

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 747

Assembly Bill No. 652

Assembly Bill No. 636

Assembly Bill No. 657

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 1102

Assembly Bill No. 1161

Assembly Bill No. 1040

Assembly Bill No. 753

Assembly Bill No. 1160

Assembly Bill No. 1377

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 960

Assembly Bill No. 1430

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

GORDON, Chairman

Above reported bills ordered to second reading.

### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Constitutional Amendment No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

RICH, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 613

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1591

Assembly Bill No. 1592

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills re-referred to Committee on Finance.

#### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Joint Resolution No. 43

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported resolution ordered to third reading

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 424

Assembly Bill No. 869

Assembly Bill No. 1460

Assembly Bill No. 1461

Assembly Bill No. 1508

Assembly Bill No. 1511

Assembly Bill No. 1632

Assembly Bill No. 1947

Assembly Bill No. 1963

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 960

Assembly Bill No. 847

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

#### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1594

Assembly Bill No. 1595

Assembly Bill No. 693

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 1057

Assembly Bill No. 1593

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 77

Senate Bill No. 827

Senate Bill No. 145

Senate Bill No. 1004

Senate Bill No. 513

Senate Bill No. 1081

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 310

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 580

Senate Bill No. 801

Senate Bill No. 589

Senate Bill No. 825

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 100

Assembly Bill No. 1109

Assembly Bill No. 131

Assembly Bill No. 1555

Assembly Bill No. 328

Assembly Bill No. 1825

Assembly Bill No. 573

Assembly Bill No. 1857

Assembly Bill No. 625

Assembly Bill No. 1865

Assembly Bill No. 687

Assembly Bill No. 1935

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 100**—An act to repeal Section 469 and to amend Section 362 of the Streets and Highways Code, relating to highways.

Referred to Committee on Transportation.

**Assembly Bill No. 131**—An act to amend the chapter heading of Chapter 5.7, Part 6, Division 1, and to amend Sections 3620, 3625, 3627, 3631, 3635 and 3637, and to add Section 3638 of the Revenue and



Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 328**—An act to add Sections 3066, 3066a, 3066b, 3066c, 3066d, 3066e, and 3066f to Chapter 6 of Title 14 of Part 4 of Division 3 of the Civil Code, to provide for liens in favor of hospitals in this State upon causes of action for damages accruing to injured persons therein for the reasonable charges for hospital service necessitated by the injuries giving rise to such causes of action, and providing for the rights and liabilities of interested persons in connection therewith.

Referred to Committee on Judiciary.

**Assembly Bill No. 573**—An act to add Section 2497 to the Business and Professions Code, relating to drugless practitioners under the Board of Osteopathic Examiners.

Referred to Committee on Business and Professions.

**Assembly Bill No. 625**—An act to amend Sections 197 and 200 of the Civil Code, relating to minors.

Referred to Committee on Judiciary.

**Assembly Bill No. 687**—An act to amend Sections 6011, 6012, 6015, 6245, 6353, 6358, 6381, 6486, 6487, 6702, 6711, 6776, 6811, and 6812 of the Revenue and Taxation Code, to amend and renumber Section 6245, to add Sections 6095, 6245, 6363, 6364, and 6385 to said code, and repeal Section 6456 of said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1109**—An act to amend Section 142 of the Civil Code, relating to payment of alimony.

Referred to Committee on Judiciary.

**Assembly Bill No. 1555**—An act to add Section 499c to the Penal Code, relating to theft of automobile tires, and fixing the time when the section shall no longer be effective.

Referred to Committee on Judiciary.

**Assembly Bill No. 1825**—An act to add Article 1a (comprising Sections 970 to 975, inclusive) to Chapter 15 of Division 3 of the Probate Code, relating to the payment of Federal estate taxes.

Referred to Committee on Judiciary.

**Assembly Bill No. 1857**—An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Referred to Committee on Local Government.

**Assembly Bill No. 1865**—An act to add Section 1.5 to an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1935**—An act to amend Section 107 of the Revenue and Taxation Code, relating to the taxation of real and personal property, including the taxing of possessory interests and mining rights.

Referred to Committee on Revenue and Taxation.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add four new sections to be numbered 7.2, 8.1, 8.3 and 34.2 to, the Personal Income Tax Act and to repeal Sections 17054, 17155, 17303, 17818, 17819, 17820 and 18156 of, and to amend Sections 17126, 17127, 17154, 17159, 17211, 17213, 17310, 17311, 17313, 17316, 17351, 17503, 17506, 17560, 17562, 17563, 17672, 17673, 17711, 17713, 17743, 17744, 17782, 17783, 17813, 17817, 17952, 18133, 18135, 18431, 18596, and 19061 of, and to add Chapter 3.5 consisting of Sections 17250 to 17257, inclusive, to Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17324 to 17324.16, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.7, consisting of Sections 17325 to 17350, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17507 to 17516, inclusive, to Chapter 5 of Part 10 of Division 2 of, and Article 4, consisting of Sections 18470 to 18479, inclusive, to Chapter 10 of Part 10 of Division 2 of, and Sections 17019.3, 17019.5, 17019.7, 17055, 17056, 17057, 17104, 17105, 17106, 17107, 17125.3, 17125.5, 17125.7, 17131, 17132, 17133, 17134, 17135, 17136, 17163.5, 17302.5, 17305.5, 17317.5, 17318.05, 17318.1, 17318.2, 17318.3, 17318.4, 17318.5, 17318.7, 17319, 17319.3, 17319.5, 17320, 17320.3, 17320.5, 17320.7, 17321, 17321.3, 17321.5, 17321.7, 17322, 17322.3, 17322.5, 17322.7, 17322.9, 17322.11, 17357, 17560.3, 17560.5, 17560.7, 17560.9, 17567, 17568, 17569, 17716.5, 17721, 17722, 17723, 17724, 17784.5, 17787, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18172.3, 18172.5, 18172.7, 19053.3, 19053.5, and 19053.7, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately;

And appointed Messrs. Waters, Beck, and Bennett as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### Appointment of Committee on Conference

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Mixter, and Carter as a Senate Committee on Conference concerning Assembly Bill No. 641 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman  
TICKLE  
POWERS

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: You are respectfully requested to return to the Assembly

**Assembly Bill No. 127**, which was sent to the Senate on April 17, 1943, in error and referred to the Senate Committee on Governmental Efficiency, this bill not having been acted upon for final passage by the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**MOTION TO WITHDRAW FROM COMMITTEE AND RETURN  
TO ASSEMBLY**

Senator Mixter moved that Assembly Bill No. 127 be withdrawn from the Committee on Governmental Efficiency, and be returned to the Assembly as requested.

Motion carried.

Assembly Bill No. 127 ordered returned to the Assembly.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Swan moved that Assembly Bill No. 88 be taken from the inactive file for purpose of amendment, and be returned to the inactive file.

Motion carried.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 88** An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Motion to Amend**

Senator Swan moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, lines 25 and 26, of the printed bill, strike out "go into immediate effect", and insert "take effect immediately, and Section 1 shall become operative on July 1, 1943."

Amendment read and adopted.

Bill ordered printed, and placed on the inactive file.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Hatfield moved that Senate Bill No. 84 be taken from the inactive file for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 84** An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

Bill read second time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 11, of the printed bill, as amended, strike out the semicolon and the balance of line 11; and strike out lines 12, 13, and 14, and insert a period.

**Amendment No. 2**

On page 2 of said bill, following line 35, insert

"(m) If any milk or cream is separated, cooled, mixed, canned or kept in any room or place which is occupied by any person as a sleeping or living apartment, or occupied by fowls, or animals."

Amendments read and adopted.

Bill ordered printed, and to second reading.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF SENATE BILLS

**Senate Bill No. 335**—An act to amend Section 13 of the Corporate Securities Act, relating to hearings after notice to desist and refrain from selling securities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 558**—An act to add Chapter 4, comprising Sections 1850 to 1863, inclusive, to Division 8 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the California Veterans' Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 560**—An act to add Chapter 2, comprising Sections 1770 to 1778, inclusive, to Division 8 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

Bill read second time.

## Motion to Amend

Senator Dorsey moved the adoption of the following amendment:

## Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 23, 24, and 25, and insert "admission to suitable institutions of learning in either public or private school field."

Amendment read.

Senators Dorsey, Quinn, and Swan demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Judah, Luckey, McBride, McCormack, Quinn, Salsman, Seawell, Shelley, Slater, and Swan—20.

**NOES**—Senators Biggar, Crittenden, DeLap, Gordon, Hatfield, Jespersen, Keating, Mayo, Mixter, Parkman, Powers, Rich, Tickle, and Ward—14.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 561**—An act to add Chapter 3, comprising Sections 1810 to 1843, inclusive, to Division 8 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the California Veterans' Board in respect thereto.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 1089**—An act to amend Sections 14080 and 14200 of the Health and Safety Code, relating to weed abatement and removal of fire hazards in fire protection districts in unincorporated areas, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 961**—An act to add Section 3702.5 to the Health and Safety Code, relating to drinking water.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 571**—An act making an appropriation to the Emergency Fund specified in Item 216 of the Budget Act of 1941, for the cost of repair and restoration of property damaged or destroyed by storms and floods, declaring the urgency of the act and that it take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Emergency Fund specified in Item 216 of the Budget Act of 1941," and insert "Department of Public Works".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 7, inclusive; and in line 8, strike out "of", and insert

"Section 1. Out of any money in the State treasury not otherwise appropriated the sum of fifteen thousand five hundred dollars (\$15,500) is hereby appropriated to the Department of Public Works to be expended by it or under its direction for the

##### Amendment No. 3

On page 1 of said bill, strike out lines 11 and 12, inclusive, and insert "Mendocino County.

Sec. 2. The money appropriated by this act if and when expended shall only be expended as follows:

For Bridge in Redwood Valley.....	\$6,500
For Longvale-Dos Rio Road.....	\$5,250
For Laytonville-Dos Rios Road.....	\$2,000
For Dos Rios-Covello Road.....	\$1,750".

##### Amendment No. 4

On page 1, line 18, of said bill, strike out "one fourth", and insert "one half".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 903**—An act to amend Section 108 of, and to add Section 110.5 to, the Vehicle Code, relating to a Division of Drivers' Licenses.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "and to add Section 110.5 to,".

##### Amendment No. 2

On page 1, line 1, of the printed bill, following "108", insert "of the Vehicle Code".

**Amendment No. 3**

On page 1 of the printed bill, strike out lines 10 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1093**—An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 4 of the title of the printed bill, after "development", insert ", improvement".

**Amendment No. 2**

On page 1, line 3, of said bill, strike out "Division of Beaches and Parks in the Depart."; and in line 4, strike out "ment of Natural Resources", and insert "State Park Commission".

**Amendment No. 3**

On page 1, line 11, of said bill, strike out "Division of Beaches and Parks", and insert "State Park Commission".

**Amendment No. 4**

On page 1, line 14, of said bill, strike out "Division of Parks", and insert "State Park Commission".

**Amendment No. 5**

On page 2, line 11, of said bill, after "ment", insert ", improvement".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 20**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 538**—An act to amend Section 5196 of the Public Resources Code, relating to investment of funds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1391**—An act to amend Sections 7301, 7303, 7304, 7351, 7352, 7402, 7405, 7501, and 7604 of, and to amend and renumber Section 7306 to be Section 6210.3 of, the Public Resources Code, relating to the sale and exchange of land, and granting and taking rights and interests therein, by the State and its political subdivisions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 3 of the title of the printed bill, between "of," and "the", insert "and to add Sections 8103 and 10017 to,".

**Amendment No. 2**

In line 6 of the title of said bill, after "subdivisions", insert "repealing acts and parts of acts therein specified".

**Amendment No. 3**

On page 4 of said bill, after line 11, insert

"SEC. 11. Section 8103 is added to the Public Resources Code, to read:

8103. All moneys, securities, or other properties arising from the sale of the 72 sections granted to the State for a seminary or learning, and from the sale of the 10 sections granted to the State for the erection of public buildings, shall be paid out of the State treasury on the order of The Regents of the University.

SEC. 12. Section 10017 is added to the Public Resources Code, to read:

10017. Section 3535 of the Political Code is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 227**—An act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, to include hospitals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 228**—An act to amend Section 341a of the Code of Civil Procedure, relating to personal property left in hotel, etc., to include hospitals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 325**—An act to amend Section 605e of the Civil Code, relating to the disposition of assets of nonprofit corporations upon dissolution or winding up.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 541**—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 995**—An act to validate contracts between public utility districts and individuals, firms or corporations for the joint payment for or joint construction or joint use of sewers or sewer facilities or for the purchase of rights or capacity in any sewer or sewer facilities constructed by such districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1158**—An act to add Section 474b to the Political Code, relating to the collection of claims or judgments due the State, or to any department, board or commission, under one thousand dollars (\$1,000), and payment for services therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1198**—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1347**—An act to amend Sections 595, 596 and 605e of the Civil Code, relating to nonprofit corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1197** An act to amend Sections 1516, 1535, 1550, 1554, and 1558 of the Probate Code, relating to guardianship matters of persons confined in State institutions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "guardian", insert a comma.

**Amendment No. 2**

On page 1, line 6, of said bill, after "instruct", insert "the".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1353** -An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 2, line 6, of the printed bill, after "any sale", insert "of merchandise".

**Amendment No. 2**

On page 2 of said bill, strike out lines 27 to 33, inclusive, and insert "chandise at retail, display price tags or price quotations in any form showing prices which are fictitiously in excess of the actual prices at which such merchandise is regularly and customarily sold at retail by such person; or in connection with the use of samples, catalogues, or other forms of advertising listing merchandise for sale at retail, display price tags or price quotations in any form showing prices which are fictitiously in excess of the actual prices at which such merchandise is regularly and customarily sold at retail by the person issuing such samples, catalogues or other forms of advertising."

**Amendment No. 3**

On page 2, line 36, of said bill, after the comma following "merchandise", insert "at retail, knowingly".

**Amendment No. 4**

On page 2, line 43, of said bill, after "employees", strike out "or to any other person", and insert "for a purpose other than for resale at such employee's established fixed place of business or for a use in connection with such place of business"

**Amendment No. 5**

On page 2, lines 46 and 47, of said bill, strike out "the sale or offer for sale of any such merchandise", and insert "any sale or offer for sale in this sentence herein above prohibited."

**Amendment No. 6**

On page 3, line 12, of said bill, strike out "Supreme", and insert "Superior".

**Amendment No. 7**

On page 3, line 37, of said bill, strike out "Practice", and insert "Diversion".

**Amendment No. 8**

On page 3 of said bill, strike out lines 38 and 39.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1282** -An act to amend Section 266 of the Political Code and Section 9300 of the Government Code, relating to compensation for Members of the Legislature.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 75**—An act to appropriate funds to the Division of Libraries for making micro-films of United States Census returns.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 666**—An act to amend Section 1 of an act entitled "An act relating to cold storage, regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, relating to the cold storage of foods.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26243, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and to add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 928**—An act to amend Section 11003 of, and to repeal Article 1a, consisting of Sections 11540 and 11541 of Chapter 5, of Division 10 of the Health and Safety Code, relating to narcotics.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 686**—An act to amend Sections 101, 102, 104, 106, 107, 110, 113 and to repeal Section 111 of, and to add Section 107.5 to the Health and Safety Code, relating to the State Department of Public Health.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 2, line 41, of the printed bill, after "director", strike out "except with respect to the Bureau of Venereal Diseases,".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 21**—An act to amend Section 8322 of the Streets and Highways Code, relating to the vacation of city streets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 90**—An act to add Chapter 3, consisting of Sections 8330 and 8331, to Part 3, Division 9, of the Streets and Highways

Code, relating to the vacation of city streets and providing for the reservation of certain easements therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 600**—An act to add Section 471.5 to the Vehicle Code, relating to signs, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 865**—An act to add Section 459.3 to the Vehicle Code, relating to traffic on road approaches to private airports, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 126**—An act to amend Sections 5245 and 5252 of the Streets and Highways Code, relating to special assessment proceedings and the calling for bids.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

##### Amendment No. 1

On page 1 of the printed bill, after line 19, insert

"Sec. 3. The limitation with respect to the advertisement and readvertisement for bids, which is repealed by this act, shall not constitute a bar to the advertisement or readvertisement for bids in any proceedings, the ordinance of intention for which was passed subsequent to January 1, 1941, and no such proceedings shall be invalid by reason of failure to advertise or readvertise for bids within said six (6) months period, nor shall the validity of any assessments levied thereunder be affected by any such failure or delay."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 148**—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "licenses", insert ", declaring the urgency hereof, to take effect immediately".

##### Amendment No. 2

On page 1 of said bill, after line 13, insert

"This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It is necessary for the public peace, health, and safety to speed the transportation of food, raw materials, to war plants, and delivery of finished war products and other products incidental thereto without any delays necessitated by the statutory requirement of procuring renewals of chauffeur's licenses which are now in effect and which are about to lapse through the expiration of the period of time for which they were originally issued."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 169** An act to add Section 512 to the Vehicle Code, relating to driving speed of motor vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended in the Assembly on April 1, 1943, strike out "amend Section 515.5 of", and insert "Section 515.6 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 14 to 20, inclusive.

**Amendment No. 3**

On page 1, line 21, of said bill, before "Whenever", strike out "(b)", and insert "SECTION 1. Section 515.6 is added to the Vehicle Code, to read:".

**Amendment No. 4**

On page 2 of said bill, commencing in line 8, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1005** An act to add Section 17a to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges, and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereto," approved May 25, 1923, authorizing the refunding of existing indebtedness, whether bonded or otherwise, and for the issuance of bonds and other indebtedness in aid of the refunding of existing bonds, or the creation of a new bonded indebtedness.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2, line 10, of the printed bill, as amended, strike out "Section 15", and insert "Sections 15 and 16".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1588**—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "44.2", and insert "44.4".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "44.2", and insert "44.4".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "44.2", and insert "44.4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1958**—An act making an appropriation to the Department of Motor Vehicles, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2, line 1, of the printed bill, as amended, strike out "or", and insert "and".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1392**—An act to amend Sections 6301, 6321, 6443 and 6502 of, and to add Sections 6442.5 and 6506 to, the Public Resources Code, relating to leases or exchanges of land by the State Lands Commission.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "6321," insert "6834".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 2**

On page 2, line 18, of said bill, insert

"SEC. 3. Section 6834 of said code is amended to read:

6834. Whenever the commission determines that lands shall be leased as provided in Articles 3 and 4 of this chapter and when the form of lease therefor has been prepared by the commission, the commission shall give notice of intention to lease such lands. The notice shall be published [for a period of five consecutive days] in a newspaper of general circulation in the county in which the lands or the greater portion thereof are situated and shall state the time (which shall not be less than 14 days after the last date of publication of the notice) and place for receiving and opening bids, a description of the lands, either as a tract or by parcels, and that the form of lease for the purpose of bidding may be procured at the designated office of the commission.

*If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included."*

**Amendment No. 3**

On page 2, line 19, of said bill, strike out "SEC. 3", and insert "SEC. 4".



**Amendment No. 4**

On page 2, line 30, of said bill, strike out "SEC. 4", and insert "SEC. 5".

**Amendment No. 5**

On page 2, line 42, of said bill, strike out "5", and insert "6".

**Amendment No. 6**

On page 2, line 48, of said bill, strike out "SEC. 6", and insert "SEC. 7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**COMMUNICATIONS**

The following communication was received, read, and ordered printed in the Journal:

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA  
SACRAMENTO, CALIFORNIA, April 20, 1943

*Hon. Joseph A. Beek, Secretary, State Senate  
State Capitol, Sacramento, California*

DEAR MR. BEEK: Attached hereto is a copy of a resolution adopted by the County Supervisors Association of California in a meeting held in Sacramento Friday, April 16, 1943, relating to Japanese now in relocation centers.

Very truly yours,

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA

RUSSELL L. PATTERSON, President  
By J. H. HUNTER, Secretary

COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA, HEADQUARTERS

**RESOLUTION**

In the matter of the release of Japanese from relocation centers, and, or, their induction into the armed forces of the United States of America

WHEREAS, It has been announced through the press:

1. That the Secretary of War contemplates that some 28,000 native-born Japanese shall be incorporated into the United States Army in separate combat units; and

2. That the Federal authorities contemplate the release of from 25,000 to 40,000 Japanese from relocation camps where they are now restrained, with no announced provision of adequate surveillance or control; and

WHEREAS, The County Supervisors Association of California believes that such contemplated action would be inimical to the best interests and to the welfare and effective defense of our Country; be it

*Resolved*, That we most vigorously and earnestly protest against the above proposed actions and each of them; that we convey this protest to the Secretary of War, to the War Relocation Board, to our Congressmen and Senators, to the President of the United States and to the Legislature of the State of California.

That we urge upon these authorities the following reasons, based upon an extensive experience with the Japanese for more than 40 years, an intimate knowledge of their character, and our observation of what occurred on December 7, 1941, and immediately thereafter;

(1) Following Pearl Harbor and for the defense of the West Coast against attack and sabotage, the Army wisely moved the Japanese from the Pacific Coast. Now to permit them to return to their former habitat would subject us again to the danger of serious sabotage and difficulty in defending our shoreline in the event of attack.

(2) Due to the temper of the American public since the dastardly attack at Pearl Harbor we feel that it would be detrimental to the best interests of the Japanese themselves to allow them to return for residence on the West Coast, and that difficult additional policing problems would be presented thereby in effecting their safety.

(3) It is impossible to distinguish between loyal and disloyal Japanese. We are in no position to judge the emotions of the Japanese inasmuch as they have maintained their own schools and religion, and in many cases, dual citizenship with their main allegiance to the Emperor of Japan.

(4) If Japanese were allowed to return to this area we could not expect the cooperation of present agricultural or industrial laborers already engaged in the war effort if they were called upon to work with Japanese evacuees.

(5) To allow young Japanese to leave relocation camps for educational purposes in our colleges would be unjust and inequitable as it affects our own American boys who have been taken out of college and are so loyally serving their Country in the armed forces to the detriment of their education and employment.

(6) It is the opinion of the County Supervisors Association that these Japanese should be contributing substantially to the war effort but we feel that it should be in areas removed from the Pacific Coast and by group movement under full and proper control and supervision by the Army. In no event should they be dispersed throughout the Country without proper provision for absolute surveillance and control; be it further

*Resolved*, That the Japanese, both alien and American born should be retained in relocation centers for the duration unless they are placed under direct and absolute supervision and full control of Army authority and engaged in the furtherance of our war effort.

#### COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA

ROSCOE L. PATTERSON, President  
By J. H. HUNTER, Secretary

[SEAL]

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add four new sections to be numbered 7.2, 8.1, 8.3 and 34.2 to, the Personal Income Tax Act and to repeal Sections 17054, 17155, 17303, 17818, 17819, 17820 and 18156 of, and to amend Sections 17126, 17127, 17154, 17159, 17211, 17213, 17310, 17311, 17313, 17316, 17351, 17503, 17506, 17560, 17562, 17563, 17672, 17673, 17711, 17713, 17743, 17744, 17782, 17783, 17813, 17817, 17952, 18133, 18135, 18431, 18596, and 19061 of, and to add Chapter 3.5 consisting of Sections 17250 to 17257, inclusive, to Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17324 to 17324.16, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.7, consisting of Sections 17325 to 17350, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17507 to 17516, inclusive, to Chapter 5 of Part 10 of Division 2 of, and Article 4, consisting of Sections 18470 to 18479, inclusive, to Chapter 10 of Part 10 of Division 2 of, and Sections 17019.3, 17019.5, 17019.7, 17055, 17056, 17057, 17104, 17105, 17106, 17107, 17125.3, 17125.5, 17125.7, 17131, 17132, 17133, 17134, 17135, 17136, 17163.5, 17302.5, 17305.5, 17317.5, 17318.05, 17318.1, 17318.2, 17318.3, 17318.4, 17318.5, 17318.7, 17319, 17319.3, 17319.5, 17320, 17320.3, 17320.5, 17320.7, 17321, 17321.3, 17321.5, 17321.7, 17322, 17322.3, 17322.5, 17322.7, 17322.9, 17322.11, 17357, 17560.3, 17560.5, 17560.7, 17560.9, 17567, 17568, 17569, 17716.5, 17721, 17722, 17723, 17724, 17784.5, 17787, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18172.3, 18172.5, 18172.7, 19053.3, 19053.5, and 19053.7, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill be further amended as follows:

#### Amendment No. 1

On page 2, line 4, of the title of the printed bill, as amended, after "19053.7", insert "to, the Revenue and Taxation Code".

DE LAP  
MIXTER  
CARTER  
Senate Committee on Conference

WATERS  
BECK  
BENNETT  
Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, monies, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill be further amended as follows:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 8 to 10, inclusive, and insert "approved July 1, 1941, relating to State and county participation in Federal work, stamp and surplus commodity programs, providing for the termination thereof and the disposition of the proceeds, transferring powers, duties, responsibilities and jurisdiction and all records, books, papers and property connected therewith and repealing acts specified therein."

GORDON  
CUNNINGHAM  
CRITTENDEN

BASHORE  
ERWIN  
LEONARD

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—25.

**NOES**—None.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 115

*Resolved*, That the following named persons be and they are hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 21, 1943, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

Thomas McCormack, Page_____	<i>Seven days</i>
William Wallace, Page_____	<i>per week</i>
	\$2 50
	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 37:** By Senator Mixer—Relative to approving an amendment to the charter of the City of Visalia, County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943.

**Request for Unanimous Consent**

Senator Mixer asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 37, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 37**

**Senate Concurrent Resolution No. 37**—Relative to approving an amendment to the charter of the City of Visalia, County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 38:** By Senator Deuel—Relative to approving an amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943.

**Request for Unanimous Consent**

Senator Deuel asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 38, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 38**

**Senate Concurrent Resolution No. 38**—Relative to approving an amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman,



Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 39:** By Senator Jespersen—Relative to approving certain amendments to the charter of the City of San Luis Obispo in the County of San Luis Obispo, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the fifth day of April, 1943.

#### Request for Unanimous Consent

Senator Jespersen asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 39, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 39

**Senate Concurrent Resolution No. 39**—Relative to approving certain amendments to the charter of the City of San Luis Obispo in the County of San Luis Obispo, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the fifth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 999**—An act to amend Section 56 of the Unemployment Insurance Act, relating to eligibility for benefits.

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 999 was passed.

The roll was called, and Senate Bill No. 999 refused reconsideration by the following vote:

**AYES**—Senators Carter, Crittenden, DeLap, Donnelly, Dorsey, Keating, Shelley, Slater, Swan, and Tenney—10.

**NOES**—Senators Breed, Brown, Burns, Collier, Cunningham, Donel, Dillinger, Gordon, Judah, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Swing, Tickle, and Ward—21.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 856**—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Pursuant to his motion previously made, Senator Dillinger moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 856 was refused passage.

The roll was called, and Senate Bill No. 856 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Gordon, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tickle, and Ward—23.

NOES—Senators Carter, Crittenden, Donnelly, Fletcher, Jespersen, Keating, Luckey, Powers, Shelley, Swan, Swing, and Tenney—12.

#### Further Consideration of Senate Bill No. 856

**Senate Bill No. 856**—An act to amend Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Gordon, Judah, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Tickle, and Ward—21.

NOES—Senators Carter, Crittenden, Donnelly, Engle, Fletcher, Jespersen, Keating, Luckey, Powers, Quinn, Shelley, Slater, Swan, Swing, and Tenney—15.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 970**—An act to add Section 17.5 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to the refunding of debts, and to the issuance of bonds in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Explanation of Absence

Senator Quinn moved that the following explanation of his absence during roll call be printed in the Journal:

Motion carried.

#### Reason for Not Voting on Senate Bill No. 970

MR. PRESIDENT: In reference to Senate Bill No. 970, at the time this bill was called up for a vote, I was called to the long distance telephone, from Los Angeles. When I returned the vote had been taken. Had I been present on the floor, I would have voted for Senate Bill No. 970.

SENATOR QUINN

**Senate Bill No. 589**—An act to add Section 2412 to the Business and Professions Code, providing additional causes for denial, suspension or revocation of licenses to practice medicine.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Brown, Fletcher, Hatfield, Mayo, McBride, Quinn, Seawell, and Tenney—8.

**NOES**—Senators Biggar, Carter, Collier, Crittenden, DeLap, Donel, Dillingham, Donnelly, Engle, Jespersen, Judah, Luckey, Mixer, Salsman, Shelley, Slater, Swan, Tickle, and Ward—19.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Biggar, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO, CALIFORNIA, April 21, 1943

Honorable Geo. M. Biggar, Senate Chamber  
State Capitol, Sacramento, California

#### SENATE BILL NO. 185—No. 9404

DEAR SENATOR BIGGAR: This is in response to your inquiries as to the operation of Senate Bill No. 185.

This bill defines "purchase" and "sell" and the variants of these terms to include any transaction whereby either title, possession, or control, or the right to take, possession, or control of fluid milk or fluid cream passes to another person.

This provision, if enacted, will appear in the provisions of the Agricultural Code relating to the prices to be paid producers of fluid milk and fluid cream.

The object of the bill appears to be to prevent evasion of the milk control provisions of the code by arrangements which do not technically constitute purchases or sales under the Sales Act, which governs sales of personal property generally.

The effect of the bill will be that transactions concerning fluid milk or fluid cream which are not sales in the ordinary sense will be treated as sales for the purposes of the Milk Control Law.

The result will be that when the possession or control of the milk is transferred the transfer constitutes a sale, and has all of the attributes of a sale. This results as a matter of law and the title to the milk passes as in the case of any other sale.

Under the bill, when the buyer takes possession of the milk from the producer he has purchased it and becomes subject to the provisions of the Milk Control Law relating to milk purchases from producers. Similarly, the producer has sold the milk and is relegated to his rights under the act as a seller.

These conditions ensue as a matter of law, regardless of the intent of the parties. In response to your subsidiary question as to whether or not the bill would compel a purchaser to pay for fluid milk or fluid cream which do not meet the quality requirements, we do not see how such question could arise.

"Fluid milk" and "fluid cream" are defined in Section 735.3 of the Agricultural Code, in subdivisions (b) (c), respectively, as milk and cream meeting the health regulations for market milk and the health and sanitation requirements for cream.

Unless the particular milk or cream come within the definitions of fluid milk and fluid cream the bill would not apply at all.

Consequently, we do not believe that a distributor who took possession of milk which was spoiled or which otherwise failed to meet the definition of "fluid milk" would become a "purchaser" of the milk under the bill. As we view it, the bill has nothing to do with such a situation.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By JOSEPH W. PAULUCCI, Deputy

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 185**—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Biggar moved a call of the Senate.

Motion carried. Time, 3.19 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 498**—An act to amend Section 4.250 of the School Code and to amend Section 5340 of the Education Code, relating to the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Salsman, Seawell, Shelley, Swan, and Swing—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 503**—An act to amend Section 2.20 of the School Code and to amend Section 1502 of the Education Code, relating to the Public School System.

Bill read third time.

## Motion to Amend

Senator Collier moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "5.127-1 and 5.141-1 to the School Code and to add".

## Amendment No. 2

On page 1, line 1, of the printed bill, as amended, after "Section 1.", insert "Section 5.127-1 is added to the School Code, to read:

5.127-1. The Superintendent of Public Instruction, during any National emergency declared by the President of the United States of America, may, on the recommendation of the Commission of Credentials, issue emergency credentials. The expiration date of each credential issued hereunder shall be fixed by the Superintendent of Public Instruction, but in no event shall such credential be valid for any purpose after the end of the school year in which the President of the United States of America declares such National emergency has ceased to exist.

SEC. 2. Section 5.141-1 is added to the Education Code, to read:

5.141-1. For an emergency credential as high a general standard as conditions at the time will warrant.

SEC. 3."

## Amendment No. 3

On page 1, line 14, of the printed bill, as amended, strike out "2", and insert "4".

## Amendment No. 4

On page 1 of the printed bill, as amended, following line 17, insert

"SEC. 5. Sections 3 and 4 of the act become operative only if the Education Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time as said code takes effect at which time Sections 5.127-1 and 5.141-1 of the School Code added by this act are hereby repealed."

## Amendment No. 5

On page 1, line 19, of the printed bill, as amended, strike out "3", and insert "6".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.



**Senate Bill No. 249**—An act to repeal an act entitled "An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of Congress entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 1, 1911, as amended," approved by the Governor September 20, 1934, relating to the acquisition of land in the State by the United States.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Engle, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.28 p.m., on motion of Senator Biggar, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 185 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Ducl, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Mayo, Mixer, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—22.

NOES—Senators Burns, DeLap, Judah, Luckey, McBride, and Shelley—6.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 847**—An act to provide for the identification of persons in State institutions in the event of disaster due to enemy action, by providing for the fingerprinting of such persons by or under the supervision of the Bureau of Criminal Identification and Investigation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 690**—An act to amend Section 1526 of the Welfare and Institutions Code, relating to the residence of needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1039**—An act to add Section 1556.5 to the Welfare and Institutions Code, relating to wages of orphans and other needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Jespersen, Judah, Luckey, Mayo, Mixter, Parkman, Powers, Seawell, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 752**—An act to add Article 9.5, consisting of Sections 5.107-1 to 5.107-4, inclusive, to Chapter 1 of Part 1 of Division 5 of the School Code, relating to the granting of degrees to vocational teachers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 603**—An act to amend Sections 6871 and 6873 of the Health and Safety Code, to amend the article heading of Article 3 of Chapter 9, Part 1 of Division 6 thereof, and to add Sections 6870.1, 6870.2, 6870.3 and 6870.4, relating to consolidation of sanitary districts without an election.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 76**—An act to provide for the use of property belonging to public agencies for horseback riding.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Donnelly, Jespersen, Keating, Mayo, McBride, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—22.

NOES—Senators Carter and Collier—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 376**—An act to add Sections 4539, 4802.5, and 4805 to the Elections Code, relating to associations that support candidates for election or endorse measures for adoption by the voters, or solicit or receive moneys upon the promise to nominate or endorse candidates or propose or sponsor measures for adoption.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tenney, Tickle, and Ward—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 153**—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

Bill read third time.

#### Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "one thousand eight", and insert "two thousand four".

#### Amendment No. 2

On page 1, line 9, of said bill, strike out "\$1,800", and insert "\$2,400".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 733**—An act making an appropriation to be expended under the direction of the Governor to effectuate the purposes of the California State War Powers Act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Mayo, McBride, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 24**—Relative to memorializing the Congress of the United States to act favorably on H. R. 1398 to provide the mining and mineral leasing laws of the United States be extended to include the area within the boundaries of Death Valley National Monument.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 27**—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of said State, by adding Section 38 thereto, relating to the reorganization of the Executive Department of the State Government.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—Senator Carter—1.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 797**—An act to amend Section 3423 of the Public Resources Code, relating to the imposition of a tax lien and the enforcement thereof by summary seizure and sale of property.

Bill read third time.

#### Motion to Amend

Senator Carter moved the adoption of the following amendments:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 3423", and insert "Sections 3418 and 3423".

#### Amendment No. 2

In line 2 of the title of said bill, after "to", insert "the Record of Assessments and Charges for the Petroleum and Gas Fund and".

#### Amendment No. 3

On page 1 of said bill, before line 1, insert

"SECTION 1. Section 3418 of the Public Resources Code is amended to read:  
3418. The department shall prepare each year a record called the "Record of Assessments and Charges for the Petroleum and Gas Fund" in which shall be entered each assessment and levy or charge made by it upon the property assessed and charged under this article, describing the property assessed and setting forth the name and address of the owner of the property as such name and address last appears in the office of the tax assessor for county in which such land or a major portion thereof is situate. The assessments may be classified and entered in such separate parts of the record as the department may prescribe."

#### Amendment No. 4

On page 1, line 1, of said bill, strike out "SECTION 1", and insert "SEC. 2".

#### Amendment No. 5

On page 1 of said bill, between lines 11 and 12, insert

"When an assessment shall have been levied, but shall not have been paid prior to the first Monday in February following such levy, the Controller shall, within ten (10) days thereafter, mail a notice to the owner of the land at his last known address as it appears in the office of the county assessor for the county in which the land is situate, or if no address appears in the office of the county assessor, then to the last address of the owner of the land known to the Controller. The notice shall contain a statement of the amount of the assessment, the date upon which the assessment was levied, the fact that the records of the Controller show the assess-



ment to be unpaid, and shall declare that unless the assessment is paid before the first Monday in March following, the lien provided for in this section will attach."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 580**—An act to amend Section 1270 of, and to repeal Sections 1273 and 1274 of, the Fish and Game Code, relating to deer.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, between lines 7 and 8, insert:

"In Districts 1½ and 4½ one deer only may be taken during the open season. Any person who is a resident of District 1½ or 4½ may possess, during the open season, one deer taken in either of said districts and one deer legally taken in any other district.

In districts other than 1½ and 4½ not more than two deer may be taken during the open season."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 53**—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 437**—An act to add Section 13099.2 to the Education Code, relating to classification of persons as permanent employees of school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 197**—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 801**—An act relating to office and working hours and the payment of overtime compensation, to add Sections 73 and 73.5 to the State Civil Service Act in connection therewith and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Mayo:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 21, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 2003, 2005, 2008, 2009, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2187, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2014, 2016, 2017, 2020.05, 2142.5, 2143, 2162.5,

2163.1, 2163.2, 2163.7, 2165.1, 2166, 2181.1, 2182.1, 2183.1, 2194, and 2210 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Respectfully submitted.

SENATOR MAYO

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLapp, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Keating, Kesting, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McBride:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 6077.6 to the Harbors and Navigation Code, relating to harbor districts.

Respectfully submitted.

SENATOR McBRIDE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLapp, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Senate Bill No. 1103:** By Senator Mayo—An act to amend Sections 2003, 2005, 2008, 2009, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2187, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2014, 2016, 2017, 2020.05, 2142.5, 2143, 2162.5, 2163.1, 2163.2, 2163.7, 2165.1, 2166, 2181.1, 2182.1, 2183.1, 2194, and 2210 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1104:** By Senator McBride—An act to add Section 6077.6 to the Harbors and Navigation Code, relating to harbor districts.

Referred to Committee on Transportation.

**MOTION TO RECONSIDER**

Senator McBride moved to reconsider the vote whereby Senate Bill No. 185 was passed.

**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator McBride, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 185 was passed, was continued until the next legislative day.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Keating moved that Senate Bill No. 196 be taken from the inactive file for the purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 196**—An act to amend Section 650.5 of the Fish and Game Code, relating to salmon.

Bill read second time.

**Motion to Amend**

Senator Keating moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "650.5", and insert "658.1".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "650.5", and insert "658.1".

**Amendment No. 3**

Strike out lines 3 to 13, inclusive, and insert

"658.1. In Districts 10, except that portion thereof within Tomales Bay, and 11, salmon may be taken with hook and line between September 1st and October 31st. In Tomales Bay salmon may be taken with hook and line between September 1st and the last day of February. The bag limit is two per day. Not more than one daily bag limit may be possessed by any person during any one day. No such salmon may be sold. For the purposes of this section Tomales Bay consists of all of the waters and tidelands southerly of a line from the most northerly point on Pierce's Point to the most westerly point on Sand Point."

Amendments read and adopted.

Bill ordered printed, and to second reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 67**—An act to add Section 1176.5 to the Fish and Game Code, relating to falcons and pigeons, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 4 and 5, and insert "Any person who".

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 871**—An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 724.3 of the Fish and Game Code, relating to fish.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 7, of the printed bill, as amended, strike out "District 4A", and insert "Districts 3, 4, 4 1/2 and 4A".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1531

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5, noes 3; absent 1.

McBRIDE, Chairman

Above reported bill ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1394

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 82

Senate Bill No. 90

Senate Bill No. 729

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 295

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 4; noes 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 736

Assembly Bill No. 1049

Senate Bill No. 741

Assembly Bill No. 1073

Assembly Bill No. 806

Assembly Bill No. 1166

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 1098

Assembly Bill No. 1048

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 5; noes 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 335

Senate Bill No. 961

Senate Bill No. 558

Senate Bill No. 1089

Senate Bill No. 561

And reports the same correctly engrossed.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 164—An act to add Section 1752.7 to the Welfare and Institutions Code, relating to the collection of statistics and other information by the Youth Correction Authority and requiring public officers and employees to furnish statistics and other information to the Authority;

Senate Bill No. 444—An act to add Section 39.1 to the Fish and Game Code, relating to open seasons, and providing a penalty for the breach thereof;

Senate Bill No. 535—An act to amend Sections 528 and 540 of the Political Code, relating to State printing;

Senate Bill No. 567—An act to amend Section 1346 of the Fish and Game Code, relating to antelope, and declaring the urgency thereof, to take effect immediately;

Senate Concurrent Resolution No. 33—Approving an amendment to the charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of April, 1943;

Senate Concurrent Resolution No. 35—Relative to approving certain amendments to the charter of the City of Vallejo, a municipal corporation of the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 6, 1943;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1943, at 2 p.m.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 375  
Senate Bill No. 469

Senate Bill No. 499  
Senate Bill No. 608

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 59  
Senate Bill No. 166  
Senate Bill No. 167

Senate Bill No. 501  
Senate Bill No. 633

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1335  
Assembly Bill No. 1984  
Assembly Bill No. 1189  
Assembly Bill No. 1070

Assembly Bill No. 1068  
Assembly Bill No. 706  
Assembly Bill No. 33  
Assembly Bill No. 1463

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 1335**—An act to amend Sections 1, 4, 5 and 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1984**—An act making an appropriation for the support of the California State Guard.

Referred to Committee on Finance.

**Assembly Bill No. 1189**—An act to amend Sections 165, 6656.5, 6660.5 and 6661 of the Welfare and Institutions Code, relating to funds and personal property belonging to patients in State institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1070**—An act to add Section 156.5 to the Vehicle Code, relating to the issuance of stickers in lieu of license plates to vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1068**—An act to add Section 135.4 to the Vehicle Code, relating to members of California Highway Patrol having power of peace officers.

Referred to Committee on Transportation.

**Assembly Bill No. 796**—An act to amend Part 5 of Division 2 of the Revenue and Taxation Code, relating to the vehicle license fee.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 33**—An act to add Section 511.9 to the Vehicle Code, relating to the regulation of speeds on public streets and highways, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1463**—An act granting to the City and County of San Francisco certain tidelands and submerged lands belonging to the State of California and situated in the County of San Mateo for development and use in connection with the San Francisco Airport in San Mateo County and as a part of the public airport being used, operated and maintained by the City and County of San Francisco, regulating the management, use and control thereof and authorizing the reclamation and improvement thereof all in conjunction with the use, operation and maintenance of the San Francisco Airport in San Mateo County.

Referred to Committee on Governmental Efficiency.

#### ADJOURNMENT

At 4.55 p.m., on motion of Senator Swing, the President pro tempore declared the Senate adjourned until 1 p.m., Thursday, April 22, 1943.



**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

FIFTY-NINTH LEGISLATIVE DAY

ONE HUNDRED NINTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Thursday, April 22, 1943

The Senate met at 1 p.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beck at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crutcher, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Minter, Packman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tinkle, and Ward. 36

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Deuel, on motion of Senator Mayo.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Willits, Principal, Union Hill School, and the following Seventh and Eighth Grades students: Clifford Williams, Thomas Patterson, Walter O'Yung, Mary Wilson, Juanita Haxton, Asta Rasmussen, Rita O'Yung, Leo Boyle, Frank O'Yung, Glenn Patton and Jack Merrill, all of Nevada County.

On request of Senator Engle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Sadie Ash, Superintendent of Schools, and Mrs. Ruth Edmonds, Rural School Supervisor, both of Colusa County.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mildred Gordon,

Betty Scarlett, Mrs. Mazie Fosgati, Mrs. Charles Buttler, Joe Ann Buttler and Barbara Buttler, all of Napa County.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray C. Ellis of Placerville.

On request of Senators Shelley and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Silvey, Treasurer, Teachers' Association of San Francisco, and Martin R. Lehrberger, Chairman, Legislative Committee, Teachers' Association of San Francisco.

On request of Senators Breed and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain McNutt, United States Air Corps Public Relations Department, and Lieutenant McClure, of the United States Air Corps.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to his daughter, Miss Rosemary Donnelly, and to Miss Bette Hughes of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph W. Everett, Sacramento Junior College, of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter J. Kramer, Principal of Franklin Union School, Rev. G. G. Rauser, Mrs. Sarah Rauser, Mrs. Pauline Keema, Mrs. Bertha Aldinger and the following students: Billy Wells, Verna Hinsz, Dorothy Schultz, Ruth Stottlemyre, Norman Kneppel, Edward Keema, Leland Schmidt, Burdette De Jony, Betty Lunderville, Jean Rauser, Arlene Hinsz, Betty Lou Endres, Patricia Aldinger, Evelyn Johnson, Alice Balliet, Robert Sacock, Alva Beck, August Ehresman, Raymond Ehresman, Vernon Raw, Joyce Dial and Naomi Test, all of Franklin, California.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clifford D. Cooper of South Pasadena.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. L. Van Lanen, Teacher, of Meadow Vista School, and the following students, all of Placer County: Stanley Justis, Richard Nettleton and John Paul Wood.

## REPORTS OF STANDING COMMITTEES

### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 20, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 898

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 754	Assembly Bill No. 1047
Senate Bill No. 1023	Assembly Bill No. 1109
Assembly Bill No. 247	Assembly Bill No. 1313
Assembly Bill No. 249	Assembly Bill No. 1914
Assembly Bill No. 531	Assembly Bill No. 1917
Assembly Bill No. 738	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 746

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 3; absent 1; not voting 2.

DE LAP, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 46

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 11; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 882	Assembly Bill No. 676
Assembly Bill No. 675	Assembly Bill No. 678

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 601  
Senate Bill No. 661

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

WARD, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1114

Assembly Bill No. 1115

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1359

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1113

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

WARD, Vice Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 125

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

WARD, Vice Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 690

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Joint Resolution No. 19

Assembly Joint Resolution No. 21

Assembly Joint Resolution No. 40

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported resolutions ordered to third reading.



## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 1916

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 965

Assembly Bill No. 1923

Senate Bill No. 1022

Assembly Bill No. 1888

Senate Bill No. 1096

Assembly Bill No. 1915

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 560

Senate Bill No. 903

Senate Bill No. 1093

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 84

Senate Bill No. 503

Senate Bill No. 153

Senate Bill No. 580

Senate Bill No. 196

Senate Bill No. 797

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 539

Assembly Bill No. 1033

Assembly Bill No. 1091

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 539**—An act to amend Section 3.351 of the School Code and to amend Section 8812 of the Education Code, relating to the establishment of junior colleges.

Referred to Committee on Education.

**Assembly Bill No. 1033**—An act to add Section 261b to the Code of Civil Procedure, relating to phonographic reporters for superior courts in counties, or cities and counties, having a population of 900,000 or more, providing for the compensation and fees of such reporters, requiring the payment to the county clerk of such counties, or cities and counties, of certain filing and appearance fees, in addition to any other

fees now required by law, requiring that such fees be deposited in the salary fund of such counties, or cities and counties.

Referred to Committee on Judiciary.

**Assembly Bill No. 1091**—An act making an appropriation to pay the claim of the County of Sacramento against the State of California.

Referred to the Committee on Finance.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 57

Assembly Concurrent Resolution No. 58

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was offered:

**Assembly Concurrent Resolution No. 58**—Approving certain amendments to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 13, 1943.

#### Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 58, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 58

**Assembly Concurrent Resolution No. 58**—Approving certain amendments to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 13, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was offered:

**Assembly Concurrent Resolution No. 57**—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the twelfth day of April, 1943.

#### Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 57, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 57**

**Assembly Concurrent Resolution No. 57**—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the twelfth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tickle, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolutions were offered:

**Senate Concurrent Resolution No. 40:** By Senator Hatfield—Relative to continuing in existence the Fact-Finding Committee created by Senate Concurrent Resolution No. 13 of the Fifty-fifth Session, and authorizing the study of economic planning.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 41:** By Senator Dorsey—Relative to execution by Japanese military authorities of American fliers held as prisoners of war.

**Request for Unanimous Consent**

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 41, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 41**

**Senate Concurrent Resolution No. 41**—Relative to execution by Japanese military authorities of American fliers held as prisoners of war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF SENATE BILLS**

**Senate Bill No. 747**—An act to amend Section 970 of the Fish and Game Code, relating to crab traps.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1102**—An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 424** An act to add Section 806.5 to the Agricultural Code, relating to standards for plums, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 960**—An act to prohibit the destruction of edible farm commodities, unless such commodities are unfit for human consumption.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 2, of the printed bill, following the comma, strike out "it shall be unlawful to destroy any edible".

##### Amendment No. 2

On page 1 of said bill, strike out lines 3 to 11, inclusive, and insert "any producer, handler or processor may sell for human consumption any commodity unless such commodity is in such condition as to be unfit for human consumption, for the duration of the war."

##### Amendment No. 3

Strike out all of lines 15 and 16, inclusive, and insert "may be sold by either producer, handler, or processor for local human consumption."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1057**—An act to amend Sections 133 and 3661 of, and to repeal Chapter 4.3 of Part 6 of Division 1 of, the Revenue and Taxation Code, relating to the State Land Classification Commission and to the classification of tax-deeded property.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 1 of the title of the printed bill, after "repeal", insert "Section 3807.8 and".

##### Amendment No. 2

On page 2, line 21, of said bill, after "Sec. 3.", insert "Section 3807.8 and".

##### Amendment No. 3

On page 2, line 22, of said bill, strike out "is", and insert "are".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 77**—An act to authorize the Bureau of Criminal Identification and Investigation to purchase or lease the teletype system maintained in and by the County of Mendocino for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the bureau between counties



and cities and counties of this State, and to make an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 145**—An act making an appropriation to the California Polytechnic School for the cultivation of herbs, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 513**—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 827**—An act to amend Section 21412 of the School Code and to amend Section 144 of the Education Code, relating to the Deputy Superintendent of Public Instruction.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1004**—An act to amend Section 164 of the Military and Veterans Code, relating to the salary of The Adjutant General.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1081**—An act making an appropriation for the acquisition of real property for the Preston School of Industry.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 82**—An act making an appropriation to the State Board of Prison Directors for the establishment of a psychopathic hospital for insane prisoners at San Quentin Prison.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 1, line 2, of the printed bill, after the second "of", insert "\$735,000".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 729**—An act making an appropriation for the acquisition, development and maintenance of parks in Humboldt County for public use.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "of", insert "Beaches and".

##### Amendment No. 2

On page 1, line 4, of said bill, after the second "of", insert "any money appropriated by subdivision (b) of Section 5014 of the Public Resources Code in".

##### Amendment No. 3

On page 1, line 7, of said bill, after "of", insert "Beaches and".

**Amendment No. 4**

On page 1, line 10, of said bill, after "of", insert "Beaches of".

**Amendment No. 5**

On page 1, line 5, of said bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 90**—An act making an appropriation to the State Park Commission for the restoration work at Fort Ross.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources,".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "State".

**Amendment No. 3**

On page 1, line 2, of the printed bill, strike out "Park Commission of the", and insert "Division of Beaches and Parks,".

**Amendment No. 4**

On page 1, line 3, of the printed bill, strike out "from", and insert "out of any money apportioned by subdivision (b) of Section 5014 of the Public Resources Code in".

**Amendment No. 5**

On page 1, line 4, of the printed bill, after "used", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 736**—An act to amend Section 1590 of the Labor Code, relating to bonds of employment agencies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 741**—An act to amend Section 2352 of the Labor Code, relating to conditions of places of employment.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1098**—An act to add Section 1199.5 to the Labor Code, relating to wages of women and minors.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

In the title of the printed bill, strike out "1199.5", and insert "1195 (a)".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "1199.5", and insert "1195 (a)".

**Amendment No. 3**

On page 1, line 3, of the printed bill, strike out "1199.5", and insert "1195 (a)".

Amendments read and adopted.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "1199.5", and insert "1195.5".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "1199.5", and insert "1195.5".

**Amendment No. 3**

On page 1, line 3, of the printed bill, strike out "1199.5", and insert "1195.5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1**—An act to add Chapter 9, comprising Sections 1141 to 1160, inclusive, to Part 3, Division 2 of the Labor Code, relating to the incorporation of labor organizations, their control and regulation, and picketing and the calling of strikes by such organizations

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Chapter 9, comprising Sections 1141 to 1160,"; and strike out lines 2, 3, 4, and 5, and insert "Sections 924, 925 and 926 to the Labor Code, relating to labor, including provisions as to wage deductions, union dues and permits to work."

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 24, inclusive; strike out pages 2, 3, 4, 5, and 6; and on page 7, strike out lines 1 to 18, inclusive, and insert

"SECTION 1. Sections 924, 925 and 926 are added to the Labor Code, to read:

924. No person, organization or other agency or organization, or any officer or member thereof, shall collect, receive, or collect, directly or indirectly, any money or other thing of value, or any other valuable consideration, paid or promised to be paid, for a permit to work or a priority for a call to work.

925. No employer shall make any deductions from any employee's wages, salary, bonus, commissions, or other earnings, unless authorized in writing by the employee, and any such deductions authorized by the employee may be revoked by the employee at any time, in the employee's discretion and upon written notice. This shall not apply to deductions from any employee's earnings for Federal Social Security, State Unemployment Insurance, or Federal income tax payments.

926. No employer or employer's representative may pay to any labor organization, or its representative, directly or indirectly, any sum of money to be applied upon the initiation fee, monthly dues, fines or assessments, of any of his employees affiliated with, or who have applied for membership in, any labor organization, unless all such moneys are a part of the employee's earnings and payment to the labor organization has been authorized in writing by the employee. No employer may pay or rebate to any employee in money or in kind the amount paid by any such employee to any labor organization for initiation fee, monthly dues, fines, or assessments. And no employer may pay a fee or make a financial contribution to any labor organization, as a condition to securing workers from such labor organization. Violation of this provision by an employer shall be deemed a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500), or six months imprisonment, or both."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**Senate Bill No. 84**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 196**—An act to amend Section 650.5 of the Fish and Game Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 636**—An act to amend Section 34 of the Fish and Game Code, relating to cultural operations and scientific investigations in the waters of the State of California.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 652**—An act to amend Section 404 of the Fish and Game Code, relating to licenses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 657**—An act to add Section 486.5 to the Fish and Game Code, relating to the taking of fish for the taking of which a sporting fishing license is required.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1040**—An act to amend Section 39 of the Fish and Game Code, relating to migratory birds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1160**—An act to amend Section 842 of the Fish and Game Code, relating to the unlawful use of nets, traps, lines or appliances.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1161**—An act to add Section 39.6 to the Fish and Game Code, relating to the sale of certain properties, real or personal, no longer necessary, or useful to the Fish and Game Commission.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 753**—An act to amend Section 201 of the Fish and Game Code, relating to the San Leandro Waterfowl Refuge.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1377**—An act to amend Section 786.5 of the Fish and Game Code, relating to lobsters and shellfish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 960**—An act to amend Section 2 of the Fish and Game Code, relating to definitions of terms used in said code.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 2, line 19, of the printed bill, as amended in the Assembly on March 31, 1943, strike out "except", and insert "including".

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1430**—An act to amend Section 797 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 797 of " and insert "add Section 797.1 to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert:

"SECTION 1. Section 797 is added to the Fish and Game Code, to read:

797.1. Abalone meat other than cut and abalone may not be transported out of the State. Abalone trimmings made into chowder stock, or dried as meal may be transported out of this State.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section, but such provisions, not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution, adding a new section numbered 1e, relating to taxation.

Resolution read.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 2, line 8, of the printed measure, as amended on April 2, 1943, after "used", insert "exclusively".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Assembly Bill No. 613**—An act to amend Section 2617 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 869**—An act to add Section 1630 to the Civil Code, relating to contracts for the sale of agricultural products.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1460**—An act to amend Section 577 of the Agricultural Code, relating to oleomargarine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1461**—An act to amend Section 521 of the Agricultural Code, relating to butter.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1508**—An act to amend Section 139 of the Agricultural Code, relating to newly discovered pests.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1511**—An act to amend Section 1260.15 of the Agricultural Code, relating to time of payment of grain warehouse registration fees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1632**—An act to add Section 818.1 to the Agricultural Code, relating to potatoes for seed purposes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1947**—An act to add Section 343.5 to the Agricultural Code, relating to inspection of cattle.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1963**—An act to amend Sections 802.6, 803, 823, 828.15, 828.25, 828.4 and 829.2 of the Agricultural Code, relating to standard containers for deciduous fruits and grapes, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 847**—An act to add Section 784.9 to the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 784.9", and insert "Sections 784.9 and 789.1".

##### Amendment No. 2

On page 1 of the printed bill, after line 12, insert

"SEC. 2. Section 789.1 is added to said code, to read:

789.1. No person, forwarding company or common carrier transporting any fruits, nuts or vegetables at the request of the shipper or owner thereof shall be deemed to be in violation of any provision of this chapter, unless such person, forwarding company or common carrier shall wilfully fail or refuse to stop the transportation thereof with reasonable dispatch after being notified in writing by any enforcing officer of this chapter that such products are found to be delivered for shipment in violation of this chapter."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1594**—An act to amend Section 9912 of the Revenue and Taxation Code, relating to jeopardy determinations with respect to the motor vehicle transportation license tax, including the delinquency penalty and interest in connection therewith, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1595**—An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation

Insurance Fund, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 693**—An act to add Section 833 to the Revenue and Taxation Code, relating to inspection of information and records in the State Board of Equalization Office.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1593**—An act to amend Sections 6702, 6736, 6738, 6757, 6776, and 6796, and to repeal Sections 6360 and 6361 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "6702, 6736, 6738, 6757, 6776," and insert "6736, 6738, 6757".

##### Amendment No. 2

On page 1 of said bill, strike out lines 5 to 21, inclusive.

##### Amendment No. 3

On page 3 of said bill, strike out lines 5 to 16, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 310**—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new article to be numbered 16, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof; providing for the kinds of securities issuable in connection therewith and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to or dissent from a plan as defined in said Article 16, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such Article 16 or for property and to continue to hold as a legal investment any securities or properties so received, and exempting the proposer or proposers of a plan and the

investors and creditors petitioning for withdrawal of assets from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

##### Amendment No. 1

On page 4 of the printed bill, as amended on April 8, 1943, strike out lines 10 to 17, both inclusive, and insert

"Notwithstanding anything to the contrary contained in this Subsection B, dissents of shareholders shall have no effect if the value of the assets of such association shall be less than the liabilities of such association, including the value of its investment certificates but not including the value of its shares; and dissents of stockholders shall have no effect if the value of the assets of such association shall be less than the liabilities thereof, including the value of all outstanding shares and investment certificates."

##### Amendment No. 2

On page 8, line 43, of said bill, strike out "either in person"; strike out line 44; and in line 45 strike out "before or".

##### Amendment No. 3

On page 9, line 11, of said bill, strike out the first "of", and insert "if".

##### Amendment No. 4

On page 9 of said bill, strike out lines 17 to 23, both inclusive, and insert "from the shareholders of any association if the value of the assets of such association shall be less than the liabilities of such association including the value of its investment certificates but not including the value of its shares, nor from the stockholders of any association if the value of the assets of such association shall be less than the liabilities thereof including the value of all outstanding shares and investment certificates; and provided".

##### Amendment No. 5

On page 9, line 48, of said bill, strike out "If the court shall determine"; on page 9, strike out lines 49 to 52, both inclusive; on page 10, strike out all of lines 1 and 2; and on page 10, line 3, strike out "consents shall not have been given the", and insert "The".

##### Amendment No. 6

On page 10, lines 8 and 9, of said bill, strike out "other than those (if any) who have consented to the plan approved by the court,".

##### Amendment No. 7

On page 12 of the printed bill as amended April 8, 1943, strike out all of line 49 following the period, and all of lines 50 to 52, both inclusive; and on page 13 of said bill strike out all of lines 1 to 3, both inclusive.

##### Amendment No. 8

On page 13 of said bill, strike out all of line 41 after the period; strike out lines 42 to 47, both inclusive; and strike out the first word in line 51, and insert "At least 10 days before such hearing the commissioner shall serve upon the petitioner or petitioners and shall file with the court an appraisal by the commissioner or by appraisers employed by him of each asset of such association (or of each group of assets of such association which are operated as a unit), and such appraisal shall be received in evidence at such hearing and shall be deemed prima facie correct. At the commencement of such hearing, or at such other time as the court shall prescribe".

##### Amendment No. 9

On page 14, line 13, of said bill, immediately before the period, insert ", nor unless the court determines that the ratio which the value of the assets to be withdrawn bears to the value of all of the assets is substantially the same as the ratio which the value of the investment certificates and the amount of unsecured creditors' claims owned by the petitioner or petitioners bears to the total of the value of all investment certificates and the amount of all unsecured creditors' claims".

##### Amendment No. 10

On page 14 of said bill, strike out all of line 16 following the period; and strike out lines 17 to 24, both inclusive, and insert "If such association has shares outstanding, no petition for withdrawal of assets shall be granted by the court unless either such withdrawal is consented to by the holders of the majority in amount of



the shares of such association or the value of the assets of such association shall be less than the liabilities of such association, including the value of its investment certificates but not including the value of its shares, and if such association has stock outstanding, no petition for withdrawal of assets shall be granted by the court unless either such petition is consented to by the holders of the majority in amount of the stock of such association or the value of the assets of such association shall be less than the liabilities thereof, including the value of all outstanding shares and investment certificates."

**Amendment No. 11**

On page 15 of said bill, between lines 48 and 49, insert

"G. Sec. 13.16a Not Repealed. Nothing in this Section 16.04 nor in this Article 16 is intended or shall be construed to repeal Section 13.16a of this act."

**Amendment No. 12**

On page 19 of said bill, strike out lines 16 and 17, and insert "pay all of the respondents' costs and expenses arising from such appeal, not including, however, respondents' attorneys fees. The form and amount"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1394**—An act to add Parts 3 and 4, comprising Sections 7301 to 8557, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relating to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 33 of the printed bill, strike out lines 24 to 29, inclusive.

**Amendment No. 2**

On page 39, line 11, of said bill, strike out "3535".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 295**—An act to add Section 226 to the Labor Code, relating to wages.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after the period, strike out the balance of the bill, and insert

"Every employer shall semimonthly furnish each of his employees either as a part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing all deductions made from such wages, provided all deductions made on written orders of the employee may be aggregated and shown as one item."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 806**—An act to amend Section 300 of the Labor Code, relating to the assignment of wages.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1049**—An act to add Section 100.5 to the Labor Code, relating to preferred claims for work performed or personal services rendered.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1073**—An act to amend Section 974 of the Labor Code, relating to penalties for violation of provisions concerning advertisements for employees during labor trouble.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1166**—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1048**—An act to amend and renumber the heading of Article 1 of Chapter 1 of Part 9 of Division 2 of the Labor Code, to add Article 1, comprising Sections 2200 and 2201, and Article 3.5, comprising Sections 2370 and 2371, to said chapter, and to repeal an act entitled "An act to provide for the keeping of medical and surgical appliances in factories," approved May 19, 1913, and an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, all relating to the obligations of employers of labor to provide for the health and comfort of their employees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

##### Amendment No. 1

On page 1 of the printed bill, after line 17, insert

"All drinking water received from the State, or any public agency or district thereof, or any county, city, or township, or any water company, shall for the purposes of this chapter be deemed to be fresh, pure, wholesome and safe drinking water."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 21, 1943

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 184, entitled: "An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission."

My objections to this bill are as follows:

This bill directs the Director of Finance to convey to the Fish and Game Commission approximately 70 acres of land which formerly constituted Napa State Farm. The bill is unusual in that it thus requires a grant of land by one department of State Government to another; it clearly intends to accomplish conveyance of title. The Attorney General advises me that such a grant as is contemplated by this bill could be construed in only one of two ways: (1) either the State is divesting itself of title, thereby making the property subject to local taxation; or

(2) the grant actually accomplishes nothing so far as a transfer of title is concerned, in which latter event the whole affair is an idle act.

Due to the possibility that such a grant might be construed as divesting the State of title to the property involved, I am withholding my approval of the measure. I am advised that the purpose of the bill will be accomplished by an amendment to another bill which is now before the Legislature for consideration.

Respectfully submitted.

EARL WARRIN, Governor

#### CONSIDERATION OF GOVERNOR'S VETO

**Senate Bill No. 184**—An act to provide for the transfer of certain real property of the State in Napa County to the Fish and Game Commission.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 184 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Keating, Lyden, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Salsman, Seawell, Simon, Swain, Tenney, and Tickle—28.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 21, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred

Senate Bill No. 103

Assembly Bill No. 883

Assembly Bill No. 876

Assembly Bill No. 884

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes, 8; noes 2; absent 1.

RICH, Chairman

#### REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884, at this time, for the purpose of adopting the committee amendments so that the bills can be reprinted and placed on third reading.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time.

##### Motion to Amend

Senator Rich moved the adoption of the following amendments:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "taxes," insert "providing for the use of part of the proceeds of said taxes,".

##### Amendment No. 2

On page 1, line 10, of said bill, strike out "Dur-"; and strike out all of lines 11 to 20, inclusive, and insert

"A sum equal to one-fifth of such tax imposed after July 1, 1943, and to and including June 30, 1945, shall be set aside as the same is received by the State Treasurer

and deposited by him in the State treasury in a special fund to be known as "Post-war Employment Fund," to be withdrawn from such fund and used only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following the relaxation of the war effort."

#### Amendment No. 3

On page 2 of said bill, after line 5, insert

"A sum equal to one-fifth of such tax imposed after July 1, 1943, and to and including June 30, 1945, shall be set aside as the same is received by the State Treasurer and deposited by him in the State treasury in a special fund to be known as "Post-war Employment Fund," to be withdrawn from such fund and used only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following the relaxation of the war effort."

Sec. 3. This act shall not take effect unless Assembly Bills 876, 883 and 884, all as amended by the Senate, are enacted by the Fifty-fifth Legislature."

#### Amendment No. 4

On page 2, line 7, of said bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 876**—An act to amend The Personal Income Tax Act, relating to personal income taxes.

Bill read second time.

#### Motion to Amend

Senator Rich moved the adoption of the following amendments.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 5", and insert "Sections 5, 5.1 and 10".

#### Amendment No. 2

In line 2 of the title of said bill, strike out "Section 17052", and insert "Sections 17052, 17053.5 and 17952".

#### Amendment No. 3

In lines 3 and 4 of the title of said bill, strike out "19200 and 19201", and insert "19200 to 19205, inclusive".

#### Amendment No. 4

On page 2, lines 13 and 14, of said bill, strike out "and not in excess of thirty thousand dollars (\$30,000)".

#### Amendment No. 5

On page 2 of said bill, strike out lines 16 to 19, inclusive.

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 6

On page 2 of said bill, between lines 19 and 20, insert

"Sec. 15. Section 5.1 of said act is amended to read:

Sec. 5.1. (a) *With respect to taxable years beginning after December 31, 1942, and before January 1, 1945.* [In] in lieu of the tax imposed under Section 5, as limited by Section 29.5 of this act, an individual who makes his return on the cash basis may irrevocably elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is five thousand dol-



lars (\$5,000) or less and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities.

[If the gross inc. is over	But not over	Single person not head of family	Married person making separate return	(1) Married person whose spouse has no gross inc., or has returned
				(2) Married person making joint return, or (3) head of family
\$ 0	\$1,000	\$none	\$none	\$none
1,000	1,100	none	none	none
1,100	1,200	.80	none	none
1,200	1,300	1.75	none	none
1,300	1,400	2.70	.20	none
1,400	1,500	3.65	1.15	none
1,500	1,600	4.55	2.05	none
1,600	1,700	5.50	3.00	none
1,700	1,800	6.45	3.95	none
1,800	1,900	7.40	4.90	none
1,900	2,000	8.35	5.85	none
2,000	2,100	9.25	6.75	none
2,100	2,200	10.20	7.70	none
2,200	2,300	11.15	8.65	none
2,300	2,400	12.10	9.60	none
2,400	2,500	13.05	10.55	none
2,500	2,600	13.95	11.45	none
2,600	2,700	14.90	12.40	none
2,700	2,800	15.85	13.35	.85
2,800	2,900	16.80	14.30	1.80
2,900	3,000	17.75	15.25	2.75
3,000	3,100	18.65	16.15	3.65
3,100	3,200	19.60	17.10	4.60
3,200	3,300	20.55	18.05	5.55
3,300	3,400	21.50	19.00	6.50
3,400	3,500	22.45	19.95	7.45
3,500	3,600	23.35	20.85	8.35
3,600	3,700	24.30	21.80	9.30
3,700	3,800	25.25	22.75	10.25
3,800	3,900	26.20	23.70	11.20
3,900	4,000	27.15	24.65	12.15
4,000	4,100	28.05	25.55	13.05
4,100	4,200	29.00	26.50	14.00
4,200	4,300	29.95	27.45	14.95
4,300	4,400	30.90	28.40	15.90
4,400	4,500	31.85	29.35	16.85
4,500	4,600	32.75	30.25	17.75
4,600	4,700	33.70	31.20	18.70
4,700	4,800	34.65	32.15	19.65
4,800	4,900	35.60	33.10	20.60
4,900	5,000	36.55	34.05	21.55]

The tax shall be—

If the gross income is over—	But not over—	Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross inc., or (2) married person making joint return, or (3) head of family
\$0	\$1,900	\$0	.80	\$0
1,900	1,950	0	.60	0
1,950	2,000	0	1.07	0
2,000	2,050	0	1.54	0
2,050	2,100	0	2.01	0
2,100	2,150	0	2.48	0
2,150	2,200	.45	2.95	0
2,200	2,250	.92	3.42	0
2,250	2,300	1.39	3.89	0
2,300	2,350	1.86	4.36	0

The tax shall be—

If the gross income is over—	But not over—	Single person tax credit of \$100.	Married person tax credit of \$100.	Married person living with husband or wife on July 1st of the taxable year.
\$2,350	\$2,400	\$2.33	\$4.83	\$0
2,400	2,450	2.80	5.30	0
2,450	2,500	3.27	5.77	0
2,500	2,550	3.74	6.24	0
2,550	2,600	4.21	6.71	0
2,600	2,650	4.68	7.18	0
2,650	2,700	5.15	7.65	0
2,700	2,750	5.62	8.12	0
2,750	2,800	6.09	8.59	0
2,800	2,850	6.56	9.06	0
2,850	2,900	7.03	9.53	0
2,900	2,950	7.50	10.00	0
2,950	3,000	7.97	10.47	0
3,000	3,050	8.44	10.94	0
3,050	3,100	8.91	11.41	0
3,100	3,150	9.38	11.88	0
3,150	3,200	9.85	12.35	0
3,200	3,250	10.32	12.82	0
3,250	3,300	10.79	13.29	0
3,300	3,350	11.26	13.76	0
3,350	3,400	11.73	14.23	0
3,400	3,450	12.20	14.70	0
3,450	3,500	12.67	15.17	0
3,500	3,550	13.14	15.64	0
3,550	3,600	13.61	16.11	0
3,600	3,650	14.08	16.58	0
3,650	3,700	14.55	17.05	0
3,700	3,750	15.02	17.52	0
3,750	3,800	15.49	17.99	.49
3,800	3,850	15.96	18.46	.96
3,850	3,900	16.43	18.93	1.43
3,900	3,950	16.90	19.40	1.90
3,950	4,000	17.37	19.87	2.37
4,000	4,050	17.84	20.34	2.84
4,050	4,100	18.31	20.81	3.31
4,100	4,150	18.78	21.28	3.78
4,150	4,200	19.25	21.75	4.25
4,200	4,250	19.72	22.22	4.72
4,250	4,300	20.19	22.69	5.19
4,300	4,350	20.66	23.16	5.66
4,350	4,400	21.13	23.63	6.13
4,400	4,450	21.60	24.10	6.60
4,450	4,500	22.07	24.57	7.07
4,500	4,550	22.54	25.04	7.54
4,550	4,600	23.01	25.51	8.01
4,600	4,650	23.48	25.98	8.48
4,650	4,700	23.95	26.45	8.95
4,700	4,750	24.42	26.92	9.42
4,750	4,800	24.89	27.39	9.89
4,800	4,850	25.36	27.86	10.36
4,850	4,900	25.83	28.33	10.83
4,900	4,950	26.30	28.80	11.30
4,950	5,000	26.77	29.27	11.77

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his gross income four hundred dollars (\$400) for each such dependent.

(c) For the purpose of this section—

(1) The term "married person" means a married person living with husband or wife on July 1st of the taxable year.

(2) [The word "dependent" *Dependent*" means a person who is, on July 1(st) of the taxable year, a dependent under Section 10 (b).]

(3) An individual not a head of a family and not living with husband or wife on July 1(st) of the taxable year shall be treated as a single person.

(c) This section shall not apply to [a nonresident alien individual,] an estate or trust, an individual filing a return for a period of less than 12 months or for any taxable year other than a calendar year, or to a married individual, married and living with husband or wife at any time during the taxable year, whose spouse files a return and computes the tax without regard to this section.

SEC. 17. Section 10 of said act is amended to read:

Sec. 10. There shall be allowed for the purposes of the tax herein imposed:

(a) In the case of a single person, a personal exemption of one thousand dollars (\$1,000); or in the case of the head of a family or a married person living with husband or wife, a personal exemption of two thousand five hundred dollars (\$2,500). A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be two thousand five hundred dollars (\$2,500). If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them.

(b) Four hundred dollars (\$400) for each person (other than husband or wife living with the taxpayer) dependent upon and receiving his chief support from the taxpayer if such dependent person is under 18 years of age or is incapable of self-support because mentally or physically defective [and for each former or present spouse to whose support the taxpayer is contributing by order of a court of competent jurisdiction;]. *A payment to a wife which must be included in the gross income of the wife under (k) or Section 12 (1) shall not be considered a payment to her husband for the support of any dependent. If the taxpayer would not change the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents;*

(c) In the case of an estate an exemption of one thousand dollars (\$1,000); in the case of a trust an exemption of one hundred dollars (\$100);

(d) If the status of the taxpayer, insofar as it affects the personal exemption or credit for dependents changes during the taxable year, the personal exemption and credit shall be apportioned, under such rules and regulations as are prescribed by the commissioner, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month."

#### Amendment No. 7

On page 2, line 22, of said bill, strike out "there shall be"; and strike out line 23, and insert ":

(a) (1) Every person taxable under this act shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this act, if having a net income for the taxable year of:

(i) Two thousand dollars (\$2,000) or over, if single, or if married and not living with husband or wife;

(ii) Three thousand five hundred dollars (\$3,500) or over, if married and living with husband or wife; or

(iii) If having a gross income of five thousand dollars (\$5,000) or over, regardless of the amount of net income.

(2) If a husband and wife living together have an aggregate net income for the taxable year of three thousand five hundred dollars (\$3,500) or over, or an aggregate gross income for such year of five thousand dollars (\$5,000) or over:

(i) Each shall make such a return, or

(ii) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

(b) Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return for any of the following individuals, estates or trusts, taxable hereunder, for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this act.

(1) Every individual having a net income for the taxable year of two thousand dollars (\$2,000) or over, if single, or if married and not living with husband or wife;

(2) Every individual having a net income for the taxable year of three thousand five hundred dollars (\$3,500) or over, if married and living with husband or wife;

(3) Every individual having a gross income for the taxable year of five thousand dollars (\$5,000) or over, regardless of the amount of his net income;

(4) Every estate the net income of which for the taxable year is one thousand five hundred dollars (\$1,500) or over;

(c) There shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State:

Upon net incomes not in excess of ten thousand dollars (\$10,000), 1 per cent of such net incomes;

One hundred dollars (\$100) upon net incomes of ten thousand dollars (\$10,000); and upon net incomes in excess of ten thousand dollars (\$10,000) and not in excess of fifteen thousand dollars (\$15,000), 2 per cent in addition of such excess.

Two hundred dollars (\$200) upon net incomes of fifteen thousand dollars (\$15,000); and upon net incomes in excess of fifteen thousand dollars (\$15,000) and not in excess of twenty thousand dollars (\$20,000), 3 per cent in addition of such excess.

Three hundred fifty dollars (\$350) upon net incomes of twenty thousand dollars (\$20,000); and upon net incomes in excess of twenty thousand dollars (\$20,000) and not in excess of twenty-five thousand dollars (\$25,000), 4 per cent in addition of such excess.

Five hundred fifty dollars (\$550) upon net incomes of twenty-five thousand dollars (\$25,000); and upon net incomes in excess of twenty-five thousand dollars (\$25,000) and not in excess of thirty thousand dollars (\$30,000), 5 per cent in addition of such excess.

Eight hundred dollars (\$800) upon net incomes of thirty thousand dollars (\$30,000); and upon net incomes in excess of thirty thousand dollars (\$30,000), 6 per cent in addition of such excess.

(d) There shall be allowed for the purposes of the tax herein imposed:"

#### Amendment No. 7.5

On page 2, line 25, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

#### Amendment No. 8

On page 2 of said bill, between lines 33 and 34, insert

"(4) Four hundred dollars (\$400) for each person (other than husband or wife living with the taxpayer) dependent upon and receiving his chief support from the taxpayer if such dependent person is under 18 years of age or is incapable of self-support because mentally or physically defective. A payment to a wife which must be included in the gross income of the wife under 7 (k) or Section 12 (j) shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents;

(5) In the case of an estate an exemption of one thousand five hundred dollars (\$1,500); in the case of a trust an exemption of one hundred dollars (\$100)."

#### Amendment No. 9

On page 2 of said bill, strike out lines 34 to 39, inclusive.

#### Amendment No. 10

On page 3, lines 22 and 23, of said bill, strike out "and not in excess of thirty thousand dollars (\$30,000)".

#### Amendment No. 11

On page 3 of said bill, strike out lines 25 to 28, inclusive.

#### Amendment No. 12

On page 3 of said bill, between lines 29 and 30, insert

"SEC. 3.5. Section 17053.5 of said code is amended to read:

17053.5. (a) [In] With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, in lieu of the tax imposed under Section 17052, as limited by Sections 19290 and 19291 of this code, an individual who makes his return on the cash basis may irrevocably elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is five thousand



dollars (\$5,000) or less and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities:

If the gross inc. is over	But not over	Single person not head of family	Married person making separate return	(1) Married person whose spouse has no gross inc., or (2) married person making joint return, or (3) head of family
\$ 0	\$1,000	\$none	\$none	\$none
1,000	1,100	none	none	none
1,100	1,200	.80	none	none
1,200	1,300	1.75	none	none
1,300	1,400	2.70	.20	none
1,400	1,500	3.65	1.15	none
1,500	1,600	4.55	2.05	none
1,600	1,700	5.50	3.00	none
1,700	1,800	6.45	3.95	none
1,800	1,900	7.40	4.90	none
1,900	2,000	8.35	5.85	none
2,000	2,100	9.25	6.75	none
2,100	2,200	10.20	7.70	none
2,200	2,300	11.15	8.65	none
2,300	2,400	12.10	9.60	none
2,400	2,500	13.05	10.55	none
2,500	2,600	13.95	11.45	none
2,600	2,700	14.90	12.40	none
2,700	2,800	15.85	13.35	.85
2,800	2,900	16.80	14.30	1.80
2,900	3,000	17.75	15.25	2.75
3,000	3,100	18.65	16.15	3.65
3,100	3,200	19.60	17.10	4.60
3,200	3,300	20.55	18.05	5.55
3,300	3,400	21.50	19.00	6.50
3,400	3,500	22.45	19.95	7.45
3,500	3,600	23.35	20.85	8.35
3,600	3,700	24.30	21.80	9.30
3,700	3,800	25.25	22.75	10.25
3,800	3,900	26.20	23.70	11.20
3,900	4,000	27.15	24.65	12.15
4,000	4,100	28.05	25.55	13.05
4,100	4,200	29.00	26.50	14.00
4,200	4,300	29.95	27.45	14.95
4,300	4,400	30.90	28.40	15.90
4,400	4,500	31.85	29.35	16.85
4,500	4,600	32.75	30.25	17.75
4,600	4,700	33.70	31.20	18.70
4,700	4,800	34.65	32.15	19.65
4,800	4,900	35.60	33.10	20.60
4,900	5,000	36.55	34.05	21.55]

The tax shall be--

If the gross income is over—	But not over—	Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
\$0	\$1,900	\$0	\$0	\$0
1,900	1,950	0	.60	0
1,950	2,000	0	1.07	0
2,000	2,050	0	1.54	0
2,050	2,100	0	2.01	0
2,100	2,150	0	2.48	0
2,150	2,200	.45	2.95	0
2,200	2,250	.92	3.42	0
2,250	2,300	1.39	3.89	0
2,300	2,350	1.86	4.36	0

The tax shall be—

If the gross income is over—	But not over—	Single person (not head of family)	Married person making separate return	(1) Married person whose spouse has no gross income, or (2) married person making joint return, or (3) head of family
\$2,350	\$2,400	\$2.33	\$4.83	\$0
2,400	2,450	2.80	5.30	0
2,450	2,500	3.27	5.77	0
2,500	2,550	3.74	6.24	0
2,550	2,600	4.21	6.71	0
2,600	2,650	4.68	7.18	0
2,650	2,700	5.15	7.65	0
2,700	2,750	5.62	8.12	0
2,750	2,800	6.09	8.59	0
2,800	2,850	6.56	9.06	0
2,850	2,900	7.03	9.53	0
2,900	2,950	7.50	10.00	0
2,950	3,000	7.97	10.47	0
3,000	3,050	8.44	10.94	0
3,050	3,100	8.91	11.41	0
3,100	3,150	9.38	11.88	0
3,150	3,200	9.85	12.35	0
3,200	3,250	10.32	12.82	0
3,250	3,300	10.79	13.29	0
3,300	3,350	11.26	13.76	0
3,350	3,400	11.73	14.23	0
3,400	3,450	12.20	14.70	0
3,450	3,500	12.67	15.17	0
3,500	3,550	13.14	15.64	0
3,550	3,600	13.61	16.11	0
3,600	3,650	14.08	16.58	0
3,650	3,700	14.55	17.05	0
3,700	3,750	15.02	17.52	0
3,750	3,800	15.49	17.99	.49
3,800	3,850	15.96	18.46	.96
3,850	3,900	16.43	18.93	1.43
3,900	3,950	16.90	19.40	1.90
3,950	4,000	17.37	19.87	2.37
4,000	4,050	17.84	20.34	2.84
4,050	4,100	18.31	20.81	3.31
4,100	4,150	18.78	21.28	3.78
4,150	4,200	19.25	21.75	4.25
4,200	4,250	19.72	22.22	4.72
4,250	4,300	20.19	22.69	5.19
4,300	4,350	20.66	23.16	5.66
4,350	4,400	21.13	23.63	6.13
4,400	4,450	21.60	24.10	6.60
4,450	4,500	22.07	24.57	7.07
4,500	4,550	22.54	25.04	7.54
4,550	4,600	23.01	25.51	8.01
4,600	4,650	23.48	25.98	8.48
4,650	4,700	23.95	26.45	8.95
4,700	4,750	24.42	26.92	9.42
4,750	4,800	24.89	27.39	9.89
4,800	4,850	25.36	27.86	10.36
4,850	4,900	25.83	28.33	10.83
4,900	4,950	26.30	28.80	11.30
4,950	5,000	26.77	29.27	11.77

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his gross income four hundred dollars (\$400) for each *such* dependent.

(b) For the purpose of this section—

(1) [The term "married"] *Married person* means a married person living with husband or wife on July 1[st] of the taxable year.

(2) [The word "dependent"] *Dependent* means a person who is, on July 1[st] of the taxable year, a dependent under Section 17952.

(3) An individual not the head of a family and not living with husband or wife on July 1[st] of the taxable year shall be treated as a single person.

(c) This section shall not apply to [a nonresident alien individual,] an estate or trust, an individual filing a return for a period of less than 12 months or for any taxable year other than a calendar year, or to a married individual, married and living with husband or wife at any time during the taxable year, whose spouse files a return and computes the tax without regard to this section.

Sec. 3.7. Section 17952 of said code is amended to read:

17952. There shall also be allowed as a credit four hundred dollars (\$400) for each individual (other than husband or wife living with the taxpayer) dependent upon and receiving his chief support from the taxpayer if the dependent individual is under 18 years of age or is incapable of self support because mentally or physically defective, and four hundred dollars (\$400) for each former or present spouse to whose support the taxpayer is contributing by order of a court of competent jurisdiction. A payment to a wife which must be included in the gross income of the wife under Section 17169 or Section 18173 shall not be considered a payment by her husband for the support of any dependent. If the taxpayer would not occupy the status of head of a family except for reason of there being one or more dependents for whom he would be entitled to credit under this section, the credit shall be disallowed with respect to one of the dependents."

#### Amendment No. 13

On page 3, line 30, of said bill, strike out "and 19201", and insert "to 19205, inclusive".

#### Amendment No. 14

On page 3, of said bill, between lines 34 and 35, insert

"19200. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, there shall be levied, collected, and paid for each taxable year upon the entire net income of every resident of this State and upon the net income of every nonresident which is derived from sources within this State:

Upon net incomes not in excess of ten thousand dollars (\$10,000), 1 per cent of such net incomes.

One hundred dollars (\$100) upon net incomes of ten thousand dollars (\$10,000), and upon net incomes in excess of ten thousand dollars (\$10,000) and not in excess of fifteen thousand dollars (\$15,000), 2 per cent in addition of such excess.

Two hundred dollars (\$200) upon net incomes of fifteen thousand dollars (\$15,000); and upon net incomes in excess of fifteen thousand dollars (\$15,000) and not in excess of twenty thousand dollars (\$20,000), 3 per cent in addition of such excess.

Three hundred fifty dollars (\$350) upon net incomes of twenty thousand dollars (\$20,000); and upon net incomes in excess of twenty thousand dollars (\$20,000) and not in excess of twenty five thousand dollars (\$25,000), 4 per cent in addition of such excess.

Five hundred fifty dollars (\$550) upon net incomes of twenty five thousand dollars (\$25,000); and upon net incomes in excess of twenty five thousand dollars (\$25,000) and not in excess of thirty thousand dollars (\$30,000), 5 per cent in addition of such excess.

Eight hundred dollars (\$800) upon net incomes of thirty thousand dollars (\$30,000); and upon net incomes in excess of thirty thousand dollars (\$30,000), 6 per cent in addition of such excess."

#### Amendment No. 15

On page 3, line 35, of said bill, strike out "19200", and insert "19201".

#### Amendment No. 15.5

On page 3, lines 38 and 39, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand dollars (\$2,000)".

#### Amendment No. 16

On page 3 of said bill, between lines 46 and 47, insert

"19202. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, there shall be allowed as a credit against net income, in the case of an estate, an exemption of one thousand five hundred dollars (\$1,500) and, in the case of a trust, an exemption of one hundred dollars (\$100).

19203. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, every individual taxable under this part shall make a return to the commissioner, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year

(a) A net income of two thousand dollars (\$2,000) or over, if single, or if married and not living with husband or wife;

(b) A net income of three thousand five hundred dollars (\$3,500) or over, if married and living with husband or wife; or

(c) A gross income of five thousand dollars (\$5,000) or over, regardless of the amount of net income.

19204. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, if a husband and wife living together have for the taxable

year an aggregate net income of three thousand five hundred dollars (\$3,500) or over, or an aggregate gross income of five thousand dollars (\$5,000) or over—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income.

19205. With respect to taxable years beginning after December 31, 1942, and before January 1, 1945, every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having a net income for the taxable year of two thousand dollars (\$2,000) or over, if single, or if married and not living with husband or wife.

(b) Every individual having a net income for the taxable year of three thousand five hundred dollars (\$3,500) or over, if married and living with husband or wife.

(c) Every individual having a gross income for the taxable year of five thousand dollars (\$5,000) or over, regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is one thousand five hundred dollars (\$1,500) or over."

#### Amendment No. 17

On page 3 of said bill, strike out lines 48 to 52, inclusive; and on page 4, strike out lines 1 to 5, inclusive, and insert

"SEC. 5. The sections of the Revenue and Taxation Code added and amended by this act become operative only".

#### Amendment No. 18

On page 4, line 26, of said bill, strike out "§79, 883 and 884", and insert "883 and 884 and Senate Bill 103, all as amended by the Senate,".

#### Amendment No. 19

On page 4 of said bill, after line 26, insert

"SEC. 8. The amendments made by this act shall be known as the Ward Act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 883.**—An act to amend the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations.

Bill read second time.

#### Motion to Amend

Senator Rich moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 11, of the printed bill, as amended, strike out "§79 and 884", and insert "and 883 and Senate Bill 103, all as amended by the Senate,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 884.**—An act to amend the Corporation Income Tax Act of 1937, relating to the income tax imposed on corporations.

Bill read second time.

#### Motion to Amend

Senator Rich moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 11, of the printed bill, as amended, strike out "§79 and 883", and insert "and 883 and Senate Bill 103, all as amended by the Senate,".

Amendment read and adopted.

Bill ordered printed, and to third reading.



## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

## Senate Resolution No. 116

*Resolved*, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 24, 1943:

	<i>Per day</i>
Jesse M. Mayo, Page	82 50
Raymond Mayo, Page	2 50
Tony Delap, Jr., Page	2 50
Teddy Barr, Page	2 50
Robert Sweeney, Page	2 50
Robert Bromley, Page	2 50
Peter Redwine, Page	2 50
Dick Salmon, Page	2 50
Tom Quinn, Assistant Sergeant at Arms	6 00
Thomas M. McCormack, Page	2 50
William Wallace, Page	2 50

Resolution read and unanimously adopted

By Senator Fletcher:

## Senate Resolution No. 117

WHEREAS, Pursuant to grant made by act of Congress on March 3, 1903 (47 Statute 1487) the State of California has selected certain lands for use as a State park, said land being located in eastern San Diego County, California; and

WHEREAS, Patents to said lands were issued September 27, 1907, there being reserved to the United States all oil, gas, coal and other minerals in the lands, together with the right to prospect for, mine and remove the minerals at such time as the Secretary of the Interior shall make the regulations therefor; and

WHEREAS, There have been repeated requests made by the Mineralogist for the State of California, by the bureau of mines of San Diego County and by the board of supervisors of San Diego County that the Secretary of the Interior promulgate regulations so that mining may proceed and the mineral wealth of the region may be exploited; and

WHEREAS, Valuable deposits of strategic and civilian materials, including tungsten, manganese and optical glass have been discovered in the region; and

WHEREAS, These minerals are in great demand and are classified as minerals necessary to proper prosecution of the war and it is probable that many additional deposits of such minerals may be found within the region if prospecting is permitted; and

WHEREAS, The withholding of regulations to permit mining and prospecting in the area is deterring the war effort of the United States; and

WHEREAS, The board of supervisors of San Diego County has by resolution adopted unanimously on March 29, 1943, requested this Legislature to memorialize the President of the United States to direct the Secretary of the Interior to immediately promulgate regulations under which mining may be resumed in the Borega Section of Anza State Park; and

WHEREAS, It is the sense of the Senate of the State of California that the best interests of the State will be served by resumption of mining in that area; now, therefore, be it

*Resolved by the Senate*, That the President of the United States is hereby respectfully memorialized to direct the Secretary of the Interior to immediately promulgate regulations under which mining may be resumed in the Borega Section of the Anza State Park in San Diego County, California; and be it further

*Resolved*, That the Secretary of the Senate forward a copy of this resolution to the President of the United States, and to the Secretary of the Interior.

Resolution read, and ordered placed on the third reading file.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 140**—An act to amend Section 8 and to repeal Section 4 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act

entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 140?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 4", and insert "Sections 4 and 10".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "and 11a", and insert "11a, and 12a".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "Section 4 of the act cited in the title hereof is", and insert "Sections 4 and 10 of the act cited in the title hereof are".

**Amendment No. 4**

On page 6 of said bill, after line 36, insert

"SEC. 8. Section 12a is added to said act, to read:

Sec. 12a. In all cases under the provisions of this act, certified copies, authenticated by the legal custodian thereof, of records, documents, or files of any duly constituted public body, authority, department, bureau or agency, or entries in public or other official books, records, or files made in the performance of his duty by a public officer or employee, or by another person in the performance of a duty enjoined by law, relevant to the question of a person's eligibility to citizenship and place of birth are admissible in evidence, and shall constitute prima facie evidence of the facts stated therein."

**Amendment No. 5**

On page 2, line 17, of the printed bill, as amended, strike out "three", and insert "six".

**Amendment No. 6**

On page 2, line 32, of said bill, strike out "said quarterly".

**Amendment No. 7**

On page 2, line 41, of said bill, strike out "In no case shall the"; and strike out lines 42 to 44, inclusive.

**Amendment No. 8**

On page 2 of said bill, strike out lines 47 and 48; and in line 49, strike out "ance of his duties", and insert "determine".

**Amendment No. 9**

On page 3, line 7, of said bill, strike out "Such final account must be pre-"; strike out all of lines 8 to 11, inclusive; and in line 12, strike out "and all money received on account thereof."

**Amendment No. 10**

On page 3, line 13, of said bill, strike out "other".

**Amendment No. 11**

On page 5, line 41, of said bill, strike out "Sections 10 and", and insert "Section".

**Amendment No. 12**

On page 5, line 52, of said bill, strike out "authenticated", and insert "certified".

**Amendment No. 13**

On page 6 of said bill, strike out line 6; and in line 7, strike out "and place of birth".

**Amendment No. 14**

On page 6, line 8, of said bill, after "therein", insert "relevant to the question of the person's eligibility to citizenship and place of birth".

**Amendment No. 15**

On page 2, line 22, of the printed bill, strike out "six months", and insert "year".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 140 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Doosey, Engle, Fletcher, Gordon, Jaspersen, Jovich, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 59**—An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal an act entitled "An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 59?

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "the", insert "wholesale distribution as specified in Section 2 hereof".

**Amendment No. 2**

On page 1 of said bill, strike out lines 6 to 14, inclusive, and insert

"Sec. 2. The State Board of Public Health shall issue to any person, firm, company, organization, association, or corporation in the State of California an annual license to package, manufacture or distribute olive oil, on receipt of an official application and a showing that said person, firm, company, organization, association, or corporation is properly equipped to so package or manufacture, or is a wholesale distributor of olive oil whose name and address will be upon the container of olive oil as distributor and whose name will appear upon the container of such olive oil as the only California addressee thereon".

**Amendment No. 3**

On page 1 of said bill, strike out all of lines 15 to 23, inclusive, and on page 2, strike out lines 1, 2, and 3, and insert

"Sec. 3. It shall be unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in the State of California; provided, however, that this section and this act shall not apply to olive oil in packaged form existing on the effective date of this act, nor shall the provisions of this section be construed to prohibit the blending of olive oil with other edible oils by any person for their own personal use in their own home.

(a) The term "imitation olive oil" shall mean the mixture of any edible oil with olive oil; or any edible oil artificially colored or flavored to resemble olive oil.

(b) The term "olive oil" means the edible oil obtained from the fruit of the olive tree (*olea europea* L.).

(c) The use of any artificial color or flavor in the manufacture or blending of olive oil is prohibited.

(d) It is unlawful to prepare, express, mix or blend olive pomace or meats with any bland fixed oil other than olive oil."

**Amendment No. 4**

On page 2 of said bill, strike out lines 4 to 10, inclusive, and insert

"SEC. 4. All olive oil for technical purposes shall be denatured with an odoriferous substance so as to render it unfit for food purposes."

**Amendment No. 5**

On page 2 of said bill, strike out lines 11 to 19, inclusive, and insert

"Sec. 5. All olive oil manufactured or sold in the State of California shall be packed in sealed containers not larger in size than five-gallon cans; or in drums, and shall bear the following information on the label:

- (a) Net contents
- (b) Brand name
- (c) Designation as olive oil
- (d) Name of packer or distributor
- (e) Address of packer or distributor."

**Amendment No. 6**

On page 2 of said bill, strike out lines 20 to 28, inclusive, and insert

"Sec. 6. It shall be unlawful to reuse any olive oil container, can or drum for repacking any fixed oil intended to be used for food purposes, except on the premises of the processor."

**Amendment No. 7**

On page 2 of said bill, strike out lines 33 to 35, inclusive, and insert

"Sec. 8. The State Board of Public Health is hereby empowered to administer and enforce the provisions of this act."

**Amendment No. 8**

On page 2 of said bill, strike out lines 36 to 50, inclusive.

**Amendment No. 9**

On page 3, lines 3 and 4, of said bill, strike out "for the first offense".

**Amendment No. 10**

On page 3 of said bill, strike out lines 8 to 12, inclusive, and insert "ment".

**Amendment No. 11**

On page 3, line 32, of said bill, insert "The State Department of Public Health feels that this act is urgent, because the olive oil crushing season is now on, and by this legislation the California manufacturers will receive the protection which they so rightfully deserve".

**Amendment No. 12**

On page 2, line 41, of the printed bill, as amended, after the period, insert "Such licenses shall be issued free of charge."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 59 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 166**—An act to add Section 1760.7 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Correction Authority.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 166?

**Amendment No. 1**

In line 6 of the title of the printed bill, as amended, strike out "Correction".

**Amendment No. 2**

On page 2, line 2, of said bill, strike out "Correction".

**Amendment No. 3**

On page 2, line 14, of said bill, strike out "Correction".

**Amendment No. 4**

On page 2, line 29, of said bill, strike out "Correction".



The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 166 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 167**—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the Youth Correction Authority to apply to the Governor for requisitions for the return of persons committed thereto.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 167?

##### Amendment No. 1

In line 3 of the title of the printed bill, strike out "Correction".

##### Amendment No. 2

On page 1, line 21, of said bill, strike out "Correction".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 167 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 633**—An act to amend Sections 15 and 18 of the Agricultural Prorate Act, relating to the selection and appointment of marketing program committee members, their terms and duties.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 633?

##### Amendment No. 1

On page 1, line 16, of the printed bill, after "commission", strike out the period, and insert "; provided, that a mail ballot shall be granted upon a written request of 10 per cent of the producers."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 633 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 591**—An act to amend Sections 794, 799, and 800 of the Fish and Game Code, relating to abalones, and declaring its urgency in order to produce more necessary food at once.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 591?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "and 800", and insert "800 and 801".

**Amendment No. 2**

On page 1, line 19, of said bill, strike out "19,".

**Amendment No. 3**

On page 1, lines 21 and 22, of said bill, strike out "when the abalones are taken in water less than 20 feet in depth".

**Amendment No. 4**

On page 2 of said bill, between lines 2 and 3, insert

"SEC. 4. Section 801 of said code is amended to read:

801. In District 18 the bag limit is 10 abalones per day, in District 19 the bag limit is 10 abalones per day and 20 per week, and in District 10 the bag limit is five abalones per day, when the abalones are taken in water less than 20 feet in depth. Abalones so taken may not be sold."

**Amendment No. 5**

On page 2, line 4, of said bill, strike out "4", and insert "5".

**Amendment No. 6**

On page 1, line 6, of the printed bill, as amended, strike out "10,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 591 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—28.

**NOES**—None.

Above bill ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Senate Bill No. 185**—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

**Withdrawal of Motion to Reconsider**

Senator McBride moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 185 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

**MOTION TO SET SPECIAL ORDER**

Senator Rich moved that Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 be made a special order of business for Friday, April 23, 1943, at 11 a.m.

Motion carried.

Chief Assistant Secretary Harry A. Hammond at the Desk

**RECESS**

At 2.32 p.m., on motion of Senator Breed, the Senate recessed to allow the President pro tempore to present Captain David McNutt and

Lieutenant Charles L. McClure to the Senate, and hear the remarks of Lieutenant McClure, who participated in the raid on Tokyo

#### REASSEMBLED

At 2.37 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore, presiding.

Secretary J. A. Beek at the desk.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages.

Bill read third time.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried. Time, 2.51 p.m.

The President directed the Sergeant at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 559**—An act to add Division 8, comprising Sections 1750 to 1761, inclusive, to the Military and Veterans Code, creating a California Veterans' Board, defining its powers and duties, and making an appropriation in aid of its operation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 558**—An act to add Chapter 4, comprising Sections 1850 to 1863, inclusive, to Division 8 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the California Veterans' Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of

advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 560**—An act to add Chapter 2, comprising Sections 1770 to 1778, inclusive, to Division 8 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 561**—An act to add Chapter 3, comprising Sections 1810 to 1843, inclusive, to Division 8 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the California Veterans' Board in respect thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.07 p.m., on motion of Senator Quinn, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Ward—24.

NOES—Senators Breed, Carter, DeLap, Donnelly, Engle, Jespersen, Judah, Keating, McCormack, Rich, Swan, and Tickle—12.

Bill ordered transmitted to the Assembly.



CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 580**—An act to amend Section 1270 of, and to repeal Sections 1273 and 1274 of, the Fish and Game Code, relating to deer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Lockey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 503**—An act to amend Section 220 of the School Code and to amend Section 1502 of the Education Code, relating to the public school system.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, strike out "Education", and insert "School".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Joint Resolution No. 1**—Relative to old-age assistance.  
Resolution read.

Motion to Refer Bill to Inactive File

Senator Fletcher moved that Senate Joint Resolution No. 1 be placed on the inactive file.

Motion carried.

**Senate Bill No. 849**—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jaspersen, Judah, Keating, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Engle, Mayo, and Salsman—3.

Motion to Reconsider

Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 849 was passed.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 849 was passed, was continued until the next legislative day.

**Senate Joint Resolution No. 16**—Relative to the production of synthetic rubber.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Tickle—23.

NOES—Senator DeLap—1.

Resolution ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 3.46 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Senate Constitutional Amendment No. 25**—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Resolution read.

**Motion to Amend**

Senator Tickle moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 17, of the printed measure, strike out "75", and insert "60".

**Amendment No. 2**

On page 2, line 36, of the printed measure, after "bill", insert "except the Budget Bill".

Amendments read and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

**Senate Constitutional Amendment No. 29**—A resolution to propose to the people of the State of California to amend the Constitution of said State by adding Section 22 to Article V thereof, relating to the compensation of State officers.

Resolution read.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Hatfield moved a call of the Senate.

Motion carried. Time, 3.51 p.m. •

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 335**—An act to amend Section 13 of the Corporate Securities Act, relating to hearings after notice to desist and refrain from selling securities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Donnelly, Engle, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 825**—An act to add Sections 5129.1 and 5153 to the School Code and to add Sections 12010 and 12154 to the Education Code, relating to credentials and certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 961**—An act to add Section 3702.5 to the Health and Safety Code, relating to drinking water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Engle, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swing, and Tenney—27.

NOES—Senator Swan—1.

#### Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Senate Bill No. 961 was passed.

#### Postponement of Reconsideration

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 961 was passed, was continued until the next legislative day.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.09 p.m., on motion of Senator Hatfield, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Constitutional Amendment No. 29 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Engle, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tinkle, and Ward—30.

NOES—Senators Carter, Donnelly, Gordon, and Judah—4.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1075**—An act to add Section 111.5 to the Vehicle Code, relating to the California Highway Patrol, placing said patrol under the supervision and direction of The Adjutant General, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 111.5 to the Vehicle", and insert "160.5 to the Military and Veterans".

**Amendment No. 2**

In the title of said bill, strike out lines 2 to 4, inclusive, and insert "The powers and duties of The Adjutant General, and providing for supervision and direction by him of the members of the California Highway Patrol and of fish and game wardens and other enforcing officers employed by the Division of Fish and Game."

**Amendment No. 2.5**

On page 1 of said bill, strike out lines 1 to 3, inclusive, and insert "SECTION 1. Section 160.5 is added to the Military and Veterans Code, to read: 160.5. During such period as the Governor proclaims a state of extreme emergency to exist or during any period the State is under martial law, the Cali-".

**Amendment No. 3**

On page 1, line 4, of said bill, after "thereof", insert "and all wardens and other enforcing officers employed by the Division of Fish and Game to enforce the provisions of the Fish and Game Code".

**Amendment No. 4**

On page 1 of said bill, strike out lines 7 and 8; and in line 9, strike out the first "and", and insert "the activities of such persons in such manner as to permit them to perform the duties of their ordinary employment, except that when The Adjutant General determines that an emergency exists such persons shall perform".

**Amendment No. 5**

On page 1 of said bill, between lines 10 and 11, insert "When performing duties other than those of their regular and ordinary employment such persons shall be considered as temporarily reassigned pursuant to Section 356 of the Political Code and shall be considered as serving in the same class and grade as that of their regular and ordinary employment and shall be compensated accordingly out of the money appropriated for the support of The Adjutant General. No service outside of their regular and ordinary employment shall affect any rights and privileges of such persons with respect to civil service status, retirement rights, or any other privilege incident to such regular and ordinary employment, nor shall it operate to confer a military, rather than civilian, status upon such persons."

**Amendment No. 6**

On page 1 of said bill, strike out lines 21 to 24, inclusive; and strike out all of page 2.

**Amendments read and adopted.**

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 153**—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class.

**Bill read third time.**

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1089**—An act to amend Sections 14080 and 14200 of the Health and Safety Code, relating to weed abatement and removal of fire hazards in fire protection districts in unincorporated areas, declaring the urgency thereof, to take effect immediately.

**Bill read third time.**



**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Eagle, Gordon, Luckey, Mason, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Eagle, Gordon, Luckey, Mason, McBride, McCracken, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1044**

Senator Carter moved that Senate Bill No. 1044 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1044**—An act to amend Sections 5405, 5409, and 5804 of the Labor Code, and to add Sections 4665, 4665 2, 4903 4, 4909.7 and 5411 thereto, relating to workmen's compensation.

Bill read second time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Sections 5405, 5409, and 5804 of the Labor"; and strike out lines 2 and 3 of said title, and insert "add Section 4460 to the Labor Code, relating to workmen's compensation."

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "4665", and insert "4460".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 to 31, inclusive; and on page 2, strike out lines 1 to 51, inclusive, and insert

"4460. For the purpose of computing the temporary disability indemnity payable to any employee who sustains an original injury causing temporary disability during the time that this section is in force and effect, the maximum average weekly earnings shall be taken at forty-six dollars and sixteen cents (\$46.16).

Every computation made pursuant to this section shall be made only with reference to such temporary disability as is sustained and exists during the time that this section is in force and effect.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1054**—An act to add Section 862.29 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Bill read third time.

## Motion to Amend

Senator DeLap moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 862.29", and insert "Sections 862.29 and 887".

## Amendment No. 2

On page 1 of the printed bill, as amended, after line 8, insert "Sec. 2. Section 887 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 887. In any city of the sixth class the city council shall have power to acquire, construct, maintain and operate a municipally owned and operated trailer camp if an acute housing shortage exists. An acute housing shortage shall be deemed to exist in any area wherein rent ceilings have been established by Federal order pursuant to an act of Congress. This section shall have no further force or effect one year after the "cessation of hostilities". The term "cessation of hostilities" means the date on which hostilities in the present war between the United States and the governments of Germany, Japan and Italy and each of them shall cease, as fixed by proclamation of the President or by the concurrent resolution of the two houses of the Congress of the United States, or of the Legislature of the State of California, whichever date is earlier."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 169**—An act to add Section 512 to the Vehicle Code, relating to driving speed of motor vehicles.

Bill read third time.

## Motion to Amend

Senator Breed moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 9, of the printed bill, as amended, before "Whenever", insert "515.6".

## Amendment No. 2

On page 1, line 22, of said bill, strike out "following", and insert "until".

Amendments read and adopted

Bill ordered printed, and to third reading.

**Assembly Bill No. 740**—An act to add Section 2714 to the Penal Code, relating to the payment of wages to prisoners.

Bill read third time.

## Motion to Amend

Senator Carter moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 2712 and 2766", and insert "Section 2712 and to add Section 2716".

## Amendment No. 2

On page 1, line 7, of the printed bill, strike out "2766", and insert "2716".

**Amendment No. 3**

On page 1 of the printed bill, strike out lines 9 to 13, inclusive, and insert "2716. This article is not intended to restore, in whole or in part, the civil rights of any prisoner while working in or at the State prisons and this article shall not be so construed. No such prisoner shall be considered an employee."

**Amendment No. 4**

On page 1 of the printed bill, after line 18, insert "This section does not repeal or modify the provisions of Sections 2766 or 2791 of this code."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES**

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Constitutional Amendment No. 24

Has had the same under consideration, and reports the same back with amendments without recommendation, except that the amendments be adopted.

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

SLATER, Chairman

Above reported resolution ordered to second reading.

**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 677

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

**Committee on Education**

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1107

Has had the same under consideration, and reports the same back with the recommendation: That it be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; noes 1.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 756

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Constitutional Amendment No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 767  
 Assembly Bill No. 906  
 Assembly Bill No. 956  
 Assembly Bill No. 1291

Assembly Bill No. 1243  
 Assembly Bill No. 1278  
 Assembly Bill No. 1318

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 515  
 Assembly Bill No. 1590  
 Assembly Bill No. 1602

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills re-referred to Committee on Finance.

## Committee on Business and Professions

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 53  
 Assembly Bill No. 255  
 Assembly Bill No. 326  
 Assembly Bill No. 696  
 Assembly Bill No. 708

Assembly Bill No. 1083  
 Assembly Bill No. 1455  
 Assembly Bill No. 1468  
 Assembly Bill No. 1903  
 Assembly Bill No. 1934

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JUDAH, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 459  
 Assembly Bill No. 1904

Assembly Bill No. 1937  
 Assembly Bill No. 1950

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JUDAH, Vice Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1465

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

JUDAH, Vice Chairman

Above reported bill ordered to second reading.



## Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 126

Senate Bill No. 727

Senate Bill No. 288

Senate Bill No. 1095

Senate Bill No. 449

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 568

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1542

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 401

Assembly Bill No. 1013

Assembly Bill No. 987

Assembly Bill No. 1015

Assembly Bill No. 988

Assembly Bill No. 1389

Assembly Bill No. 989

Assembly Bill No. 1425

Assembly Bill No. 1433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1011

Assembly Bill No. 1017

Assembly Bill No. 1014

Assembly Bill No. 1019

Assembly Bill No. 1016

Assembly Bill No. 229

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 877

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 1008

Senate Bill No. 1011

Senate Bill No. 1040

Senate Bill No. 1013

Senate Bill No. 1010

Assembly Bill No. 278

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1007

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 77

Senate Bill No. 747

Senate Bill No. 145

Senate Bill No. 827

Senate Bill No. 424

Senate Bill No. 1004

Senate Bill No. 736

Senate Bill No. 1081

Senate Bill No. 741

Senate Bill No. 1102

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 375—An act to amend Sections 2893, 2896, 2897 and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate;

Senate Bill No. 469—An act to add Section 395.8 to the Military and Veterans Code, relating to the reinstatement of officers of any city, who shall have left the services of such city to enter upon active services of the armed forces of the United States, upon his discharge or release from such active service; to provide for temporary officers to serve during such absence of officers; and declaring the urgency hereof, to take effect immediately;

Senate Bill No. 499—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for hospital care and services;

Senate Bill No. 608—An act to amend Section 644 of the Penal Code, relating to habitual criminals and parole;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of April, 1943, at 3 p.m.

SEAWELL, Chairman

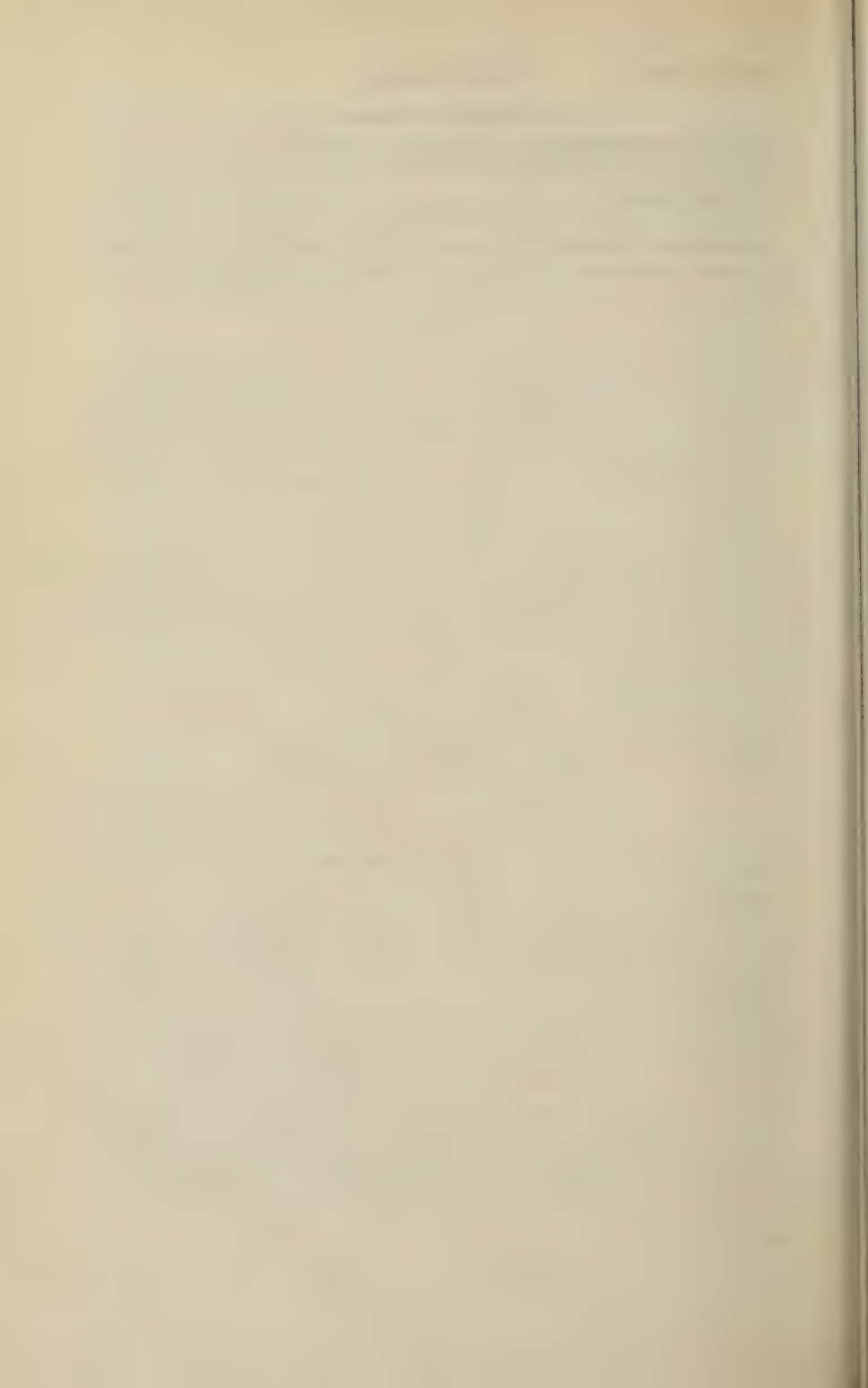
**EXPLANATION OF ABSENCE**

Senator Seawell moved the Journal show that the absence of Senator Shelley on this day was due to illness.

Motion carried.

**ADJOURNMENT**

At 4.42 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Friday, April 23, 1943.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTIETH LEGISLATIVE DAY

ONE HUNDRED TENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 23, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, Delap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Quorum present.

## PRAYER

By invitation of the President, Senator Biggar of the Fourth District offered the following prayer:

Holy and Merciful God, as we approach that holy day which we celebrate in honor of the time when the stone was rolled away from the grave of Christ and He came forth in glory, wilt Thou be pleased to give us Faith to believe that these dark days of war and death are like unto the days He spent in the tomb, and when the clouds of war and tragedy have rolled away, peace and good will to all mankind will come forth to brighten all the world.

We thank Thee for the fortitude and courage that steels the hearts of mankind to face the ordeals of war and death; even as the bombs crash and the cannons roar, there will rise above the din of battle, carols and songs of joy and hope to greet the rising sun on Easter Morn. Verily smiles of hope breaking through the tears of sorrow.

And now as we have gathered again to resume the task of guiding the Ship of State of the great Commonwealth of California, may Thy hand be at the helm to steer us safely through the shoals of selfishness and greed, and bring us safely into harbor where we may be securely anchored to eternal truth and justice.

AMEN.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Crittenden, on motion of Senator Swing.

Senator Deuel, on motion of Senator Mayo.

Senator Shelley, on motion of Senator Donnelly.

Senator Judah, on motion of Senator Donnelly.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Honorable Phil Swing, Mr. and Mrs. Dave Bird, and Mr. Walter Bellon, all of San Diego.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth Raymond and James Horgan, both of San Francisco.

On request of Senators Swan and Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margaret Corse of Fresno.

On request of Lieutenant Governor Frederick F. Houser, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred N. Howser, wife of Fred N. Howser, District Attorney of Los Angeles County.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Private Vernal Marchant, United States Army Air Corps, of McClellan Field.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 37

Senate Concurrent Resolution No. 38

Senate Concurrent Resolution No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 125

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following bills were read the first time:

**Assembly Bill No. 125**—An act to add Section 842.5 to the Fish and Game Code, relating to the use of nets.

Referred to Committee on Fish and Game.

**Assembly Joint Resolution No. 49**—Relative to memorializing Congress to appropriate additional funds to provide for payment to student nurses during their training to become trained nurses a monthly wage in keeping with the high and noble nature of their profession.

Referred to Committee on Business and Professions.

## REPORTS OF STANDING COMMITTEES

## Committee on Education

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 833

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 781

Assembly Bill No. 544

Assembly Bill No. 1096

Assembly Bill No. 1362

Assembly Bill No. 1540

Assembly Bill No. 1761

Assembly Bill No. 1865

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 319

Senate Bill No. 809

Assembly Bill No. 1280

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Concurrent Resolution No. 42

Assembly Joint Resolution No. 30

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolutions ordered to third reading.

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1060

Senate Bill No. 1073

Assembly Bill No. 197

Assembly Bill No. 248

Assembly Bill No. 254

Assembly Bill No. 387

Assembly Bill No. 400

Assembly Bill No. 438

Assembly Bill No. 497

Assembly Bill No. 566

Assembly Bill No. 919

Assembly Bill No. 1035

Assembly Bill No. 1097

Assembly Bill No. 1270

Assembly Bill No. 1385

Assembly Bill No. 835

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Senate Bill No. 248

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 634

Assembly Bill No. 70

Assembly Bill No. 1701

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Water Resources

## SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 581

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 103

Senate Constitutional Amendment No. 23.

And reports the same correctly engrossed.

SEAWELL, Chairman

## MOTION TO READ SECOND TIME

Senator Slater moved that Senate Bill No. 833 be read the second time, at this time, for the purpose of considering the committee amendments.

Motion carried.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 833**—An act to add Sections 4.931 and 4.932 to the School Code, relating to the computation of average daily attendance.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 4.735, 4.931 and 4.932 to the School"; and strike out lines 2 and 3 of said title, and insert "Section 6759 to the Education Code, relating to audit of".

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 7, inclusive.



**Amendment No. 3**

On page 2, line 9, of said bill, strike out "Sec. 4", and insert "Section 1".

**Amendment No. 4**

On page 2 of said bill, strike out lines 18 to 47, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**RESOLUTIONS**

The following resolution was offered:

By Senators Hatfield, Crittenden, Carter, Engle, Denel, Luckey, Biggar, Dorsey, Collier, Jespersen, Donnelly, and Dillinger:

**Senate Resolution No. 118**

WHEREAS, The grain harvest is to start within the next 30 days and it is essential that when such grain is harvested it be adequately cared for pending transportation and processing for the ultimate use of the consumers of this Nation; and

WHEREAS, There is an acute shortage of grain sacks and it is imperative that storage facilities for bulk grain be provided; and

WHEREAS, The control of materials required by warehouse companies to provide facilities for the bulk storage of grain rests with the Federal Government and its various bureaus and agencies; now, therefore, be it

Resolved by the Senate of the State of California, That the War Production Board be and it is hereby memorialized to make available to warehousemen material necessary to provide the facilities for bulk storage of grain; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to Donald Nelson at Washington, D. C., and to the Members in the Congress of the United States from the State of California.

Resolution read, and unanimously adopted.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 48**

Senator Seawell moved that Senate Bill No. 48 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 48**—An act to amend Section 83 of the State Civil Service Act, relating to examinations.

Bill read second time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 83", and insert "Section 221".

**Amendment No. 2**

In line 2 of the title of said bill, after "to", insert "preferences to veterans and their widows in".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of said bill, strike out lines 1 to 19, inclusive, and insert

"SECTION 1. Section 221 of the State Civil Service Act is amended to read:

Sec. 221. In the case of all other entrance examinations, veterans with 30 days or more of service and widows of veterans [who were married to such veterans on or before November 11, 1918.] who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed an

additional credit of five points, provided that disabled veterans shall be allowed an additional credit of 10 points, which shall be added to the percentages attained in such examinations by such veterans, and they shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after such credit of five points, or 10 points in the case of disabled veterans, shall have been added. All ties shall be decided in favor of veterans. In case of promotional examinations a credit of only three points shall be allowed to veterans whether disabled or not and widows of veterans [who were married to such veterans on or before November 11, 1918].

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

#### CONSIDERATION OF DAILY FILE

##### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 849**—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

##### Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 849 was passed, was continued until the next legislative day.

##### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 961**—An act to add Section 3702.5 to the Health and Safety Code, relating to drinking water.

##### Withdrawal of Motion to Reconsider

Senator Quinn moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 961 was passed.

Motion carried.

Senate Bill No. 961 ordered transmitted to the Assembly.

#### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Quinn, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL  
SACRAMENTO, CALIFORNIA, April 23, 1943

*Honorable Irvin T. Quinn  
Senate Chamber, State Capitol  
Sacramento, California*

##### SENATE BILL NO. 961

DEAR SENATOR QUINN: You have asked us whether Senate Bill No. 961, if enacted, would affect the Trinity and Klamath River Fish and Game District and how it might affect future registration concerning that district.

Senate Bill No. 961 adds a section to the Health and Safety Code and defines "pollution" as including the presence in water of any mineral, animal, or vegetable matter as a cause dangerous to human health. It specifically states that the presence of turbidity or any mineral matter which is superfluous but not deleterious in water used for farming or other industry, shall not be held to be a cause of pollution.

It will be noted that the first definition, that is, including the presence of any mineral, animal or vegetable matter as a cause dangerous to human health, relates to water for human consumption, while the exception relating to turbidity relates to water used for farming or other industry.

It is difficult to perceive how this can refer to waters in the Klamath River prior to their use either for human consumption or for farming or other industry. We are not familiar with the river and therefore are unable to do more than speculate on this point.

Assuming that the waters in the river are used in either of the manners mentioned in Senate Bill No. 961, it would appear that the bill would apply. However, this does not mean that the bill would negative the effect of Section 482 of the Fish and Game Code.

That section first declares that it is unlawful to conduct mining operations in the district between certain dates, except when the debris does not and can not pass into the waters in the district.

It next provides that it is unlawful between certain dates "to pollute, muddy, contaminate or soil the waters in the district."

It then provides that it is unlawful between certain dates to deposit any debris from mining operations in said waters that would affect the clarity (as distinguished from pollute) the waters.

Subdivision (c) is a saving clause for certain types of hydraulic mining and subdivision (d) declares violations of the section to be a nuisance, and (e), a misdemeanor.

The only portion of Section 482 that would apparently be affected by the bill if at all, would be the prohibition contained in the first sentence of subdivision (b): "It is unlawful . . . to pollute . . . the waters of the . . . district."

We have said "if at all" because, as we have indicated, we do not know whether the waters in the river are intended to be reached by Section 4025 in Senate Bill No. 961. Assuming that they would be covered by this section it would not seem to make any material difference with respect to the fish in the river because the definition of clarity would undoubtedly control the meaning of Section 482 because if there is any conflict between the bill and Section 482, the two statutes would not be in pari materia and the special provisions of Section 482 would control over the general provision which is included in Senate Bill No. 961.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By SIDNEY L. WEINSTOCK, Deputy

cc: Senator Jerrold Seawell

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### SECOND READING OF SENATE BILLS

**Senate Bill No. 898**—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing.

Bill read second time.

##### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

##### Amendment No. 1

On page 1, line 10, of the printed bill, strike out "Not more than"; and strike out lines 11 and 12.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 754**—An act to repeal Sections 650 to 653 inclusive, 950 to 954 inclusive, and 958 of the Code of Civil Procedure, relating to rules of practice and procedure on appeal in civil actions and proceedings.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1023**—An act to add Section 337g to the Penal Code, relating to the possession, use, and transportation of drugs at race tracks.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 746**—An act to amend Sections 2761 to 2766, inclusive, 2769 and 2770, and to repeal Sections 2773 and 2774 of the Penal Code, relating to prison road camps.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 46**—An act to add Sections 647b and 647c to the Penal Code, relating to the crime of vagrancy, specifying acts constituting said crime, and providing for suspension of sentences therefor upon conditions set forth in this act, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

Strike out line 1 of the title of the printed bill after "act"; and strike out lines 2 to 5, inclusive, of said title, and insert "to amend Section 647 of the Penal Code, relating to the crime of vagrancy."

##### Amendment No. 2

On page 1 of said bill, strike out all of line 1 after the period; and strike out lines 2 to 26, inclusive, and insert "Section 647 of the Penal Code is amended to read:

647. 1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or

2. Every beggar who solicits alms as a business; or

3. Every person who roams about from place to place without any lawful business; or

4. Every person known to be a pickpocket, thief, burglar, prostitute or confidence operator, either by his or her own confession, or by his or her having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institution, broker's office, place of amusement, auction room, store, shop or crowded thoroughfare, car, or omnibus, hotel, restaurant, cafe, cafeteria, saloon, bar or any public gathering or assembly; or

5. Every idle, or lewd, or dissolute person, or associate of known thieves; or

6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or

7. Every person who lodges in any barn, shed, shop, outhouse, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or

8. Every person who lives in and about houses of ill fame; or

9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or

10. Every common prostitute; or

11. Every common drunkard;

Is a vagrant and is punishable by a fine of not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment."

##### Amendment No. 3

On page 2 of said bill, strike out lines 1 to 31, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

**Senate Bill No. 882**—An act to add Sections 1530, 2167, 3052 and 3451 to the Welfare and Institutions Code, relating to the restoration of previously granted aid under the public assistance laws.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 601**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for child care and home-finding and placement agencies, and providing for the licensing and regulation of such institutions and agencies.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 661**—An act to add Sections 1513, 2026, and 3027 to the Welfare and Institutions Code, relating to county refunds to the State for aid furnished.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 125**—An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "2020.", insert "(a)".

**Amendment No. 2**

On page 1, line 15, of said bill, before "For", insert "(b)".

**Amendment No. 3**

On page 1, line 23, of said bill, after "earnings", insert "This subdivision shall become operative when and if its provisions will not prevent the State from receiving Federal grants in aid for old age assistance under the Social Security Act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**Senate Bill No. 965**—An act to add Section 395.1 to the Code of Civil Procedure, relating to the venue of actions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "trustee," insert "on a claim for the payment of money or for the recovery of personal property."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1022**—An act to amend Section 337f of the Penal Code, relating to crimes in connection with horse racing.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 11, of the printed bill, after "origin," insert "which can affect the nervous system, heart action or respiration of the horse,".

**Amendment No. 2**

On page 1, line 18, of said bill, after "origin," insert "which can affect the nervous system, heart action or respiration of the horse.".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1096**—An act to amend Section 48a of the Civil Code, relating to libel.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 6, of the printed bill, after "than", strike out "special", and insert "actual".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 767**—An act to prohibit hazing by members of any fraternity at any school, college, or university receiving tax exemption or State appropriations, and to provide penalties therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1007**—An act to add Chapter 10, comprising Section 3.108, to Part 1 of Division 3 of the School Code, relating to report cards.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "10, comprising Section 3.108, to Part 1 of Division 3 of the School", and insert "2.5, comprising Section 8180, to Division 4 of the Education".

**Amendment No. 2**

On page 1 of the printed bill, beginning in line 1, strike out "10, comprising Section 3.108, is added to Part 1 of Division 3 of the School", and insert "2.5, comprising Section 8180, is added to Division 4 of the Education".

**Amendment No. 3**

On page 1, line 4, of the printed bill, strike out "10", and insert "2.5".

**Amendment No. 4**

On page 1, line 6, of the printed bill, strike out "3.108.", and insert "8180."

**Amendment No. 5**

On page 1, line 9, of the printed bill, strike out "writing", and insert "grammar".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 459**—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Business and Professions:

**Amendment No. 1**

On page 15, line 4, of the printed bill, as amended, after the first comma, insert "or".

**Amendment No. 2**

On page 15, line 31, of the printed bill, as amended, after "chapter", and before the period, insert "on local ordinance adopted pursuant to this chapter".

**Amendment No. 3**

On page 16, line 32, of the printed bill, as amended, after "bond", insert "or it may accept in lieu thereof a cash deposit, which bond or cash deposit shall be".

**Amendment No. 4**

On page 16, line 35, of the printed bill, as amended, strike out "option", and insert "option".

**Amendment No. 5**

On page 16, line 36, of the printed bill, as amended, after "bond", insert "or cash deposit".

**Amendment No. 6**

On page 16, line 37, of the printed bill, as amended, after "bond", insert "or cash deposit".

**Amendment No. 7**

On page 16, line 45, of the printed bill, as amended, strike out "and", and insert "Any such agreement or".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 126**—An act making an appropriation for surveys, investigations, explorations, studies and preliminary plans for conservation, development and utilization of the water resources of San Diego County and supplemental supplies which may be obtained and imported from outside of said county.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 1 and 2, strike out "one hundred twenty-five thousand dollars (\$125,000)", and insert "\$50,000".

**Amendment No. 2**

On page 1, lines 14 and 15, of said bill, strike out "one hundred twenty-five thousand dollars (\$125,000)", and insert "\$50,000".

Amendments read and adopted.

**Motion to Amend**

Senator Fletcher moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 9 to 22, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 288**—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceeding brought by the Attorney General in the Court of Claims of the United States in behalf of the Indians of the State of California, in

accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 643.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 449**—An act making an appropriation for landscaping and auto parking at Marshall's Monument Grounds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 2, of the printed bill, strike out "in the State Treasury", and insert "apportioned by subdivision (b) of Section 5014 of the Public Resources Code in the State Park Maintenance and Acquisition Fund".

**Amendment No. 2**

On page 1, line 4, of said bill, strike out "State Park Commission", and insert "Division of Beaches and Parks".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item 221 of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 2 of the title of the printed bill, after "Item", insert "221".

**Amendment No. 2**

On page 1, line 4, of said bill, after "Item", insert "221".

**Amendment No. 3**

On page 1, line 11, of said bill, after "flood", insert "or flood condition".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1095**—An act to add Section 205 to the Water Code, relating to membership of the Department of Public Works in National associations for the promotion of reclamation and irrigation and making an appropriation.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out the comma, and insert "collaborate and cooperate".

**Amendment No. 2**

On page 1, line 10, of said bill, strike out "associations, represent the"; and strike out line 11, and insert "association, relative to matters of public interest to the State within the scope of the activi-".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "associations", and insert "association".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment No. 24**—A resolution to propose to the people of the State of California an amendment to Section 3 of Article IX of the State Constitution, relating to county superintendents of schools.

Resolution read.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 7, of the printed measure, as amended, after "State," insert "to".

**Amendment No. 2**

On page 1, line 14, of said measure, strike out "Notwithstanding any provision of this Constitution to the contrary, the", and insert "The".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**Senate Bill No. 877**—An act making an annual appropriation for maintenance and repair of the Jenner Jetty on the Russian River.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "annual".

**Amendment No. 2**

On page 1 of said bill, strike out all of lines 1 to 11, inclusive, and insert "SECTION 1. There is hereby appropriated out of any money in the Fish and Game Preservation Fund the sum of five thousand dollars (\$5,000) to be expended by the Division of Fish and Game, Department of Natural Resources, during the Ninety-fifth and Ninety-sixth Fiscal Years, for maintenance and repair of the jetty near Jenner at the mouth of the Russian River whenever in the discretion of the Fish and Game Commission the maintenance and repair of said jetty would tend to the protection of fish in said river."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 756**—An act to amend Section 5.750 of the School Code and Section 13841 of the Education Code, relating to absences from duty of employees of school districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1008**—An act to add Section 6.267 to the School Code, relating to textbooks.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "6.267 to the School", and insert "11181.1 to the Education".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "6.267 is added to the School", and insert "11181.1 is added to the Education".

**Amendment No. 3**

On page 1, line 3, of the printed bill, strike out "6.267", and insert "11181.1".

**Amendment No. 4**

On page 1, line 5, of the printed bill, after "criteria", insert "prepared by the State Curriculum Commission and".

**Amendment No. 5**

On page 1, line 6, of the printed bill, strike out "The specifications furnished shall be just as"; and strike out lines 7 and 8.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1010**—An act to add Section 5.409-2 to the School Code, relating to certified employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "5.409-2 to the School", and insert "13201.1 to the Education".

**Amendment No. 2**

In the title of the printed bill, strike out line 2, and insert "persons employed by school districts in positions requiring certification qualifications."

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "5.409-2 is added to the School", and insert "13201.1 is added to the Education".

**Amendment No. 4**

On page 1, line 3, of the printed bill, strike out "5.409-2.", and insert "13201.1."

**Amendment No. 5**

On page 1, line 3, of the printed bill, strike out "certificated employee", and insert "person".

**Amendment No. 6**

On page 1, line 3, of the printed bill, strike out "in the public schools", and insert "in a school district in a position requiring certification qualifications".

**Amendment No. 7**

On page 1, line 5, of the printed bill, after "basis", insert "; provided, however, the governing board of any school district may by resolution exempt any person employed by the district in a position requiring certification qualifications from the provisions of this section".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1011**—An act to add Section 538.5 to the School Code, relating to suspension of diplomas and certificates.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "538.5 to the School", and insert "12756 to the Education".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out "and certificates", and insert "certificates, credentials and other documents".

**Amendment No. 3**

On page 1, line 1, of the printed bill, strike out "538.5 is added to the School", and insert "12756 is added to the Education".

**Amendment No. 4**

On page 1, line 3, of the printed bill, strike out "538.5", and insert "12756".

**Amendment No. 5**

On page 1, line 5, of the printed bill, strike out "effect", and insert "affect".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1013**—An act to add Section 5712a to the School Code, relating to reappointment rights of permanent employees.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, strike out "5712", and insert "13651".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1040**—An act to add Section 2.1402 to the School Code and Article 3, comprising Section 24541, to Chapter 5 of Division 12, of the Education Code, relating to identification emblems for children.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 2.1402 to the School Code and".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 7, inclusive.

**Amendment No. 3**

On page 1, line 9, of said bill, strike out "Sec. 2", and insert "Section 1".

**Amendment No. 4**

On page 1, line 14, of said bill, strike out "shall", and insert "may".

**Amendment No. 5**

On page 1 of said bill, strike out lines 20 to 24, inclusive.

**Amendment No. 6**

On page 1, line 18, of the printed bill, after "prescribed", insert "; provided, however, that such identification tags or pins shall not bear any printed allusion to religion."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 247**—An act to add Section 1428b to the Penal Code, relating to the destruction of old records in municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 249**—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 531**—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 738**—An act to authorize the State Board of Prison Directors to establish a prison farm and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1047**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read second time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, strike out "clerks," (immediately following "Sheriffs,").

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1109**—An act to amend Section 142 of the Civil Code, relating to payment of alimony.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1313**—An act to amend Section 1023 of the Probate Code, relating to final distribution of estates in probate.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1914**—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060b to, the Code of Civil Procedure, relating to declaratory relief.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1917**—An act relating to review of decisions of administrative boards, commissions, and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto, and defining the powers and duties of the Judicial Council in relation thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 675**—An act to add Section 1562 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to needy children.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 676**—An act to add Section 2507 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid and relief to indigents.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 678**—An act to add Section 2190 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the aged.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1114**—An act to repeal Section 1600 of the Welfare and Institutions Code, relating to the publishing of names of children in orphan asylums.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1115**—An act to add Sections 2143, 3092, and 3463 to the Welfare and Institutions Code, relating to disputes between counties as to responsibility under the public assistance laws.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1113**—An act to add Sections 1521.5, 2166, 3047.5 and 3448 to the Welfare and Institutions Code, relating to the property of persons receiving public assistance.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "2166,".

##### Amendment No. 2

On page 1 of said bill, strike out lines 8 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 690**—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1916**—An act to add Section 1065 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Procedure," insert "and to add Chapter 4, comprising Sections 300 to 302, inclusive, to Division 1 of the Business and Professions Code".

##### Amendment No. 2

In line 3 of the title of said bill, after "minations", insert ", and providing the time within which administrative action for the imposition of disciplinary penalties is to be commenced and shall be terminated".

##### Amendment No. 3

On page 1, line 7, of said bill, strike out "an", and insert "a State".

##### Amendment No. 4

On page 1, line 13, of said bill, after the last "the", insert "State".

##### Amendment No. 5

On page 1 of said bill, after line 16, insert

"Sec. 2. Chapter 4, comprising Sections 300 to 302, inclusive, is added to Division 1 of the Business and Professions Code, to read:

##### CHAPTER 4. DISCIPLINARY PROCEEDINGS

300. All proceedings for the disciplining of persons licensed, registered, certified, or otherwise permitted to engage in any regulated profession or vocation under the provisions of this code shall be commenced, unless an earlier time is prescribed by other provisions of this code, within two years after the alleged commission of the act which is the basis of the disciplinary proceeding against them, except as provided in the following cases:

(a) Where there has been a fraudulent concealment of the facts constituting the basis of the charge, such proceedings may be commenced within two years after discovery of such facts, unless an earlier time is prescribed by other provisions of this code.

(b) Where any person is charged with incompetency or lacking the necessary qualifications to perform the services required of his profession, such proceedings may be instituted within two years after the discovery of the facts disclosing such incompetency, unless an earlier time is prescribed by other provisions of this code.

301. All disciplinary proceedings shall be finally determined by the board, commission, or officer having the authority to conduct them within one year after the time the proceedings were commenced unless the person against whom the proceedings are taken stipulates in writing for an extension beyond the one-year period.

302. This chapter does not apply to disciplinary proceedings under Chapter 4 of Division 3 of this code."

##### Amendment No. 6

On page 1, line 16, of said bill, after the period following "inadmissible", insert "Any such court may also receive evidence improperly rejected by any such State administrative officer or body, or any other additional evidence which is legally competent, and may receive any competent evidence in contradiction or impeachment of any relevant testimony received by such State administrative official or body."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 923**—An act authorizing municipal corporations to compromise litigation wherein the United States of America seeks to condemn tide or submerged lands heretofore granted such municipal corporation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 8, of the printed bill, strike out the period, and insert a semicolon and "provided, that nothing in this act shall be construed to rescind any reservation that may have been made in favor of the State in any grant of such lands to such municipal corporation with respect to deposits of oil and gas and other hydrocarbon and mineral deposits and rights of way for access to all such deposits as prescribed in Section 6402 of the Public Resources Code."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1888**—An act to add Article 12 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to emergency war legislation and administrative regulation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, after "law", insert ", and defenses,".

**Amendment No. 2**

On page 1, line 9, of the printed bill, as amended, after the period, insert "No person shall be prosecuted for a violation of any statute or ordinance when violation of such statute or ordinance is required in order to comply with an order or proclamation of the Commanding General of the Western Defense Command or such other military commander as may be designated by the Secretary of War and authorized to issue such orders or proclamation."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1915**—An act to add Section 1066 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert "1066. Where an administrative determination is the subject of a trial by a court of competent jurisdiction and the action is filed while the penalty imposed by the administrative tribunal is in full force and effect, the action shall not be considered by the court to have become moot in cases where the penalty imposed by the administrative tribunal has been completed or complied with during the pendency of the action."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 677**—An act to add Section 3092 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the needy blind.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "3092 to", and insert "3091.5 to Article 4, Chapter 1, Part 1, Division 5 of".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "3092 is hereby added to", and insert "3091.5 is added to Article 4, Chapter 1, Part 1, Division 5 of".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "3092", and insert "3091.5".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 906**—An act to add Sections 19129 and 19130 to the Education Code, relating to school district libraries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 956**—An act to authorize the creation of a branch of the University of California at Santa Barbara, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, including moneys appropriated and unexpended, or which may be appropriated, to grant to employees of Santa Barbara State College who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1291**—An act to add Section 3.223a to, and to amend Section 4.922 of, the School Code and to add Section 8703.1 to, and to amend Section 7302 of, the Education Code, relating to high schools and high school classes, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1243**—An act to amend Section 6 of an act entitled "An act to provide for the replacement and or the reconstruction in whole or in part of all city, county, school district, or other special district buildings wholly or partially destroyed by earthquakes since January, 1933, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 26, 1933, relating to the payment, disposition and expenditure of rentals payable under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1278**—An act to add Section 3.363 to, and to amend Section 4.930 of, the School Code and to add Section 8819.1 to,



and to amend Section 7307 of, the Education Code, relating to junior colleges and junior college classes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1318**—An act to amend Sections 5429, 5444 and 5534 of the School Code, and to add Sections 12009.1, 12894.1 and 13204.1 to the Education Code, relating to persons in the military service, including service in uniformed auxiliaries thereof or thereto, of the United States of America or of the State of California, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 53**—An act to amend Section 7473 and to amend and renumber Section 7444 of the Business and Professions Code, relating to hairdressers, cosmeticians, cosmetologists and junior electrologists.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 255**—An act to amend Section 6391 of the Business and Professions Code, relating to boards of trustees of law libraries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 326**—An act to amend Section 2727 of, and to add Section 2727.5 to, the Business and Professions Code, relating to the practice of nursing.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 696**—An act to amend Section 4828 of the Business and Professions Code, relating to emergency veterinarians.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 708**—An act to amend Section 4045 of the Business and Professions Code, relating to economic poisons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1083**—An act to amend Section 6854 of the Business and Professions Code, relating to exclusions from definition of "collection agency."

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1455**—An act to amend Section 4256 of the Business and Professions Code, relating to pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1468**—An act to amend Section 1675 of the Business and Professions Code, relating to the powers of the Board of Dental Examiners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1903**—An act to amend Section 8805 of the Business and Professions Code, relating to the annual license fees of land surveyors, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1934**—An act to add Section 3056 to the Business and Professions Code, relating to the admission to practice optometry. Bill read second time, and ordered to third reading.

**Assembly Bill No. 1904**—An act to amend Section 6799 of the Business and Professions Code, relating to fees under The Civil Engineers' Act, and providing that this act shall take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 1 of the printed bill, strike out line 16.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1937**—An act to amend Sections 7618, 7630, to add Section 7632 to and to amend Sections 7640, 7641, 7643, 7647, to add Section 7651 to and to amend Sections 7662, 7665, 7666, 7668, 7669, 7680, 7702, 7726 and 7729 of the Business and Professions Code, relating to funeral directors, embalmers and apprentice embalmers, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 3 of the printed bill, strike out lines 1 to 11, inclusive.

##### Amendment No. 2

On page 5, line 24, of the printed bill, strike out "Reregistration", and insert "No reregistration".

##### Amendment No. 3

On page 5, line 25, of the printed bill, between "continue" and "apprenticeship", strike out "as", and insert "an".

##### Amendment No. 4

On page 5, line 25, of the printed bill, strike out "upon", and insert "beyond".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 3, line 23, of the printed bill, strike out "make", and insert "assist in making".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1465**—An act to amend the Dental Practice Act by amending Section 1674 of the Business and Professions Code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 563**—An act to add Section 2710.3 to the Penal Code, relating to the Prison Camp Revolving Fund, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2710.3", and insert "2780.1".

##### Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "Camp Revolving Fund", and insert "camps, making an appropriation".

##### Amendment No. 3

On page 1 of the printed bill, as amended, strike out "2710.3", and insert "2780.1".

##### Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of lines 3 to 9, inclusive.

##### Amendment No. 5

On page 1, line 10, of the printed bill, as amended, strike out "State Prison System", and insert "2780.1".

##### Amendment No. 6

On page 1, line 12, of the printed bill, as amended, strike out "said".

##### Amendment No. 7

On page 1 of the printed bill, as amended, strike out all of lines 13 to 19, inclusive.

##### Amendment No. 8

On page 1, line 20, of the printed bill, as amended, strike out "the request of the Director of Finance", and insert "the support appropriation of the prison rendering such services, in augmentation thereof. The appropriation to be credited shall be the appropriation current at the time of rendering the services."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 62**—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitutions, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1542**—An act making an appropriation to the University of California to be expended for an investigation of the control of Pierce's disease of grapevines in California, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1011**—An act to add Sections 838.5, 1710, 1691.3, 1831.6, 1831.7, 1831.8, and 1831.9 to the Insurance Code, to add Article 18, comprising Sections 1110 to 1113, to Chapter 1, Part 2, Division 1, thereof, and to amend Sections 382, 733, 763, 1200, 1202, 1591, 1808 and 1831.5, and to repeal Section 1710 of the Insurance Code, all relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after the comma following "1113", insert "inclusive,".

**Amendment No. 2**

On page 4, line 45, of the printed bill, as amended, after "discretion", insert "and after hearing, by written order".

**Amendment No. 3**

On page 4, line 47, of the printed bill, as amended, after "disposal", insert "pursuant to such order".

**Amendment No. 4**

On page 6, line 24, of the printed bill, as amended, before "(a)", insert "1808."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1014**—An act to add Sections 10176, 10206.5 and 10641.5 to, and to amend Sections 10202, 10203, 10206, 10270.5, 10270.55, 10270.9, 10270.93 and 10342 of, the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 3 of the title of the printed bill, strike out "and 10270.93", and insert "10270.93 and 10270.95".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1016**—An act to add Chapter 6a to Part 2, Division 1, of the Insurance Code, relating to taxes on nonadmitted insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 31 to 37, inclusive, and insert

"1793. Any person wilfully violating any provision of this chapter is guilty of a misdemeanor. In addition to any other penalty provided by law, any insured wilfully failing or refusing to pay the tax, or the tax and penalty, owing to the State under the provisions of Section 1792 is liable to the State in an amount three times the tax so payable. The commissioner shall collect the amount so payable and may bring a civil action in his name as commissioner to enforce such collection. Any penalty so collected by such civil action is payable to the Insurance Commissioner for the account of the State of California to the credit of the Insurance Fund in the State treasury.

1794. The provisions of this chapter shall not apply:

(a) Where the total premium for the aggregate of such insurance paid in any one year by the person otherwise taxable hereunder does not exceed two hundred dollars (\$200);

(b) To insurance specified in subdivisions (a), (b), (c), and (d) of Section 1760.5."

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1017**—An act to add Sections 756.5 and 11730x to, and to amend Sections 11561 and 11715 of, the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2, line 5, of the printed bill, as amended, after "that" insert "in respect to workmen's compensation insurance written subject to the Workmen's Compensation Laws of this State".

**Amendment No. 2**

On page 2, line 37, of the printed bill, as amended, after "State" insert "not less than the sum of the amounts specified in subdivision (a) of Section 11699"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1019**—An act to amend Sections 916 and 918 and repeal Section 10487 of, to add Sections 10459.1, 10478, 10479, 10488 and 10489 to, and to add Article 3a to Chapter 1 and Article 3a to Chapter 5 of Part 2, Division 2 of the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "918", and insert "986".

**Amendment No. 2**

In line 4 of the title of the printed bill, as amended, strike out "and Article 3a to Chapter 5 of", and insert "of, and Article 3a to Chapter 5 of."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 229**—An act to add Sections 30a to 30r to the Bank Act and to add Section 3081 to the Civil Code, relating to the disposal of unclaimed contents of safe deposit boxes rented by banks or other corporations and relating to unclaimed items of personal property left with a bank for safekeeping or storage.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

On page 2 of the printed bill, commencing in line 2, strike out "the county treasurer, his deputy or authorized representative and one", and insert "two".

**Amendment No. 2**

On page 2 of the printed bill, commencing in line 6, strike out "the county treasurer, his deputy or authorized representative and such officer of the bank" and insert "such officers, and a copy thereof shall be filed with the county treasurer".

**Amendment No. 3**

On page 3 of the printed bill, commencing in line 41, strike out "and of the county treasurer, his deputy or authorized representative".

## Amendment No. 4

On page 4 of the printed bill, commencing in line 48, strike out "an officer of the bank and the county treasurer, his deputy or authorized representative", and insert "two officers of the bank".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 401**—An act to repeal Section 19 of the Bank Act, relating to the ratio of capital and surplus of banks to their deposit liabilities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 987**—An act to amend Section 1043 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 988**—An act to add Section 135g to the Bank Act, relating to conservators, Superintendent of Banks or their employees accepting employment by merged, liquidated or reorganized banks.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 989**—An act to add Section 13.20 to the Building and Loan Association Act, relating to employment of the commissioner or his employees by merged, liquidated or reorganized associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1433**—An act to add Section 21a to the Corporate Securities Act, relating to the commissioner or his employees accepting employment by corporations, the organization, reorganization, rehabilitation or merger of which they supervised.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1013**—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1015**—An act to amend Sections 1493, 11502, 11505, 11507, 11510, 11512, 11513 and 11516.5 of, to add Sections 11512.1, 11512.2 and 11512.3 to, and to repeal Section 11497 of, the Insurance Code, all relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1389**—An act to amend Sections 10170 and 10171 of the Insurance Code, relating to life insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1425**—An act to add Section 763.3 to the Insurance Code, relating to commissions to employees of insurers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 278**—An act to amend Sections 5.1104 and 5.1124 of the School Code and Sections 14726, 14727, 14728, 14776 and 14777

of the Education Code, relating to district and joint district retirement plans.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "5.1104 and 5.1124 of the School Code and Sections 14726, 14727, 14728", and insert "14726, 14727, 14728, 14730".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 27, inclusive.

**Amendment No. 3**

On page 2, line 20, of said bill, strike out "Sec. 3.", and insert "Section 1."

**Amendment No. 4**

On page 2, line 39, of said bill, strike out "Sec. 4.", and insert "Sec. 2."

**Amendment No. 5**

On page 2, line 47, of said bill, strike out "Sec. 5.", and insert "Sec. 3."

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 6**

On page 3 of said bill, between lines 3 and 4, insert

"SEC. 4. Section 14730 of the Education Code is amended to read:

14730. Any district retirement plan established by a governing board which governs more than one district may provide that service by any teacher, or other employee included in the plan, in all of the districts in which the teacher or other employee has served and for which the plan is adopted may be counted in the aggregate in determining eligibility toward retirement. This section shall apply [to] *only to service rendered in that part of any district which has become a part of any district for which a retirement plan is established by annexation, merger, consolidation, or in any other manner.*"

**Amendment No. 7**

On page 3, line 4, of said bill, strike out "Sec. 6." and insert "Sec. 5."

**Amendment No. 8**

On page 3, line 14, of said bill, strike out "Sec. 7.", and insert "Sec. 6."

**Amendment No. 9**

On page 3 of said bill, strike out lines 22 to 27.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 11 a.m. having arrived Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 were taken up.

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, providing for the use of part of the proceeds of said taxes, declaring the urgency thereof, to take effect immediately.

**Assembly Bill No. 876**—An act to amend Section 5 of, and to add Section 29.5 to the Personal Income Tax Act and to amend Section 17052 of, and to add Chapter 13.5, comprising Sections 19200 and 19201, to Part 10 of Division 2 of, the Revenue and Taxation Code, relating to

personal income taxes, declaring the urgency thereof, to take effect immediately.

**Assembly Bill No. 883**—An act to add Section 7.5 to the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations.

**Assembly Bill No. 884**—An act to add Section 5.5 to the Corporation Income Tax Act, relating to the income tax imposed on corporations.

#### Motion to Continue

Senator Rich moved that Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 be held over until this afternoon for further consideration.

Motion carried.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Swing:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to pay the claim of Max Guttman against the State of California.

Respectfully submitted.

SENATOR SWING

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time, 10.46 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS

**Senate Bill No. 903**—An act to amend Section 108 of, and to add Section 110.5 to, the Vehicle Code, relating to a Division of Drivers' Licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Engle, Gordon, Judah, Keating, Luckey, Mayo, Mixer, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.55 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission to introduce a bill was granted to Senator Swing by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickie, and Ward—31  
**NOES**—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read the first time:

**Senate Bill No. 1105:** By Senator Swing. An act making an appropriation to pay the claim of Max Guttman against the State of California.

Referred to Committee on Finance.

**RECESS**

At 12 m., on motion of Senator Seawell, the Senate recessed until 3 p.m.

**REASSEMBLED**

At 3 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 3 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**REPORTS OF STANDING COMMITTEES**

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1849

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 57

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 25

And reports the same correctly re-enrolled.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 166**—An act to add Section 1760.7 to the Welfare and Institutions Code, to amend Sections 112, 643, and 644 thereof, and to amend Section 1203.11 of the Penal Code, transferring the power of supervision over adult and juvenile probation and probation officers from the State Department of Social Welfare to the Youth Authority;

**Senate Bill No. 167**—An act to amend Section 1554.2 of the Penal Code, relating to proceedings against fugitives from justice, and authorizing the Youth Authority to apply to the Governor for requisitions for the return of persons committed thereto;

**Senate Bill No. 591**—An act to amend Sections 794, 799, 800 and 801 of the Fish and Game Code, relating to abalones, and declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 633**—An act to amend Sections 15 and 18 of the Agricultural Pro-rate Act, relating to the selection and appointment of marketing program committee members, their terms and duties;

**Senate Concurrent Resolution No. 36**—Relative to recognition of entertainers who appeared at dinner given members of the Legislature on April 16, 1943; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of April, 1943, at 3 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 59**—An act to regulate, and to prohibit fraud and deception in, the sale of olive oil, imitation olive oil, and other edible oils, to repeal an act entitled "An act to regulate the sale of imitation olive oil, and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 140**—An act to amend Section 8 and to repeal Sections 4 and 10 of, and to add Sections 4, 10a, 10b, 10c, 11a, and 12a to, an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holdings to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," approved by the electorate November 2, 1920, relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to contracts for the use, leasehold or other interest in real property less than the fee, including cropping contracts, providing for escheats in certain cases, prescribing the procedure therein, defining the powers and duties of the Attorney General or the district attorney of the proper county in reference thereto, providing as to the duties, powers and authority of any alien appointed by any court as guardian of his native-born minor child or children, or as guardian of any other person, or persons, and prescribing the procedure in such cases, and to provide a penalty;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of April, 1943, at 3 p.m.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWBRIGHT, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 733

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 32

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above reported resolution referred to Committee on Rules

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 24

Assembly Bill No. 66

Assembly Bill No. 961

Assembly Bill No. 1058

Assembly Bill No. 1054

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time

**Assembly Bill No. 24**—An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately

Referred to Committee on Finance.

**Assembly Bill No. 66**—An act to add Section 282 to the Code of Civil Procedure, relating to the powers of attorneys at law.

Referred to Committee on Judiciary.

**Assembly Bill No. 961**—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shoreline property adjoining State highways.

Referred to Committee on Transportation.

**Assembly Bill No. 1058**—An act to amend Sections 7, 7305, 7306, 7307, 7308, 7351, 7352, 7353, 7401, 7454, 7457, 7481, 7485, 7493, 7507, 7508, 7651, 7652, 7701, 7702, 7703, 7704, 7727, 7728, 7730, 7891, 7892, 7895, 7934, 7935, 7981, 8191, 8253, 8303, 8304, 8306, 8403, and 50007 of the Revenue and Taxation Code, to add Sections 28, 7407, 7660, 7661, 7662, 7663, 7698, 7699, 7700, 7706, 8193, 8194, to amend the headings of Articles 1, 2, and 3 of Chapter 5 of Part 2 of Division 2, and of Article 5 of Chapter 7 of said part, to add Article 2.5 consisting of Sections 7670 to 7675, inclusive, and Article 3.5 consisting of Sections 7710 to 7716, inclusive, to Chapter 5 of said part, and to repeal Sections 7653, 7654, 7676, 7677, and 7678 of said code, relating to the scope of, returns under, payments under, administration of, and collection of the

motor vehicle fuel license tax, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1954**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Referred to Committee on Natural Resources.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF SPECIAL ORDER (RESUMED)

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, providing for the use of part of the proceeds of said taxes, declaring the urgency thereof, to take effect immediately.

#### Motion to Reset Special Order

Senator Rich moved that Senate Bill No. 103 and Assembly Bills Nos. 876, 883 and 884 be made a special order of business for Monday, April 26, 1943, at 2.30 p.m.

#### Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the motion by Senator Rich to reset special order.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 414**—An act to amend Sections 504, 2002, and the title of Chapter 2 of Division 2 of the Public Resources Code, to repeal Sections 507 and 2003 thereof, to add Sections 2198 and 2199 to Chapter 2 of Division 2 thereof, and to provide for appropriate transfers, creating the Department of Mines in replacement of the Division of Mines.

Bill read third time.

#### Motion to Amend

Senator Seawell moved the adoption of the following amendments:

##### Amendment No. 1

In line 17 of the title of the printed bill, as amended, after "Mines", insert ", and to abolish the Ore Buyer's License Fund".

##### Amendment No. 2

On page 7, line 14, of said bill, strike out "Ore Buyer's License", and insert "General".

##### Amendment No. 3

On page 7, lines 30 and 31, of said bill, strike out "Ore Buyer's License", and insert "General".

##### Amendment No. 4

On page 7, lines 39 and 40, of said bill, strike out "Ore Buyer's License Fund, which fund is continued in existence, except that", and insert "General Fund. All".

##### Amendment No. 5

On page 7, line 45, of said bill, strike out "All"; and strike out lines 46 to 49, inclusive.



**Amendment No. 6**

On page 8, line 4, of said bill, before the period, insert ", and such person shall continue to be the Chief of the Division of Mines and subject to the State Civil Service Act".

**Amendment No. 7**

On page 8 of said bill, between lines 4 and 5, insert

"SEC. 29. The Ore Buyer's License Fund is abolished. Any unexpended balance in the fund shall be transferred to the General Fund in the State treasury."

**Amendments read and adopted.**

Bill ordered printed, re-engrossed, and to third reading.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following resolution was offered:

**Senate Concurrent Resolution No. 42:** By Senator Donnelly—Relative to approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the thirteenth day of April, 1943.

**Request for Unanimous Consent**

Senator Donnelly asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 42, at this time, for consideration.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 42**

**Senate Concurrent Resolution No. 42**—Relative to approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the thirteenth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tenney, and Ward—24.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 502**

Senator Carter moved that Senate Bill No. 502 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 502**—An act to amend Section 5.45 of the School Code, and to amend Sections 20376 and 20377 of the Education Code, relating to the Public School System.

Bill read second time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 5.45 of the School Code and to".

**Amendment No. 2**

In line 2 of the title of the printed bill, strike out "20376 and 20377", and insert "1071, 2422, 2423, 2481, 2502, 2561, 2584, 2802, 2833, 2893, 2922, 2962, 3431, 3462, 3591, 3661, 3691, 3722, 3742, 3743, 3761, 3825, 3841, 3851, 3962, 4281, 4341, 18461 and 18478, and to repeal Section 3403 of, and to amend the article heading of Article 14, of Chapter 11, Division 2".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1 of the printed bill, strike out lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Section 1071 of the Education Code is amended to read:

1071. Boards of trustees in school districts, except districts having city boards of education, may, and upon a petition signed by a majority of the [heads of families] *electors* resident in the district, shall call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district is engaged, or is likely to become engaged, or in regard to any affairs in the district.

SEC. 2. Section 2422 of said code is amended to read:

2422. Whenever a city is incorporated, except a city of the sixth class, the board of supervisors of the county may annex to the city for school purposes only, the remainder, or any part of the remainder, of the district or districts from which the city was organized, whenever a majority of the [heads of families] *electors* residing therein petition for such annexation.

SEC. 3. Section 2423 of said code is amended to read:

2423. The board of supervisors either when the district is formed or subsequently may include more territory than the remainder of the district or districts from which the city was organized, whenever a petition for this purpose is presented to them, signed by a majority of the [heads of families] *electors* residing in the additional territory.

The territory annexed may be in either the same or a different county than that of the school district to which it is annexed. If the territory annexed lies in a county other than the county in which the school district to which the territory is annexed lies, the school district shall not become a joint school district by reason of the annexation of such territory.

SEC. 4. Section 2481 of said code is amended to read:

2481. The board of supervisors of a county may annex to an elementary school district situated in whole or in part in any city in the county, other than a city of the sixth class, any contiguous elementary school district situated in the same county lying within or without a high school district, regardless of whether the elementary school district lies in whole or in part in any other city whenever a majority of the [heads of families] *electors* residing in the district to be annexed petition the board of supervisors in writing for annexation. The governing board of the district annexed ceases to exist upon the effective date of the annexation.

SEC. 5. Section 2502 of said code is amended to read:

2502. The boundaries of school districts may be changed only when at least 10 [heads of families, who are citizens, or who are eligible to citizenship] *electors*, residing in the districts affected by the proposed change of boundaries, present to the superintendent of schools a petition setting forth the changes of boundaries desired, and the reasons for the changes.

SEC. 6. Section 2561 of said code is amended to read:

2561. Two or more contiguous elementary school districts may at any time be united to constitute but one district, whenever a petition, signed by a majority of the [heads of families] *electors* residing in each of the districts is presented to the superintendent of schools. The petition shall be acted upon in the same manner as in the case of the formation of new school districts.

SEC. 7. Section 2584 of said code is amended to read:

2584. A suspended district may be merged with one or more adjoining districts whenever a petition signed by the majority of [heads of families] *electors* residing in the suspended district is presented to the board of supervisors. The petition shall be filed with the county superintendent and by him presented to the board of supervisors with such suggestion as he thinks best.

SEC. 8. Section 2802 of said code is amended to read:

2802. A majority of the [heads of families] *electors* who reside in two or more contiguous elementary school districts, or union elementary school districts, lying in the same county, and who have children attending school as shown by the teachers' registers in the schools of the districts for the current or next preceding term may unite in a petition to the county superintendent of schools for the formation of a union elementary school district, to comprise the districts petitioning. The superin-

tendent of schools shall within 20 days after receiving the petition, call an election for the determination of the question and shall appoint three qualified electors in each of the districts petitioning or, if the districts are union elementary school districts, in each of the districts comprising the union elementary school districts, to conduct the election.

SEC. 9. Section 2833 of said code is amended to read:

2833. A majority of the [heads of families] *electors* residing in two or more contiguous school districts not all in the same county and who have children attending the schools in the district as shown by the teachers' registers for the current or next preceding school term, may unite in a petition to the county superintendents of their respective counties for the formation of a joint union school district, to comprise the districts petitioning. Each of the superintendents shall, within 20 days after receiving the petition, call an election in the district or districts in his county petitioning, for the determination of the question and shall appoint three qualified electors in each of the petitioning districts, to conduct the election.

SEC. 10. Section 2893 of said code is amended to read:

2893. Before the board of supervisors may act, a majority of the [heads of families] *electors* residing in the district, and who have children enrolled in the school, as is shown by the teachers' registers for the current or next preceding term, shall present to the board of supervisors a petition for annexation. The petition shall be accompanied by an agreement to the annexation, signed by a majority of the members composing the board of trustees of the union or joint union districts to which admission is desired.

SEC. 11. Section 2922 of said code is amended to read:

2922. Before the board or boards of supervisors may act, a majority of the [heads of families] *electors* residing in the union or joint union district, including two thirds of the [heads of families] *electors* who reside in the district wishing to withdraw and who have children attending the school as shown by the teachers' register, shall present to the board or boards of supervisors a petition for withdrawal. The petition shall be accompanied by a written consent to the withdrawal, signed by a majority of the members composing the board of trustees of the union or joint union district and setting forth the terms for the withdrawal of the district agreed upon by a majority of the electors of the district wishing to withdraw and by the board of school trustees of the union or joint union school district.

SEC. 12. Section 2962 of said code is amended to read:

2962. A petition signed by two-thirds of the [heads of families] *electors* residing in the district and who have children attending the school as shown by the teacher's register, or as may be shown by a census of the district ordered by the board of school trustees, shall be presented to the county superintendent of schools of the county in which the district is situated, setting forth briefly the reasons for dissolution and praying that the question be submitted to the voters in the district.

SEC. 13. Section 3403 of said code is repealed.

SEC. 14. Section 3431 of said code is amended to read:

3431. A majority of the electors residing in a single elementary school district in which the average daily attendance in the elementary schools of the district is 100 or more, as shown by the last reports of the teachers in the district, may unite in a petition for the formation of a high school district under a name specified in the petition. They shall present the petition to the superintendent of schools of the county, or in case of a joint school district to the superintendent of schools of the county in which the greater number of [heads of families] *electors* of the district reside.

SEC. 15. Section 3462 of said code is amended to read:

3462. A [majority of the heads of families, or a] majority of the electors residing in each of two or more contiguous school districts in the same county, having an average daily attendance in the aggregate in the elementary schools of 100 pupils or more, may unite in a petition to the superintendent of schools of the county, for the formation of a union high school district under a name specified in the petition. The superintendent of schools shall, within 20 days after receiving the petition, verify the signatures thereto, and if he finds them sufficient, call an election for the determination of the question. He shall appoint three qualified electors in each of the districts petitioning, to conduct the election.

SEC. 16. Section 3591 of said code is amended to read:

3591. A majority [of the heads of families or] of the electors residing in an elementary school district or union elementary school district having 600 or more units of average daily attendance in the elementary or union elementary schools of the district as shown by the last reports of the teachers in the district and a total assessed valuation of at least eight million five hundred thousand dollars (\$8,500,000), which is a part of any high school district, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools having jurisdiction over the elementary or union elementary school district, a petition asking for the organization of a high school district to be composed of the district represented in the petition, specifying in the petition the name of the proposed high school district. The county superintendent of



schools shall within 20 days after receiving the petition verify the signatures to the petition. If he finds them sufficient he shall submit the petition to the State Board of Education for approval.

SEC. 17. Section 3661 of said code is amended to read:

3661. A majority [of the heads of families or] of the electors residing in each of two or more elementary school districts having in the aggregate 500 or more units of average daily attendance in the elementary schools, as shown by the last reports of the teachers in the districts, and having a total assessed valuation of at least five million dollars (\$5,000,000), and lying two and one-half miles or more from any public high school building by the nearest traveled road, which elementary school district or a majority thereof is (a) a part of one or more union or joint union high school districts of the county, as shown by the affidavits of one or more of the petitioners, or (b) a part of a city high school district, and no part of which is included in any city except a city of the sixth class, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the elementary school districts, or a majority of them, a petition asking for the organization of a union high school district, or joint union high school district, as the case may be, to include all of the elementary school districts represented in the petition. The petition shall specify the name of the proposed union or joint union high school district. The county superintendent of schools shall, within 20 days after receiving the petition, verify the signatures and, if he finds them sufficient, call an election for the determination of the question. He shall appoint three qualified electors in each of the districts petitioning to conduct the election.

SEC. 18. Section 3691 of said code is amended to read:

3691. A majority [of the heads of families, or a majority] of the electors residing in any union or joint union high school district, and two-thirds of the [heads of families or of the] electors residing in any school district which is a part of the union or joint union district, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the high school district a petition asking for the exclusion of the school district from the high school district. The petition shall be accompanied by an agreement signed by a majority of the high school board of the high school district and a majority of the trustees of the school district, consenting to the exclusion and setting forth the terms of the exclusion. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of this county, with his recommendation.

SEC. 19. Section 3722 of said code is amended to read:

3722. A majority of the [heads of families] electors residing in any union high school district which lies contiguous to or adjoining a high school district in any city in the same county, may present to the superintendent of schools of the county a petition asking for the annexation, consolidation, and merger of the union high school district with the high school district of the city. The petition shall be accompanied by an agreement signed by a majority of the members of the board of education or board of school trustees of the city, consenting and agreeing to the annexation, consolidation, and merger, and setting forth the terms and conditions upon which the annexation, consolidation, and merger shall be made. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of the county with his recommendation.

SEC. 20. Section 3742 of said code is amended to read:

3742. If the trustees of any district comprising a part of the union or joint union districts, or a majority of the [heads of families] electors who reside in the district and have children attending school, as shown by the teacher's register, deem it advisable to hold an election they shall so notify the county superintendent of schools and request him to call an election.

SEC. 21. Section 3743 of said code is amended to read:

3743. The county superintendent of schools, within 20 days after receiving the request from the trustees, or from a majority of [heads of families] the electors, shall call an election for the determination of the question in the particular district and shall appoint three qualified electors in the district to conduct the election.

SEC. 22. The heading of Article 14 of Chapter 11, Division 2 of said code is amended to read:

Article 14. Annexation of Elementary School  
Districts to High School Districts on  
Petition of [Heads of Families or]  
Electors

SEC. 23. Section 3761 of said code is amended to read:

3761. A majority [of the heads of families, or a majority] of the electors residing in any school district contiguous to a high school district, in the same or adjoining counties, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools, who has jurisdiction over the high



school district, a petition for the annexation of the school district to the high school district. The petition shall be accompanied by an agreement signed by a majority of the members of the high school board of the district to which annexation is desired, and by a majority of the trustees of the school district, consenting to the annexation and setting forth the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

SEC. 24. Section 3825 of said code is amended to read:

3825. Every school district affected by this article may, upon request of its governing board, or a petition by a majority of the [heads of families] electors residing in the district, determine the high school district to which it shall be annexed. An election for that purpose shall be held as provided for in the case of the formation of a union high school district, except that the ballots used at the election in each district shall contain the words "For annexation to \_\_\_\_\_ high school district." Electors voting at the election shall write in the name of the high school district to which they prefer to be annexed. Printed ballots containing the name of the high school district may be used and counted. A majority of the votes cast at the election determines the choice of the high school district to which the school district shall be annexed.

SEC. 25. Section 3841 of said code is amended to read:

3841. The board of supervisors of a county may annex to a high school district, other than a union or joint union high school district, situated in whole or in part in a city located in the county, other than a city of the sixth class, any contiguous elementary school district lying within or without a high school district situated in the same county, regardless of whether the elementary school district lies in whole or in part in any other city, whenever a majority of the [heads of families] electors residing in the district proposed to be annexed petition the board of supervisors in writing for annexation.

SEC. 26. Section 3851 of said code is amended to read:

3851. Two-thirds of the [heads of families] electors residing in any elementary school district which is part of any high school district, and the eastern part of which is more than six miles by traveled road from the high school building of the high school district, as shown by the affidavit of one or more of the petitioners, may present to the county superintendent of schools having jurisdiction over the high school district, a petition asking that the elementary school district be excluded from the high school district and annexed to a contiguous high school district. The petition shall be accompanied by an agreement signed by the high school board of the high school district to which annexation is sought, agreeing to the annexation. The superintendent of schools shall verify the signatures. If he finds them sufficient, he shall transmit the petition and agreement, with or without his recommendation, to the board of supervisors of the county in which the elementary school district is situated.

SEC. 27. Section 3962 of said code is amended to read:

3962. A petition signed by two-thirds of the [heads of families, or two-thirds of the] electors of each school district composing the high school district, as shown by affidavit of one or more of the petitioners, shall be presented to the superintendent of schools having jurisdiction over the high school district.

SEC. 28. Section 4281 of said code is amended to read:

4281. A majority of the [heads of families or a majority of the] electors residing in any high school district contiguous to a junior college district, in the same or adjoining counties, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, a petition for the annexation of the high school district to the junior college district. The petition shall be accompanied by an agreement, signed by a majority of the members of the governing board of the junior college district to which annexation is desired, and by a majority of the trustees of the high school district, consenting to the annexation and setting forth the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

SEC. 29. Section 4341 of said code is amended to read:

4341. On or before the first day of February in any school year a majority of the [heads of families, or a majority of the] electors residing in a junior college district, and two-thirds of the [heads of families, or of the] electors residing in any high school district which is a part of the junior college district, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, petitions asking for the exclusion of the high school district from the junior college district for the purpose of permitting the territory in the high school district to be formed into a junior college district or to become a part of another junior college district. The petitions shall be accompanied by an agreement signed by a majority of the governing board of the junior college district, and a majority of the trustees of

the high school district consenting to the exclusion and setting forth the terms of the agreement. The superintendent of schools shall, after verifying the signatures to the petitions and agreements and finding them sufficient, transmit the petitions and agreement to the board of supervisors of his county with his recommendations.

Sec. 30. Section 18461 of said code is amended to read:

18461. No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools, or superintendents in case of a joint union district, signed by two-thirds of the [heads of families] *electors* who reside in the school district and who have children attending the school as is shown by the teachers' register in the school, and then only in accordance with all the provisions for the original location of the school.

Sec. 31. Section 18478 of said code is amended to read:

18478. Except as otherwise provided, no change of location of any high school where once established, shall be made except upon a petition to the superintendent of schools who has jurisdiction of the high school district, signed by two-thirds of the [heads of families] *electors* of the district, and then only upon the affirmative votes of two-thirds of the qualified electors of the district voting at an election called by the superintendent of schools for that purpose.

The election shall be called and held, and the returns thereof made to the superintendent of schools, in the same manner as in the case of the election for the formation of the district."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

#### WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1071

Senator Tenney moved that Senate Bill No. 1071 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment.

Motion carried.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1071**—An act to amend Sections 16, 101, 120, 121, 125, 127, 141, 175, 176, 188, 321, 322, 324, 325, 332, 330, 340, 360, 361, 364, 366, 374, 394, 395, 410, 411, 416, 421, 422, 423, 431, 432, 434, 435, 455, 456, 457, 458, 459, 469, 555, 556, 557, 640, 641, 642, 643, 644, 645, 648, and 649 of the Military and Veterans Code; and to add thereto Section 230.1 and Chapter 4-A thereof; and to repeal Sections 160, 223.5, 554, 555.1, 555.2, 556.1, 556.2, and 556.3 thereof; relating to the military forces of the State; declaring the urgency of this act and providing that it shall take effect immediately.

Bill read second time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "16", strike out the remainder of said line; and in line 2 of said title, strike out "175, 176, 188,".

##### Amendment No. 2

In line 2 of the title of said bill, strike out the comma following "321"; and strike out "322", and the comma following the same, and insert "and".

##### Amendment No. 3

In line 2 of the title of said bill, beginning with "325", strike out the remainder of line 2, and lines 3, 4, and 5, to and including "649".

##### Amendment No. 4

In line 6 of the title of said bill, following "Code", strike out the semicolon and the balance of line 6; and strike out line 7, and line 8 to and including the semicolon following "thereof".

##### Amendment No. 5

In line 9 of the title of said bill, after "military", insert "and naval".

**Amendment No. 6**

In line 9 of the title of said bill, strike out the semicolon following "State", and insert a period; and strike out the balance of line 9 and all of line 10.

**Amendment No. 7**

On page 1, line 1, of said bill, after the second "Section", strike out "16", and insert "321".

**Amendment No. 8**

On page 1 of said bill, beginning with line 3, strike out the remainder of page 1, and insert

"321. Enlisted men while on active duty in the service of the State shall receive two dollars (\$2) per day. *Enlisted men of the Naval Militia shall receive the same pay as men of similar grade or rating in the United States Navy.*"

**Amendment No. 9**

Strike out pages 2 and 3 of said bill, and strike out all of page 4 down to and including the period following "source," in line 17.

**Amendment No. 10**

On page 4, line 19, of said bill, strike out "13.", and insert "2."

**Amendment No. 11**

On page 4, line 21, of said bill, beginning with "wherever", strike out the remainder of page 4, and insert

"Whenever an officer of the National Guard or Naval Militia is detailed for special duty in any matter relating to the National Guard or Naval Militia, by order of the Governor, he shall be allowed the base pay provided for his grade in the pay tables of the United States Army or Navy and actual traveling expenses. An enlisted man similarly detailed shall be allowed two dollars (\$2) per day and be paid traveling expenses. *Enlisted men in the Naval Militia similarly detailed shall be allowed the same pay as men of similar grade or rating in the United States Navy.*"

**Amendment No. 12**

On page 5 of the printed bill, beginning with line 1, strike out the remainder of said bill.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1102**—An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1004**—An act to amend Section 164 of the Military and Veterans Code, relating to the salary of The Adjutant General.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Seawell, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.



**Senate Bill No. 1098**—An act to add Section 1195.5 to the Labor Code, relating to wages of women and minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Seawell, Slater, and Swan—21.

NOES—None.

Bill ordered transmitted to the Assembly.

#### RESOLUTION

Senate Resolution No. 117 was offered by Senator Fletcher.

#### Senate Resolution No. 117

WHEREAS, Pursuant to grant made by act of Congress on March 3, 1933 (47 Statute 1487) the State of California has selected certain lands for use as a State park, said land being located in eastern San Diego County, California; and

WHEREAS, Patents to said lands were issued September 27, 1937, there being reserved to the United States all oil, gas, coal and other minerals in the lands, together with the right to prospect for, mine and remove the minerals at such time as the Secretary of the Interior shall make the regulations therefor; and

WHEREAS, There have been repeated requests made by the Mineralogist for the State of California, by the bureau of mines of San Diego County and by the board of supervisors of San Diego County that the Secretary of the Interior promulgate regulations so that mining may proceed and the mineral wealth of the region may be exploited; and

WHEREAS, Valuable deposits of strategic and critical minerals, including tungsten, manganese and optical glass have been discovered in the region; and

WHEREAS, These minerals are in great demand and are classified as minerals necessary to proper prosecution of the war and it is probable that many additional deposits of such minerals may be found within the region if prospecting is permitted; and

WHEREAS, The withholding of regulations to permit mining and prospecting in the area is deterring the war effort of the United States; and

WHEREAS, The board of supervisors of San Diego County has by resolution adopted unanimously on March 29, 1943, requested this Legislature to memorialize the President of the United States to direct the Secretary of the Interior to immediately promulgate regulations under which mining may be resumed in the Borega Section of Anza State Park; and

WHEREAS, It is the sense of the Senate of the State of California that the best interests of the State will be served by resumption of mining in that area; now, therefore, be it

*Resolved by the Senate*, That the President of the United States is hereby respectfully memorialized to direct the Secretary of the Interior to immediately promulgate regulations under which mining may be resumed in the Borega Section of the Anza State Park in San Diego County, California; and be it further

*Resolved*, That the Secretary of the Senate forward a copy of this resolution to the President of the United States, and to the Secretary of the Interior.

Resolution read, and unanimously adopted.

**Senate Bill No. 84**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to sanitation of dairy farms and dairy products plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Assembly Bill No. 232, at this time, for consideration.



**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 232**—An act to amend Sections 643 and 644 of the Agricultural Code, relating to dairy sanitation.

Bill read third time.

The roll was called, and the bill passed by the following vote.

**AYES**—Senators Biggar, Breed, Brown, Burns, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers and general circulation.

Bill read third time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill, as amended, between lines 12 and 13, insert  
"Nothing in the amendments effected in this section by this act shall be construed as removing from the status of a newspaper of general circulation, any newspaper adjudicated a newspaper of general circulation prior to the effective date of these amendments."

**Amendment No. 2**

On page 2 of the printed bill, as amended, between lines 12 and 13, insert  
"Nothing in the amendments effected in this section by this act shall be construed as removing from the status of a newspaper of general circulation, any newspaper adjudicated a newspaper of general circulation prior to the effective date of these amendments."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Senator Tenney Presiding**

At 4.10 p.m., Senator Tenney of the Thirty-eighth District, presiding.

**Assembly Concurrent Resolution No. 43**--Relative to amending Joint Rule 35 of the Joint Rules of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

**AYES**—Senators Brown, Mayo, Swing, and Tenney—4.

**NOES**—Senators Biggar, Breed, Carter, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, McBride, McCormack, Powers, Quinn, Rich, Slater, Swan, and Ward—19.

**Assembly Bill No. 871**—An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 724.3 of the Fish and Game Code, relating to fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, Powers, Quinn, Rich, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill order transmitted to the Assembly.

**Assembly Bill No. 353**—An act to amend Sections 755, 762, 763, and 788 of the Probate Code and to add new sections to be numbered 762.5 and 765 to the Probate Code, all relating to the sale of real or personal property in probate.

Bill read third time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "763", insert ", 785".

**Amendment No. 2**

On page 4 of said bill, as amended, after line 8, insert

"SEC. 6. Section 785 of the Probate Code is hereby amended to read as follows: 785. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale; and if it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of the previous section, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding such bid at least 10 per cent exclusive of the expenses of a new sale may be obtained, the court shall make an order confirming the sale and directing conveyances to be executed; otherwise it shall vacate the sale and direct another to be had, of which notice must be given and the sale in all respects conducted as if no previous sale had taken place. But if a written offer of 10 per cent more in amount than that named in the return is made to the court by a responsible person, and the bid complies with all provisions of the law, it is in the discretion of the court to accept such offer and confirm the sale to such person, *to sell the property forthwith in open court to the highest responsible bidder, or to order a new sale.*"

**Amendment No. 3**

On page 4, line 10, of said bill, as amended, strike out "Sec. 6", and insert "Sec. 7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Concurrent Resolution No. 30**—Relative to the problem of spastic and crippled children.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1939**—An act to add Section 3466d to the Political Code, relating to reclamation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 479**—An act to amend Sections 4530, 4531 and 4532 of the Penal Code, relating to escapes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Fletcher, Gordon, Jepsen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—23

**NOES**—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1943.

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Concurrent Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: That the Senate concur in the Assembly amendments.

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman  
BROWN  
POWERS

## CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Concurrent Resolution No. 32** Relative to adjournment sine die of the Fifty-fifth Session of the Legislature of the State of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 32?

### Amendment No. 1

On page 1, line 4, of the printed measure, strike out "12 noon, April 28", and insert "3 p.m., May 5".

### Amendment No. 2

On page 1, line 5, of the printed measure, after "April", strike out "21", and insert "28".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 32 by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Gordon, Hatfield, Jepsen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—26

**NOES**—None.

Above resolution ordered enrolled.

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 82

Senate Bill No. 90

Senate Bill No. 601

Senate Bill No. 661

Senate Bill No. 729

Senate Bill No. 746

Senate Bill No. 754

Senate Bill No. 756

Senate Bill No. 767

Senate Bill No. 882

Senate Bill No. 960

Senate Bill No. 1023

Senate Bill No. 1057

Senate Bill No. 1098

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 503

Senate Bill No. 1075

And reports the same correctly re-engrossed.

SEAWELL, Chairman

#### Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 22, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 890

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

#### RECESS

At 5.02 p.m., on motion of Senator Seawell, the Senate recessed until 7 p.m.

#### REASSEMBLED

At 7 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator Mixter moved a call of the Senate.

Motion carried. Time, 7.06 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 407**—An act to amend Sections 422 and 990 of, and to add Section 422.5 to the Fish and Game Code, relating to hunting and fishing, and to provide for, the issuance of licenses therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—21.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 784**—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—22.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1771**—An act to amend Section 87 of the Agricultural Code, relating to agricultural societies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—22

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Burns Presiding**

At 7.30 p.m., Senator Burns of the Thirtieth District, presiding.

**Assembly Bill No. 786**—An act to add Section 40411 to the Political Code, relating to the transfer of county property used for fair purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—22

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 788**—An act to amend Section 88 of the Agricultural Code, relating to property transfers by district agricultural associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—22

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1505**—An act to amend Section 1196 of the Agricultural Code, relating to articles of incorporation of cooperative marketing associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 626**—An act to amend Section 4132.5 of the Political Code, relating to duties of county recorders.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 632**—An act amending Section 4300c of the Political Code, relating to the fees of county recorders.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 915**—An act to amend the title of the Municipal Improvement Act of 1913, and to add Section 1f thereto, relating to the formation of maintenance districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 465**—An act to add Section 2714 to the Penal Code, relating to prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 443**—An act to amend Section 4.965 of the School Code and to amend Section 7406 of the Education Code, relating to the canvassing of votes cast at elections for the issuance of school district bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1472**—An act to add Sections 3083.3 and 3471.5 to the Welfare and Institutions Code, relating to aid to the blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1473**—An act to add Sections 3401.5 and 3432.1 to the Welfare and Institutions Code, relating to aid to the blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1475**—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid and income of partially self-supporting blind residents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1474**—An act to amend Sections 1550, 2183, and 3082 of the Welfare and Institutions Code, relating to public assistance, providing for investigations into applications therefor, and for the time of commencement of payments thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 969**—An act to repeal Article 1 of Chapter 5 of the Agricultural Code, and to add to said chapter a new article, to be numbered Article 1, relating to seeds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 315**—An act to amend Section 506 and to add a new section numbered 509 (a) of the Agricultural Code, relating to the making of ice cream and ice milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—23.

NOES—Senator Swan—1.

## Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Assembly Bill No. 315 was passed.

## Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Quinn moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 315 was passed.

The roll was called, and Assembly Bill No. 315 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—24.

NOES—None.

Assembly Bill No. 315 ordered returned to its place on third reading.

**Assembly Bill No. 1316**—An act to add Article 4a to Chapter 1 of Part 1 of Division 5 of the School Code and to add Article 3.5 to Chapter 2 of the Education Code, relating to the dismissal of employees of State colleges not in State civil service.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Luckey, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—20.

NOES—Senators Jespersen, McBride, and Mixer—3.

## Motion to Reconsider

Senator Seawell moved to reconsider the vote whereby Assembly Bill No. 1316 was refused passage.

## Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1316 was refused passage.

The roll was called, and Assembly Bill No. 1316 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Assembly Bill No. 1316 ordered returned to its place on third reading.

**Assembly Bill No. 529**—An act to repeal Section 5 of an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, relating to the reconversion of registered bonds into coupon bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 889**—An act to amend Section 737dd of the Political Code, relating to the salary of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

Senator McBride Presiding

At 8.40 p.m., Senator McBride of the Thirty-third District, presiding.

**Assembly Bill No. 212**—An act to amend Section 3714 of the Elections Code, relating to ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Donnelly, Dorsey, Fletcher, Jespersen, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 216**—An act to amend Section 1406 of the Elections Code, relating to initiative and referendum petition.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 342**—An act to amend Sections 2453, 2705, and 5556 of the Elections Code, relating to the time for opening and closing the polls.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 380**—An act to amend Section 1003 of the Elections Code, relating to proclamation of election days.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 564**—An act to amend the heading of Article 3 of Chapter 1 of Division 4, and Sections 1511, 1512, 1513, and 1514 of, and to add Sections 1509.5, 1511.5 and 1514.5 to the Elections Code, relating to ballot pamphlet.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 192**—An act to repeal Section 3715 of the Elections Code, relating to ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 627**—An act to add Section 4539 to the Elections Code, relating to campaign statements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1648**—An act to amend Section 2671.5 of the Elections Code, relating to declarations of candidacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 55**—An act to amend Section 4 of the California Water Storage Act, relating to giving of notice of proposed organization of a water storage district to landowners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 979**—An act to amend Section 666 of the Agricultural Code, relating to the labeling of milk products and imitations thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1564**—An act to amend Section 7 of the "American River Flood Control District Act," approved May 28, 1927, relating to the board of trustees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 458**—An act to amend Section 2720 of the Penal Code, relating to the jute mill revolving fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 16**—Relative to Federal participation in the construction of the highway known as the Los Angeles Freeway.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 325**—An act to amend Section 605e of the Civil Code, relating to the disposition of assets of nonprofit corporations upon dissolution or winding up.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 227**—An act to amend Sections 1859 and 1860 of the Civil Code, relating to the liability of innkeepers, to include hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—23.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 228**—An act to amend Section 341a of the Code of Civil Procedure, relating to personal property left in hotel, etc., to include hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1198**—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1158**—An act to add Section 474b to the Political Code, relating to the collection of claims or judgments due the State, or to any department, board or commission, under one thousand dollars (\$1,000), and payment for services therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1347**—An act to amend Sections 595, 596 and 605e of the Civil Code, relating to nonprofit corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1353**—An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out Lines 49 to 52, inclusive, and on page 3, strike out lines 1 to 14, inclusive, and insert "directly or indirectly, use or knowingly permit the use of his name, credit or premises to obtain for his employees or for any other person, other than a customer in the regular course of his business, at a reduced price any merchandise not handled by the employer in the regular course of his business."

For the purpose of this section "reduced price" means a price lower than that at which the employee or other person could purchase the same or competitive merchandise without the use of the employer's name, credit or premises. This section shall not apply:

(a) To merchandise which is sold to employees or other persons for use or consumption and is actually used or consumed on the premises of the employer; nor

(b) To the sale of any merchandise at ordinary competitive retail prices by an employer to his employees or to any other person; nor

(c) To the sale of any merchandise at retail, regardless of price, by an employer to his employees and their dependents in any area or community in which there is no regularly established store operated by any other person for the sale at retail of such merchandise."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26243, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Bill read third time.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, before "advertising", insert "printed or written".

**Amendment No. 2**

On page 1, line 9, of said bill, before "advertising", insert "printed or written".

**Amendment No. 3**

On page 2, line 37, of said bill, before "prescription", insert "an order or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 928**—An act to amend Section 11003 of, and to repeal Article 1a, consisting of Sections 11540 and 11541 of Chapter 5, of Division 10 of the Health and Safety Code, relating to narcotics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 21**—An act to amend Section 8322 of the Streets and Highways Code, relating to the vacation of city streets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 90**—An act to add Chapter 3, consisting of Sections 8330 and 8331, to Part 3, Division 9, of the Streets and Highways Code, relating to the vacation of city streets and providing for the reservation of certain easements therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 126**—An act to amend Sections 5245 and 5252 of the Streets and Highways Code, relating to special assessment proceedings and the calling for bids.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 148**—An act to amend Section 277 of the Vehicle Code, relating to chauffeur's licenses.

Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 14, of the printed bill, as amended, before "This", insert "Sec. 2."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1588**—An act to add Section 44.2 to the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jepsen, Luckey, McBrade, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 753**—An act to amend Section 201 of the Fish and Game Code, relating to the San Leandro Waterfowl Refuge.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, McBrade, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 43**—Relative to increasing the quota for Portuguese immigration from Portugal and the Azores as an aid to milk production in California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jepsen, Luckey, McBrade, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1595**—An act to amend Sections 12256 and 12626 of the Revenue and Taxation Code, relating to the State Compensation Insurance Fund, declaring the urgency thereof, to take effect immediately.

**Motion to Refer Bill to Inactive File**

Senator Rich moved that Assembly Bill No. 1595 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 992**—An act to amend an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, as amended, by adding thereto Section 7.1, relating to the incurring of indebtedness for the repair or replacement of district works damaged or demolished by reason of fire, flood, earthquake, sabotage, or act of God or the public enemy, the refunding of such indebtedness, the levy and collection of taxes to pay such indebtedness, and providing the manner of adoption of ordinances relating thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 295**—An act to add Section 226 to the Labor Code, relating to wages.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 8, of the printed bill, as amended, after "semimonthly", insert "or at the time of each payment of wages".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 613**—An act to amend Section 2617 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 975**—An act to amend Section 67.5 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 693**—An act to add Section 833 to the Revenue and Taxation Code, relating to inspection of information and records in the State Board of Equalization office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 421**—An act to add Section 6.744 to Article 1, Chapter 1, Part 3, Division 6 of the School Code, and to add Section 19405 to the Education Code, relating to the use of school property.

Bill read third time.



**Motion to Amend**

Senator Donnelly moved the adoption of the following amendments:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "add Section 6.744 to Article 1, Chapter 1, Part 3, Division 6 of the School Code, and to"

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 9, inclusive.

**Amendment No. 3**

On page 1, line 11, of said bill, strike out "Sec. 2", and insert "Section 1".

**Amendment No. 4**

On page 1, line 14, of said bill, after "equipment", insert "without charge".

**Amendment No. 5**

On page 1 of said bill, strike out lines 16 to 18, inclusive, and insert "the selection of personnel."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1282**—An act to amend Section 266 of the Political Code and Section 9300 of the Government Code, relating to compensation for Members of the Legislature.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 22, of the printed bill, as amended, strike out "In addition to this compen-"; and strike out lines 23, 24, 25, and 26, and insert "Members of the Legislature shall receive, in addition to their compensation, their necessary expenses incurred while attending regular, special and extraordinary sessions, excluding the constitutional recess. That the reasonable and necessary expense to be allowed each member while attending any such session is hereby determined to be and is fixed at the sum of ten dollars (\$10) per day, to be paid in the manner provided by the Joint Rules of the Senate and Assembly."

**Amendment No. 2**

On page 2 of the printed bill, as amended, strike out lines 20 to 24, inclusive, and insert

"(c) Members of the Legislature shall receive, in addition to their compensation, their necessary expenses incurred while attending regular, special and extraordinary sessions, excluding the constitutional recess. That the reasonable and necessary expense to be allowed each member while attending any such session is hereby determined to be and is fixed at the sum of ten dollars (\$10) per day, to be paid in the manner provided by the Joint Rules of the Senate and Assembly."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1057**—An act to amend Sections 133 and 3661 of, and to repeal Chapter 4.3 of Part 6 of Division 1 of, the Revenue and Taxation Code, relating to the State Land Classification Commission and to the classification of tax-deeded property.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 16, of the printed bill, as amended, strike out "or district", and insert "or direct".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**SECOND READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 756**—An act to amend Section 5.750 of the School Code and Section 13841 of the Education Code, relating to absences from duty of employees of school districts.

Bill read second time.

**Motion to Amend**

Senator Swan moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 5.750 of the School Code and".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 14, inclusive.

**Amendment No. 3**

On page 2, line 16, of said bill, strike out "Sec. 2. Section 13481", and insert "Section 1. Section 13841".

**Amendment No. 4**

On page 3 of the printed bill, strike out lines 4 to 8, inclusive.

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 661**—An act to add Sections 1513, 2026, and 3027 to the Welfare and Institutions Code, relating to county refunds to the State for aid furnished.

Bill read second time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Sections 1513, 2026, and 3027", and insert "Section 131".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "1513", and insert "131".

**Amendment No. 3**

On page 1 of the printed bill, strike out line 3, and insert "131. Whenever by authority of this code aid is given to needy children, aged persons or blind persons".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 15 to 27, inclusive; and on page 2, strike out lines 1 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Senate Bill No. 980 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Carter moved that Senate Bill No. 448 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Carter moved that Assembly Bill No. 467 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Breed moved that Senate Bill No. 480 be taken from the inactive file, and be re-referred to Committee on Governmental Efficiency.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Fletcher moved that Senate Bill No. 921 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Fletcher moved that Senate Joint Resolution No. 1 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Swan moved that Senate Bill No. 11 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Dorsey moved that Senate Bill No. 195 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.35 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 43:** By Senator Donnelly—Relative to appointment of a Joint Fact-Finding Committee on Japanese Resettlement.

Referred to Committee on Rules.

### REPORTS OF STANDING COMMITTEES

#### Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 4; absent 3.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 1099

Assembly Bill No. 1111

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 4; absent 3.

BREED, Chairman

Above reported bills ordered to second reading.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 22d adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 641**—An act to amend Sections 2, 7, 7.1, 8, 9, 9.2, 9.3, 9.4, 9.5, 10, 12, 13, 16, 19 and 20 of, and to add four new sections to be numbered 7.2, 8.1, 8.3 and 34.2 to, The Personal Income Tax Act and to repeal Sections 17054, 17155, 17303, 17818, 17819, 17820 and 18156 of, and to amend Sections 17126, 17127, 17154, 17159, 17211, 17213, 17310, 17311, 17313, 17316, 17351, 17503, 17506, 17560, 17562, 17563, 17672, 17673, 17711, 17713, 17743, 17744, 17782, 17783, 17813, 17817, 17952, 18133, 18135, 18431, 18596, and 19061 of, and to add Chapter 3.5 consisting of Sections 17250 to 17257, inclusive, to Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17324 to 17324.16, inclusive, to Chapter 4, of Part 10 of Division 2 of, and Article 1.7, consisting of Sections 17325 to 17350, inclusive, to Chapter 4 of Part 10 of Division 2 of, and Article 1.5, consisting of Sections 17507 to 17516, inclusive, to Chapter 5 of Part 10 of Division 2 of, and Article 4, consisting of Sections 18470 to 18479, inclusive, to Chapter 10 of Part 10 of Division 2 of, and Sections 17019.3, 17019.5, 17019.7, 17055, 17056, 17057, 17104, 17105, 17106, 17107, 17125.3, 17125.5, 17125.7, 17131, 17132, 17133, 17134, 17135, 17136, 17163.5, 17302.5, 17305.5, 17317.5, 17318.05, 17318.1, 17318.2, 17318.3, 17318.4, 17318.5, 17318.7, 17319, 17319.3, 17319.5, 17320, 17320.3, 17320.5, 17320.7, 17321, 17321.3, 17321.5, 17321.7, 17322, 17322.3, 17322.5, 17322.7, 17322.9, 17322.11, 17357, 17560.3, 17560.5, 17560.7, 17560.9, 17567, 17568, 17569, 17716.5, 17721, 17722, 17723, 17724, 17784.5, 17787, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163, 18164, 18172.3, 18172.5, 18172.7, 19053.3, 19053.5, and 19053.7, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 14th adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 214**—An act to amend Sections 675, 684, 685, 686, 687 and 695 of the Elections Code, relating to precinct boards.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

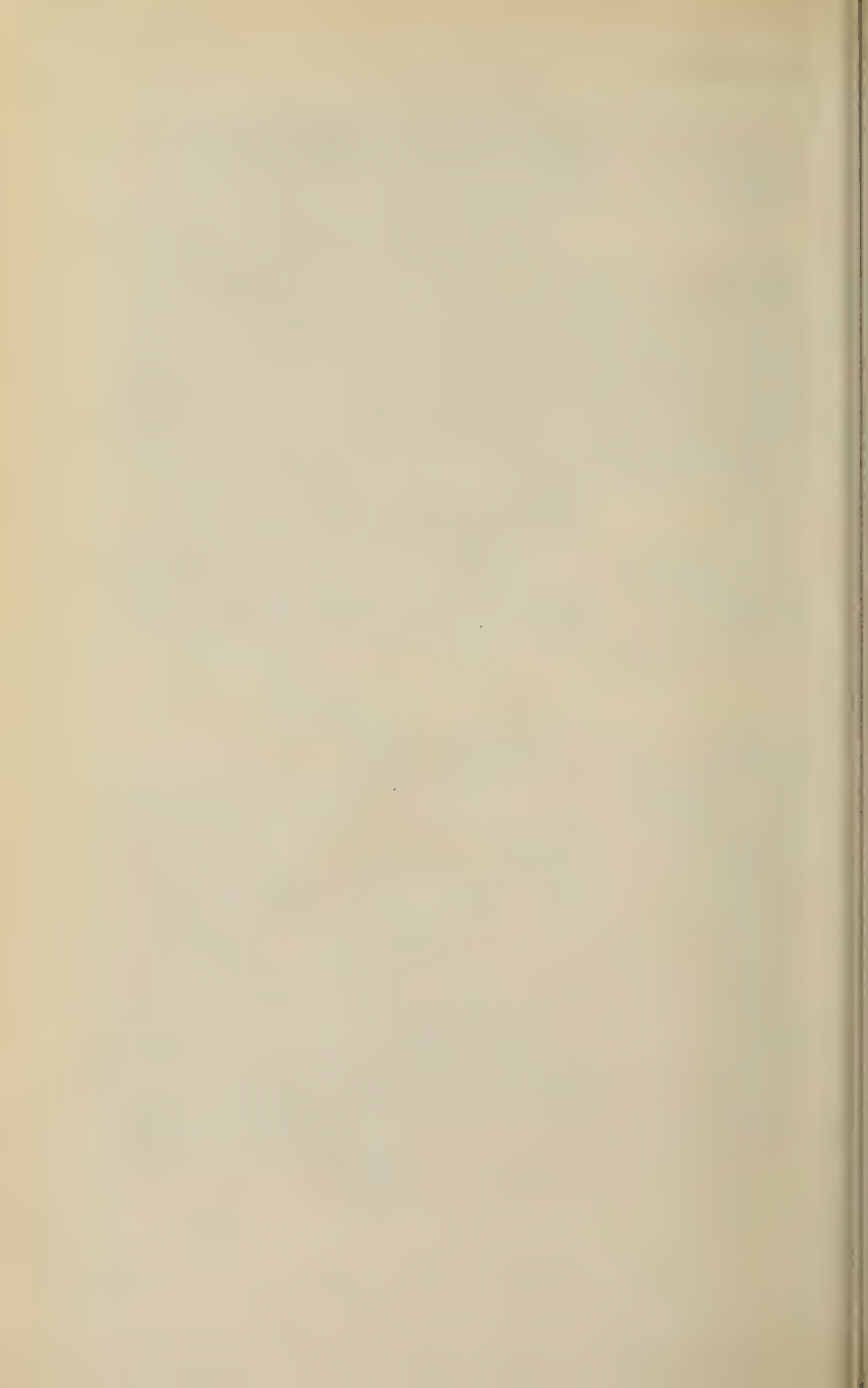
MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on April 22d adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 768**—An act to repeal an act entitled "An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately," approved July 1, 1941, relating to the operation of Federal stamp and surplus commodities distribution plans by the State Department of Social Welfare, transferring to the State Department of Finance all powers, duties, responsibilities, and jurisdiction, and all records, books, papers, moneys, and property of the Department of Social Welfare in connection therewith for the purpose of termination thereof, and providing for the disposition of the commodities and other properties transferred.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ADJOURNMENT

At 10.40 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Saturday, April 24, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SIXTY-FIRST LEGISLATIVE DAY

ONE HUNDRED ELEVENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, April 24, 1943

The Senate met at 9:30 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Denel, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—26.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Tickle, on motion of Senator Mixter.

Senator Keating, on motion of Senator Powers.

Senator Shelley, on motion of Senator Powers.

Senator DeLap, on motion of Senator Powers.

Senator Hatfield, on motion of Senator Powers.

Senator Carter, on motion of Senator McBride.

Senator Judah, on motion of Senator McBride.

Senator Mayo, on motion of Senator Brown.

Senator Engle, on motion of Senator Swan.

Senator Dillinger, on motion of Senator Jespersen.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Fred Ward of Pontiac, Michigan.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney

Edwin J. Regan of Weaverville, and Lieutenant Stennett Sheppard of Redding.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 9.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 582  
Assembly Bill No. 729  
Assembly Bill No. 908  
Assembly Bill No. 1918

Assembly Bill No. 1112  
Assembly Bill No. 313  
Assembly Bill No. 1659

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 582**—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Referred to Committee on Elections.

**Assembly Bill No. 729**—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8 and 14, relating to county water districts; and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; 14.8, relating to judgments against district directors, officers, agents and employees; and 22d, relating to the use of various improvements acts in district improvements.

Referred to Committee on Local Government.

**Assembly Bill No. 908**—An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Referred to Committee on Transportation.

**Assembly Bill No. 1918**—An act to add Section 53.5 to the Code of Civil Procedure, relating to review of causes by the Supreme Court.

Referred to Committee on Judiciary.

**Assembly Bill No. 1112**—An act to amend Section 385 of the Political Code, relating to the appointment of secretaries, assistants and employees of the Governor, and to repeal Section 386 of the Political Code.

Referred to Committee on Governmental Efficiency.



**Assembly Bill No. 313**—An act to add Section 7432, and Article 8.5, comprising Sections 7402 to 7409, inclusive, to Chapter 10 of Division 3 of the Business and Professions Code, relating to minimum price schedules for services licensed under the chapter on cosmetology.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1659**—An act to amend Section 21224 of the Business and Professions Code, relating to licensing of sellers of prophylactics.

Referred to Committee on Business and Professions.

#### CONSIDERATION OF DAILY FILE

#### CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 849**—An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

#### Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 849 was passed, was continued until the next legislative day.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 781**—An act to amend Sections 19530 and 19532 and to repeal Section 19532.5 of the Business and Professions Code, relating to horse racing and horse race meetings.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 319**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 26, inclusive, and on page 2, strike out lines 1 to 44, inclusive, and insert

"SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. (a) Every justice of the Supreme Court, or of a district court of appeal, or judge of a superior court or municipal court

(1) Who has attained the age of 70 years and who has been a judge or justice of the Supreme Court, a district court of appeal or superior court or municipal court, or any two or more of said courts, for 10 years in the aggregate within the period of 15 years immediately preceding, or

(2) Who has attained the age of 65 years, and who has been a judge or justice of the Supreme Court, a district court of appeal or superior court or municipal court, or any two or more of said courts, for 20 years in the aggregate within the period of 24 years immediately preceding, or

(3) Who has attained the age of 70 years and who has been a judge or justice of the Supreme Court, a district court of appeal, superior court or municipal court, or any two or more of said courts, for 20 years in the aggregate, the last five years of which period or periods shall have been served as said judge or justice immediately prior to the filing of the notice of retirement herein provided, and who has paid into the Judges' Retirement Fund a sum equal to the amount he would have paid had he

been a judge or justice of the Supreme Court, a district court of appeal, superior court or municipal court for a period of 10 years immediately preceding the filing of said notice, or

(4) Who has attained the age of 60 years and who has been a judge or justice of the Supreme Court, a district court of appeal or superior court or municipal court, or any two or more of said courts, for 30 years in the aggregate within the period of 35 years immediately preceding, may retire by filing written notice of retirement with the Secretary of State, and a successor shall thereupon be appointed to fill the vacancy.

(b) Every justice of the Supreme Court, or of a district court of appeal, or judge of a superior court

(1) Who has attained the age of 70 years and who has been a judge of a municipal court or a judge or justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts, for 10 years in the aggregate within the period of 15 years immediately preceding, having served over six years of that period as a judge or justice of the Supreme Court, a district court of appeal, superior court, or any two or more of said courts, or

(2) Who has attained the age of 65 years, and who has been a judge of a municipal court or a judge or justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts for 20 years in the aggregate within the period of 24 years immediately preceding, having served over six years of that period as a judge or justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts, may retire if he pays into the Judges' Retirement Fund a sum equal to the amount he would have paid had he been a judge or justice of the Supreme Court, a district court of appeal or superior court during the time he was a judge of the municipal court during the 15- or 24-year period. Any sums paid into any State retirement fund under any existing law or under any law hereafter adopted for the retirement of judges of a municipal court, shall be deemed paid into the fund for the retirement of judges or justices of the Supreme Court, a district court of appeal or superior court or municipal court if such funds are transferred to the fund for the retirement of such judges or justices.

Any justice or judge who has served 30 days less than the aggregate number of years required for retirement shall be deemed to have been a justice or judge for such aggregate number of years within the meaning of this section.

Any justice or judge whose term of office expires within 30 days before he shall have attained the age required for his retirement, shall be deemed to have attained such age within the meaning of this section at any time during the 30-day period immediately preceding his actual attainment of such age."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 809**—An act providing for the transfer of all lands owned by the State on Sherman Island to the State Lands Commission, and providing for the sale thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

On page 1 of the printed bill, between lines 3 and 4, insert "except highway rights of way and State highway bridges and bridge approaches."

##### Amendment No. 2

On page 1, line 8, of said bill, after "lands", insert "subject to the provisions of Sections 6401 and 6402 of the Public Resources Code,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 248**—An act to amend Section 1325 of the Streets and Highways Code, relating to county bridges and subways.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 1325 of", and insert "add Section 1325.5 to".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "1325 of", and insert "1325.5 is added to".

**Amendment No. 3**

On page 1, line 2, of said bill, strike out "is amended"

**Amendment No. 3a**

On page 1, line 3, of said bill, strike out "1325", and insert "1325.5".

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "five", and insert "two".

**Amendment No. 5**

On page 1 of said bill, after line 8, insert

"This section shall remain in effect until the ninety-first day after fixed armistice of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede the provisions of Section 1325 which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading

**Senate Bill No. 1060**—An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 1073**—An act to amend Section 737w of the Political Code, relating to the judge's salary for the County of Mendocino

Bill read second time, ordered engrossed, and to third reading

**Senate Bill No. 581**—An act to amend Sections 2 and 3 of an act entitled "An act defining henceforth the exterior boundaries of Reclamation District No. 108; situated partly in the Counties of Colusa and Yolo, and providing for the continuation in office of the present trustees of said district and for the election and qualification of their successors, and providing that the management and control of the affairs of said Reclamation District No. 108, as defined in this act, are subject to the provisions of the Political Code of the State of California and to all other laws of the State, except as provided in said act, in connection with the issuance and payment of warrants and the payment of assessments, providing that all moneys of the said district shall be paid and deposited with the county treasurer of Colusa County, and conferring jurisdiction upon the board of supervisors of the County of Colusa as to all matters concerning said district; providing also for the management, control and administration of the affairs of said district; also ratifying the incorporation of certain lands in said Reclamation District No. 108, as described in certain notices filed and recorded in the office of the county recorder of the County of Colusa, State of California, and also authorizing the trustees of said Reclamation District No. 108 to make an



equitable settlement with the owner of such land so incorporated as to the cost of any work heretofore done by Reclamation District No. 108, or its predecessors in interest, or that may be hereafter done before the going into effect of this act, and also declaring Reclamation District No. 108 as defined in this act, to be the successors in interest of Reclamation District No. 108, defined in that certain act approved May 26, 1917, also that certain Reclamation District No. 208, defined in that certain act approved May 18, 1915, and also that certain Reclamation District No. 108, defined in that certain act approved April 23, 1913, and also directing the commissioners of assessment, heretofore appointed by the board of supervisors of Colusa County, to include the lands in said assessment, as described in this act, in the event that said assessment is not levied before this act shall take effect." approved May 7, 1919, relating to Reclamation District No. 108.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 57**—An act to amend Section 340 of the Military and Veterans Code, relating to compensation insurance for members of the State Guard, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 340 of", and insert "add Sections 588 and 589 to".

##### Amendment No. 2

In line 2 of the title of said bill, strike out "compensation insurance for", and insert "care, treatment and benefits of".

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 27, inclusive, and insert

"SECTION 1. Section 588 is added to the Military and Veterans Code, to read: 588. Every member of the State Guard shall continue to receive workmen's compensation insurance benefits under subdivision (f) of Section 555.2 with respect to injuries sustained prior to its repeal.

SEC. 2. Section 589 is added to said code, to read:

589. Sections 577 and 578 shall be applicable to those members of the State Guard who were incapacitated by injury or illness while in active service, where such injury or illness was not compensable under subdivision (f) of Section 555.2.

Nothing in this code, nor in any law, shall limit the power of The Adjutant General to exercise the authority granted to him under Sections 577 and 578 to provide for a member of the State Guard who was incapacitated by injury or illness while in active service."

##### Amendment No. 4

On page 2 of said bill, strike out lines 7 to 12, inclusive, and insert

"On July 1, 1943, the provisions of law relating to the care, treatment and benefits of members of the State Guard will be modified and changed. It is necessary that this act take effect immediately in order to preserve the rights to care, treatment and benefits accorded to members of the State Guard after such change, for injuries and illnesses sustained and incurred by them prior to such change."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1099**—An act to amend Section 373 of the Elections Code, relating to elections.

Bill read second time.



Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 1, line 13, of the printed bill, after "furnish", insert "when printed".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 11**—An act to amend Section 3370 of the School Code and to amend Section 8821 of the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 195**—An act to add Section 38h to the State Employees Retirement Act, relating to city retirement systems.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 980**—An act to add Section 7.1 to the Unemployment Insurance Act, relating to employments excluded from the act.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 921**—An act to amend Section 1981 of the Government Code, relating to injury to person or property by reason of the defective condition of public property or the negligence or carelessness of any officer.

Bill read second time, ordered engrossed, and to third reading.

**Senate Joint Resolution No. 1**—Relative to old-age assistance.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 544**—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1096**—An act authorizing a conveyance to the United States of America of the reversionary and possessory interest of the State of California in and to certain portions of tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1362**—An act to amend Section 30 of the State Employees' Retirement Act, relating to the membership of the retirement system established thereunder.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1540**—An act to add Section 1005 to the Political Code and Section 1779 to the Government Code, relating to appointments by the Governor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1761**—An act to add Section 36c to the Alcoholic Beverage Control Act, relating to the destruction and use of emptied distilled spirits bottles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1865**—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1280**—An act relating to public officers, deputies, assistants, and employees, and their return to public service, declaring the urgency hereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 2 of the title of the printed bill, after "service", strike out ", declaring the urgency thereof, to take effect immediately.", and insert a period.

##### Amendment No. 2

On page 1, line 7, of said bill, after "right", insert ", if honorably discharged,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 634**—An act to amend Section 2804 of the Streets and Highways Code and Section 23 of the District Investigation Act of 1933, relating to mosquito abatement districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 70**—An act to amend Section 21.5 of the Municipal Court Act of 1925, relating to mileage of judges of the municipal court in any city or city and county of the first and one-half class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1701**—An act to amend Section 4 of the "Municipal Water District Act of 1911," relating to elections therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 197**—An act amending Section 4076 of the Political Code, relating to county government.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 248**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 254**—An act to amend Section 7e of the Municipal Court Act of 1925, relating to municipal courts in cities of the first and one-half class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 387**—An act to authorize municipal and county governments to vacate certain easements and providing a procedure therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 400**—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 438**—An act to amend Section 404111 of the Political Code, relating to powers and duties of boards of supervisors, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 497**—An act to amend Sections 5, 6 and 12 of the "Automobile Parking District Act of 1941," relating to public parking districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 566**—An act to amend Section 4 of an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, relating to funds of the system.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 919**—An act to add Section 57.2 to, and to amend Sections 62, 93, 95, 96, 131, and 132 of, the County Employees Retirement Act of 1937, relating to retirement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1035**—An act to provide for the formation of districts within municipalities for the acquisition, construction, maintenance, and operation of parking places, garages and other improvements for the parking of motor vehicles, levy and collection of assessments upon property in said districts, the issuance, sale and payment of bonds secured by such assessments, the collection of rentals, fees, and charges for the use of such parking places, garages or other improvements, the administration thereof, the levy of taxes, and the powers and duties of cities relating thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1097**—An act to amend Section 8.1 of the Metropolitan Water District Act, relating to district taxation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1270**—An act to amend Section 160 and to add Sections 55.5 and 154 to the County Employees Retirement Act of 1937, relating to retirement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1385**—An act to amend Section 12 of "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to imprisonment of person convicted in the courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 835**—An act to amend Section 737d of the Political Code, relating to salary of the judge of the superior court in and for the County of Butte.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1849**—An act to add Sections 520, 521, 522, 523, 524, 525 and 526 to the Military and Veterans Code, relating to high school cadets.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "amend Sections 500, 502, 512, 513, and 515 of", and insert "add Sections 500.1, 502.1, 512.1, 513.1, 515.1, and 518.1 to".

##### Amendment No. 2

On page 1, line 1, of the printed bill, as amended, strike out "500 of", and insert "500.1 is added to".

##### Amendment No. 3

On page 1, line 2, of the printed bill, as amended, strike out "is amended".

##### Amendment No. 4

On page 1, line 3, of the printed bill, as amended, strike out "500. Each", and insert "500.1. Except as hereinafter provided, each".

##### Amendment No. 5

On page 1, line 4, of the printed bill, as amended, after "over", insert "and in which there is not maintained an R. O. T. C. unit".

##### Amendment No. 6

On page 1, line 11, of the printed bill, as amended, after the period, insert "A high school cadet company is not required to be established in a high school unless a number of qualified male students sufficient to constitute a company of the strength prescribed by The Adjutant General voluntarily enroll therein."

##### Amendment No. 7

On page 1, line 13, of the printed bill, as amended, strike out "502 of said code is amended", and insert "502.1 is added to said code".

##### Amendment No. 8

On page 1, line 14, of the printed bill, as amended, strike out "502.", and insert "502.1."



**Amendment No. 9**

On page 2, line 6, of the printed bill, as amended, after "detail", insert "and for service as such officers".

**Amendment No. 10**

On page 2, line 9, of the printed bill, as amended, strike out "512 of said code is amended", and insert "512.1 is added to said code".

**Amendment No. 11**

On page 2, line 11, of the printed bill, as amended, strike out "512.", and insert "512.1."

**Amendment No. 12**

On page 2, line 24, of the printed bill, as amended, strike out "513 of said code is amended", and insert "513.1 is added to said code".

**Amendment No. 13**

On page 2, line 25, of the printed bill, as amended, strike out "513.", and insert "513.1."

**Amendment No. 14**

On page 2, line 32, of the printed bill, as amended, strike out "515 of said code is amended", and insert "515.1 is added to said code".

**Amendment No. 15**

On page 2, line 33, of the printed bill, as amended, strike out "515.", and insert "515.1."

**Amendment No. 16**

On page 2 of the printed bill, as amended, following line 45, insert  
 "Sec. 6. Section 518.1 is added to said code, to read:  
 518.1. Notwithstanding the provisions of any section of this code no high school cadet company is required to be maintained in any junior college for students thereof."

**Amendment No. 17**

On page 2, line 47, of the printed bill, as amended, strike out "6", and insert "7".

**Amendment No. 18**

On page 2 of the printed bill, as amended, strike out all of lines 50 and 51, and insert "credential to any person".

**Amendment No. 19**

On page 3, line 1, of the printed bill, as amended, strike out the first "certificate", and insert "credential".

**Amendment No. 20**

On page 3, line 1, of the printed bill, as amended, strike out the second "certificate", and insert "credential".

**Amendment No. 21**

On page 3 of the printed bill, as amended, beginning in line 4, strike out "certificate", and insert "credential".

**Amendment No. 22**

On page 3, line 7, of the printed bill, as amended, strike out "certificates", and insert "credentials".

**Amendment No. 23**

On page 3 of the printed bill, as amended, following line 7, insert  
 "Service under such credential shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district."

**Amendment No. 24**

On page 3 of the printed bill, as amended, strike out all of lines 8 to 11, both inclusive, and insert

"Sec. 8. This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 890**—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 433**—An act to amend Sections 318, 473 and 613.2 of, and to add Section 614 to, and to repeal Section 653 of, the Streets and Highways Code, relating to the State highway routes and adding a new route.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1111**—An act to amend the heading of Article 2 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2454, 2455, 2831, 2832, 2840, 2841, 2842, and 2843 and to repeal Section 2450 of the Elections Code, relating to county central committees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

##### Amendment No. 1

On page 1, line 26, of the printed bill, as amended, strike out "All voting", and insert "Voting".

##### Amendment No. 2

On page 1, line 27, of said bill, strike out "shall", and insert "may".

##### Amendment No. 3

On page 1, lines 20 and 21, of the printed bill, as amended, strike out "signed in his behalf by the voters of the Assembly district in which he is a candidate".

##### Amendment No. 4

On page 2 of said bill, strike out lines 28 and 29, and insert "chapter."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 467**—An act to add Article 3, comprising Sections 2400 to 2404, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

Bill read second time, and ordered to third reading.

#### MOTION TO RETAIN PLACE ON FILE

Senator Seawell moved that all bills and resolutions that require 27 votes for passage be passed on file, and that they retain their place on file.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 1023**—An act to add Section 337g to the Penal Code, relating to the possession, use, and transportation of drugs at race tracks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Gordon, Jespersen, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.  
 NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RETAIN PLACE ON FILE

Senator Tenney moved that Assembly Bill No. 256 be passed on file, and that it retain its place on file.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 327**—An act to amend Section 1215 of the Health and Safety Code, relating to applicability of clinic and dispensary licensing provisions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Donnelly, Fletcher, Gordon, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—23.  
 NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.35 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 531**—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Bill read third time.

##### Motion to Amend

Senator Donnelly moved the adoption of the following amendment:

##### Amendment No. 1

On page 1, line 16, of the printed bill, strike out ". It shall be alleged in the com-"; and strike out lines 17 to 23, inclusive, and insert "and the court may make such order for support as the circumstances justify."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 88 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator McBride moved that Assembly Bill No. 445 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**ADJOURNMENT**

At 10.40 a.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Monday, April 26, 1943.



**CALIFORNIA LEGISLATURE**

FIFTY-FIFTH SESSION

**SENATE DAILY JOURNAL**

SIXTY-SECOND LEGISLATIVE DAY

ONE HUNDRED THIRTEENTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Monday, April 26, 1943

The Senate met at 1 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Collier, on motion of Senator McBride.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Herbert L. Breed of Oakland.

On request of Senators Quinn and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Congressman Thomas Rolph of San Francisco.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Prouty of Ione.

On request of Senators Mayo and Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Irving Martin, publisher of Stockton Record in Stockton.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Ross, Sr., of Sacramento.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. A. E. Pruner and Mr. S. L. Douglas of Exeter.

#### Call of the Senate

Senator Mixer moved a call of the Senate.

Motion carried. Time, 1.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 871**—An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 724.3, of the Fish and Game Code, relating to fish;

And appointed Messrs. Lowrey, Chairman; Sheridan, and Rosenthal as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 42

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 60

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 61

Assembly Concurrent Resolution No. 62

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 294  
Assembly Bill No. 537  
Assembly Bill No. 763  
Assembly Bill No. 1055  
Assembly Bill No. 1145  
Assembly Bill No. 1146  
Assembly Bill No. 1147

Assembly Bill No. 1226  
Assembly Bill No. 1227  
Assembly Bill No. 1228  
Assembly Bill No. 1445  
Assembly Bill No. 1692  
Assembly Bill No. 1842  
Assembly Bill No. 939

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD E. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Joint Resolution No. 47**—Relative to memorializing the Congress of the United States to refuse to pass the War Security Act.

Referred to Committee on Military and Veterans Affairs.

**Assembly Concurrent Resolution No. 60**—Approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1943.

Without reference to committee.

**Assembly Concurrent Resolution No. 61**—Relative to the death of W. O. Russell.

Without reference to committee.

**Assembly Concurrent Resolution No. 62**—Relative to requesting the University of California to establish and equip a forest products laboratory.

Referred to Committee on Natural Resources.

**Assembly Bill No. 294**—An act to amend Section 16e of the Bank Act, relating to the deposit of checks in banks and the return of unpaid items.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 537**—An act to amend Section 6 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to county peace officers' retirement system.

Referred to Committee on Local Government.

**Assembly Bill No. 763**—An act making an appropriation for the care and education of pupils of the California School for the Blind who are both deaf and blind.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1055**—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Referred to Committee on Transportation.

**Assembly Bill No. 1145**—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Referred to Committee on Agriculture.

**Assembly Bill No. 1146**—An act to add Section 799.1 to the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1147**—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks and shark livers.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1226**—An act to amend Sections 66 to 72, inclusive, of the Unemployment Insurance Act, relating to claims for benefits.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1227**—An act to amend Sections 11 and 12 of the Unemployment Insurance Act, relating to the definitions of "wages" and "week" under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1228**—An act to repeal Sections 47 to 51, inclusive, of the Unemployment Insurance Act, relating to exemptions, guaranteed employment, and private employment plans under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1445**—An act to amend Section 3.735-2 of the School Code and to amend Section 10126 of the Education Code, relating to exemption from physical education.

Referred to Committee on Education.

**Assembly Bill No. 1392**—An act to amend Sections 50, 51, 54, and 55 of the Fish and Game Code, relating to game management areas.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1842**—An act to add Section 19311 to the Education Code, relating to cafeterias.

Referred to Committee on Education.

**Assembly Bill No. 939**—An act to amend Section 737.6 of the Agricultural Code, relating to the duties of the Director of Agriculture.

Referred to Committee on Agriculture.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 1282, at this time, for purpose of amendment.



THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1282**—An act to amend Section 266 of the Political Code and Section 9300 of the Government Code, relating to compensation for Members of the Legislature.

Bill read second time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 266 of the Political Code and Section 9300 of".

**Amendment No. 2**

In lines 2 and 3 of the title of said bill, strike out "relating to compensation for", and insert "by adding Section 9303 thereto, relating to expenses of".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "Section 266 of the Political Code is amended", and strike out lines 2 to 26, inclusive, and lines 1 to 43, inclusive, on page 2, and insert "The Government Code is hereby amended by adding a new section thereto to be known as Section 9303, to read as follows:

"9303. Members of the Legislature shall receive no other compensations for their services than that provided in the Constitution but each member shall be allowed and reimbursed expenses necessarily incurred by him while attending regular, special and extraordinary sessions of the Legislature. The amount of the expense necessarily incurred by the respective members, while attending any such sessions, shall be determined and payment thereof provided for by Joint Rule of the Senate and Assembly. Such expense allowances may occur but shall not exceed the expense allowances now authorized for other elected State officers."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 509

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 686

Assembly Bill No. 1590

Assembly Bill No. 1359

Assembly Bill No. 1602

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 414

Senate Bill No. 756

Senate Bill No. 661

Senate Bill No. 1057

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 57	Senate Bill No. 965
Senate Bill No. 126	Senate Bill No. 1007
Senate Bill No. 248	Senate Bill No. 1008
Senate Bill No. 288	Senate Bill No. 1010
Senate Bill No. 319	Senate Bill No. 1011
Senate Bill No. 449	Senate Bill No. 1013
Senate Bill No. 459	Senate Bill No. 1022
Senate Bill No. 581	Senate Bill No. 1040
Senate Bill No. 727	Senate Bill No. 1060
Senate Bill No. 781	Senate Bill No. 1073
Senate Bill No. 809	Senate Bill No. 1095
Senate Bill No. 833	Senate Bill No. 1096
Senate Bill No. 877	Senate Bill No. 1099
Senate Bill No. 898	

Senate Constitutional Amendment No. 24

And reports the same correctly engrossed.

SEAWELL, Chairman

#### RECESS

At 1.28 p.m., on motion of Senator Quinn, seconded by Senator Shelley, the Senate recessed to hear the remarks of Congressman Thomas Rolph.

#### REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 19, 1943; Tuesday, April 20, 1943; Wednesday, April 21, 1943; Thursday, April 22, 1943; Friday, April 23, 1943, and Saturday, April 24, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Engle, Quinn, and Keating as a Senate Committee on Conference concerning Assembly Bill No. 871 to meet a like committee of the Assembly.

#### SENATE COMMITTEE ON RULES

SEAWELL, Chairman

#### MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hatfield moved that Assembly Bill No. 1239 be taken from the inactive file, and placed on the second reading file.

Motion carried.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Bill No. 882, at this time, for purpose of amendment.

#### THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 882**—An act to add Sections 1530, 2167, 3052 and 3451 to the Welfare and Institutions Code, relating to the restoration of previously granted aid under the public assistance laws.

Bill read third time.

**Motion to Amend**

Senator Crittenden moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, before "the", insert "and to repeal Section 2183.9 of,".

**Amendment No. 2**

On page 1 of said bill, strike out line 22, and insert "SEC. 3. Section 2183.9 of said code, as added thereto by Chapter 43 of the Statutes of 1943, is repealed.

SEC. 4. Section 3052 is added to said code, to read:."

**Amendment No. 3**

On page 2, line 5, of said bill, strike out "Sec. 4.", and insert "Sec. 5."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator DeLap moved that Assembly Bill No. 493 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Swing asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

**Statement by Senator Swing**

MR. PRESIDENT: We are again favored with delicious oranges from Redlands, the Crown City of the Sunkist Valley of California. These are with the compliments of Mr. A. E. Isham of the Mutual Orange Distributors Association.

Mr. Isham makes this contribution with the hope that it will aid us in our deliberations on legislation which will help bring a speedy defeat of our enemies.

Mr. and Mrs. Isham are among those honored parents who have made the supreme sacrifice.

SENATOR SWING

**RESOLUTIONS**

The following resolutions were offered:

By Senator Seawell:

**Senate Resolution No. 119**

*Resolved*, That during the remainder of the present session no Member of the Senate shall be excused from attendance at sessions of the Senate except for illness or because of serious illness or death in his family, or because of service in the armed forces of the United States.

Resolution read, and unanimously adopted.

By Senator Seawell:

**Senate Resolution No. 120**

*Resolved*, That hereafter during the present session all opening speeches be limited to 10 minutes and that all other speeches be limited to five minutes.

Resolution read, and unanimously adopted.

By Senators Jespersen and Hatfield:

**Senate Resolution No. 121**

Relative to consideration of tax reduction bills

*Resolved by the Senate of the State of California*, That all consideration by the Senate of Senate Bill No. 103 and Assembly Bills Nos. 876, 883 and 884 shall be,

and the same is hereby postponed until the Senate has considered and disposed of Senate Bill No. 1086.

Resolution read.

**Previous Question**

Senator Gordon moved the previous question.

Motion carried.

The question being on the adoption of Senate Resolution No. 121.

Senators Rich, Swing, and DeLap demanded a roll call.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Buras, Carter, Cunningham, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Parkman, Powers, Shelley, Swan, and Tenney—19.

**NOES**—Senators Breed, Brown, Crittenden, DeLap, Denel, Engle, Fletcher, Mayo, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—18.

**WITHDRAWAL AND RE-REFERENCE OF SENATE JOINT  
RESOLUTION NO. 10**

Senator Dillinger moved that Senate Joint Resolution No. 10 be withdrawn from Committee on Revenue and Taxation, and referred to Committee on Rules.

Motion carried.

**MOTION TO RECONSIDER**

Senator Breed moved to reconsider the vote whereby Senate Resolution No. 121 was adopted.

**Consideration of Motion to Reconsider**

Pursuant to his motion previously made, Senator Breed moved that the Senate, at this time, reconsider the vote whereby Senate Resolution No. 121 was adopted.

The question being on the motion to reconsider the vote whereby Senate Resolution No. 121 was adopted.

Motion carried.

Senate Resolution No. 121 ordered to third reading.

**CONSIDERATION OF DAILY FILE**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 were taken up.

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, providing for the use of part of the proceeds of said taxes, declaring the urgency thereof, to take effect immediately.

**Motion to Reset Special Order**

Senator Seawell moved that Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 be made a special order of business for Tuesday, April 27, 1943, at 2.30 p.m.

Motion carried.



## CONSIDERATION OF MOTION TO RECONSIDER

**Senate Bill No. 849** An act to add Sections 1736.2 and 1736.3 to the Welfare and Institutions Code, relating to the powers and duties of the Youth Correction Authority.

Pursuant to his motion previously made, Senator Crittenden moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 849 was passed.

The roll was called, and Senate Bill No. 849 refused reconsideration by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Luckey, Mayo, McBride, Quinn, Salsman, Shelley, Slater, and Tenney—16.  
**NOES**—Senators Breed, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Swan, Swing, Tickle, and Ward—19.

Bill ordered transmitted to the Assembly.

## MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Senate Bill No. 129 be taken from the inactive file, and placed on the second reading file.

Motion carried.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide a standard time for the State of California, declaring the urgency thereof, to take effect immediately.

Respectfully submitted.

SENATOR CRITTENDEN

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
**NOES**—None.

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Biggar:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1943

**MR. PRESIDENT:** In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 505 and 509 of, and to add Sections 505.5 and 505.6 to, the Public Resources Code, relating to forestry and providing for the administration of the laws relating thereto.

Respectfully submitted.

SENATOR BIGGAR

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.  
NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Engle:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 8 to an act entitled "An act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests," approved March 6, 1868, as amended and supplemented, relating to the conveyance of certain streets and alleys.

Respectfully submitted.

SENATOR ENGLE

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Donnelly:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 37 of the Unemployment Insurance Act, relating to contributions.

Respectfully submitted.

SENATOR DONNELLY

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Packman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34  
 NOES—None.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator McCormack:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Article 2.5 to Chapter 5 of Division 9 of the Education Code, relating to the leasing of real property by school districts, declaring the urgency of this act, to take effect immediately.

Respectfully submitted

SENATOR MCCORMACK

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Packman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bills were introduced, and read the first time:

**Senate Bill No. 1106:** By Senator Crittenden—An act to provide a standard time for the State of California, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 1107:** By Senator Biggar—An act to amend Sections 505 and 509 of, and to add Sections 505.5 and 505.6 to, the Public Resources Code, relating to forestry and providing for the administration of the laws relating thereto.

Referred to Committee on Natural Resources.

**Senate Bill No. 1108:** By Senator Engle—An act to add Section 8 to an act entitled "An act to authorize the county judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the

inhabitants of said town in accordance with their respective interests," approved March 6, 1868, as amended and supplemented, relating to the conveyance of certain streets and alleys.

Referred to Committee on Judiciary.

**Senate Bill No. 1109:** By Senator Donnelly—An act to amend Section 37 of the Unemployment Insurance Act, relating to contributions.

Referred to Committee on Welfare and Institutions.

**Senate Bill No. 1110:** By Senator McCormack—An act to add Article 2.5 to Chapter 5 of Division 9 of the Education Code, relating to the leasing of real property by school districts, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Education.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Parkman asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 60, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 60

**Assembly Concurrent Resolution No. 60**—Approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the sixth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Gordon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 61, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 61

**Assembly Concurrent Resolution No. 61**—Relative to the death of W. O. Russell.

Resolution read, and adopted by a rising vote of the following Senators:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Resolution ordered transmitted to the Assembly.



## COMMUNICATIONS

The following communication was received and read, and, on motion of Senator Swan, ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, April 23, 1943

*Senator John Harold Swan  
Senate Chamber, State Capital  
Sacramento, California*

DEAR SENATOR SWAN:

There has been filed with me a copy of Assembly Bill No. 88, as amended in the Senate on April 21, 1943, bearing the signatures of Charles W. Desenberg, Jr., County Executive of Sacramento County, and of E. R. Sherwin, City Manager of Sacramento, indicating their approval of Assembly Bill No. 88, as amended on April 21, 1943.

Faithfully yours,

J. A. BEEK, Secretary of the Senate

## CONSIDERATION OF DAILY FILE (RESUMED)

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 88**—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Bill read second time, and ordered to third reading.

## THIRD READING OF SENATE BILLS

**Senate Bill No. 288**—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceeding brought by the Attorney General in the Court of Claims of the United States in behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 643.

Bill read third time.

## Motion to Amend

Senator Biggar moved the adoption of the following amendment:

## Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "to", insert "Section 8025 of the Welfare and Institutions Code or to".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1060**—An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County.

Bill read third time.

## Motion to Amend

Senator Rich moved the adoption of the following amendment:

## Amendment No. 1

On page 2, line 2, of the printed bill, strike out "the", and insert "to".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 661**—An act to add Sections 1513, 2026, and 3027 to the Welfare and Institutions Code, relating to county refunds to the State for aid furnished.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 4 to 6, inclusive, and insert

"131. Whenever by authority of this code aid is given by a county to or in behalf of needy children, aged persons or blind persons who have been declared eligible to".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1093**—An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, after line 24, insert

"It is not intended that the provisions of this act shall prevent or restrict any county, city, county and city or political subdivision from appropriating and spending its own funds to acquire, develop or protect any beach or cliff erosion within its jurisdiction even though said county has not yet adopted a master plan of beaches for that county."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 11**—An act to amend Section 3.370 of the School Code and to amend Section 8821 of the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Swan moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, in line 1, strike out "amend Section 3.370 and 3.371"; strike out line 2; and in line 3, strike out "8821 and 8822 of", and insert "add Section 8821.1 to".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 to 21, both inclusive; and on page 2, strike out lines 1 to 50, both inclusive, and insert

"SECTION 1. Section 8821.1 is added to the Education Code, to read:

8821.1. The principal of any two-year junior college shall admit thereto any high school graduate and other persons who meet the standards of the State Department of Education for admission to junior colleges.

This act shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which

are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

#### Amendment No. 3

On page 2, line 51, of the printed bill, as amended, strike out "6", and insert "2".

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1075**—An act to add 160.5 to the Military and Veterans Code, relating to the powers and duties of The Adjutant General, and providing for supervision and direction by him of the members of the California Highway Patrol and of fish and game wardens and other enforcing officers employed by the Division of Fish and Game.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Donel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—27.

**NOES**—Senators Judah, Quinn, Shelley, and Tenney—4.

Bill ordered transmitted to the Assembly.

#### Senator Jespersen Presiding

At 3.35 p.m., Senator Jespersen of the Twenty-ninth District, presiding.

**Senate Bill No. 414**—An act to amend Sections 507, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2266, 2267, 2271, 2274 and 2275 of, and to add Section 2005 to the Public Resources Code, to increase the membership of the State Mining Board and to provide for its powers and duties and for the powers and duties of employees and officers of the Division of Mines, and to abolish the Ore Buyer's License Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.40 p.m., on motion of Senator Mixter, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Constitutional Amendment No. 25**—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—Senators Breed, Dorsey, Engle, and Gordon—4.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1057**—An act to amend Sections 133 and 3661 of, and to repeal Chapter 4.3 of Part 6 of Division 1 of, the Revenue and Taxation Code, relating to the State Land Classification Commission and to the classification of tax-deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 747**—An act to amend Section 970 of the Fish and Game Code, relating to crab traps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—Senators Quinn and Shelley—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 77**—An act to authorize the Bureau of Criminal Identification and Investigation to purchase or lease the teletype system maintained in and by the County of Mendocino for the purpose of connecting the system with the telephone-typewriter system of communication maintained under the direction of the bureau between counties and cities and counties of this State, and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 145**—An act making an appropriation to the California Polytechnic School for the cultivation of herbs, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey,



McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 10074 of, to add Sections 10009.5, 10023, 10024, 10025 and 11011.5 to, and to add Chapter 7, comprising Sections 10500 to 10600, to Part 1 of Division 4 of, the Business and Professions Code, relating to transactions in mineral, oil or gas property, regulating mineral, oil and gas brokers and salesmen and prescribing the powers and duties of the State Division of Real Estate with respect thereto.

Respectfully submitted.

SENATOR RICH

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district.

Respectfully submitted.

SENATOR RICH

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

**Senate Bill No. 1111:** By Senator Rich—An act to amend Section 10074 of, to add Sections 10009.5, 10023, 10024, 10025 and 11011.5 to, and to add Chapter 7, comprising Sections 10500 to 10600, to Part 1 of Division 4 of, the Business and Professions Code, relating to transactions in mineral, oil or gas property, regulating mineral, oil and gas brokers and salesmen and prescribing the powers and duties of the State Division of Real Estate with respect thereto.

Referred to Committee on Business and Professions.

**Senate Bill No. 1112:** By Senator Rich—An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district.

Referred to Committee on Local Government.

**Senate Concurrent Resolution No. 44:** By Senator Crittenden—Relative to providing for the appointment of a Joint Committee to Study and to Report Upon the Water, Flood Control and Erosion Problems of the State.

Referred to Committee on Rules.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 513—**An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 827**—An act to amend Section 2.1412 of the School Code and to amend Section 144 of the Education Code, relating to the Deputy Superintendent of Public Instruction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1081** An act making an appropriation for the acquisition of real property for the Preston School of Industry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 82**—An act making an appropriation to the State Board of Prison Directors for the establishment of a psychopathic hospital for insane prisoners at San Quentin Prison.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 729**—An act making an appropriation for the acquisition, development and maintenance of parks in Humboldt County for public use.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 90**—An act making an appropriation to the State Park Commission for the restoration work at Fort Ross.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating,

Luckey, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 736**—An act to amend Section 1590 of the Labor Code, relating to bonds of employment agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 741**—An act to amend Section 2352 of the Labor Code, relating to conditions of places of employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 196**—An act to amend Section 650.5 of the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 23**—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 24 to Article IX of said Constitution, relating to the Superintendent of Public Instruction.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senator Swan Presiding

At 4.55 p.m., Senator Swan of the Nineteenth District, presiding.

**Senate Bill No. 601**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630 of the Welfare and Institutions



Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for child care and home finding and placement agencies, and providing for the licensing and regulation of such institutions and agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Jespersen, Judah, Lurkey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—Senators Dorsey and Hatfield—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 960**—An act to prohibit the destruction of edible farm commodities, unless such commodities are unfit for human consumption.

Bill read third time.

#### Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

#### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "prohibit the destruction", and insert "add Chapter 2.5, comprising Sections 1165 to 1167, inclusive, to Division 6 of the Agricultural Code, relating to the sale".

#### Amendment No. 2

On page 1 of said bill, strike out line 1, and insert "SECTION 1. Chapter 2.5, comprising Sections 1165 to 1167, inclusive, is added to Division 6 of the Agricultural Code, to read:

Chapter 2.5. Sale of Edible Farm Commodities

1165. Notwithstanding any other provision of any".

#### Amendment No. 3

On page 1, line 12, of said bill, after "processor", insert "of an edible farm commodity".

#### Amendment No. 4

On page 1, line 12, of said bill, after "any", insert "such".

#### Amendment No. 5

On page 1, line 14, of said bill, strike out ", for the duration of the war".

#### Amendment No. 6

On page 1, line 15, of said bill, strike out "Sec. 2. Nothing in this act", and insert "1166. Nothing in this chapter".

#### Amendment No. 7

On page 1, line 17, of said bill, after "grading", insert ", and are not unfit for human consumption".

#### Amendment No. 8

On page 1 of said bill, after line 21, insert "1167. This chapter shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this chapter is in effect it shall supersede any existing provisions of law which are in conflict with this chapter; but such provisions are not repealed by this chapter and after this chapter is no longer effective shall have the same force as though this chapter had not been enacted."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 746**—An act to amend Sections 2761 to 2766, inclusive, 2769 and 2770, and to repeal Sections 2773 and 2774 of the Penal Code, relating to prison road camps.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, as amended, strike out "to 2766, inclusive, 2769 and 2770, and to repeal Sections 2773 and 2774 of", and insert ", 2762, 2763, 2764, 2765, 2766, 2769 and 2770 of, to add Section 2775 to, and to repeal Sections 2773 and 2774 of,".

**Amendment No. 2**

On page 1, line 17, of said bill, strike out "2672", and insert "2762".

**Amendment No. 3**

On page 1, line 18, of said bill, strike out "2672", and insert "2762".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 797**—An act to amend Section 3423 of the Public Resources Code, relating to the imposition of a tax lien and the enforcement thereof by summary seizure and sale of property.

Bill read third time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

In line 5 of the title of the printed bill, as amended, insert a comma after "enforcement".

**Amendment No. 2**

Strike out all of lines 5 and 6 of the title of said bill following "enforcement," and insert "release or subordination thereof."

**Amendment No. 3**

On page 3 of said bill, between lines 9 and 10, insert

"The Controller may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the charges are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such charges. A certificate by the Controller to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate."

Amendments read and adopted.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 40 and 41, and insert "same effect as a levy upon and sale of real property pursuant to a writ of execution."

Notwithstanding any provisions of law to the contrary, the owner of said land may redeem from any execution sale within a period of three years upon payment of interest, penalties and charges as provided in the case of other sales of real property under execution.

The sheriff or constable shall receive, upon the comple."

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1086**

Senator Jespersen moved that Senate Bill No. 1086 be withdrawn from Committee on Finance for purpose of amendment.

Motion carried.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 1086**—An act to amend Sections 2021 and 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Bill read second time.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Sections 2021 and", and insert "add Section 2021.001 to, and to amend Section"

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 and 2, and insert "SECTION 1. Section 2021.001 is added to the Welfare and Institutions Code, to read:".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "2021.", and insert "2021.001 "

**Amendment No. 4**

On page 1, line 6, of said bill, after "chapter", insert "and who have county residence as provided in this chapter".

**Amendment No. 5**

On page 1 of said bill, strike out line 7, and insert "excess of a sum equal to five-sixths of the grant made pursuant to this chapter to every such aged person, after deducting therefrom the amount of any sum received from the United States Government as old-age assistance in respect to such aged person, each month for"

**Amendment No. 6**

On page 1 of said bill, strike out line 14, and insert "not in excess of a sum equal to the full amount of the grant made pursuant to this chapter to each such aged person who has no such county residence, after deducting therefrom the amount of any sum received from the United States Government as old-age assistance in respect to such aged person, each month".

**Amendment No. 7**

On page 1, line 21, of said bill, strike out "in Section 2021 of this chapter".

**Amendment No. 8**

On page 1, line 24, of said bill, strike out "three-fourths", and insert "five-sixths".

**Amendment No. 9**

On page 2 of said bill, between lines 7 and 8, insert "SEC. 3. It is the intention of the Legislature that the cost of maintaining and supporting aged persons in this State pursuant to the Old Age Security Law shall, after deducting moneys received therefor by this State from the United States Government, be borne by the State and the counties in the proportion of five-sixths by the State and one-sixth by the county, in every case in which the county participates in the cost of such aid.

SEC. 4. This act shall be considered to be the latest legislative expression upon the matters herein contained, irrespective of any other bill or law enacted at the Fifty-fifth Session of the Legislature."

**Amendment No. 10**

On page 2 of said bill, strike out line 9, and insert

"SEC. 5. This act shall go into effect on the".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.





SEC. 2. Section 13.16a of said act is amended as follows:

Sec. 13.16a. Other Powers upon Liquidation. The commissioner [in his discretion may] shall accept approved claims against any association in his possession for liquidation, based on investment certificates, or on shares in the case of any association in which shareholders shall have heretofore been granted the right and option by the association to exchange their shares for investment certificates of equal value, issued by such association and approved claims of general creditors against it in partial or full payment for real property of such association, with the approval of the court, after a hearing on such notice as the court shall prescribe. Claims received in payment pursuant to this section shall be accepted at their respective surrender values as estimated by the commissioner and fixed and determined by the court and all such claims shall thereafter be canceled.

The commissioner in his discretion may reduce the rate of interest to be paid on any loan held by any association in liquidation, to a rate not less than 7 1/2 per cent a year; and may renew, extend the time of payment of, reduce the amount of the monthly payments of, or rewrite any such loan; and may make additional advances for the purpose of preserving the security of any such loan."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code

Bill read third time.

#### Motion to Amend

Senator Judah moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "situated", insert "or, if authorized by the Division of Immigration and Housing,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 531**—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Bill read third time.

#### Motion to Amend

Senator Judah moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, as amended, after the paragraph ending on line 24, insert

"If the insane spouse has a general guardian or guardian of his person, other than the spouse bringing the action, the complaint and summons shall be served upon such guardian and he shall defend and protect the interests of the insane spouse. If the insane spouse has no general guardian or no guardian of his person, or if the spouse bringing the action is the general guardian or guardian of his person, the court shall appoint a guardian ad litem, who may be the district attorney or the county counsel, if any, to defend and protect the interests of the insane spouse."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1048**—An act to amend and renumber the heading of Article 1 of Chapter 1 of Part 9 of Division 2 of the Labor Code, to add Article 1, comprising Sections 2200 and 2201, and Article 3.5, comprising Sections 2370 and 2371, to said chapter, and to repeal an act

entitled "An act to provide for the keeping of medical and surgical appliances in factories," approved May 19, 1913, and an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, all relating to the obligations of employers of labor to provide for the health and comfort of their employees.

Bill read third time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendments:

#### Amendment No. 1

On page 2, line 22, of the printed bill, as amended, after "or", insert "manufacturing".

#### Amendment No. 2

On page 2, line 23, of the printed bill, as amended, after "any" as it first appears, insert "manufacturing".

Amendments read and adopted.

Bill ordered printed, and to third reading.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 512

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

**Assembly Bill No. 512**—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads.

Referred to Committee on Labor.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 733**—An act making an appropriation to be expended under the direction of the Governor to effectuate the purposes of the California State War Powers Act, to take effect immediately;

**Senate Concurrent Resolution No. 32**—Relative to adjournment sine die of the Fifty-fifth Session of the Legislature of the State of California;

**Senate Concurrent Resolution No. 37**—Approving an amendment to the charter of the City of Visalia, County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943;

**Senate Concurrent Resolution No. 38**—Approving an amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1943;

**Senate Concurrent Resolution No. 39**—Relative to approving certain amendments to the charter of the City of San Luis Obispo in the County of San Luis Obispo, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the fifth day of April, 1943;

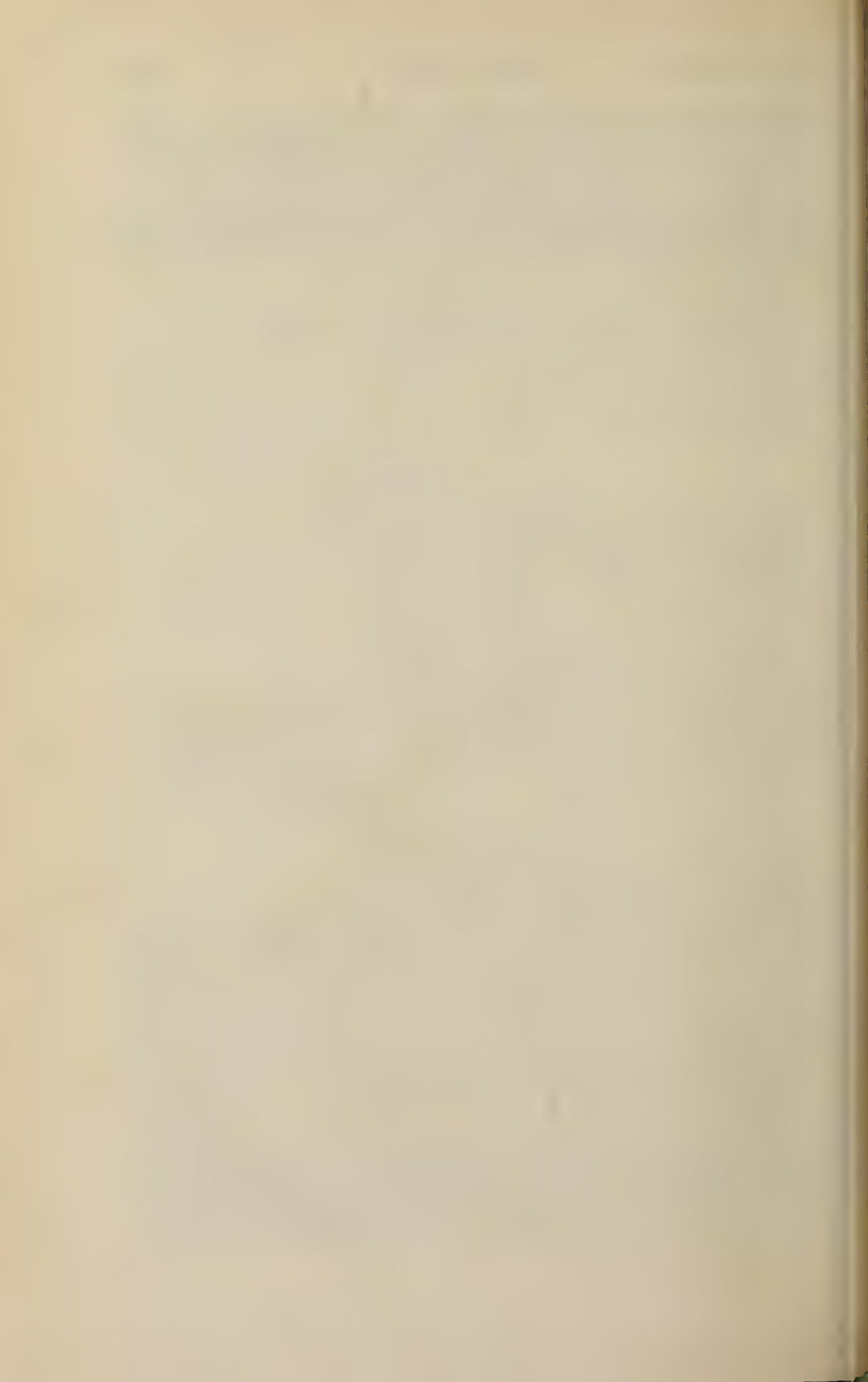
**Senate Concurrent Resolution No. 41**—Relative to execution by Japanese military authorities of American fliers held as prisoners of war;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1943, at 2 p.m.

SEAWELL, Chairman

#### ADJOURNMENT

At 5.18 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Tuesday, April 27, 1943, out of respect to the memory of W. O. Russell.





# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SIXTY-THIRD LEGISLATIVE DAY

ONE HUNDRED FOURTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 27, 1943

The Senate met at 1 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Donsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nadeline McBride, Miss Barbara McBride, and R. G. Isaacs, all of Yreka.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Irving Martin and Mr. Richard Dickinson, both of Stockton.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Garold C. Staley and Glenn C. Staley, both of Riverbank.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. H. S. Lyon, district attorney, and Prof. B. E. Larson, principal, El Dorado Cotti School, both of Placerville.

## Call of the Senate

Senator Jespersen moved a call of the Senate.

Motion carried. Time, 1.03 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

Senator Dillinger Presiding

At 1.05 p.m., Senator Dillinger of the Ninth District, presiding.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 552

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 7

Assembly Joint Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 615

Assembly Bill No. 642

Assembly Bill No. 1028

Assembly Bill No. 1957

Assembly Bill No. 1968

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 289

Assembly Bill No. 671

Assembly Bill No. 860

Assembly Bill No. 1253

Assembly Bill No. 1420

Assembly Bill No. 1444

Assembly Bill No. 1625

Assembly Bill No. 1627

Assembly Bill No. 1967

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 76

Assembly Bill No. 83

Assembly Bill No. 92

Assembly Bill No. 136

Assembly Bill No. 153

Assembly Bill No. 441

Assembly Bill No. 475

Assembly Bill No. 549

Assembly Bill No. 576

Assembly Bill No. 604

Assembly Bill No. 672

Assembly Bill No. 680

Assembly Bill No. 736

Assembly Bill No. 746

Assembly Bill No. 776

Assembly Bill No. 899

Assembly Bill No. 1031

Assembly Bill No. 1042

Assembly Bill No. 1067

Assembly Bill No. 1106

Assembly Bill No. 1132

Assembly Bill No. 1263

Assembly Bill No. 1287

Assembly Bill No. 1290

Assembly Bill No. 1308

Assembly Bill No. 1319

Assembly Bill No. 1381

Assembly Bill No. 1480

Assembly Bill No. 1544

Assembly Bill No. 1603

Assembly Bill No. 1784

Assembly Bill No. 1834

Assembly Bill No. 1848

Assembly Bill No. 1853

Assembly Bill No. 1854

Assembly Bill No. 1906

Assembly Bill No. 1909

Assembly Bill No. 1978

Assembly Bill No. 1988

Assembly Bill No. 1994

Assembly Bill No. 1043

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 224

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1996

Assembly Bill No. 2009

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Joint Resolution No. 7**—Relative to memorializing Congress to give a larger part in the war effort to the small businesses of the United States.

Referred to Committee on Military and Veterans Affairs.

**Assembly Joint Resolution No. 46**—Relative to repair facilities and materials for agricultural machinery and implements.

Referred to Committee on Agriculture.

**Assembly Bill No. 615**—An act to amend Section 3476 and to postpone and suspend the operation of Sections 3511.3, 3571, 3571.3, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code, relating to taxation.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 642**—An act to add Section 9651.5 to the Revenue and Taxation Code, relating to motor vehicle transportation license taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1028**—An act to add Section 3656.5 to the Revenue and Taxation Code, relating to rental by State of tax-deeded property.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1957**—An act to add Chapter 10, consisting of Sections 3950 to 3972, inclusive, to Part 6, Division 1, of the Revenue and Taxation Code, relating to actions by purchasers of tax-deeded property to determine adverse claims to or clouds upon that property.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1968**—An act to add Section 209.5 to the Revenue and Taxation Code, relating to exemptions from taxation.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 289**—An act to amend Sections 4037, 4038, 4112, 4152 and 4178 of, to add Sections 4036½ and 4152a to, and to repeal Sections 4039, 4040 and 4179 of, the Political Code; to amend Section

1052 of the Code of Civil Procedure; and to add Section 12073 to the Insurance Code, relating to duties of county officers.

Referred to Committee on Local Government.

**Assembly Bill No. 671**—An act to add Section 1020.5 to Chapter 5, Title 14, Part 2 of the Code of Civil Procedure, relating to dispensing with the giving of notice to persons who are enemies or allied with enemies of the United States as defined in the Trading With the Enemy Act, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 860**—An act to amend Sections 653.1, 653.3, 653.7, 653.6 and 653.9 of the Civil Code, all relating to cooperative corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1253**—An act to add Section 5903 to, and to amend Sections 661, 3711, 3712, 3814, 3818, 3819, 3822, 3872, 3873, 3879, 3921, 3922, 3924, 3929, 3938, 3939, 3941, 3944, 4536, 5503, 5505, 5507, 5508, 5511, 5557, 5560, 5563, 5565, 5699, 5707, 5708, 5724, 5737, 5802, 5803, 5804, 5809, 5931, 7003, 7005, 7007, 7008, 7011, 7020, 7074, 7204, 7881, 9102, and 9754 and to repeal Section 5562 of the Elections Code, relating to elections.

Referred to Committee on Elections.

**Assembly Bill No. 1420**—An act to amend Sections 3 and 626 of, and add a new Section 633 to the District Organization Act (Statutes of 1933, page 2280), relating to the improvement district acts made applicable to the provisions for the dissolution of such districts in the manner provided in said District Organization Act.

Referred to Committee on Local Government.

**Assembly Bill No. 1444**—An act to amend Section 10301 of the Education Code, relating to the course of study for elementary schools.

Referred to Committee on Education.

**Assembly Bill No. 1625**—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1627**—An act to amend Section 114 of the Business and Professions Code, relating to the renewal of licenses by boards or commissions of the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1967**—An act to repeal Sections 4239, 4239a, 4239b, 4239c, 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239l, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t, 4239u, 4239v, and 4239w of, and to add Section 4239 to, the Political Code, relating to compensation for public services in counties of the tenth class.

Referred to Committee on Local Government.



**Assembly Bill No. 76**—An act to repeal Sections 9202, 9204, 9205, 9206, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215, 9217, of, and to amend Sections 9161, 9200, and 9221, of the Public Resources Code, and to add Section 10058 to the Elections Code, relating to the general district elections held in soil conservation districts.

Referred to Committee on Natural Resources.

**Assembly Bill No. 83**—An act to amend Section 664a of the Political Code, relating to the payment of State officers and employees.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 92**—An act to add Section 1425a to the Penal Code, relating to justices of the peace acting as court commissioners of juvenile courts in misdemeanor cases involving traffic violations.

Referred to Committee on Judiciary.

**Assembly Bill No. 136**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Referred to Committee on Local Government.

**Assembly Bill No. 153**—An act to amend Section 103½ of the Code of Civil Procedure, relating to justices' clerks in cities and towns.

Referred to Committee on Local Government.

**Assembly Bill No. 441**—An act authorizing suit against the State of California to quiet title to lands in San Mateo County devised to the City and County of San Francisco, and to the State of California in the alternative, by the will of James M. Huddart, deceased, and regulating the procedure therein.

Referred to Committee on Judiciary.

**Assembly Bill No. 475**—An act making an appropriation to The Adjutant General for the maintenance of the California High School Cadets.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 549**—An act to add Section 1920b to the Code of Civil Procedure, relating to the preservation of documentary records by the preparation of photographic copies thereof and providing that such copies may be used in place of the original under certain conditions.

Referred to Committee on Judiciary.

**Assembly Bill No. 576**—An act to amend Section 151 of the Business and Professions Code, relating to the salary of the Director of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

**Assembly Bill No. 604**—An act to amend Section 5.751 of the School Code and to amend Section 13842 of the Education Code, relating to salaries of persons employed by school districts in positions requiring

certification qualifications, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 672**—An act to add Section 375 to the Civil Code, relating to the award and assessment of expenses and attorneys' fees in actions or proceedings against directors, officers or employees of a corporation, brought by or on behalf of the corporation.

Referred to Committee on Judiciary.

**Assembly Bill No. 680**—An act to amend Section 3473 of the Welfare and Institutions Code, and to repeal Section 3474 thereof, relating to aid to partially self-supporting blind residents.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 736**—An act to amend the title of an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving such land," approved April 22, 1909, as amended; and to add two new sections thereto, to be numbered 1b and 1c, providing for the maintenance of improvements on such lands and for the establishment of assessment districts and the assessment of property therein to pay the expenses of maintaining said improvements.

Referred to Committee on Local Government.

**Assembly Bill No. 746**—An act to amend Section 3083.5 of the Welfare and Institutions Code, relating to aid to the blind.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 776**—An act to amend Sections 607 and 607f of the Civil Code, relating to the formation of corporations for the prevention of cruelty to animals and children and to the appointment of humane officers by the corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 899**—An act to add Section 800.7 and Chapter 6, comprising Sections 980 to 993, inclusive, to Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act; creating a Veterans' Welfare Finance Committee; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and

providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1031**—An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts causa mortis.

Referred to Committee on Judiciary.

**Assembly Bill No. 1042**—An act to add Section 17.1 to the Welfare and Institutions Code, relating to the residence of minor persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1067**—An act to amend Sections 130, 142, 146, 154, 164.5, 164.7, 175, 217, 222, 225, 245.5, 371.5, 374, 378, 383, 384 and 776 of, and to add Sections 10.5, 56 and 372.5 to the Vehicle Code, relating to registration of vehicles and fees, and Section 11001 of the Revenue and Taxation Code, relating to the report and deposit of moneys.

Referred to Committee on Transportation.

**Assembly Bill No. 1106**—An act to repeal Chapter 4.3 of Part 6, Division 1, and to amend Sections 3660 and 3661, and Sections 3662 and 3663 of, and to add Chapter 4.3 to Part 6, Division 1, of the Revenue and Taxation Code, relating to real property taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1132**—An act to amend Section 8406 of the Education Code, relating to kindergartens.

Referred to Committee on Education.

**Assembly Bill No. 1263**—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1287**—An act to amend Sections 16441, 16442, 16481, 16484, 16485 and 16461 of the Education Code, relating to supervision of the health of pupils in the public schools.

Referred to Committee on Education.

**Assembly Bill No. 1290**—An act to add Section 9034.1 to the Education Code, relating to continuation education classes.

Referred to Committee on Education.

**Assembly Bill No. 1308**—An act to repeal Chapter 8, comprising Sections 6850 to 6955, inclusive, of Division 3 of the Business and Professions Code, and to add Chapter 8, comprising Sections 6850 to 6991, inclusive, to Division 3 of the Business and Professions Code, providing for the regulation, bonding, supervision and licensing of collection agencies and penalizing violations thereof.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1319**—An act to repeal Sections 2244 and 2259 of the Political Code and to repeal Sections 20773 and 20923 of the

Education Code, relating to the qualifications of certain teachers appointed or employed by the State Department of Education.

Referred to Committee on Education.

**Assembly Bill No. 1381**—An act to add Section 164.1 to the Military and Veterans Code, relating to the compensation of The Adjutant General.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1480**—An act to add Section 53.2 to the Alcoholic Beverage Control Act, relating to places where alcoholic beverages are received, kept, or brought for consumption.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1544**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1603**—An act to amend Sections 2350, 2351, 2353, and 2357 of the Welfare and Institutions Code, and to add Sections 2350.5, 2353.1, 2353.2, and 2354.1 thereto, relating to agreements for the care of aged persons, providing for regulation and supervision of organizations and persons entering into such agreements by the State Department of Social Welfare, and providing for the issuance of writs of attachment in actions for the enforcement thereof.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1784**—An act to amend Section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to the Commission on Uniform State Laws.

Referred to Committee on Judiciary.

**Assembly Bill No. 1834**—An act to add Section 83.1 to the State Civil Service Act, relating to oral examinations.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1848**—An act to add Sections 2533.1 and 2585.1 to the Education Code, relating to elementary school districts.

Referred to Committee on Education.

**Assembly Bill No. 1853**—An act to provide for the limiting or defining of electric service areas by the Railroad Commission of the State of California between utilities and irrigation districts engaged in the sale or distribution of electric power, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Utilities.

**Assembly Bill No. 1854**—An act to provide for the limiting or defining of electric service areas by the California Districts Securities Commission between utilities and irrigation districts engaged in the sale



of electric power, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Utilities

**Assembly Bill No. 1906**—An act to add Section 5806 to the Education Code, relating to the Vocational Rehabilitation Fund.

Referred to Committee on Education

**Assembly Bill No. 1909**—An act to add Article 8 to Chapter 8, Division 4, of the Education Code, consisting of Section 9501, relating to the maintenance of classes in student harvest camps.

Referred to Committee on Education.

**Assembly Bill No. 1978**—An act to amend Section 901 of the Probate Code, relating to compensation for administration of estates.

Referred to Committee on Judiciary.

**Assembly Bill No. 1988**—An act to amend Section 11010 of, and to add Section 11011.5 to, the Business and Professions Code, relating to real estate subdivision.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222 and 2224, of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2017, 2020.01, 2021.01, 2163.1, 2163.2, 2163.7, 2166, 2181.01, 2181.1, 2182.1, 2183.1, 2187.01, and 2222.5 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1043**—An act to repeal Sections 834 and 835 of, and to add Section 833.5 to, the Welfare and Institutions Code, relating to proceedings in the juvenile court with respect to persons over the age of 18 years and under the age of 21 years.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 224**—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, and 3352.5 to, and Chapter 10, comprising Sections 4301 to 4337, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 10.5 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the California State War Council to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1996**—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

Without reference to committee.

**Assembly Bill No. 2009**—An act to amend Sections 9023, 9150, 9151, 9171, 9191, 9192, 9196, and 9321 of the Government Code, relating to officers and employees of the Senate and Assembly.

Referred to Committee on Rules.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1071

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

##### Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1108

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1100

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

DE LAP, Chairman

Above reported bill ordered to second reading.

##### Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 1112

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred Senate Bill No. 554.

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred

Senate Bill No. 229

Senate Bill No. 1107

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred.

Senate Bill No. 865

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1954

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Concurrent Resolution No. 62

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 866

Senate Bill No. 445

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1109

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Constitutional Amendment No. 28

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

MAYO, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1103

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 48

Senate Bill No. 480

Assembly Bill No. 261

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 198

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.



**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1044

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 313

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bill ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1086

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 1111

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SHELLEY, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 11

Senate Bill No. 882

Senate Bill No. 288

Senate Bill No. 960

Senate Bill No. 661

Senate Bill No. 1060

Senate Bill No. 746

Senate Bill No. 1093

Senate Bill No. 797

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**REQUEST FOR UNANIMOUS CONSENT**

Senator Seawell asked for, and was granted, unanimous consent to have all Senate bills reported from committees given second reading, and the Constitution suspended so they can be placed on third reading for passage.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1071**—An act to amend Sections 321 and 324 of the Military and Veterans Code, relating to the military and naval forces of the State.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 229**—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1107**—An act to amend Section 505 of, and to add Sections 505.5 and 505.6 to, the Public Resources Code, relating to forestry and providing for the administration of the laws relating thereto.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 554**—An act to add Section 6220 to the Public Resources Code, relating to acceptance of quitclaim deeds by the State Lands Commission.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 6220", and insert "Sections 6210.3, 6210.4 and 6220".

**Amendment No. 2**

In line 2 of the title of said bill, after "to", insert "reservations of easements for convenient access, in sale, lease or rental of State owned lands, and to".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out "Section 6220 is added to the Public Resources"; and strike out line 2, and insert "Section 6210.3 is added to the Public Resources Code, to read:

6210.3. No lands owned by the State which lands front upon any lake or are near to any lake, convenient access to which is not provided by public road or roads, or otherwise, shall ever be sold, leased or rented, without reserving to the people of the State an easement across the lands for convenient access to the waters of the lake.

SEC. 2. Section 6210.4 is added to said code, to read:

6210.4. No lands owned by the State, which lands provide the only convenient means of access to other lands owned by the State, shall ever be sold, leased or rented without reserving therefrom to the State and its successors in interest in the other lands, an easement for convenient access to the other lands.

SEC. 3. Section 6220 is added to said code, to read:".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1112**—An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1100**—An act to add Sections 28.5, 28.6, 28.7, and 28.8 to the California Water District Act, relating to the liability of

districts organized under said act and the liability of officers, agents, and employees of said districts, and providing that such districts may insure against such liabilities.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 25, inclusive, and insert "Sec. 28.6. Whenever it is claimed that any person or property has been injured or damaged as a result of any dangerous or defective condition of any property under the control of any district or its officers or employees or the negligence of any officer or employee of a district, a verified claim for damages shall be presented in writing and filed with the officers or employees involved and the secretary within 90 days after the accident or injury has occurred."

##### Amendment No. 2

On page 2, line 2, of said bill, strike out "taking,"; and strike out line 3, and insert "and the nature and extent of the injury or".

##### Amendment No. 3

On page 2, line 4, of said bill, strike out "or destruction".

##### Amendment No. 4

On page 2, line 6, strike out "; taking, damages or destruction", and insert "or damages".

##### Amendment No. 5

On page 2, lines 9 and 10, of said bill, strike out "may pay such", and insert "shall pay the".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1108**—An act to add Section 8 to an act entitled "An act to authorize the county judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests," approved March 6, 1868, as amended and supplemented, relating to the conveyance of certain streets and alleys.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 865**—An act making an appropriation for the acquisition, development and protection of ocean beaches for public recreational use.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

##### Amendment No. 1

In line 3 of the title of the printed bill, after "use", insert "and for correction of beach and cliff erosion".

##### Amendment No. 2

On page 1, line 4, of said bill, after "development", insert "improvement".

##### Amendment No. 3

On page 1, line 5, of said bill, after "beaches", insert ", including tidewater bays and inlets for recreation purposes only."

##### Amendment No. 4

On page 1, line 8, of said bill, after "development", insert ", improvement".

**Amendment No. 5**

On page 1, line 9, of said bill, after "interest", insert ", and for correction of beach and cliff erosion".

**Amendment No. 6**

On page 1, line 12, of said bill, strike out "California shore line", and insert "California ocean shore line, including tidewater bays and inlets, for recreational purposes only, and for correction of beach and cliff erosion".

**Amendment No. 7**

On page 1, line 15, of said bill, strike out "prior to January 1, 1944,".

**Amendment No. 8**

On page 1 of said bill, strike out lines 18 to 27, inclusive; and strike out page 2.

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 866**—An act to add Sections 5015, 5016, 5017 to the Public Resources Code, relating to parks and beaches, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In lines 2 and 3 of the title of the printed bill, strike out ", and making an appropriation".

**Amendment No. 2**

On page 1 of said bill, strike out lines 3 to 26, inclusive; and on page 2, strike out lines 1 to 26, inclusive, and insert

"5015. The State Park Commission, in addition to other powers and duties conferred upon it by law, shall in cooperation with the State Planning Board and the State Lands Commission and the planning commissions of the coastal cities and counties affected, create and establish a state-wide shore line master plan to provide a comprehensive program relating to shore areas, so as to correlate and coordinate all county master plans of shore line development of the various coastal counties, and as an aid in preparing a shore line planning program for filing applications before the Federal Government to meet the Federal requirements for postwar projects, and for the purpose of making studies of the ocean shore line, including tidewater bays and inlets thereof, for recreation purposes only, and beach protection, improvement and development, preparing shore line and beach protection and improvement plans and reports for other agencies of the State Government, and preparing a comprehensive report relating to centralized control by the State of shore line and beach protection improvement and development.

The State Park Commission shall, before officially adopting a shore line master plan, as prepared by the Beach Erosion Control Engineer, submit its plans and recommendations to the State Planning Board and the State Lands Commission and to the regional, county and city planning commissions of the coastal counties having jurisdiction, for study, coordination and recommendations. Failure of the State Planning Board, or of any coastal county or city planning commissions, to report their recommendations to the State Park Commission within ninety (90) days from the time of receiving such master plan, shall be deemed to constitute approval of the master plan as submitted by the State Park Commission, unless a time extension be granted by mutual consent of the State Park Commission and the city, county, or State planning commissions. The State Park Commission may include in the state-wide shore line master plan the recommendations of the State Planning Board, and of the coastal city, county or regional planning commissions affected, after full consideration of said recommendations, or may reject said recommendations by a four-fifths vote.

The State Park Commission is hereby authorized and directed to employ a beach erosion control engineer whose duties shall be to supervise the carrying out of the provisions of this code pertaining to ocean-shore structures, under the jurisdiction of said Park Commission."

**Amendment No. 3**

On page 2 of said bill, strike out lines 30 to 51, inclusive; and on page 3, strike out lines 1 to 4, inclusive, and insert

"5016. In carrying out its work the State Park Commission may enter into such agreements with State departments and other cooperating agencies, including the



Federal Beach Erosion Board, as may be mutually satisfactory, and may utilize such funds, services, equipment and facilities as may be necessary therefor in making surveys and engineering studies for preliminary designs for ocean beach and shore line preservation and protection work, for which the Federal Erosion Board was created. It may also, within the limits of funds provided for its use, employ such engineers and other technical and clerical assistance as may be needed to enable it to perform its duties.

It shall be the function and duty of the State Park Commission whenever the public interests are involved to make, and to assist in the making of investigations, surveys and studies of the erosion of shores and beaches and of means for the prevention of such erosion and for the development and improvement of ocean shore lines and the protection of ocean shore areas, including tidewater bays and inlets, for recreation purposes only. The State Park Commission in making its report on any work or project relating to shore protection, shall state its opinion as to the advisability of the project and its value to the public and recommend the amount of the cost thereof which shall be borne by the State. The commission shall also recommend what land should be acquired for the construction or maintenance of protective works."

#### Amendment No. 4

On page 3 of said bill, strike out lines 8 to 19, inclusive, and insert

"5017. No expenditures for acquisition of ocean beaches including inlets and bays thereof for recreational purposes only, shall be made until the State Park Commission has prepared a general plan of acquisition with consideration given to priorities listed in the county master plans of shore line development and indenting allotments by counties and cities.

Purchases of such areas are hereby authorized for (a) control, development, improvement, protection and management by the State, (b) for development, improvement, protection and management by counties and cities under lease or contract arrangement and (c) for development, improvement and protection by State and management under lease or contract by local governments."

#### Amendment No. 5

On page 3 of said bill, strike out lines 21 to 26, inclusive.

#### Amendment No. 6

On page 3, line 27, of said bill, strike out "5", and insert "4".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 445**—An act to add Section 5015 to the Public Resources Code, relating to appointment of a Beach Erosion Control Engineer.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

#### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5015", and insert "Sections 506.6 and 506.7".

#### Amendment No. 2

In line 2 of the title of said bill, after "to", insert "the powers and duties of the State Park Commission respecting shore line protection, improvement and development of State or publicly owned beaches, and to".

#### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 29, and insert

"SECTION 1. Section 506.6 is added to the Public Resources Code, to read:

506.6. (1) The State Park Commission is hereby authorized and directed to appoint, in accordance with civil service and other provisions of law, such officers and other expert and clerical assistants as it may deem necessary, including a Beach Erosion Control Engineer. The Beach Erosion Control Engineer shall be a civil engineer registered under the Civil Engineers' Act and shall have had not less than ten (10) years experience in beach and shore line protection, improvement, and development, and his salary shall not exceed six thousand dollars (\$6,000) a year. It shall be his duty:

(a) To study and report upon problems of beach erosion and means for the development, protection and improvement of beaches and shore line areas.

(b) To investigate and report to the State Park Commission upon beach areas suitable or needed for public recreation purposes and to prepare plans for the improvement, development, and protection of public beaches.

(c) To cooperate with all agencies of government, Federal and State, for the purpose of carrying out the provisions of this code, and to act in an advisory capacity on beach erosion, protection, improvement and development when requested by political subdivisions of the State, when so authorized by the State Park Commission.

(d) To assist in the preparation of a State master plan of shore line development, which plan shall take into consideration, correlate and coordinate, as nearly as feasible, the master plans of shore line development of the various coastal counties of the State.

SEC. 2. Section 506.7 is added to the Public Resources Code, to read:

506.7. The State Park Commission shall have power to adopt, alter, change or amend any State master plan of shore line development."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1109**—An act to amend Section 37 of the Unemployment Insurance Act, relating to contributions.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 19 of the printed bill, after "Contributions", insert "required under this section".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1103**—An act to amend Sections 2003, 2005, 2008, 2009, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2187, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2014, 2016, 2017, 2020.05, 2142.5, 2143, 2162.5, 2163.1, 2163.2, 2163.7, 2165.1, 2166, 2181.1, 2182.1, 2183.1, 2194, and 2210 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "2009".

##### Amendment No. 2

In line 5 of the title of said bill, strike out "2165.1, 2166".

##### Amendment No. 3

In line 6 of the title of said bill, strike out "2194, and 2210", and insert "and 2194".

##### Amendment No. 4

On page 2 of said bill, strike out lines 1 to 8, inclusive.

##### Amendment No. 5

On page 2, line 12, of said bill, strike out "all papers and records", and insert "the application and supporting documents".

##### Amendment No. 6

On page 2 of said bill, strike out lines 24 to 28, inclusive, and insert "Copies of all laws relating to application for and granting of aid under this chapter, and of all bulletins and rules and regulations of the State Department of

Social Welfare shall be made available to the public in each county office administering aid under this chapter and in each local or regional office of the department."

**Amendment No. 7**

On page 3, line 7, of said bill, after "statutes", insert "or rules and regulations of the Federal Social Security Board".

**Amendment No. 8**

On page 3, lines 17 and 18, of said bill, strike out "four hundred fifty dollars (\$450)", and insert "five hundred dollars (\$500)".

**Amendment No. 9**

On page 5, line 26, of said bill, strike out "60 days", and insert "two calendar months".

**Amendment No. 10**

On page 6, lines 32 and 33, of said bill, strike out "trust property", and insert "interest in such trust."

**Amendment No. 11**

On page 6 of said bill, strike out lines 49 and 50, and insert "which, as assessed by the county assessor, exceeds three thousand five hundred dollars (\$3,500) at".

**Amendment No. 12**

On page 7, line 5, of said bill, strike out "less all encumbrances thereon of record".

**Amendment No. 13**

On page 7 of said bill, strike out lines 10 to 24, inclusive.

**Amendment No. 14**

On page 7, line 47, of said bill, strike out "30", and insert "60".

**Amendment No. 15**

On page 7, lines 50 and 51, of said bill, strike out "directly and not through any other agency of the county".

**Amendment No. 16**

On page 11, line 17, of said bill, strike out "30", and insert "60".

**Amendment No. 17**

On page 11 of said bill, strike out lines 23 to 29, inclusive, and insert "investigation is not completed at the end of the 60-day period, the investigation shall continue until completed, and if eligibility is established, aid shall begin as of the first day of the month in which eligibility is established or as of the first day of the month following the end of the 60-day period, whichever is earlier."

**Amendment No. 18**

On page 12, line 15, of said bill, strike out "three-fourths", and insert "five-sixths".

**Amendment No. 19**

On page 12 of said bill, strike out lines 32 to 44, inclusive.

**Amendment No. 20**

On page 13 of said bill, strike out lines 16 to 23, inclusive, and insert "sent to the relative inquiring whether the relative is in fact contributing to the support of the applicant, and if contributing, in what form and amount per month."

If the relative is not contributing to the support of the applicant, he shall file a sworn statement showing his assets and liabilities."

**Amendment No. 21**

On page 13 of said bill, strike out lines 50 and 51, and insert

"Sec. 36. All of this act except the amendment to Section 2140 of the Welfare and Institutions Code made by Section 11, shall become operative on July 1, 1943; the amendment to Section 2140 made by Section 11 of this act shall become operative on September 1, 1943."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Senate Bill No. 480.**—An act to repeal an act entitled "An act to regulate motorboats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motorboat regulation and the disposition of money in the Boat Fund.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 48**—An act to amend Section 221 of the State Civil Service Act, relating to preferences to veterans and their widows in examinations.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 198**—An act to amend Section 4808 of the Penal Code, relating to the membership of the Advisory Pardon Board.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "4808 of", and insert "4803 of, and add Sections 4807.2, 4807.3, 4812.5 and 4814 to,".

##### Amendment No. 2

In line 2 of the title of said bill, strike out "the membership of", and insert "commutations, pardons, and".

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. Section 4803 of the Penal Code is amended to read:

4803. When an application is made to the Governor for pardon or commutation of sentence, or when an application has been referred to the Advisory Pardon Board, he or it may require the judge of the court before which the conviction was had, or the district attorney by whom the action was prosecuted, to furnish him or it, without delay, with a summarized statement of the facts provided on the trial, and of any other facts having reference to the propriety of granting or refusing said application, together with his recommendation for, or against the granting of the same and his reason for such recommendation.

SEC. 2. Section 4807.2 is added to said code, to read:

4807.2. Every application for pardon or commutation of sentence shall be accompanied by a full statement of any compensation being paid to any person for procuring or assisting in procuring the pardon or commutation or the pardon or commutation shall be denied.

SEC. 3. Section 4807.3 is added to said code, to read:

4807.3. Every person who receives or agrees to receive any compensation or who receives any gift for procuring or assisting in procuring a pardon or commutation of sentence for any applicant must file with the Governor a full statement of the amount and character of such compensation or gift within 10 days of the receipt thereof. Any failure to file a full statement as required by this section is a misdemeanor.

SEC. 4. Section 4812.5 is added to said code, to read:

4812.5. In the exercise of its powers the board has all the power of a head of a department under Section 353 of the Political Code.

SEC. 5. Section 4814 is added to said code, to read:

4814. The board shall, on or before the first day of December of each even-numbered year, report to the Governor upon the status and history of matters under its consideration, together with an account of expenditures and such suggestions pertinent to its duties as may appear to be necessary and expedient."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1044**—An act to add Section 4460 to the Labor Code, relating to workmen's compensation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 313**—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads, to take effect immediately.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 2, line 2, of the printed bill, strike out " ; provided, " ; and strike out all of lines 3 to 13, inclusive, and insert a period and

"Until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, the Railroad Commission may, upon the application of a carrier after hearing held upon notice thereof, issue a permit granting and allowing variations from the requirements of subdivisions (c), (f) or (g), specifying therein the scope and extent of such allowable variations, and the conditions under which allowable, if the commission finds that the requirements of subdivisions (c), (f) and (g), or certain of those requirements, operate in impairment of the war effort and if it further finds that the variations from such requirements specified in the permit will be helpful in furthering the war effort without unreasonably increasing the risk of impairing the health or safety of the employees or of the traveling public, in view of the emergency ; and the Railroad Commission may at any time revoke, suspend or modify any such permit upon proof being made that the terms and conditions thereof have been violated or that the variations specified in the permit are no longer necessary."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1086**—An act to add Section 2021.001 to, and to amend Section 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1111**—An act to amend Section 10074 of, to add Sections 10009.5, 10023, 10024, 10025 and 11011.5 to, and to add Chapter 7, comprising Sections 10500 to 10600, to Part 1 of Division 4 of, the Business and Professions Code, relating to transactions in mineral, oil or gas property, regulating mineral, oil and gas brokers and salesmen and prescribing the powers and duties of the State Division of Real Estate with respect thereto.

Bill read second time, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1954**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "5104", and insert "5014".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bills Nos. 1109, 445, 1100, 554, 48, 1108, 1112, 1107, 229, 1071, 1044, 509, 313, 198, 480, 866, 1103, 865, 1086, 1111, and 129 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill No. 509**—An act to add Article 6, comprising Sections 4421 to 4432, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition and reforestation of cutover lands, making an appropriation and providing for the distribution of the proceeds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 5 and 6, and insert "and creating a fund."

**Amendment No. 2**

On page 1, line 2, of said bill, after "added to", insert "Chapter 2 of Division 4 of".

**Amendment No. 3**

On page 3, line 15, of said bill, strike out "together with"; and strike out lines 16 and 17.

**Amendment No. 4**

On page 3 of said bill, strike out lines 19 to 38, inclusive; and in line 44, strike out "(d)".

**Amendment No. 5**

On page 3, line 45, of said bill, strike out "not more than".

**Amendment No. 6**

On page 3, line 47, of said bill, after "to the county", insert "out of the State Forest Fund".

**Amendment No. 7**

On page 4 of said bill, strike out lines 14 and 15, and insert "All money remaining in the State Forest Fund after the annual payments to the counties have been made shall each year immediately after such payments have been completed be transferred to the General Fund."

**Amendment No. 8**

On page 4 of said bill, strike out line 18, and insert "monthly, pay into the State Forest Fund in the State treasury all revenues derived".

**Amendment No. 9**

On page 4, line 20, of said bill, strike out "The Controller"; and strike out lines 21 to 23, inclusive, and insert

"Sec. 2. Out of any money in the State treasury not otherwise appropriated there is hereby appropriated the sum of fifty thousand dollars (\$50,000) to be used by the Director of Natural Resources for "investigating the forest situation in California; the prospective life of old growth timber reserves; the possibility and feasibility of restoring old cutover lands to productivity; the growth and returns that may be expected from such restoration; the agencies that should undertake such restoration; the importance of the forest industries to the timber counties and to the State, including pay rolls, taxes and the like; and other matters affecting the permanence of forest growth, forest industries and the communities depending upon them; and investigate and determine the forests which should be preserved as necessary for the conservation of water, prevention of floods and, or, for scenic purposes; that such investigation shall extend to all parts of the State, and shall include recommendations concerning the same.

The Director of Natural Resources shall prepare a report upon his findings for presentation to the next Legislature, and with such report he shall include a list of cutover lands the restoration of which can not be undertaken by private owners, their probable cost, their condition, their forest growth possibilities, their probable cost of rehabilitation, management and administration, and their probable yield and returns."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 129**—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amount.

Bill read second time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, strike out lines 14 to 22, inclusive, and insert

"\$75.00-\$199.99	-----	\$10
200.00 -219.99	-----	11
220.00 -239.99	-----	12
240.00 -259.99	-----	13
260.00 -279.99	-----	14
280.00 -299.99	-----	15
300.00 -319.99	-----	16
320.00 -339.99	-----	17
340.00 -359.99	-----	18
360.00 -379.99	-----	19
380.00 and over	-----	20"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 686**—An act to amend Sections 101, 102, 104, 106, 107, 110, and 113 and to repeal Section 111 of, and to add Section 107.5 to the Health and Safety Code, relating to the State Department of Public Health.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1359**—An act to add Chapter 3, comprising Section 2650, to Division 4 of the Welfare and Institutions Code, and to repeal certain laws and parts of laws therein specified, relating to relief and public assistance due to and caused by unemployment, abolishing the State Relief Administration, the State Relief Commission and the office of State Relief Administrator, providing for the disposition of the properties thereof, and prohibiting the expenditure of money for certain purposes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1590**—An act to add Section 2 to an act entitled "An act making an additional appropriation for construction, improvements, and equipment at the University of California," approved July 8, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1602**—An act to add Section 2 to an act entitled "An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor," approved June 9, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1239**—An act to amend Section 25502 of the Water Code, relating to irrigation district assessments.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 493**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by adding Section 7.5, relating to sales of real property by the State.

Bill read second time, and ordered to third reading.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1.48 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Swing:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to create a Commission on Governmental Organization, defining its powers and duties and making an appropriation.

Respectfully submitted.

SENATOR SWING



## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1113:** By Senator Swing—An act to create a Commission on Governmental Organization, defining its powers and duties and making an appropriation.

Referred to Committee on Finance.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Bill No. 503**—An act to add Sections 5127.1 and 5141.1 to the School Code and to add 12008.1 and 12042.1 to the Education Code, relating to emergency credentials authorizing service in the public school system, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 797**—An act to amend Sections 3418 and 3423 of the Public Resources Code, relating to the record of assessments and charges for the Petroleum and Gas Fund and the imposition of a tax lien and the enforcement, release or subordination thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, Judah, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1093**—An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development, improvement and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 424**—An act to add Section 806.5 to the Agricultural Code, relating to standards for plums, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 661**—An act to add Section 131 to the Welfare and Institutions Code, relating to county refunds to the State for aid furnished.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1022**—An act to amend Section 337f of the Penal Code, relating to crimes in connection with horse racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**MOTION TO SET SPECIAL ORDER**

Senator Hatfield moved that Senate Bill No. 1086 be made a special order of business for today, April 27, 1943, at 2.25 p.m.

**Motion carried.**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 960**—An act to add Chapter 2.5, comprising Sections 1165 to 1167, inclusive, to Division 6 of the Agricultural Code, relating to the sale of edible farm commodities, unless such commodities are unfit for human consumption.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Mayo, Mixer, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—Senators Collier, Luckey, and McBride—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 898**—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Concurrent Resolution No. 42**—Approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the thirteenth day of April, 1943;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-seventh day of April, 1943, at 1 p.m.

SEAWELL, Chairman

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 35	Senate Bill No. 618
Senate Bill No. 240	Senate Bill No. 620
Senate Bill No. 367	Senate Bill No. 647
Senate Bill No. 406	Senate Bill No. 692
Senate Bill No. 538	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 796

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 234

Senate Bill No. 1082

Senate Bill No. 270

Senate Bill No. 1083

Senate Bill No. 365

Senate Bill No. 1061

Senate Bill No. 431

Senate Bill No. 807

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 502

Senate Bill No. 1110

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SLATER, Chairman

Above reported bills ordered to second reading.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 796**—An act to provide for civilian defense activities and for the allocation of State funds to counties, cities and counties, cities, and public districts, to establish a Civilian Defense Allocation Board and prescribe its powers, duties and functions, to create a Civilian Defense Fund and to provide for the expenditures to be made from said fund, and making an appropriation.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In the title of the printed bill, strike out all of lines 5 and 6, and insert "tions, and making".

**Amendment No. 2**

On page 1 of said bill, strike out all of lines 16 to 18, inclusive.

**Amendment No. 3**

On page 1, line 19, of said bill, strike out "5", and insert "4".

**Amendment No. 4**

On page 1, line 21, of said bill, strike out "to be".

**Amendment No. 5**

On page 2, line 1, of said bill, strike out "placed in the fund and".

**Amendment No. 6**

On page 2, line 4, of said bill, strike out "6", and insert "5".

**Amendment No. 7**

On page 2, line 9, of said bill, strike out "7", and insert "6"; and strike out "the fund", in said line and insert "this act".



**Amendment No. 8**

On page 2, line 11, of said bill, strike out "fund", and insert "appropriation hereby made".

**Amendment No. 9**

On page 2, line 12, of said bill, after "purposes", insert "; provided, that none of the moneys hereby appropriated shall be expended, allotted, encumbered, or become available for expenditure until moneys equal to or in excess of the amount to be expended from this appropriation shall have been made available by a person, firm, association, corporation, political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government, but excluding agencies which are a part of the Executive Department of the State Government, for expenditure for like purposes for which allocations have been made from this appropriation, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or fund of any agency which is a part of the Executive Department of the State Government".

**Amendment No. 10**

On page 2, line 13, of said bill, strike out "8", and insert "7".

**Amendment No. 11**

On page 2, line 17, of said bill, strike out "9", and insert "8".

**Amendment No. 12**

On page 2, line 22, of said bill, strike out "10", and insert "9".

**Amendment No. 13**

On page 2, line 27, of said bill, strike out "11", and insert "10".

**Amendment No. 14**

On page 2, line 33, of said bill, strike out "12", and insert "11".

**Amendment No. 15**

On page 2, line 41, of said bill, strike out "13", and insert "12".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 234**—An act making an appropriation to the State Department of Education for the acquisition of real property for the San Jose State College.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1 of the printed bill, strike out line 3, and insert "five hundred thousand dollars (\$500,000) to be expended during the Ninety fifth and Ninety sixth Fiscal Years".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 270**—An act making an appropriation for the acquisition of real property for the Humboldt State College.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 1 and 2 of the printed bill, strike out "thirty-nine thousand dollars (\$39,000)", and insert "forty-five thousand dollars (\$45,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 365**—An act to amend Section 312 of the Agricultural Code, relating to meat inspection.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 1, of the printed bill, strike out the period, and insert "and shall pay for such inspection service a fee in the amount designated by the director or the municipal inspection department having jurisdiction. Such fee paid by any establishment under State inspection shall be credited to the Department of Agriculture Fund, and shall be sufficient to cover the total salaries, traveling expenses and premiums on account of workmen's compensation insurance of all inspectors in such establishment. All such fees shall be paid monthly in advance. Each establishment under State inspection shall deposit with the director one-half of the amount of one month's inspection fee to be held in trust by the director to be applied on any fee due the State in the event the establishment discontinues inspection or inspection is suspended for nonpayment of fee. In lieu of such deposit an establishment may file a bond for like amount, satisfactory to the director.

Until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, no fees shall be collected under the provisions of this section."

**Amendment No. 2**

On page 2, line 20, of said bill, strike out "dollars ( )", and insert "six hundred forty-eight thousand dollars (\$648,000)".

**Amendment No. 3**

On page 2, line 21, of said bill, after "expended", insert "during the Ninety fifth and Ninety-sixth Fiscal Years".

**Amendment No. 4**

On page 2, after line 23, of said bill, insert

"Until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature, or the cessation of hostilities in all wars in which the United States is now engaged, or until all of the money hereby appropriated has been expended, whichever first occurs, no fees shall be collected under the provisions of Section 312 of the Agricultural Code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 431**—An act appropriating money for construction, improvement, and equipment for the California Maritime Academy.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "\$-----", and insert "\$1,100,000".

**Amendment No. 2**

On page 1, line 3, of the printed bill, after "necessary", insert "to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1082**—An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1 of the printed bill, after line 23, insert "The money appropriated by this act shall be considered a loan from the General Fund to the State Highway Fund. On July 1, 1944, and on July 1st of every succeeding year one-tenth of the amount appropriated by this act shall be transferred from the State Highway Fund to the General Fund until the entire amount appropriated by this act is repaid to the General Fund by the State Highway Fund."

**Amendment No. 2**

On page 1, line 4, of the printed bill, strike out "Treasurer", and insert "Comptroller".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1083**—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 2 of the printed bill, after line 34, insert "Sec. 9. The money appropriated by this act shall be considered a loan from the General Fund to the State Highway Fund. On July 1, 1944, and on July 1st of every succeeding year one-tenth of the amount appropriated by this act shall be transferred from the State Highway Fund to the General Fund until the entire amount appropriated by this act is repaid to the General Fund by the State Highway Fund."

**Amendment No. 2**

On page 1, line 4, of the printed bill, strike out "Treasurer", and insert "Comptroller".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1061**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out all of lines 5 to 20, inclusive, and insert "wise appropriated the sum of two thousand five hundred dollars (\$2,500) is hereby appropriated to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years for support of the California Farm Debt Adjustment Commission."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 807**—An act to repeal an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved by the Governor, June 14, 1935, to establish the "State Economic Planning Commission" and prescribing its powers and duties; authorizing the State Economic Planning Commission to make investigations, reports, recommendations and plans for a program for the promotion, development, conservation and utilization of the human, natural, and economic resources of the State; making an appropriation; and to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the State Planning Board to the State Economic Planning Commission.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 5 of the title of the printed bill, as amended, strike out "and prescribing its powers and", and insert a period.

##### Amendment No. 2

Strike out all of lines 6 to 14, inclusive, of the title of said bill.

##### Amendment No. 3

On page 1 of said bill, strike out all of lines 1 to 12, inclusive, and insert "SECTION 1. The act cited in the title hereof is repealed.

##### Amendment No. 4

Strike out pages 2, 3, and 4 of said bill.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 35**—An act to amend Sections 65, 66, 79, 83, 83b, 84, 86, 88, 93, 108 and 109 of, and to add Section 100b to, the State Employees' Retirement Act, relating to a retirement system for public employees.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 240**—An act making an appropriation for the purchase of land for the Fresno State College.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 367**—An act to amend Section 472 of the Political Code, relating to the powers and duties of the Attorney General, the employment of special counsel, and the appointment of assistants and deputies in such office, and fixing the salaries of such assistants and deputies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 406**—An act making an appropriation to the Department of Agriculture for the construction, maintenance and operation of a highway inspection station for the purpose of enforcing certain provisions of the Agricultural Code.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill No. 538**—An act making an appropriation for the improvement of county airports in the County of Inyo.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 618**—An act to add Section 4925 to the School Code and to add Section 7305 to the Education Code, relating to the average daily attendance of high school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 620**—An act making an appropriation for the purchase of land for the San Francisco State College.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 647**—An act making an appropriation for the acquisition of real property for the Santa Barbara State College.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 692**—An act making an appropriation for the purchase of land by the Director of Institutions.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 502**—An act to amend Sections 1071, 2422, 2423, 2481, 2502, 2561, 2584, 2802, 2833, 2893, 2922, 2952, 3431, 3462, 3591, 3661, 3691, 3722, 3742, 3743, 3761, 3825, 3841, 3851, 3962, 4281, 4341, 18461 and 18478, and to repeal Section 3403 of, and to amend the article heading of Article 14, of Chapter 11, Division 2 of the Education Code, relating to the public school system.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1110**—An act to add Article 2.5 to Chapter 5 of Division 9 of the Education Code, relating to the leasing of real property by school districts, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bills Nos. 796, 234, 270, 365, 431, 1082, 1083, 1061, 807, 35, 240, 367, 406, 538, 618, 620, 647, 692, 502, and 1110 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, Minter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**President Pro Tempore of the Senate Presiding**

At 2.15 p.m., Hon. Frederick F. Houser, President pro tempore of the Senate, presiding.

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.25 p.m. having arrived, Senate Bill No. 1086 was taken up.

**Senate Bill No. 1086**—An act to add Section 2021.001 to, and to amend Section 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 11, of the printed bill, strike out "five", and insert "six".

**Amendment No. 2**

On page 2, line 15, of the printed bill, strike out "five", and insert "six".

**Amendment No. 3**

On page 2, line 30, of the printed bill, strike out "five", and insert "six".

**Amendment No. 4**

On page 2, line 30, of the printed bill, strike out "onesixth", and insert "none".

**Amendment No. 5**

On page 2, line 31, of the printed bill, strike out the comma after "county", and insert a period; and strike out the balance of lines 31 and 32.

**Motion to Table**

Senator Brown moved that the amendments offered by Senator Swing to Senate Bill No. 1086 be laid on the table.

Motion carried.

The roll was called, and Senate Bill No. 1086 passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, Senate Bill No. 103 and Assembly Bills Nos. 876, 883, and 884 were taken up.

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senators Tenney, Jespersen, Hatfield, Dorsey, Donnelly, Parkman, Brown, Shelley, and Swan moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 6051 and Section 6201", and insert "Sections 6051, 6201 and 6359".

**Amendment No. 2**

In line 2 of the title of said bill, after "of", insert "and exemptions from".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 2.5**

On page 2 of said bill, between lines 28 and 29, insert

"Sec. 2.5. Section 6359 of said code is amended to read:

6359. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this State of food products for human consumption.

"Food products" include cereals and cereal products, milk and milk products, oleo-margarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy and confectionery.

"Food products" do not include spirituous, malt or vinous liquors, soft drinks, sodas, or beverages such as are ordinarily dispensed at bars and soda fountains or in connection therewith.

"Food products" [also do not] include meals served on or off the premises of the retailer or drinks or foods furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware provided by the retailer."

Amendments read.

**Previous Question**

Senator Rich moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senators Tenney, Jespersen, Hatfield, Dorsey, Donnelly, Parkman, Brown, Shelley, and Swan.

Senators Tenney, Jespersen, and Shelley demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Brown, Carter, Crittenden, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Luckey, Parkman, Powers, Seawell, Shelley, Swan, and Tenney—15.

**NOES**—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Denel, Dillinger, Engle, Fletcher, Gordon, Keating, Mayo, McCormack, Mixter, Quinn, Rich, Salsman, Slater, Swing, Tickle, and Ward—22.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments to Senate Bill No. 103:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "the rates of".

**Amendment No. 2**

On page 1, line 8, of said bill, strike out "On and"; and strike out lines 9 and 10.

**Amendment No. 3**

On page 2, line 1, of said bill, strike out "one-fifth", and insert "one third".

**Amendment No. 4**

On page 2, line 17, of said bill, strike out "On and after"; and strike out lines 18 and 19.

**Amendment No. 5**

On page 2, line 20, of said bill, strike out "one-fifth", and insert "one-third".

**Amendment No. 6**

On page 2 of said bill, strike out lines 39 to 45, inclusive, and insert  
 "In these times when all the efforts and energies of the people are directed toward the successful conclusion of the war, it is nevertheless necessary that the people look ahead and anticipate the postwar needs of the State of California. Therefore it is necessary for the public peace, health and safety that a portion of the revenue derived from the sales and use taxes be placed in a special fund known as the "Postwar Employment Fund," to be used for public projects and improvements that will provide postwar employment for citizens released from the armed forces."

Amendments read.

**Previous Question**

Senator Gordon moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Biggar.

Senators Rich, Biggar, and Gordon demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Denel, Dillinger, Gordon, Keating, Luckey, Seawell, Swan, Swing, and Tickle—14.

NOES—Senators Breed, Burns, Crittenden, DeLap, Engle, Fletcher, Hatfield, Jespersen, Judah, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Tenney, and Ward—19.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments to Senate Bill No. 103:

**Amendment No. 1**

On page 1, line 9, of the printed bill, strike out "2½", and insert "2".

**Amendment No. 2**

On page 2, line 1, of the printed bill, strike out "one-fifth", and insert "one-fourth".

**Amendment No. 3**

On page 2, line 18, of the printed bill, strike out "2½", and insert "2".

**Amendment No. 4**

On page 2, line 20, of the printed bill, strike out "one-fifth", and insert "one-fourth".

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Carter, Donnelly, Dorsey, Engle, Jespersen, Judah, McBride, Shelley, Swan, and Tenney—10.

NOES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Hatfield, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—27.

**Motion to Amend**

Senators Tenney, Jespersen, Hatfield, Dorsey, Donnelly, Parkman, Brown, Shelley, and Swan moved the adoption of the following amendments to Senate Bill No. 103:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 6051 and Section 6201 of", and insert "Sections 6051 and 6201 of, and to add Section 6363 to".



**Amendment No. 2**

In line 2 of the title of said bill, after "of", insert "and exemptions from".

**Amendment No. 3**

On page 2 of said bill, between lines 28 and 29, insert

"SEC. 2.5. Section 6363 is added to said code, to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from sales of and the storage, use, and other consumption in this State of medicines and drugs. "Medicines" or "drugs" include any substance or mixture of substances intended to be used internally or externally in the diagnosis, cure, treatment, or prevention of diseases of man."

**Amendment No. 4**

On page 2, line 43, of said bill, after "taxation", insert ", and that medicines and drugs be exempted from taxation,".

Amendments read.

**Motion to Table**

Senator Rich moved that the amendments offered by Senators Tenney, Jespersen, Hatfield, Dorsey, Donnelly, Parkman, Brown, Shelley, and Swan be laid on the table.

Senators Tenney, Swan, and Donnelly demanded a roll call

The roll was called, and the amendments tabled by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Dillinger, Engle, Fletcher, Gordon, Judah, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Swing, Tickle, and Ward—23.

NOES—Senators Carter, Crittenden, Deuel, Donnelly, Dorsey, Hatfield, Jespersen, Luckey, McBride, Parkman, Shelley, Slater, Swan, and Tenney—14.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments to Senate Bill No. 103:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "6201", insert "and to repeal Sections 6359, 6360 and 6361".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "the rates of".

**Amendment No. 3**

In lines 3 and 4 of the title of said bill, strike out "providing for the use of part of the proceeds of said taxes,".

**Amendment No. 4**

On page 1, line 8, of said bill, strike out "thereafter. On and"; and strike out all of lines 9 and 10, and insert "and on and after July 1, 1943, the rate shall be 2 per cent."

**Amendment No. 5**

On page 2 of said bill, strike out lines 1 to 9, inclusive.

**Amendment No. 6**

On page 2 of said bill, strike out lines 18 to 28, inclusive, and insert "July 1, 1943, the rate shall be 2 per cent.

Sec. 2.5. Sections 6359, 6360 and 6361 of said code are repealed."

**Amendment No. 7**

On page 2 of said bill, strike out lines 42 to 45, inclusive, and insert "the sales and use tax be more broadly applicable and be reduced."

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Brown, Burns, Carter, Mayo, McBride, and Powers—6.

NOES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Keating, Luckey, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

#### Further Consideration of Senate Bill No. 103

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
**NOES**—Senators Burns and Keating—2.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 4.43 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### President Pro Tempore of the Senate Presiding

At 4.45 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 1104

Assembly Bill No. 855

Assembly Bill No. 33

Assembly Bill No. 918

Assembly Bill No. 222

Assembly Bill No. 1221

Assembly Bill No. 426

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bills ordered to second reading.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1104**—An act to add Section 6077.6 to the Harbors and Navigation Code, relating to harbor districts.

Bill read second time, ordered engrossed, and to third reading.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bill No. 1104 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, engrossed, and placed upon its passage.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Article IV, Section 15 of the Constitution was declared suspended.

Secretary J. A. Beek at the Desk

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 754**—An act to repeal Sections 650 to 653 inclusive, 950 to 954, inclusive, and 958 of the Code of Civil Procedure, relating to rules of practice and procedure on appeal in civil actions and proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 882**—An act to add Sections 1530, 2167, 3052 and 3451 to, and to repeal Section 2183.9 of, the Welfare and Institutions Code, relating to the restoration of previously granted aid under the public assistance laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 767**—An act to prohibit hazing by members of any fraternity at any school, college, or university receiving tax exemption or State appropriations, and to provide penalties therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—Senator Keating—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1007**—An act to add Chapter 10, comprising Section 3,108, to Part 1 of Division 3 of the School Code, relating to report cards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 1096**—An act to amend Section 48a of the Civil Code, relating to libel.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Brown, Burns, Collier, DeLap, Deuel, Judah, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, and Ward—15.

**NOES**—Senators Biggar, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, Powers, Salsman, Shelley, Swan, Swing, and Tickle—20.

**Senate Bill No. 965**—An act to add Section 395.1 to the Code of Civil Procedure, relating to the venue of actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 459**—An act to amend Sections 11525 and 11526 of the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; prescribing penalties for violations thereof; and repealing acts and parts of acts in conflict herewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—34.

**NOES**—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 126**—An act making an appropriation for surveys, investigations, explorations, studies and preliminary plans for conservation, development and utilization of the water resources of San Diego



County and supplemental supplies which may be obtained and imported from outside of said county.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—Cunningham—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 449**—An act making an appropriation for landscaping and auto parking at Marshall's Monument Grounds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 288**—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceeding brought by the Attorney General in the Court of Claims of the United States in behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 643.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 24**—A resolution to propose to the people of the State of California an amendment to Section 3 of Article IX of the State Constitution, relating to county superintendents of schools.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Mayo, McBride, McCormack, Powers, Quinn, Seawell, Slater, Swan, and Swing—9.

NOES—Senators Biggar, Brown, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, Parkman, Salsman, Tenney, Tickle, and Ward—14.

**Senate Bill No. 877**—An act making an annual appropriation for maintenance and repair of the Jenner Jetty on the Russian River.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack,

Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 756**—An act to amend Section 5.750 of the School Code and Section 13841 of the Education Code, relating to absences from duty of employees of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1008**—An act to add Section 6.267 to the School Code, relating to school text books.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1010**—An act to add Section 5.409-2 to the School Code, relating to certified employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 987

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

COLLIER, Chairman

Above reported bill ordered to second reading.

### Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 800

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred,

Assembly Bill No. 1066

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred

Assembly Bill No. 599

Assembly Bill No. 1071

Assembly Bill No. 1604

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bills ordered to second reading.

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 48

Senate Bill No. 229

Senate Bill No. 1044

Senate Bill No. 1071

Senate Bill No. 1086

Senate Bill No. 1107

Senate Bill No. 1108

Senate Bill No. 1112

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 35

Senate Bill No. 240

Senate Bill No. 367

Senate Bill No. 406

Senate Bill No. 502

Senate Bill No. 538

Senate Bill No. 618

Senate Bill No. 620

Senate Bill No. 647

Senate Bill No. 692

Senate Bill No. 1110

Senate Bill No. 1111

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1104

And reports the same correctly engrossed.

SEAWELL, Chairman

#### RESOLUTIONS

The following resolution was offered:

By Senator Donnelly:

##### Senate Resolution No. 122

Relative to appointment of a Senate Fact-Finding Committee on Japanese Resettlement

WHEREAS, Japanese people resident in the State of California have proved to be a serious menace to the peace and safety of the people of the State and of the United States as a whole; and

WHEREAS, The Japanese people have been removed from the State, such removal appearing to be only temporary; and

WHEREAS, The return of Japanese people to the State after termination of the war may conceivably constitute a serious menace to the peace and safety of the people of the State in subsequent years; now, therefore, be it

Resolved by the Senate of the State of California, That there is hereby created a Senate Fact-Finding Committee on Japanese Resettlement, which shall investigate, ascertain and appraise all facts concerning the return of Japanese people to the State after termination of the war; and be it further

*Resolved*, That the committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws both Federal and State, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the committee may make such representations and recommendations to the Federal Government as it may deem advisable, on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and such representations and recommendations shall be representations and recommendations of the committee, and not of the Legislature or the Senate thereof; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for



accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 111  
Assembly Bill No. 370  
Assembly Bill No. 388  
Assembly Bill No. 543  
Assembly Bill No. 1653  
Assembly Bill No. 1672  
Assembly Bill No. 1676  
Assembly Bill No. 1729

Assembly Bill No. 1746  
Assembly Bill No. 1774  
Assembly Bill No. 1962  
Assembly Bill No. 1990  
Assembly Bill No. 2000  
Assembly Bill No. 1492  
Assembly Bill No. 1839  
Assembly Bill No. 1529

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 306  
Assembly Bill No. 378  
Assembly Bill No. 590  
Assembly Bill No. 856

Assembly Bill No. 1205  
Assembly Bill No. 1621  
Assembly Bill No. 1624  
Assembly Bill No. 1995

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Concurrent Resolution No. 55**—Relative to requesting the Department of Finance to make a survey of sleeping cots, beds, mattresses, and bedding which the State has on hand, with the view to making the same available to cities, counties, cities and counties, for use of the armed forces of the United States when on leave.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 111**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled "An act making an appropriation to the Department of Natural Resources, Division of Parks, for

the acquisition of land in Marin County as part of the State Park System," approved July 12, 1941.

Referred to Committee on Natural Resources.

**Assembly Bill No. 370**—An act to add Section 2181.5 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 388**—An act to amend Section 5005 of the Elections Code, relating to the writing and circulation of publications intended to injure or defeat a candidate for public office.

Referred to Committee on Elections.

**Assembly Bill No. 543**—An act to amend Sections 1 and 5a of an act entitled "The California Air Navigation Act," relating to air navigation.

Referred to Committee on Transportation.

**Assembly Bill No. 1653**—An act to add Section 1340.7 to the Fish and Game Code, relating to the taking of bear.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1672**—An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to prescribe the duties and powers of the State Board of Control to administer such aid; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1676**—An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms and floods and for the cost of prevention of further damage and destruction; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1729**—An act to add Section 367f to the Penal Code, relating to intoxication.

Referred to Committee on Judiciary.

**Assembly Bill No. 1746**—An act to amend Sections 3656 and 3659 of, and to add Sections 3659.3, 3659.5, 3659.6, 3659.7, 3659.9, 3791.5, and 4653.1 to the Revenue and Taxation Code, relating to the management of tax-deeded property, providing for the distribution of the proceeds therefrom to the taxing agencies and revenue districts having interests in such property, prescribing the powers and duties of the State Controller and of the taxing agencies, revenue districts, and the officers thereof in relation to such property, establishing a Redemption Tax Fund, and making an appropriation.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1774**—An act to amend Sections 3, 4, 12, 15.1, 15.2, 15.3, 15.4, and 15.5 of an act entitled "An act defining credit

unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, to amend and renumber Sections 8, 23, 24, 24.5, and 25 thereof to be Sections 24.4, 23.1, 24.1, 8, and 28 respectively, and to add Sections 2.1, 21.3, 21.6, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 24.2, 24.3, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26, 26.1, and 27 thereto, all relating to credit unions, specifying the powers and duties thereof, providing procedures for merger and for dissolution thereof, transferring the supervision thereof and the administration of the act from the Commissioner of Corporations to a new Credit Union Commission established hereby, providing for the appointment, establishment, powers and duties of said commission, and making an appropriation.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1962** — An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1990** — An act to amend Section 4029 of the Political Code, relating to supervisorial districts.

Referred to Committee on Local Government.

**Assembly Bill No. 2000** — An act to amend Sections 2701, 2709, 2722 and 2724 of the Penal Code, relating to prison made goods, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 1492** — An act to amend Sections 736.2 and 736.15 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream provisions of said code and to control boards thereunder, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1839** — An act to add Section 1944.1 to the Labor Code, relating to the employment of certain aliens and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Labor.

**Assembly Bill No. 1529** — An act to add Section 512 to the Vehicle Code, relating to speed limits on highways under construction or repair.

Referred to Committee on Transportation.

**Assembly Bill No. 306** — An act to establish a Postwar Reserve for the construction and reconstruction of State buildings and institutions; defining the powers and duties of State officers in connection therewith, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 378** — An act providing for the preparation and publication of the California Administrative Register and the California Administrative Code, and making an appropriation therefor.

Referred to Committee on Judiciary.

**Assembly Bill No. 590**—An act to add Section 9606.7 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 856**—An act to amend Section 186 of the Vehicle Code, relating to transfers of vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1205**—An act to amend Section 1713 of the Welfare and Institutions Code, relating to the Advisory Panel created by the Youth Correction Authority Act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1621**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and the district courts of appeal.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1624**—An act to add Section 356.5 to the Streets and Highways Code, relating to the powers of the California Highway Commission and Department of Public Works in respect to the abandonment of State highways, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1995**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Referred to Committee on Governmental Efficiency.

**Assembly Joint Resolution No. 17**—Relative to assistance to needy disabled persons.

Referred to Committee on Welfare and Institutions.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 871**—An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 705, 708, 711 and 7243, of the Fish and Game Code, relating to fish;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on April 21, 1943, be further amended as follows:

##### Amendment No. 1

On page 2, line 4, of the printed bill, strike out "Kentucky Bass", and insert "spotted bass."

##### Amendment No. 2

On page 2, line 6, of the printed bill, strike out "Kentucky Bass", and insert "spotted bass."

ENGLE  
QUINN  
KEATING

Senate Committee on Conference

LOWREY  
ROSENTHAL  
SHERIDAN

Assembly Committee on Conference



The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 934**—An act to amend Section 643 of, and to add Section 643 2 to, the Agricultural Code, relating to the definition for insulating dairy farms, declaring the urgency thereof, to take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

**CRITTENDEN**

**BIGGAR**

**HATFIELD**

Senate Committee on Conference

**THORP**

**BILL S. RALPH**

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Luckey, Mayo, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 1996, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 1996

**Assembly Bill No. 1996**—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

*Resolved*, That Assembly Bill No. 1996 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 1996**—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

Bill read second time.

**Assembly Bill No. 1996**—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1095**—An act to add Section 205 to the Water Code, relating to membership of the Department of Public Works in National associations for the promotion of reclamation and irrigation and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF SENATE JOINT  
RESOLUTION NO. 25**

Senator Judah moved that Senate Joint Resolution No. 25 be withdrawn from Committee on Welfare and Institutions for consideration. Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1011**—An act to add Section 538.5 to the School Code, relating to suspension of diplomas and certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1013**—An act to add Section 5.712a to the School Code, relating to reappointment rights of permanent employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1040**—An act to add Section 2.1402 to the School Code and Article 3, comprising Section 24541, to Chapter 5 of Division 12, of the Education Code, relating to identification emblems for children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 833**—An act to add Sections 4.931 and 4.932 to the School Code, relating to the computation of average daily attendance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, DeLap, Denel, Dillinger, Donnelly, Engle, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—Senators Collier, Gordon, Jespersen, Mayo, and McBride—5.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 781**—An act to add Section 19532.1 to the Business and Professions Code, relating to horse racing and horse race meetings, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 319**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and

of judges of the superior courts and municipal courts." approved July 1, 1937, relating to retirement of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 809**—An act providing for the transfer of all lands owned by the State on Sherman Island to the State Lands Commission, and providing for the sale thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 248**—An act to add Section 1325.5 to the Streets and Highways Code, relating to county bridges and subways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Slater, Swan, Swing, and Ward—27.

NOES—Senators Shelley and Tenney—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1073**—An act to amend Section 737w of the Political Code, relating to the judge's salary for the County of Mendocino.

#### Motion to Re-refer Senate Bill No. 1073

Senator Swing moved that Senate Bill No. 1073 be re-referred to Committee on Local Government.

Motion carried.

**Senate Bill No. 581**—An act to amend Section 3493 of the Political Code, relating to reclamation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 57**—An act to amend Section 340 of the Military and Veterans Code, relating to compensation insurance for members of



the State Guard, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1099**—An act to amend Section 373 of the Elections Code, relating to elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 11**—An act to add Section 8821.1 to the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Slater, Swan, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 195**—An act to add Section 38h to the State Employees Retirement Act, relating to city retirement systems.

**Motion to Refer Bill to Inactive File**

Senator Dorsey moved that Senate Bill No. 195 be placed on the inactive file.

Motion carried.

**Senate Bill No. 980**—An act to add Section 7.1 to the Unemployment Insurance Act, relating to employments excluded from the act.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Biggar, Breed, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Hatfield, McCormack, Mixer, Parkman, Salsman, Swing, Tickle, and Ward—15.

**NOES**—Senators Brown, Carter, Collier, Crittenden, Dillinger, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Tenney—20.

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 921**—An act to amend Section 1981 of the Government Code, relating to injury to person or property by reason of the defective condition of public property or the negligence or carelessness of any officer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Judah, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swing, and Tenney—23.

**NOES**—Senators Brown, Carter, Donnelly, Dorsey, Jespersen, Keating, McBride, Salsman, Shelley, Swan, and Ward—11.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 1**—Relative to old-age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Ward—34.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### Senate Resolution No. 121

Relative to consideration of tax reduction bills

*Resolved by the Senate of the State of California.* That all consideration by the Senate of Senate Bill No. 103 and Assembly Bills Nos. 876, 883 and 884 shall be, and the same is hereby, postponed until the Senate has considered and disposed of Senate Bill No. 1086.

#### Motion to Strike From File

Senator Hatfield moved that Senate Resolution No. 121 be stricken from the file.

Motion carried.

### REPORTS OF STANDING COMMITTEES

#### Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 669

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

**RICH, Chairman**

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 902

Assembly Bill No. 131

Assembly Bill No. 796

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

**RICH, Chairman**

Above reported bills ordered to second reading.

#### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1090

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

**GORDON, Chairman**

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1692

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

**GORDON, Chairman**

Above reported bill ordered to second reading.

**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1058

Assembly Bill No. 687

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1150

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1935

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 234

Senate Bill No. 445

Senate Bill No. 270

Senate Bill No. 1082

Senate Bill No. 431

Senate Joint Resolution No. 25

Senate Constitutional Amendment No. 28

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 198

Senate Bill No. 866

Senate Bill No. 313

Senate Bill No. 987

Senate Bill No. 509

Senate Bill No. 1100

Senate Bill No. 796

Senate Bill No. 1109

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 129

And reports the same correctly re-engrossed.

SEAWELL, Chairman



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 731  
Assembly Bill No. 1012  
Assembly Bill No. 1021  
Assembly Bill No. 1242

Assembly Bill No. 1626  
Assembly Bill No. 1802  
Assembly Bill No. 2002

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 731**—An act to amend Section 4287 and to repeal Section 4287a of the Political Code, relating to compensation for public services in counties of the fifty-eighth class.

Referred to Committee on Local Government.

**Assembly Bill No. 1012**—An act to amend Sections 102 and 112 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1021**—An act to amend Sections 10490, 10492, 10493, 10494, 10495, 10497, 10498, 10499 and 10501 and to add Sections 10494.5 and 10498.5 to, the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1242**—An act to amend Section 45 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Referred to Committee on Local Government.

**Assembly Bill No. 1626**—An act to amend Section 4013 of the Business and Professions Code, relating to the California State Board of Pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1802**—An act to repeal Section 45.9 of the Unemployment Insurance Act, relating to judgments and liens thereunder.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 2002**—An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 669**—An act to amend Section 6381 of the Revenue and Taxation Code, relating to the sales tax.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 6381 of", and insert "add Section 6829 to".

**Amendment No. 2**

On page 1, line 1, of the printed bill, strike out "6381 of", and insert "6829 is hereby added to".

**Amendment No. 3**

On page 1, line 2, of the printed bill, strike out "is amended", and insert a comma.

**Amendment No. 4**

On page 1 of the printed bill, strike out all of lines 3 to 8, inclusive, and insert "6829. The board is authorized, with the approval of the Governor, to enter into agreements with the Government of the United States, or any department or agency thereof, for the purpose of coordinating the administration of taxes imposed by that Government with taxes administered under this part. The board is empowered to undertake such commitments and make such expenditures, within the appropriations provided by law, as may be required to effectuate the agreements so made."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 902**—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1090**—An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 17, of the printed bill, strike out "and".

**Amendment No. 2**

On page 1, line 17, of the printed bill, after "equipment", insert ", operation and maintenance".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

## RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Ward:

*Resolved*, That Senate Bills Nos. 669, 902 and 1090 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each

house is hereby dispensed with, and it is ordered that said bills be read the third time, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item 221 of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1071**—An act to amend Sections 321 and 324 of the Military and Veterans Code, relating to the military and naval forces of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Josperson, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 229**—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1107**—An act to amend Section 505 of, and to add Sections 505.5 and 505.6 to, the Public Resources Code, relating to forestry and providing for the administration of the laws relating thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—28.

NOES—Senators Dillinger, Donnelly, and Dorsey—3.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1112**—An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 480**—An act to repeal an act entitled "An act to regulate motorboats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motorboat regulation and the disposition of money in the Boat Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 48**—An act to amend Section 221 of the State Civil Service Act, relating to preferences to veterans and their widows in examinations.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luekey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 554**—An act to add Section 6220 to the Public Resources Code, relating to acceptance of quitclaim deeds by the State Lands Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1108**—An act to add Section 8 to an act entitled "An act to authorize the county judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests," approved March 6, 1868, as amended and supplemented, relating to the conveyance of certain streets and alleys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luekey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1044**—An act to add Section 4460 to the Labor Code, relating to workmen's compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1100**—An act to add Sections 28.5, 28.6, 28.7, and 28.8 to the California Water District Act, relating to the liability of districts organized under said act and the liability of officers, agents, and employees of said districts, and providing that such districts may insure against such liabilities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—25.

NOES—Senators Carter, Dorsey, Keating, Powers, Quinn, Salsman, and Swan—7.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 509**—An act to add Article 6, comprising Sections 4421 to 4432, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition and reforestation of cut-over lands, making an appropriation and creating a fund.

Bill read third time.

**Motion to Amend**

Senator Biggar moved the adoption of the following amendments:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 1 to 23, inclusive.

**Amendment No. 2**

On page 2 of the printed bill, as amended, strike out lines 1 to 52, inclusive.

**Amendment No. 3**

On page 3 of the printed bill, as amended, strike out lines 1 to 52, inclusive.

**Amendment No. 4**

On page 4 of the printed bill, as amended, strike out lines 1 to 19, inclusive.

**Amendment No. 5**

On page 4, line 24, of the printed bill, as amended, strike out "Sec. 2.", and insert "Section 1."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 866**—An act to add Sections 5015, 5016, and 5017 to the Public Resources Code, relating to parks and beaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—23.

NOES—Senators Breed, Carter, DeLap, Deuel, Dorsey, Engle, Gordon, Keating, Luckey, Mixter, Powers, Quinn, Rich, Swan, and Tickle—15.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1109**—An act to amend Section 37 of the Unemployment Insurance Act, relating to contributions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1111**—An act to amend Section 10074 of, to add Sections 10009.5, 10023, 10024, 10025 and 11011.5 to, and to add Chapter 7, comprising Sections 10500 to 10600, to Part 1 of Division 4 of, the Business and Professions Code, relating to transactions in mineral,

oil or gas property, regulating mineral, oil and gas brokers and salesmen and prescribing the powers and duties of the State Division of Real Estate with respect thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Judah, Mayo, McCormack, Mixter, Parkman, Rich, Salzman, Seawell, Slater, Swing, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 807**—An act to repeal an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved by the Governor, June 14, 1935, to establish the "State Economic Planning Commission" and prescribing its powers and duties; authorizing the State Economic Planning Commission to make investigations, reports, recommendations and plans for a program for the promotion, development, conservation and utilization of the human, natural, and economic resources of the State; making an appropriation; and to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the State Planning Board to the State Economic Planning Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Judah, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salzman, Seawell, Slater, Swing, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Joint Resolution No. 25**—Relative to old-age assistance.

Motion to Strike From File

Senator Judah moved that Senate Joint Resolution No. 25 be stricken from the file.

Motion carried.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 193  
Assembly Bill No. 257  
Assembly Bill No. 361  
Assembly Bill No. 628  
Assembly Bill No. 698  
Assembly Bill No. 1139  
Assembly Bill No. 1222  
Assembly Bill No. 1232  
Assembly Bill No. 1306  
Assembly Bill No. 1334  
Assembly Bill No. 1415

Assembly Bill No. 1513  
Assembly Bill No. 1515  
Assembly Bill No. 1516  
Assembly Bill No. 1518  
Assembly Bill No. 1519  
Assembly Bill No. 1521  
Assembly Bill No. 1522  
Assembly Bill No. 1969  
Assembly Bill No. 1991  
Assembly Bill No. 2003

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 193**—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 257**—An act to add Section 252.5 to the Health and Safety Code, relating to children with an impaired sense of hearing, and making an appropriation therefor.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 361**—An act to amend Sections 860 and 862 of the Welfare and Institutions Code, relating to expenditures by the counties for the support of wards.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 628**—An act to amend Sections 8963 and 8982 of the Health and Safety Code, relating to public cemetery districts.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 698**—An act making an appropriation for the control and eradication of Oriental fruit moth, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1139**—An act to add Sections 153.1, 153.2, and 153.3 to the Agricultural Code, relating to eradication of Oriental fruit moth and indemnification for host plants removed and destroyed in connection therewith, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1222**—An act to add Section 2.1364-2 to the School Code and to add Article 2.1 to Chapter 15 of Division 2 of the Education Code, relating to the powers and duties of the Director of Education, and making an appropriation.

Referred to Committee on Education.

**Assembly Bill No. 1232**—An act to amend Sections 2, 45, 45.9, 45.10, 91, 92, and 94 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1306**—An act making an appropriation of two thousand dollars (\$2,000) for the purchase of the files of "American Flag."

Referred to Committee on Finance.

**Assembly Bill No. 1334**—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

Referred to Committee on Welfare and Institutions.



**Assembly Bill No. 1415**—An act to add Section 25 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, and to add Section 27173 to the Streets and Highways Code, to provide for the building of approach roads in cooperation with city, city and county, county, district, and State authorities.

Referred to Committee on Transportation.

**Assembly Bill No. 1513**—An act providing for the acquisition of specified property by the Department of Employment.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1515**—An act to add Sections 56.6 and 56.7 to the Unemployment Insurance Act, relating to cooperation between States in the collection of contributions and obtaining of wage records.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1516**—An act to amend Section 52.1 of the Unemployment Insurance Act, relating to the filing of claims.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1518**—An act to amend Sections 45.2, 45.3 and 45.5 of the Unemployment Insurance Act, relating to wage records and the collection of contributions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1519**—An act to amend Sections 44, 45.11 and 46.1 of the Unemployment Insurance Act, relating to the collection of contributions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1521**—An act to amend Section 27 of the Unemployment Insurance Act, relating to the escheating of funds.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1522**—An act to amend Section 9.7 of the Unemployment Insurance Act, relating to the termination of subject status.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1969**—An act to add Section 4 to an act entitled "An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor," approved July 11, 1941, relating to availability of any unexpended balance of the appropriation made therein, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

**Assembly Bill No. 1991**—An act making an appropriation for the support of the California Commission on Interstate Cooperation, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 2003**—An act to amend Sections 1701 and 1710 of, the heading of Chapter 1 of Division 2.5 of, and the headings of Articles 2, 3 and 4 of Chapter 1 of Division 2.5 of, and to repeal Section 1711.5 of, and to add Sections 1725 and 1742 to, the Welfare and Institutions Code, relating to the Youth Authority and the care, custody and rehabilitation of youths, providing for the costs of such care, custody and rehabilitation, and making an appropriation.

Referred to Committee on Welfare and Institutions.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 365

Senate Bill No. 902

Senate Bill No. 554

Senate Bill No. 1061

Senate Bill No. 807

Senate Bill No. 1083

And reports the same correctly engrossed

SEAWELL, Chairman

## FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 9 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 103 passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

**NOES**—Senators Biggar, Carter, Collier, Dillinger, Luckey, and Swan—6.

## FURTHER CONSIDERATION OF SPECIAL ORDERS

**Assembly Bill No. 876**—An act to amend Sections 5, 5.1 and 10 of, and to add Section 29.5 to the Personal Income Tax Act and to amend Sections 17052, 17053.5 and 17952 of, and to add Chapter 13.5, comprising Sections 19200 to 19205, inclusive, to Part 10 of Division 2 of the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

### Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

### Amendment No. 1

On page 15, line 38, of said bill, strike out "bill 103", and insert "bills 103 and 1086".

Amendment read.

### Motion to Table

Senator Swing moved that the amendment offered by Senator Hatfield to Assembly Bill No. 876 be laid on the table.

The roll was called, and the motion lost by the following vote:

**AYES**—Senators Breed, Cunningham, DeLap, Denel, Dillinger, Fletcher, Judah, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Slater, Swing, Tickle, and Ward—17.

**NOES**—Senators Biggar, Brown, Carter, Crittenden, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Keating, Luckey, McBride, Powers, Salsman, Seawell, Shelley, Swan, and Tenney—18.

**Further Consideration of the Amendment by Senator Hatfield to  
Assembly Bill No. 876**

**Amendment No. 1**

On page 15, line 38, of said bill, strike out "bill 103", and insert "bills 103 and 1086".

Amendment read.

**Previous Question**

Senator Swing moved the previous question.

Motion carried.

The question being on the adoption of the amendment by Senator Hatfield.

Senators Rich, Jespersen, and Hatfield demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Powers, Salsman, Seawell, Shelley, Swan, and Tenney—19.

**NOES**—Senators Breed, DeLap, Denel, Dillinger, Fletcher, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Slater, Tickle, and Ward—14.

Bill ordered printed, re-engrossed, and to third reading.

**RECESS**

At 9.05 p.m., on motion of Senator DeLap, the Senate recessed until 9.25 p.m.

**REASSEMBLED**

At 9.25 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 178  
Assembly Bill No. 301  
Assembly Bill No. 302  
Assembly Bill No. 377  
Assembly Bill No. 990  
Assembly Bill No. 1186  
Assembly Bill No. 1345  
Assembly Bill No. 1346

Assembly Bill No. 1348  
Assembly Bill No. 1485  
Assembly Bill No. 1514  
Assembly Bill No. 1538  
Assembly Bill No. 1581  
Assembly Bill No. 1582  
Assembly Bill No. 1979

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 178**—An act to add Sections 18191.5 and 18202.5 to the Education Code, relating to the powers and duties of the State

Division of Architecture with respect to protection from fire and panic hazard.

Referred to Committee on Education.

**Assembly Bill No. 301**—An act to amend Section 79.07 of the Civil Code, relating to destruction of records by county clerks.

Referred to Committee on Judiciary.

**Assembly Bill No. 302**—An act to amend Section 925 of the Probate Code, relating to disposal of vouchers filed by executors or administrators.

Referred to Committee on Judiciary.

**Assembly Bill No. 377**—An act to add Chapter 5 to Part 1, Division 7 of the Business and Professions Code, regulating defense training schools, and providing for the issuance of licenses, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Business and Professions.

**Assembly Bill No. 990**—An act to amend Section 721 of the Political Code, relating to the filing of regulations of State agencies.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1186**—An act to amend Sections 6650, 6651, 6655 and 6662, and to repeal Section 6657 of, and to add Section 6727.5 of the Welfare and Institutions Code, relating to the property and support of patients in State hospitals or patients on parole from such hospitals.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1345**—An act to amend Section 409 of the Political Code, relating to the fees of the Secretary of State.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1346**—An act to amend Section 14427 of the Business and Professions Code, relating to the registration of container brands.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1348**—An act to amend Section 14483 of the Business and Professions Code, relating to the registration of laundry supply designations.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1485**—An act to amend Section 412 of the Political Code, relating to the Secretary of State.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1514**—An act to add Section 64 and amend Section 101 of the Unemployment Insurance Act, relating to the recoupment of erroneous payments and the prevention of collusion.

Referred to Committee on Welfare and Institutions.



**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1581**—An act to amend Section 12 of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this State and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, relating to the reinstatement of corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1582**—An act to amend Sections 290 and 403e of the Civil Code, relating to corporations.

Referred to Committee on Judiciary.

**Assembly Bill No. 1979**—An act to be known as the "Local Area Rehabilitation Act" to authorize cities, counties and cities and counties to reorganize, rehabilitate and reconstruct retrograde areas within the territories thereof; defining such retrograde areas and declaring the existence thereof; declaring the necessity of such reorganization, rehabilitation and reconstruction of such retrograde areas for the preservation of the public peace, health and safety and that same constitutes a public use and purpose for which private property may be condemned and granting such cities, counties and cities and counties the right to exercise the power of eminent domain and to enter into contracts for such purposes and that for such purposes public moneys may be spent and other aid given; establishing planning commissions in certain cases and conferring certain powers and duties upon such planning commissions and the legislative bodies of such communities for the purpose of carrying out the purposes of this act; empowering such legislative bodies to make contracts with property owners and others; to sell such properties in the manner prescribed in this act and to take and foreclose mortgages, and to take and enforce undertakings given in the performance of the terms of this act; to maintain actions for the enforcement of such contracts, and prescribing procedure for the performance of the duties of such legislative bodies and planning commissions under this act, and establishing such commissions as State agencies and waiving the trust status of the properties bought and sold in pursuance of the purposes of this act and declaring that this act and the powers thereby conferred are for public use and purpose.

Referred to Committee on Local Government.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 268  
Assembly Bill No. 360  
Assembly Bill No. 427  
Assembly Bill No. 754  
Assembly Bill No. 798  
Assembly Bill No. 900  
Assembly Bill No. 1185  
Assembly Bill No. 1192

Assembly Bill No. 1336  
Assembly Bill No. 1343  
Assembly Bill No. 1386  
Assembly Bill No. 1628  
Assembly Bill No. 1823  
Assembly Bill No. 1824  
Assembly Bill No. 1997  
Assembly Bill No. 2004

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 268**—An act to amend Sections 101, 102, and 103 of the Welfare and Institutions Code, to repeal Sections 105, 106, and 130 thereof, and to add Section 105 thereto, relating to the State Department of Social Welfare, abolishing the present Social Welfare Board in the department and transferring its powers, duties, responsibilities and jurisdiction to a Social Welfare Board created by this act, abolishing the Office of Director of the Department of Social Welfare and transferring its powers, duties, responsibilities and jurisdiction to a new Office of Director of Social Welfare, and providing for the appointment and tenure of office of the members of the board and of the director.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 360**—An act to amend Section 1711.5 of the Welfare and Institutions Code and to make an appropriation for the support of the Youth Authority, to take effect immediately.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 427**—An act to amend Sections 6304 and 6320 of the Business and Professions Code, relating to boards of law library trustees and law libraries.

Referred to Committee on Business and Professions.

**Assembly Bill No. 754**—An act to repeal Section 685 and to amend Sections 336 and 337.5 of the Code of Civil Procedure of the State of California, all relating to limitation of actions and execution.

Referred to Committee on Judiciary.

**Assembly Bill No. 798**—An act to add Section 6009.1 to the Revenue and Taxation Code, relating to the definition of "Storage" and "Use" in the Sales and Use Tax Law, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 900**—An act to amend Section 226 of the Civil Code, relating to the adoption of children.

Referred to Committee on Judiciary.

**Assembly Bill No. 1185**—An act to add Section 6564 to the Welfare and Institutions Code, relating to nonprofit stores on the grounds of State institutions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1192**—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to dipsomaniacs, inebriates and stimulant addicts.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1336**—An act to amend Section 4212 of, and to add Section 4215 to, the Business and Professions Code, relating to pharmacy.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1343**—An act to amend Section 6731 of the Welfare and Institutions Code, relating to the discharge of patients from State hospitals, and for their subsequent care and support.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1386**—An act to add Section 16 to "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to jurors fees.

Referred to Committee on Local Government.

**Assembly Bill No. 1628**—An act to add Section 108.5 to the Business and Professions Code, relating to fees and expenses of witnesses.

Referred to Committee on Business and Professions.

**Assembly Bill No. 1823**—An act to add Section 4090.2 to the Political Code, relating to county coroners.

Referred to Committee on Local Government.

**Assembly Bill No. 1824**—An act to amend Section 454 of the Health and Safety Code, relating to county health officers.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1997**—An act prohibiting black market transactions in any rationed commodity, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

**Assembly Bill No. 2004**—An act to amend Sections 1, 2, 4.5, 9, 10, 11, and 13 and to add Sections 4.1, 9.1, and 9.2 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems and providing for the inclusion in such systems of county and district employees engaged in fire prevention and suppression work, including work related thereto.

Referred to Committee on Local Government.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 9.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1746

Assembly Bill No. 716

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1106

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 294

Assembly Bill No. 1012

Assembly Bill No. 1021

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1774

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 370

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.



**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 830

Senate Bill No. 1103

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 410

Senate Bill No. 890

Senate Bill No. 1113

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 669

Senate Bill No. 1090

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 509

And reports the same correctly re-engrossed.

SEAWELL, Chairman

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In the next to the last line of the title of the printed bill, strike out "registers of investors,".

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 6 and 7, and insert "any association he shall cause to be kept and maintained adequate and cor-".

**Amendment No. 3**

On page 1 of the printed bill, strike out lines 10 to 17, both inclusive, and insert "receipts, disbursements, gains and losses."

**Amendment No. 4**

On page 1, line 18, of the printed bill, strike out ", the register or registers of investors".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 830**—An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 1103**—An act to amend Sections 2003, 2005, 2008, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2187, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2014, 2016, 2017, 2020.05, 2142.5, 2143, 2162.5, 2163.1, 2163.2, 2163.7, 2181.1, 2182.1, 2183.1, and 2194 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 410**—An act making an appropriation for the acquisition for State park purposes of certain lands in San Mateo County to be incorporated in the State Park System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, strike out "appropriated", and insert "apportioned".

**Amendment No. 2**

On page 1, line 8, of said bill, after "appropriated", insert "to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 890**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "fifty-five thousand dollars (\$55,000)", and insert "twenty-two thousand dollars (\$22,000)".

**Amendment No. 2**

On page 1 of the printed bill, after line 5, insert "The money herein appropriated is in addition to, and in augmentation of, the appropriation contained in Item 50 in Section 2 of the "Budget Act of 1943." "

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 1113**—An act to create a Commission on Governmental Organization, defining its powers and duties and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 2, of the printed bill, strike out "president pro tempore", and insert "rules committee".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bills Nos. 370, 830, 1103, 410, 890, and 1113 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Keating, Landry, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—29.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1060**—An act to amend Section 3966 of the Political Code, relating to the reestablishment and redefinitions of county boundaries, including the boundaries of Yuba County.

**Motion to Re-refer Senate Bill No. 1060**

Senator Rich moved that Senate Bill No. 1060 be re-referred to Committee on Local Government.

Motion carried.

**FURTHER CONSIDERATION OF SPECIAL ORDER**

**Assembly Bill No. 883**—An act to add Section 7.5 to the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations.

Bill read third time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 11, of the printed bill, as amended, strike out "bill 103", and insert "Bills 103 and 1086".

Amendment read.

The roll was called, and the amendment adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Luckey, Mayo, McBride, McCormack, Powers, Quinn, Salsman, Seawell, Slater, Swan, and Tenney—29.

NOES—Senators DeLap, Rich, and Ward—3.

#### Motion to Amend

Senator DeLap moved the adoption of the following amendments to Assembly Bill No. 883:

##### Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "corporations", insert " , providing for the use of part of the proceeds of said tax".

##### Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "eighty-five per cent (85%) of the amount so computed.

Of the proceeds of the tax levied by this act which are deposited in the Bank and Corporation Franchise Tax Fund pursuant to Section 23 of this act on and after July 1, 1943, and to and including December 31, 1945, one-tenth shall be transferred by the Controller to General Fund and set aside as a Postwar Employment Reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the Postwar Employment Reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the Postwar Employment Reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interest of the State in effectuating the purposes of this section. The increment from such investments shall accrue to the General Fund."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 884**—An act to add Section 5.5 to the Corporation Income Tax Act, relating to the income tax imposed on corporations.

Bill read third time.

#### Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

##### Amendment No. 1

On page 1, line 11, of the printed bill, as amended, strike out "bill No. 103", and insert "Bills 103 and 1086".

Amendment read and adopted.

#### Motion to Amend

Senator DeLap moved the adoption of the following amendments to Assembly Bill No. 884:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "corporations", insert " , providing for the use of part of the proceeds of said tax".

##### Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "be eighty-five per cent (85%) of the amount so computed.

Of the proceeds of the tax levied by this act which are deposited in the Bank and Corporation Franchise Tax Fund pursuant to Section 27 of this act on and after July 1, 1943, and to and including December 31, 1945, one-tenth shall be transferred by the Controller to General Fund and set aside as a Postwar Employment Reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar



employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the Postwar Employment Reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the Postwar Employment Reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interest of the State in effectuating the purposes of this section. The increment from such investments shall accrue to the General Fund."

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

PALS CLUB, STATE CAPITOL, SACRAMENTO, April 21, 1943

*To the President and Members of the California State Senate*

The members of the Pals Club wish to express their sincere appreciation for the beautiful dinner dance, Friday evening, April 16th. The graciousness of our hosts, the beauty of the arrangements, the charm of the entertainment have made this particular dinner a high standard by which to gauge all future gatherings.

We fully realize these are war times, but for the sake of our gallant men and women in the armed forces, we must not forget how to live graciously and normally, as well as patriotically. Because—We are Americans.

Appreciatively,

MRS. RANDOLPH COLLIER, President  
MRS. ALLEN G. THURMAN, Secretary

#### THIRD READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 445**—An act to add Section 5015 to the Public Resources Code, relating to appointment of a Beach Erosion Control Engineer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—23.

**NOES**—Senators Breed, DeLap, Dorsey, Engle, Gordon, Hatfield, Keating, Luckey, Mixter, Powers, Quinn, Rich, Swan, and Tickle—14.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 198**—An act to amend Section 4803 of, and add Sections 4807.2, 4807.3, 4812.5 and 4814 to, the Penal Code, relating to commutations, pardons, and the Advisory Pardon Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 9.35 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**RECESS**

At 9.35 p.m., on motion of Senator Seawell, the Senate recessed until 9.55 p.m.

**REASSEMBLED**

At 9.55 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Chief Assistant Secretary Harry A. Hammond at the desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 9.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
REPORTS OF STANDING COMMITTEES**

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1066

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 910

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 611

Senate Bill No. 307

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 40

Senate Concurrent Resolution No. 44

Assembly Concurrent Resolution No. 52

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 830

Senate Bill No. 1103

And reports the same correctly engrossed.

SEAWELL, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 45:** By Senator Swing—Relative to the creation of a Joint Committee to Investigate the Water Situation of Needles and Vicinity.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 45

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolution ordered to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 1066**—An act making an appropriation to the Division of Architecture Revolving Fund for preparation of plans for State building program.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 910**—An act making an appropriation to the Department of Agriculture for the purpose of constructing, establishing, equipping, and operating a poultry and animal disease diagnostic and testing laboratory in Stanislaus County.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "twenty thousand dollars (\$20,000)", and insert "ten thousand dollars (\$10,000)".

**Amendment No. 2**

On page 1, line 2, of said bill, after "appropriated", insert "to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 611**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 25, of the printed bill, as amended, after "paid", insert "provided further that said toll road shall not be acquired while the road is under lease to the Federal Government unless by agreement of the Federal Government the rental for such road shall be paid to the State for the remainder of the term of said lease; provided, however, that the commission may enter into an agreement with the owners of said road to purchase the same at an agreed price when the Federal Government vacates the property if the owners thereof agree to deposit in trust, to be paid to the State upon acceptance of the road on behalf of the State, the amount received by or due said owners from the Federal Government as rental for the period between the date of the agreement to purchase and the date of termination of the lease, or in lieu thereof the owners agree to deduct from the agreed purchase price an amount equal to such rental."

**Amendment No. 2**

On page 2, line 7, of said bill, strike out "in the State treasury", and insert "apportioned by subdivision (b) of Section 5014 of the Public Resources Code to the State Park Maintenance and Acquisition Fund".

**Amendment No. 3**

On page 2, line 8, of said bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 307**—An act to amend Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of the School Code and to amend Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975, and 6977 of the Education Code, relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

Beginning in line 1 of the title of the printed bill, as amended, strike out "amend Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of", and insert "add Sections 4.1-1, 4.781-1, 4.782-1, 4.784-1, 4.791-1, 4.793-1, 4.794-1, and 4.796-1 to".

**Amendment No. 2**

Beginning in line 2 of the title of the printed bill, as amended, strike out "amend Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975, and 6977 of", and insert "add Sections 5151.1, 6952.1, 6953.1, 6957.1, 6972.1, 6974.1, 6975.1, and 6977.1 to".

**Amendment No. 3**

On page 1, line 1, of the printed bill, as amended, strike out "Section 4.1 of the School Code is amended", and insert "Section 4.1-1 is added to the School Code".



**Amendment No. 4**

On page 1, line 3, of the printed bill, as amended, strike out "4.1.", and insert "4.1-1."

**Amendment No. 5**

On page 1, line 10, of the printed bill, as amended, strike out "thirty-seven dollars and fifty cents (\$37.50)", and insert "thirty-five dollars (\$35)".

**Amendment No. 6**

On page 2, line 11, of the printed bill, as amended, strike out "Section 4.781 of the School Code is amended", and insert "Section 4.781-1 is added to the School Code".

**Amendment No. 7**

On page 2, line 13, of the printed bill, as amended, strike out "4.781.", and insert "4.781-1."

**Amendment No. 8**

On page 2, line 15, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 9**

On page 2, line 20, of the printed bill, as amended, strike out "Section 4.782 of the School Code is amended", and insert "Section 4.782-1 is added to the School Code".

**Amendment No. 10**

On page 2, line 22, of the printed bill, as amended, strike out "4.782.", and insert "4.782-1."

**Amendment No. 11**

On page 2, line 24, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 12**

On page 2, line 28, of the printed bill, as amended, strike out "Section 4.784 of the School Code is amended", and insert "Section 4.784-1 is added to the School Code".

**Amendment No. 13**

On page 2, line 30, of the printed bill, as amended, strike out "4.784.", and insert "4.784-1."

**Amendment No. 14**

On page 2, line 32, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 15**

On page 2, line 38, of the printed bill, as amended, strike out "Section 4.791 of the School Code is amended", and insert "Section 4.791-1 is added to the School Code".

**Amendment No. 16**

On page 2, line 40, of the printed bill, as amended, strike out "4.791.", and insert "4.791-1."

**Amendment No. 17**

On page 2, line 45, of the printed bill, as amended, strike out "thirty-seven dollars and fifty cents (\$37.50)", and insert "thirty-five dollars (\$35)".

**Amendment No. 18**

On page 3, line 1, of the printed bill, as amended, strike out "Section 4.793 of the School Code is amended", and insert "Section 4.793-1 is added to the School Code".

**Amendment No. 19**

On page 3, line 3, of the printed bill, as amended, strike out "4.793.", and insert "4.793-1."

**Amendment No. 20**

On page 3, line 4, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 21**

On page 3, line 8, of the printed bill, as amended, strike out "Section 4.794 of the School Code is amended", and insert "Section 4.794-1 is added to the School Code".

**Amendment No. 22**

On page 3, line 10, of the printed bill, as amended, strike out "4.794.", and insert "4.794-1."

**Amendment No. 23**

On page 3, line 11, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 24**

On page 3, line 15, of the printed bill, as amended, strike out "Section 4.796 of the School Code is amended", and insert "Section 4.796-1 is added to the School Code".

**Amendment No. 25**

On page 3, line 17, of the printed bill, as amended, strike out "4.796.", and insert "4.796-1."

**Amendment No. 26**

On page 3, line 18, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 27**

On page 3, line 29, of the printed bill, as amended, strike out "Section 5151 of the Education Code is amended", and insert "Section 5151.1 is added to the Education Code".

**Amendment No. 28**

On page 3, line 31, of the printed bill, as amended, strike out "5151.", and insert "5151.1."

**Amendment No. 29**

On page 3, line 38, of the printed bill, as amended, strike out "thirty-seven dollars and fifty cents (\$37.50)", and insert "thirty-five dollars (\$35)".

**Amendment No. 30**

On page 4, line 9, of the printed bill, as amended, strike out "Section 6952 of the Education Code is amended", and insert "Section 6952.1 is added to the Education Code".

**Amendment No. 31**

On page 4, line 11, of the printed bill, as amended, strike out "6952.", and insert "6952.1."

**Amendment No. 32**

On page 4, line 13, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 33**

On page 4, line 18, of the printed bill, as amended, strike out "Section 6953 of the Education Code is amended", and insert "Section 6953.1 is added to the Education Code".

**Amendment No. 34**

On page 4, line 20, of the printed bill, as amended, strike out "6953.", and insert "6953.1."

**Amendment No. 35**

On page 4, line 22, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 36**

On page 4, line 26, of the printed bill, as amended, strike out "Section 6957 of the Education Code is amended", and insert "Section 6957.1 is added to the Education Code".

**Amendment No. 37**

On page 4, line 28, of the printed bill, as amended, strike out "6957.", and insert "6957.1."

**Amendment No. 38**

On page 4, line 30, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 39**

On page 4, line 36, of the printed bill, as amended, strike out "Section 6972 of the Education Code is amended", and insert "Section 6972.1 is added to the Education Code".

**Amendment No. 40**

On page 4, line 38, of the printed bill, as amended, strike out "6972.", and insert "6972.1."

**Amendment No. 41**

On page 4, line 43, of the printed bill, as amended, strike out "thirty-seven dollars and fifty cents (\$37.50)", and insert "thirty-five dollars (\$35)".

**Amendment No. 42**

On page 5, line 1, of the printed bill, as amended, strike out "Section 6974 of the Education Code is amended", and insert "Section 6974.1 is added to the Education Code".

**Amendment No. 43**

On page 5, line 3, of the printed bill, as amended, strike out "6974.", and insert "6974.1."

**Amendment No. 44**

On page 5, line 4, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty-five dollars (\$845)".

**Amendment No. 45**

On page 5, line 8, of the printed bill, as amended, strike out "Section 6975 of the Education Code is amended", and insert "Section 6975.1 is added to the Education Code".

**Amendment No. 46**

On page 5, line 10, of the printed bill, as amended, strike out "6975.", and insert "6975.1."

**Amendment No. 47**

On page 5, line 11, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty five dollars (\$845)".

**Amendment No. 48**

On page 5, line 14, of the printed bill, as amended, strike out "Section 6977 of the Education Code is amended", and insert "Section 6977.1 is added to the Education Code".

**Amendment No. 49**

On page 5, line 16, of the printed bill, as amended, strike out "6977.", and insert "6977.1."

**Amendment No. 50**

On page 5, line 17, of the printed bill, as amended, strike out "eight hundred fifty dollars (\$850)", and insert "eight hundred forty five dollars (\$845)".

**Amendment No. 51**

On page 5 of the printed bill, as amended, following line 32, insert  
"Sec. 18. This act shall remain in effect until the ninety first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted."

**Amendment No. 52**

On page 5, line 33, of the printed bill, as amended, strike out "18.", and insert "19."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bills Nos. 1066, 910, 611, and 307 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be read the second and third times, considered engrossed, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**MOTION TO RE-REFER ASSEMBLY BILLS NOS. 1106 AND 1746**

Senator Mixer moved that Assembly Bills Nos. 1106 and 1746 be re-referred to Committee on Finance.

Motion carried.

**THIRD READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 313**—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads, to take effect immediately.

**Motion to Refer Bill to Inactive File**

Senator Biggar moved that Senate Bill No. 313 be placed on the inactive file.

Motion carried.

**Senate Bill No. 509**—An act to add Article 6, comprising Sections 4421 to 4432, inclusive, to Chapter 2 of Division 4 of the Public Resources Code, relating to the acquisition and reforestation of cut-over lands, making an appropriation and creating a fund.

Bill read third time.

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 509.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—Senators Collier, DeLap, Ducl, Engle, and Mayo—5.

Bill ordered transmitted to the Assembly.

**FURTHER CONSIDERATION OF SPECIAL ORDER**

**Assembly Bill No. 876**—An act to amend The Personal Income Tax Act, relating to personal income taxes.

Bill read third time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 10, line 13, of the printed bill, as amended, strike out "Section 17169 or Section 18173", and insert "Sections 17104, 17105, 17106, and 17107, or Sections 18172.3 and 18172.5".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.05 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.



## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 129**—An act to amend Section 54 of the Unemployment Insurance Act, relating to the weekly benefit amount.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—Senators Gordon and Mixer—2.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 796**—An act to provide for civilian defense activities and for the allocation of State funds to counties, cities and counties, cities, and public districts, to establish a Civilian Defense Allocation Board and prescribe its powers, duties and functions, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, as amended.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, CHAIRMAN

Above reported resolution ordered to second reading.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Concurrent Resolution No. 10**—Relative to the creation of a Joint Committee on the Tax Structure of the State to study, investigate, and report on the subject of taxation in the State.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

## Amendment No. 1

On page 2, line 7, of the printed measure, strike out "10", and insert "6".

## Amendment No. 2

On page 2, line 8, of said measure, strike out "5", and insert "3".

## Amendment No. 3

On page 2, line 9, of said measure, strike out "5", and insert "3".

**Amendment No. 4**

On page 4, line 1, of said measure, strike out "----- dollars (\$-----)", and insert "fifteen thousand dollars (\$15,000)".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**PERMISSION TO INTRODUCE BILL**

The following request for permission to introduce a bill was presented:

By Senator Powers:

**Request for Permission to Introduce a Bill**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the contingent expenses of the Legislature including committee expenses, to take effect immediately.

Respectfully submitted.

SENATOR POWERS

**Recommendation of Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 27, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

**Senate Bill No. 1114:** By Senator Powers—An act making an appropriation for the contingent expenses of the Senate for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

**Request for Unanimous Consent**

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Bill No. 1114, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 1114****Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bill No. 1114 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Senate Bill No. 1114**—An act making an appropriation for the contingent expenses of the Senate for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

Bill read second time, ordered to third reading.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

**Senate Concurrent Resolution No. 46:** By Senator Fletcher—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twentieth day of April, 1943.

#### Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 46, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 46

**Senate Concurrent Resolution No. 46**—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twentieth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:

Senate Bill No. 1066

Senate Concurrent Resolution No. 40

Senate Concurrent Resolution No. 44

And reports the same correctly engrossed.

SEAWELL, Chairman

## \* Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 512

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 7.

BIGGAR, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 487

Assembly Bill No. 1391

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1147

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 125

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 234**—An act making an appropriation to the State Department of Education for the acquisition of real property for the San Jose State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dousey, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.



Secretary J. A. Beek at the Desk

**Senate Bill No. 270**—An act making an appropriation for the acquisition of real property for the Humboldt State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 365**—An act to amend Section 312 of the Agricultural Code, relating to meat inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—28.

NOES—Senators DeLap, Mayo, Rich, and Swing—4.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 431**—An act appropriating money for construction, improvement, and equipment for the California Maritime Academy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Tickle—31.

NOES—Senator Swing—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1082**—An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor.

Bill read third time.

#### Motion to Amend

Senator Seawell moved the adoption of the following amendment:

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 24 to 30, inclusive.

Amendment read.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—Senators Breed and DeLap—2.

Bill ordered printed, re-engrossed, and to third reading.

**Senator Dorsey Presiding**

At 10.15 p.m., Senator Dorsey of the Thirty-fourth District, presiding.

**Senate Bill No. 1083**—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment :

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 35 to 41, inclusive.

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**Senate Bill No. 1061**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 35**—An act to amend Sections 65, 66, 79, 83, 83b, 84, 86, 88, 93, 108 and 109 of, and to add Section 100b to, the State Employees' Retirement Act, relating to a retirement system for public employees.

Bill read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 240**—An act making an appropriation for the purchase of land for the Fresno State College.

Bill read third time.

The roll was called, and the bill passed by the following vote :

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 367**—An act to amend Section 472 of the Political Code, relating to the powers and duties of the Attorney General, the employment of special counsel, and the appointment of assistants and deputies in such office, and fixing the salaries of such assistants and deputies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 406**—An act making an appropriation to the Department of Agriculture for the construction, maintenance and operation of a highway inspection station for the purpose of enforcing certain provisions of the Agricultural Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 538**—An act making an appropriation for the improvement of county airports in the County of Inyo.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 618**—An act to add Section 4925 to the School Code and to add Section 7305 to the Education Code, relating to the average daily attendance of high school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating,

Luckey, Mayo, McCormack, Mixter, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Luckey:

#### Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 4237.9 of the Political Code, relating to grand jurors' and trial jurors' fees and mileage in counties of the eighth class.

Respectfully submitted.

SENATOR LUCKEY

#### Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

**Senate Bill No. 1115:** By Senator Luckey—An act to amend Section 4237.9 of the Political Code, relating to grand jurors' and trial jurors' fees and mileage in counties of the eighth class.

#### Request for Unanimous Consent

Senator Luckey asked for, and was granted, unanimous consent to take up Senate Bill No. 1115, at this time, for consideration.

#### CONSIDERATION OF SENATE BILL NO. 1115

##### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Luckey:

*Resolved*, That Senate Bill No. 1115 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,



Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### CONSIDERATION OF SENATE BILL NO. 1115

**Senate Bill No. 1115**—An act to amend Section 4237.9 of the Political Code, relating to grand jurors and trial jurors fees and mileage in counties of the eighth class.

Bill read second time, and ordered to third reading.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 620**—An act making an appropriation for the purchase of land for the San Francisco State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 647**—An act making an appropriation for the acquisition of real property for the Santa Barbara State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 865

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; noes 5.

MIXTER, Chairman

Above reported bill ordered to second reading.

#### SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Bill No. 865**—An act making an appropriation for the acquisition, development and protection of ocean beaches for public recreational use and for correction of beach and cliff erosion.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

#### Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 1, and insert "Section 1. The sum of \$500,000 is hereby".

#### Amendment No. 2

On page 1, line 3, of said bill, strike out "in the State treasury", and insert "apportioned by subdivision (a) of Section 5014 of the Public Resources Code to the State Park Maintenance and Acquisition Fund".

#### Amendment No. 3

On page 1, line 4, of said bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

#### Amendment No. 4

On page 1 of said bill, following line 22, insert  
*"Sec. 4. None of the moneys hereby appropriated shall be expended, allotted, encumbered, or become available for expenditure until moneys equal to or in excess of the amount to be expended from this appropriation shall have been made available by a person, firm, association, corporation, political subdivision, public district, municipality, county or public agency, including agencies of local and Federal government, but excluding agencies which are a part of the Executive Department of the State Government, for expenditure for like purposes for which allocations have been made from this appropriation, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or fund of any agency which is a part of the Executive Department of the State Government."*

#### Amendment No. 5

On page 1, line 2, of said bill, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 502**—An act to amend Sections 1071, 2422, 2423, 2481, 2502, 2561, 2584, 2802, 2833, 2893, 2922, 2962, 3431, 3462, 3591, 3661, 3691, 3722, 3742, 3743, 3761, 3825, 3841, 3851, 3962, 4251, 4341, 18461 and 18478, and to repeal Section 3403 of, and to amend the article heading of Article 14, of Chapter 11, Division 2 of the Education Code, relating to the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1110**—An act to add Article 2.5 to Chapter 5 of Division 9 of the Education Code, relating to the leasing of real property by school districts, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating,

Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Constitutional Amendment No. 28** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 14 to Article XVI thereof, relating to aid to the aged.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Quinn, Rich, Slater, and Swing—9.

NOES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Engle, Gordon, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Seawell, Shelley, Swan, Tickle, and Ward—23.

#### FURTHER CONSIDERATION OF SPECIAL ORDER

**Assembly Bill No. 876**—An act to amend Sections 5, 5.1 and 10 of, and to add Section 29.5 to the Personal Income Tax Act and to amend Sections 17052, 17053.5 and 17952 of, and to add Chapter 13.5, comprising Sections 19200 to 19205, inclusive, to Part 10 of Division 2 of, the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senators Biggar, Dillinger, and Swan—3.

Bill ordered transmitted to the Assembly.

#### COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

#### Statement Regarding Senate Bill No. 313

MR. PRESIDENT: The undersigned authors of Senate Bill No. 313 known as the "Full Crew Bill" wish to make the following statement as to why this bill was allowed to die on the Senate file after it had been voted out of committee with a recommendation of "Do Pass."

The Assembly had passed an identical bill numbered 512 which contained all of the provisions as Senate Bill No. 313, with the exception of one amendment and an emergency clause.

Since Assembly Bill No. 512 had already passed the Assembly, it was thought best to amend the Assembly bill to conform in every detail to Senate Bill No. 313, and pass that bill instead of our own. This procedure would save much valuable time, and accomplish the same purpose as though we had passed Senate Bill No. 313.

The authors of Senate Bill No. 313 wish to express appreciation to all those who aided in the final disposition of this valuable piece of legislation.

We feel that the bill, in its present form, will bring great benefit to the railroads, the railroad brotherhoods and to the people.

G. M. BIGGAR  
ED FLETCHER  
RAY JUDAH  
CHARLES BROWN

*Please announce this at each session:*

**Official Pictures of California Legislature and State Officials  
Friday Noon, April 30, 1943**

*Members of the Legislature:*

The official photograph of this historic Wartime Fifty-fifth Session of the California Legislature will be taken at 12 o'clock noon, sharp, Friday, April 30, 1943, on the northeast lawn of the Capitol Grounds.

Governor Warren, Lieutenant Governor Houser, President pro tempore of the Senate, Jerrold L. Seawell; Speaker of the Assembly, Charles W. Lyon; Speaker pro tempore of the Assembly, Thomas A. Maloney; and all other elected officials are to be present. Please be on hand promptly.

The presiding officers of both houses make a special request that all Members of the Legislature plan their Friday schedule accordingly.

Special request is made of the Senate Sergeant-at-Arms, Joseph F. Nolan, and the Assembly Sergeant-at-Arms, Wilkie Ogg, to see that every member has due and sufficient notice to be on hand.

GLENN D. WILLAMAN, Editor  
California Real Estate Magazine

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

**Senate Concurrent Resolution No. 47:** By Senators Seawell, Powers, Deuel, and Tickle—Relative to investigating committees.

Without reference to committee.

**RECESS**

At 10.15 p.m., on motion of Senator Seawell, the Senate recessed until 10.30 p.m.

**REASSEMBLED**

At 10.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Jespersen moved a call of the Senate.

Motion carried. Time, 10.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 746**—An act to amend Sections 2761, 2762, 2763, 2764, 2765, 2766, 2769 and 2770 of, to add Section 2775 to, and to



repeal Sections 2773 and 2774 of the Penal Code, relating to prison road camps.

Bill read third time.

**Previous Question**

Senator McBride moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 746.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Mayo, McBride, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—Senators Biggar, Breed, Cunningham, Dorsey, Hatfield, Judah, Keating, Luckey, McCormack, and Powers—10.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 692**—An act making an appropriation for the purchase of land by the Director of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER CONSIDERATION OF SPECIAL ORDER**

**Assembly Bill No. 883**—An act to add Section 7.5 to the Bank and Corporation Franchise Tax Act, relating to a franchise tax imposed on banks and corporations, providing for the use of part of the proceeds of said tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

NOES—Senators Biggar, Carter, Collier, and Swan—4.

Bill ordered transmitted to the Assembly.

**FURTHER CONSIDERATION OF SPECIAL ORDER**

**Assembly Bill No. 884**—An act to add Section 5.5 to the Corporation Income Tax Act, relating to the income tax imposed on corporations, providing for the use of part of the proceeds of said tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.

NOES—Senators Biggar, Carter, Collier, Dillinger, and Swan—5.

Bill ordered transmitted to the Assembly.

## UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

## Statement of Senators Biggar, Dillinger, and Swan

MR. PRESIDENT: The so-called tax reduction bills in reality constitute a *revenue reduction* program. The time to reduce taxes is not in the midst of great prosperity when reserves for depression can be accumulated. None of the tax bills gives any material relief to the taxpayers who are entitled to relief. The reduction in the sales tax from 3 per cent to 2½ per cent will result in an injustice to all persons making purchases under \$2. The fractions on all small purchases can not be returned to the person making the purchase; so he will have to pay the full 3 per cent just as he does now. Thus, those in the lower income brackets will be taxed just as severely as they are today, and the State will lose revenue. This reduction in the sales tax is inequitable and should not have been made. Unwise curtailment of State revenue means the abandonment of many essential projects in building and construction.

GEORGE M. BIGGAR  
H. E. DILLINGER  
JOHN HAROLD SWAN

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 987**—An act to amend Section 6004 of the Water Code, relating to dams, and to amend Section 2 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to dams.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

## Senator Keating Presiding

At 10.40 p.m., Senator Keating of the Thirteenth District, presiding.

**Senate Bill No. 1104**—An act to add Section 6077.6 to the Harbors and Navigation Code, relating to harbor districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 902**—An act to add Section 6359.5 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1090**—An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1082**—An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1083**—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### UNANIMOUS CONSENT

Senator McBride asked for, and was granted, unanimous consent to have the following statement regarding the absence of the Committee on Financial Institutions printed in the Journal:

MR. PRESIDENT: The absence of the undersigned Senators from the Senate Chamber for part of this day was due to attendance at a conference in the Governor's Office relating to Assembly Bill No. 1531. From time to time during the past two weeks

the undersigned have found it necessary to absent themselves from the Senate Chamber for conferences on the above measure, as well as similar measures dealing with legislation relating to building and loan associations.

JAMES J. McBRIDE, Chairman  
BYRL R. SALSMAN  
BRADFORD S. CRITTENDEN  
Senate Committee on Financial Institutions

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill No. 669**—An act to amend Section 6381 of the Revenue and Taxation Code, relating to the sales tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 307**—An act to amend Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of the School Code and to amend Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975, and 6977 of the Education Code, relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator DeLap moved the adoption of the following amendments:

##### Amendment No. 1

On page 5 of said bill, after line 36, insert

"SEC. 17. The money appropriated under the provisions of this act shall not be in excess of fourteen million dollars (\$14,000,000) of the amount which otherwise would have been paid from the General Fund in the State treasury had this act not been enacted.

SEC. 18. Any moneys apportioned to the elementary school districts under this act which is in excess of the money which otherwise would have been apportioned under the provisions of Sections 4.1, 4.781, 4.782, 4.784, 4.791, 4.793, 4.794, and 4.796 of the School Code, or Sections 5151, 6952, 6953, 6957, 6972, 6974, 6975 and 6977 of the Education Code, shall be used only for the salaries of certificated employees of the elementary school districts."

##### Amendment No. 2

On page 5, line 38, of said bill, strike out "17", and insert "19".

##### Amendment No. 3

On page 5 of said bill, strike out lines 44 to 48, inclusive, and insert

"SEC. 20. This act shall remain in effect until June 30, 1943. While this act is in effect it shall supersede".

##### Amendment No. 4

On page 6, line 7, of said bill, after "effect", insert ", and to become operative July 1, 1943".

##### Amendment No. 5

On page 6, line 3, of said bill, strike out "19", and insert "21".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 830**—An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1103**—An act to amend Sections 2003, 2005, 2008, 2020, 2021, 2140, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2187, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2014, 2016, 2017, 2020.05, 2142.5, 2143, 2162.5, 2163.1, 2163.2, 2163.7, 2181.1, 2182.1, 2183.1, and 2194 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### Chief Assistant Secretary Harry A. Hammond at the Desk

**Senate Bill No. 890**—An act making an appropriation to the Department of Agriculture for predatory animal control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 410**—An act making an appropriation for the acquisition for State park purposes of certain lands in San Mateo County to be incorporated in the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.45 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1113**—An act to create a Commission on Governmental Organization, defining its powers and duties and making an appropriation.

Bill read third time.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time, 10.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**Senator Powers Presiding**

At 10.51 p.m., Senator Powers of the First District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill No. 1066**—An act making an appropriation to the Division of Architecture Revolving Fund for preparation of plans for State building program.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Parkman, Powers, Quinn, Rich, Salsman, Shelley, and Tenney—20.

**NOES**—Senators Breed, Donnelly, Dorsey, Engle, Judah, Mayo, McBride, Slater, and Swan—9.

**Senate Concurrent Resolution No. 40**—Relative to continuing in existence the Fact-Finding Committee created by Senate Concurrent Resolution No. 13 of the Fifty-fifth Session, and authorizing the study of economic planning.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, Parkman, Powers, Salsman, Seawell, Swing, Tenney, and Ward—21.

**NOES**—Senators Breed, Carter, Dorsey, Engle, Judah, Quinn, Rich, Slater, and Swan—9.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 44**—Relative to providing for the appointment of a Joint Committee to study and report upon the water, flood control and erosion problems of the State.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—Senator Dorsey—1.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, registers of investors, inspection of records and annual reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 611**—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Shelley Presiding**

At 10.55 p.m., Senator Shelley of the Fourteenth District, presiding.

**Senate Concurrent Resolution No. 45**—Relative to the creation of a Joint Committee to Investigate the Water Situation of Needles and Vicinity.

Resolution read.

**Previous Question**

Senator McBride moved the previous question.

Motion carried.

The question being on the adoption of Senate Concurrent Resolution No. 45.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Bill No. 1114**—An act making an appropriation for the contingent expenses of the Senate for the Fifty-fifth Session of the Legislature, including committee expenses, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 1115**—An act to amend Section 4237.9 of the Political Code, relating to grand jurors and trial jurors fees and mileage in counties of the eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 47**—Relative to investigating committees.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution No. 10**—Relative to the creation of a Joint Committee on the Tax Structure of the State to study, investigate, and report on the subject of taxation in the State.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.



**Senate Bill No. 910**—An act making an appropriation to the Department of Agriculture for the purpose of constructing, establishing, equipping, and operating a poultry and animal disease diagnostic and testing laboratory in Stanislaus County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 865**—An act making an appropriation for the acquisition, development and protection of ocean beaches for public recreational use and for correction of beach and cliff erosion.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—Senators DeLap, Deuel, Dorsey, Engle, Gordon, and Rich—6.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.20 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1113 refused passage by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Deuel, Dillinger, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Seawell, Swing, Tenney, and Ward—21.

**NOES**—Senators Breed, Carter, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Jespersen, McCormack, Rich, Salsman, Shelley, Slater, and Swan—15.

#### UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

Assembly Bill No. 876, the income tax reduction bill, was given an "Aye" vote by the undersigned today with a misunderstanding as to the contents of this bill. We desire to state that this bill differs from the so-called "Ward Senate Bill" in that the exemption granted the lower income brackets has a two-year limitation placed thereon in the Assembly bill and the reductions in the percentage of tax imposed on the higher bracket incomes is made permanent. The Ward Bill made both changes in our income tax law permanent. If this change had been pointed out, we would have voted against the bill as we feel this is not fair consideration and treatment of the people in the low income brackets.

JACK SHELLEY  
JERROLD L. SEAWELL  
OLIVER J. CARTER  
JACK B. TENNEY

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1082

Senate Bill No. 1083

And reports the same correctly re-engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 307

Senate Bill No. 865

Senate Bill No. 910

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 410

Senate Bill No. 890

Senate Bill No. 611

Senate Bill No. 1113

And reports the same correctly engrossed.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 370

And reports the same correctly re-engrossed.

SEAWELL, Chairman

## ADJOURNMENT

At 11.22 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11.25 p.m., Wednesday, April 28, 1943.

# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SIXTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED FIFTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 28, 1943

The Senate met at 11.25 p.m.

Senator John F. Shelley, of the Fourteenth District, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

Quorum present.

## PRAYER

By invitation of the President, prayer was offered by Senator George M. Biggar of the Fourth District.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. M. C. Van Allen, Clerk, District Court of Appeal Fourth District, and Mr. Chester James, Secretary, Kern County Planning Commission of Bakersfield.

## COMMUNICATIONS

The following communications were received, read, and ordered printed in the Journal:

WASHINGTON, D. C., April 28, 1943

*Joseph A. Beek, Secretary the Senate  
Sacramento, California*

It is apparent that from consideration thus far to Albion River Bridge Project that appeal board will not be favorable unless new and additional evidence can be presented to prove bridge is unsafe and may collapse at any time. Have suggested that State Highway Engineer furnish such information if possible. Independent findings of other competent engineers would be of signal value. It should also be shown to what extent bridge is being used for transportation of war goods for Army.

Navy, and other vital purposes. It is important that all pertinent facts be concisely stated.

CLARENCE F. LEA, M. C.

CALIFORNIA LEGISLATURE, FIFTY-FIFTH SESSION  
ASSEMBLY, ARTHUR A. OHNIMUS, Chief Clerk

April 28, 1943

*Honorable Frederick F. Houser, President of the Senate  
Senate Chamber*

DEAR LIEUTENANT GOVERNOR HOUSER: The Speaker, Charles W. Lyon, has asked me to request you to invite the Members of the Senate to be present in the Assembly Chamber on April 30th at 11 a.m. to hear Colonel Arthur Evans, Member of Parliament for Cardiff, Wales, address the Assembly.

Attached herewith is a copy of the letter which Judge West has written to Mr. Lyon regarding Colonel Evans addressing the Legislature.

Sincerely yours,

ARTHUR A. OHNIMUS

MUNICIPAL COURT, SACRAMENTO, CALIFORNIA, April 26, 1943

*Mr. Charles Lyon, Speaker of the Assembly  
Sacramento, California*

DEAR MR. LYON: Pursuant to your invitation, Colonel Arthur Evans, Member of Parliament for Cardiff, Wales, will address the Legislature on Friday morning, April 30th, at about 11 o'clock.

Colonel Evans will be accompanied by Mr. Godfrey Fisher, British Consul-General at San Francisco, and Sir George Sansom, one of H. M. Ministers at Washington.

If the Senators are not too busy and would like to hear Colonel Evans, I am sure he will be pleased to have them there.

As President of the British War Relief Association of Sacramento, I will be with them.

Sincerely yours,

PERCY G. WEST, Judge

President of the Senate Presiding

At 11.27 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### RESOLUTIONS

The following resolution was offered:

By Senators Shelley, Carter, Quinn, McBride, Keating, Swan, Luckey, Burns, and Tenney:

#### Senate Resolution No. 123

Relative to the demise of Anthony Boicelli

WHEREAS, Anthony Boicelli was ever active in affairs having to do with the advancement of the interests of veterans in San Francisco, having been Chairman of the Veterans' Welfare Board since 1940, was a Past Commander of the Zane Irwin Post, American Legion, Past President of the Ninety-first Division Association and a member of the McQuaide Post, Veterans of Foreign Wars; and

WHEREAS, His kindly efforts on behalf of his fellow men have endeared him to the people of San Francisco and to the people of the whole State; and

WHEREAS, Anthony Boicelli was stricken while engaged in his official duties and passed over the Great Divide on Monday, April 26, 1943; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Members of the Senate hereby express their distinct sense of shock and loss in the untimely death of so faithful a public servant and their heartfelt sympathy to Mrs. Jane Boicelli, his widow; and be it further

*Resolved*, That when this Senate this day adjourns, it do so in honor and remembrance of the said Anthony Boicelli; and be it further

*Resolved*, That the Secretary of the Senate be instructed to prepare and transmit to Mrs. Jane Boicelli a copy of this resolution in suitable form.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.



**ADJOURNMENT**

At 11.31 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 1 p.m., Thursday, April 29, 1943, out of respect to the memory of Anthony Boicelli.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED SIXTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 29, 1943

The Senate met at 1 p.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Swan and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Norman Hamilton, Deputy Sheriff of Los Angeles.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Emerson Herrick, Chairman of San Joaquin County Farm Bureau Legislative Committee of Lodi.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. B. Ellis, principal, Mrs. Misenhimer, eighth grade teacher, Mrs. Burkhead, and Mrs. Camarena, seventh grade teachers, of Lafayette Grammar School in Lafayette, with the following eighth grade students: Lou McKim, Carolyn Eekwall, Betty Moody, Edith Powell, Ida Beth Stirton, Jack Cotteral, Crozier Mauer, Bonnie Blackwood, Barbara Stewart, Norine Barges, Bill Brannan, Addison Ausplund, Clifford Tressider, Verdene Van Horn, Joyce Lynn, Eddie Coleman, Jack Manners, Marilyn Bryan, Jack McCausland, Dorothy Miller, Ed Bill,

Joanne Scheider, Roger Duncan, Keith Kapfer, Betty Schaefer, Delfina Soares, Jo Ann Hedman, Angelo Mangini, Teddy Miller, Earledean Torbett, Paul Findlay, Bengt Duvander, Don Ferarresse, Kirby Morgan, Bob Rhodes, Jack Oliviera, Betty Beck, Pat Anderson, Bill Sullivan, Norma Amtoft, Harold Hunt, Richard Stolper, Bob Martland, Charles Snell, Gloria Schirmer, and Gerry Mortensen; and the following seventh grade students: Barbara Smith, Marian Seofield, Beverly Crook, Vivienne Schmidt, Lorraine Guerra, Marjorie Slaven, Ruth Maloni, John Coulsen, Jessie Berger, Jeanne St. Hill, Paul Perstein, Kenneth Meserve, Alvin Keefauver, Janet Whittaker, Bill Janzen, Carol Barges, Jean Grimes, Marie Inman Kane, Jeanne Vandewinkle, Bob Bowheer, John Tafflemire, Roy Johnson, Eleanor Brooks, William Tucker, Robert Carlisle, Charles Hallum, Barbara Oliviera, Carol Jane Forbes, Dick Pittman, Barbara Goeppert, Barbara Sullivan, Joanne Tomphson, Marianne Malley, Jimmy Blevens, Ruth Duvander, Vivien Duvander, Chuck Miller, Robert Davis, Nancy Clark, Jillian Westerlund, Tom La Vigni, Marion Bayliss, Carol Greub, Dan Sherene, Norma Schreuder, and Walden Mason.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.07 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 907

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 934**—An act to amend Section 643 of, and to add Section 643.2 to, the Agricultural Code, relating to the definition for insanitary dairy farms, declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 520  
Assembly Bill No. 720  
Assembly Bill No. 759  
Assembly Bill No. 902  
Assembly Bill No. 903

Assembly Bill No. 1265  
Assembly Bill No. 1396  
Assembly Bill No. 1399  
Assembly Bill No. 1983

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 520**—An act to add Section 87.5 to the State Civil Service Act, relating to promotions and promotional examinations.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 720**—An act to add Sections 741.1, 741.3, 741.5, 741.7, 741.8 and 741.9 to the Code of Civil Procedure, all relating to compensation for taxes paid and improvements made by occupying claimants of real property.

Referred to Committee on Judiciary.

**Assembly Bill No. 759**—An act to amend Section 30 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Referred to Committee on Local Government.

**Assembly Bill No. 902**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 903**—An act to amend Section 7 of the Corporation Income Tax Act, relating to corporation taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, comprising Sections 5.725 to 5.725q, inclusive, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, comprising Sections 13701 to 13718, inclusive, relating to emergency leaves of absence, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1396**—An act to amend Section 4 of the Corporation Income Tax Act of 1937, relating to corporation taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1399**—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1983**—An act to add Section 15159 to the Health and Safety Code, relating to application of the State Housing Act, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 343  
Assembly Bill No. 347  
Assembly Bill No. 561  
Assembly Bill No. 1705  
Assembly Bill No. 1525  
Assembly Bill No. 1233  
Assembly Bill No. 1102  
Assembly Bill No. 85

Assembly Bill No. 1571  
Assembly Bill No. 1103  
Assembly Bill No. 1661  
Assembly Bill No. 1829  
Assembly Bill No. 209  
Assembly Bill No. 1844  
Assembly Bill No. 1259

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 343**—An act to add Section 7421 to the Business and Professions Code, relating to temporary licenses for hairdressers and cosmeticians or cosmetologists.

Referred to Committee on Business and Professions.

**Assembly Bill No. 347**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 561**—An act to add Section 13841.1 to the Education Code, relating to leaves of absence for persons employed by school districts in positions requiring certification qualifications.

Referred to Committee on Education.

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

Referred to Committee on Transportation.

**Assembly Bill No. 1525**—An act to add Section 6365 to the Revenue and Taxation Code, relating to exemptions from the sales and use taxes.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1233**—An act to amend Section 15 of the Unemployment Insurance Act, relating to election to become an employer and to have services deemed employment under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1102**—An act making an appropriation for the purchase of land for State forests and restricting expenditures of the money appropriated.

Referred to Committee on Natural Resources.

**Assembly Bill No. 85**—An act to add Section 2504.5 to the Welfare and Institutions Code, relating to county aid and relief to indigents.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1571**—An act to amend Section 1203.6 of, and to add Sections 1203.7, 1203.8, 1203.9, 1203.10, 1203.11, 1203.12, 1203.13, 1203.14, 1203.15 and 1203.16 to, the Fish and Game Code, relating to pheasants.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1103**—An act to amend Sections 4381 and 4382 of, and to add Section 4382.5 to, the Public Resources Code, relating to State forests and providing for the reimbursement of counties for the loss of tax revenues resulting from the acquisition of lands for State forest purposes.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1661**—An act to add Section 885 to Article 2 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to appeals.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1829**—An act to amend Section 422 of the Probate Code, relating to the administration of estates.

Referred to Committee on Judiciary.

**Assembly Bill No. 209**—An act to amend Sections 423, 450 and 452 of the Probate Code, relating to administration of estates of decedents.

Referred to Committee on Judiciary.

**Assembly Bill No. 1844**—An act to amend Sections 422, 423, 450, and 452 of the Probate Code, relating to administration of estates of decedents.

Referred to Committee on Judiciary.

**Assembly Bill No. 1259**—An act to add Section 13003.1 to the Education Code, relating to persons employed by school districts in positions requiring certification qualifications.

Referred to Committee on Education.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 154

Assembly Bill No. 1045

Assembly Bill No. 1411

Assembly Bill No. 1776

Assembly Bill No. 1970

Assembly Bill No. 2005

Assembly Bill No. 1803

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 154**—An act to amend Section 2571 and to repeal Section 2570 of the Elections Code, relating to statement of number of voters.

Referred to Committee on Elections.

**Assembly Bill No. 1045**—An act making an appropriation to pay the claim of the City and County of San Francisco against the State of California, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 1411**—An act to provide for the establishment of master and official plans in cities, cities and counties, and counties and for the adoption of ordinances pursuant thereto; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and the composition and effects thereof; providing for the appointment of planning commissions by cities, cities and counties, and counties, and for the creation of regional planning districts and the establishment of regional planning commissions and the State Conservation and Planning Board; providing the powers and duties of such commissions and the State Conservation and Planning Board; providing for the levy of a special tax for the support of a planning commission and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; making certain acts misdemeanors; and repealing Chapter 331, Statutes of 1935, and the Planning Act, relating to planning commissions.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1776**—An act to add Section 2013 to the Welfare and Institutions Code, relating to the filing of statements by persons or organizations promoting old age pensions.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1970**—An act to add Section 86.3 to, and to amend Section 173 of, the State Civil Service Act, relating to time limit for protesting examinations and holding hearings.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1803**—An act to amend Sections 132, 5901, 5931 and 5932 of, and to add Sections 5912, 5933 and 5934 to the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Referred to Committee on Elections.

**Assembly Bill No. 2005**—An act to add Section 429.5 to the Fish and Game Code, relating to fishing by persons in the armed forces of the United States and the auxiliary branches thereof, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 86  
Assembly Bill No. 894

Assembly Bill No. 1783  
Assembly Bill No. 1881

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 86**—An act to amend the headings of Division 4, of Chapters 1 and 2 of Division 4, and of Article 4 of Chapter 2 of Division 4 of, and to amend Sections 2500, 2502, 2503, 2504, 2505, 2601, 2602, 2603 and 2606 of the Welfare and Institutions Code, relating to aid to needy persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 894**—An act to amend Sections 9605, 9779, 9877.5, 10251, 10255 and 10454 of, and to add Sections 9654, 9914 and 10251.5 to, and to repeal Section 9901.5 of Part 4, Division 2 of the Revenue and Taxation Code, relating to the taxation of the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1783**—An act to amend Section 1663 of the Probate Code, relating to incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, and providing for commitments and transfers to the Veterans Administration or other agency of the United States of persons eligible for care or treatment thereby.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1881**—An act to amend Sections 202, 173 and 153.5 of the State Civil Service Act, relating to the State civil service, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 372  
Assembly Bill No. 526  
Assembly Bill No. 783  
Assembly Bill No. 1093

Assembly Bill No. 1340  
Assembly Bill No. 1699  
Assembly Bill No. 2013

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Assembly Bill No. 372**—An act to add Section 2222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 526**—An act to amend Section 189 of the Code of Civil Procedure, relating to the destruction of records, files and exhibits in justice courts.

Referred to Committee on Judiciary.

**Assembly Bill No. 783**—An act to add Section 9112.5 to the Public Resources Code, relating to soil conservation districts.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1093**—An act to amend Sections 18108 and 18201 of the Health and Safety Code, relating to auto courts and resorts and auto and trailer camps, to nuisances therein and to the abatement, prevention and punishment of such nuisances.

Referred to Committee on Public Health and Safety.

**Assembly Bill No. 1340**—An act to add Section 7501.5 to the Welfare and Institutions Code, relating to mentally ill persons and persons alleged to be mentally ill.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1699**—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence to employees who enter war industries.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2013**—An act to repeal Section 5007 of the Government Code, relating to the reconversion of registered bonds into coupon bonds.

Referred to Committee on Local Government.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 263

Assembly Bill No. 339

Assembly Bill No. 409

Assembly Bill No. 719

Assembly Bill No. 941

Assembly Bill No. 942

Assembly Bill No. 1907

Assembly Bill No. 1993

Assembly Bill No. 265

Assembly Bill No. 308

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Assembly Bill No. 263**—An act to amend Section 42360 of the Political Code, relating to the compensation of jurors.

Referred to Committee on Local Government.

**Assembly Bill No. 339**—An act to amend Section 337 of the Code of Civil Procedure, relating to the time within which an action must be commenced.

Referred to Committee on Judiciary.

**Assembly Bill No. 409**—An act to add Section 1182.5 to the Labor Code, relating to wages for women.

Referred to Committee on Labor.

**Assembly Bill No. 719**—An act to amend Section 254 of the Probate Code, relating to succession by kindred of the half blood.

Referred to Committee on Judiciary.

**Assembly Bill No. 941**—An act to amend Section 117p of the Code of Civil Procedure, relating to fees charged by public officers in connection with small claims actions.

Referred to Committee on Judiciary.

**Assembly Bill No. 942**—An act to amend Section 1463 of the Penal Code, relating to the disposition of fines and forfeitures in municipal courts.

Referred to Committee on Judiciary.

**Assembly Bill No. 1907**—An act to add Section 5.798-1 to the School Code and to add Section 14122.5 to the Education Code, relating to eligible lists and temporary appointments, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1993**—An act to amend Section 338 of the Code of Civil Procedure, relating to limitation of actions.

Referred to Committee on Judiciary.

**Assembly Bill No. 265**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to the investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Local Government.

**Assembly Bill No. 308**—An act to amend Section 868.10 of, and to add Section 871 to, the Welfare and Institutions Code, relating to wards of the juvenile court.

Referred to Committee on Welfare and Institutions.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 428

Assembly Bill No. 500

Assembly Bill No. 583

Assembly Bill No. 648

Assembly Bill No. 701

Assembly Bill No. 1062

Assembly Bill No. 1897

Assembly Bill No. 2008

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 428**—An act to add Section 6346.5 to the Business and Professions Code, relating to the retirement of officers and employees of county law libraries.

Referred to Committee on Business and Professions.

**Assembly Bill No. 500**—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation, including burial expenses and death benefits.

Referred to Committee on Labor.

**Assembly Bill No. 583**—An act to add Sections 102 and 611.7 to the Fish and Game Code, creating a new fish and game district and regulating the taking of trout therein.

Referred to Committee on Fish and Game.

**Assembly Bill No. 648**—An act to add Section 53.65 to the Alcoholic Beverage Control Act, relating to bottles.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 701**—An act to add Section 281.5 to the Agricultural Code, relating to licensed wax-salvage plants, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

**Assembly Bill No. 1062**—An act to amend Section 5.1112 of the School Code and to add Section 14702 to the Education Code, relating to members of district retirement systems, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1897**—An act to add Section 6722 to the Welfare and Institutions Code, and to repeal Section 6664 thereof, relating to State institutions, including the inmates thereof and persons committed thereto.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 2008**—An act to add Section 797 to the Agricultural Code, relating to citrus fruits.

Referred to Committee on Agriculture.



MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 57  
Assembly Bill No. 545  
Assembly Bill No. 602  
Assembly Bill No. 603  
Assembly Bill No. 674  
Assembly Bill No. 805  
Assembly Bill No. 998

Assembly Bill No. 1234  
Assembly Bill No. 1601  
Assembly Bill No. 1697  
Assembly Bill No. 1999  
Assembly Bill No. 2001  
Assembly Bill No. 2007  
Assembly Bill No. 2010

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 57**—An act making an appropriation to meet the deficiency in the appropriation for workmen's compensation benefits of State officers and employees and providing that this act shall take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 545**—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State and counties, cities and counties and counties and cities, and providing for their operation by licensed blind persons, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 602**—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount of such aid, and making an appropriation.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 603**—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind, increasing the amount of such aid, and making an appropriation.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 674**—An act to add Section 325 to Article 2 of Chapter 1, of Division 3 of the Agricultural Code, relating to foreign cold storage meat.

Referred to Committee on Agriculture.

**Assembly Bill No. 805**—An act making an appropriation for the destruction of beet leaf hoppers.

Referred to Committee on Agriculture.

**Assembly Bill No. 998**—An act to add Section 2264 to the Political Code and to add Section 20924 to the Education Code, relating to the employment of a field worker at the California School for the Blind.

Referred to Committee on Education.

**Assembly Bill No. 1234**—An act to amend Sections 41 and 61, and to repeal Section 41.3 of the Unemployment Insurance Act, relating to contributions, funds and accounts under the act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1601**—An act to amend Sections 4.52, 4.923, 4.930, 4.942, and 4.950 of the School Code and to amend Sections 5453, 7303, 7307, 7203 and 7226 of the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1697**—An act to add Section 995.3 to the Fish and Game Code, relating to fish traps.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1999**—An act making an appropriation to the Reclamation Board for the purpose of acquiring by purchase, condemnation or other legal means, property, lands, rights of way and easements for the construction, completion and operation of the Yolo By-pass and for the construction of incidental works and for settlement and payment of claims for damages done to property by the flood waters of the Yolo By-pass; and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Finance.

**Assembly Bill No. 2001**—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 2007**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Santa Barbara County as part of the State Park System.

Referred to Committee on Natural Resources.

**Assembly Bill No. 2010**—An act to amend Section 10 of the Public Utilities Act, relating to salaries of commissioners.

Referred to Committee on Public Utilities.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 822  
Assembly Bill No. 1225  
Assembly Bill No. 1560

Assembly Bill No. 1976  
Assembly Bill No. 1989

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were introduced, and read the first time:

**Assembly Bill No. 822**—An act to add Sections 5501.5 and 5537.5 to and to amend Section 5537 of the Business and Professions Code, relating to architecture.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1225**—An act to amend Section 9.2 of the Unemployment Insurance Act, relating to employment and wages under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1560**—An act to amend Sections 658 and 658.1 of the Fish and Game Code, relating to the taking of salmon.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1976**—An act to add Section 699.5 to the Military and Veterans Code, relating to assistance to veterans, prescribing the powers and duties of the Veterans' Welfare Board in aiding veterans in connection with veterans' rights, privileges, and preferences, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1986**—An act to add Section 3714.5 to the Political Code, governing increases in expenditures and tax levies.

Referred to Committee on Fish and Game.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 259  
Assembly Bill No. 363  
Assembly Bill No. 422  
Assembly Bill No. 586  
Assembly Bill No. 684  
Assembly Bill No. 1341

Assembly Bill No. 1342  
Assembly Bill No. 1439  
Assembly Bill No. 1500  
Assembly Bill No. 1847  
Assembly Bill No. 1959

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

**Assembly Bill No. 259**—An act to add Section 709.5 to the Code of Civil Procedure, relating to contributions by joint defendants in actions for personal injury or property damage.

Referred to Committee on Judiciary.

**Assembly Bill No. 363**—An act to amend Section 5.409a of the School Code and to amend Section 13011 of the Education Code, relating to the absence of exchange teachers from duty because of illness, injury or quarantine.

Referred to Committee on Education.

**Assembly Bill No. 422**—An act to add Section 5.503-1 to the School Code and to add Section 13099.1 to the Education Code, relating to the classification of persons as permanent employees of school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 586**—An act to amend Section 3.760 of the School Code and to amend Section 10301 of the Education Code, relating to courses of study in elementary schools.

Referred to Committee on Education.

**Assembly Bill No. 684**—An act to amend Section 6015 of the Revenue and Taxation Code, relating to the taxation of the privilege of selling and storing, using, or otherwise consuming tangible personal property, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1341**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1342**—An act to amend Sections 5050.2 and 5050.6 of the Welfare and Institutions Code, relating to procedure for the commitment of mentally ill persons.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1439**—An act to amend Section 456 of the Political Code, relating to the salaries of State officers and employees in the State Treasurer's Office.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1500**—An act to repeal Chapters 2 and 3 of, to add Chapter 2 to Division 7, and to amend Sections 12604, 13031, and 13226, all of the Education Code, relating to the authorization of persons to serve in the public schools.

Referred to Committee on Education.

**Assembly Bill No. 1847**—An act to repeal and add Section 4101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Referred to Committee on Revenue and Taxation.

**Assembly Bill No. 1959**—An act to add Sections 134, 1651, 2902, 2909.1, and 2910.1 to, and to amend Sections 2901, 2903, 2904, 2905, 2906, 2908 and 2914 of the Revenue and Taxation Code, relating to the assessment and collection of taxes which are not a lien on real property sufficient to secure payment of such taxes.

Referred to Committee on Revenue and Taxation.



REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1065

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1263

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1603

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 763

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 184

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1994

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1988

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

SHELLEY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 573

Assembly Bill No. 576

Assembly Bill No. 1625

Assembly Bill No. 1626

Assembly Bill No. 1627

Assembly Bill No. 1659

Assembly Bill No. 1173

Assembly Bill No. 1331

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SHELLEY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1308

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 552—An act to add Sections 5002.5 and 5002.6 to the Elections Code, making it a misdemeanor for any candidate seeking election or reelection to any office, board or agency authorized to issue licenses, or any officer, employee or appointee of such office, board or agency, to solicit or receive from persons holding licenses issued by said office, board or agency, any money or other thing of value for any political campaign for election or reelection to such office, board or agency, and making it a misdemeanor for any licensee or holder of a license to contribute or give money or any other thing of value for any such political campaign; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of April, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 307

And reports the same correctly re-engrossed.

SEAWELL, Chairman

Chief Assistant Secretary Harry A. Hammond at the Desk

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 800—An act to amend Section 776 of the Vehicle Code, relating to the "Motor Vehicle Support Fund," to take effect July 1, 1943.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after the comma, insert "and Section 11001 of the Revenue and Taxation Code,".

**Amendment No. 2**

In line 2 of the title of the printed bill, as amended, strike out "'Motor Vehicle Support Fund,'" and insert "reporting and depositing of application and license fees received by the Department of Motor Vehicles,".

**Amendment No. 3**

On page 1, line 5, of the printed bill, as amended, after "covering", insert "all"

**Amendment No. 4**

On page 1, line 5, of the printed bill, as amended, strike out the last "for".

**Amendment No. 5**

On page 1, line 6, of the printed bill, as amended, strike out "vehicle registration".

**Amendment No. 6**

On page 1 of the printed bill, as amended, following line 22, insert

"Sec. 2. Section 11001 of the Revenue and Taxation Code is hereby amended to read as follows:

11001. All money collected by the department for accepted applications under this part shall be reported monthly to the Controller and at the same time deposited in the State treasury to the credit of the Motor Vehicle License Fee Fund, which fund is continued in existence."

**Amendment No. 7**

On page 1, line 24, of the printed bill, as amended, strike out "2", and insert "3".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 33**—An act to amend Sections 511, 511.1, 511.2, 512.1, and 515.5 of the Vehicle Code, relating to the regulation of speeds on public streets and highways, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 222**—An act to add Section 511.4 to the Vehicle Code, relating to reduction of speed on State highways within cities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 426**—An act to amend Sections 177 and 178 of the Vehicle Code, relating to motor vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 855**—An act to amend Sections 452, 525, 528 and 596 of, and to add Sections 459.1 and 459.2 to, the Vehicle Code, relating to traffic regulations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 918**—An act to amend Section 5133 of the Streets and Highways Code of the State of California.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1221**—An act to amend Section 5362 of the Streets and Highways Code, relating to notices of filing of and hearings on assessments under the Improvement Act of 1911.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1066**--An act to amend Sections 251, 252, 267, 302, 305, 307, 310, 353, 414, 415, 416, 417 and 418 of the Vehicle Code, relating to driver's licenses and proof of ability to respond in damages.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

**PRINTER'S NOTE**--There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "267," and insert "257, 267, 271, 276,".

#### Amendment No. 2

On page 2 of said bill, following line 18, insert

"SEC. 3. Section 257 of the Vehicle Code is amended to read:

257. Age Limit for Operators. No operator's license shall be issued to any person under the age of 16 years except that an operator's license may be issued to a person 14 years of age but less than 16 years of age upon application as required of other minors under Section 350 hereof; but the department shall not issue a license to any such person, unless it shall be satisfied on reasonable proof that there is an actual and real necessity for the operation of a motor vehicle by such person [for the purpose of transportation to and from school, or for the welfare of the applicants or his family]. *In such cases the department may issue a license for a period of less than four years and may cancel any such license at any time before the person is 16 years of age when in the opinion of the department the safety of such person or of other persons upon the highways may require such cancellation.* The department may require an affidavit from a parent or other person having custody of such minor, setting out the facts of the case.

The department shall impose restrictions on any license issued to such minor as may be appropriate to limit the operation of motor vehicles by such person to operation within the scope of the necessity as shown and such other restrictions as the department may deem necessary to assure the safe operation of a motor vehicle by the licensee."

#### Amendment No. 3

On page 2, line 20, of said bill, strike out "SEC. 3.", and insert "SEC. 4."

#### Amendment No. 4

On page 2 of said bill, following line 25, insert

"SEC. 5. Section 271 of the Vehicle Code is amended to read:

271. Grounds Permitting Refusal of License. The department may refuse to issue an operator's or chauffeur's license to any person:

(a) If the department is satisfied that the applicant is not entitled thereto under the provisions of this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted to be made unlawful use of any operator's or chauffeur's license.

(d) If the department determines that the applicant has used a false or fictitious name in any application for a license, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is an habitual violator of the traffic laws.

SEC. 6. Section 276 of the Vehicle Code is amended to read:

276. Term and Expiration of Operator's License. Every operator's license hereafter issued shall expire four years from date of issuance and the department is authorized to cancel and require the renewal of any operators' licenses which have been outstanding four years or more. In the event an operator's license expires during the month of January the department may extend such license for a period of 30 days.

If an applicant for an operator's license has any physical or mental infirmities which, in the opinion of the department, may, during the term of the license to such person, result in his inability to exercise reasonable and ordinary control in the operation of a motor vehicle, the department may issue a license to such person to expire on any date less than four years from the date of issuance as it may consider advisable.



Whenever an applicant for an operator's license does not fully meet the requirements for a driver's license, but can, in the opinion of the department, operate a motor vehicle safely under restricted conditions until he is able to fully meet the requirements for the license, the department may issue a license to such person to a period less than four years.

The provisions of this section and of Section 257 insofar as they authorize the issuance of licenses for periods of less than four years shall not be affected by any extension of drivers' licenses for the duration of the war, but such licenses issued for a term less than four years under the authority of this section or of Section 257 must be renewed upon expiration.

Every operator's license issued prior to August 14, 1929, is hereby canceled."

**Amendment No. 5**

On page 2, line 27, of said bill, strike out "SEC. 4.", and insert "SEC. 7."

**Amendment No. 6**

On page 3, line 1, of said bill, strike out "SEC. 5.", and insert "SEC. 8."

**Amendment No. 7**

On page 4, line 45, of said bill, strike out "SEC. 7.", and insert "SEC. 10."

**Amendment No. 8**

On page 5, line 9, of said bill, strike out "SEC. 8.", and insert "SEC. 11."

**Amendment No. 9**

On page 5, line 26, of said bill, strike out "SEC. 9.", and insert "SEC. 12."

**Amendment No. 10**

On page 6, line 32, of said bill, strike out "SEC. 10.", and insert "SEC. 13."

**Amendment No. 11**

On page 7, line 37, of said bill, strike out "SEC. 11.", and insert "SEC. 14."

**Amendment No. 12**

On page 8, line 21, of said bill, strike out "SEC. 12.", and insert "SEC. 15."

**Amendment No. 13**

On page 9, line 4, of said bill, strike out "SEC. 13.", and insert "SEC. 16."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Assembly Bill No. 261**—An act to amend Sections 19484 and 19562 of the Business and Professions Code, relating to horse racing meetings.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 599**—An act to add Section 403.5 to, and to amend Section 765 of, the Vehicle Code, relating to the effect of the war emergency and Federal and local regulations arising therefrom applicable to vehicles on the provisions of said code, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 15 to 21, inclusive, and insert  
 "The provisions of this section shall apply to such acts or omissions whether occurring prior to or after the effective date of this section."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1071**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, lines 21 and 22, of the printed bill, as amended, strike out "and maintained exclusively".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out line 25, and insert "(f) An emergency vehicle of a public".

**Amendment No. 3**

On page 2, line 1, of the printed bill, as amended, after "calls", insert "for the repair or maintenance of its service".

**Amendment No. 4**

On page 2, line 2, of the printed bill, as amended, after the period, insert "A vehicle mentioned in this subdivision may display a red light but need not be equipped with a siren."

**Amendment No. 5**

On page 2, line 24, of the printed bill, as amended, immediately following subdivision (j), insert

"(k) A motor vehicle owned by the State and operated by a member of the Board of State Harbor Commissioners for San Francisco Harbor or by any officer or employee of said board, and used exclusively in responding to emergency calls on the San Francisco water front."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1604**—An act to amend Section 258 of the Vehicle Code, relating to chauffeurs.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 258 of", and insert "add Section 258.1 to".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "258 of the Vehicle Code as amended", and insert "258.1 is added to the vehicle Code".

**Amendment No. 3**

On page 1 of said bill, strike out lines 3 and 4.

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "Temporary chauffeur's licenses or permits may be issued", and insert

"258.1. Temporary Chauffeurs' Licenses. Temporary chauffeurs' licenses or permits may be issued at the discretion of the director".

**Amendment No. 5**

On page 1, line 7, of said bill, after "vehicles", insert "with a load capacity of not more than four tons".

**Amendment No. 6**

On page 1 of said bill, after line 16, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by

this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1692**—An act to amend Sections 50, 51, 54, and 55 of the Fish and Game Code, relating to game management areas.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 2, line 43, of the printed bill, as amended, strike out "November", and insert "October".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1935**—An act to amend Section 107 of the Revenue and Taxation Code, relating to the taxation of real and personal property, including the taxing of possessory interests and mining rights.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 1, line 21, of the printed bill, as amended, after "interests", insert "in Sections 2914 to 2919, inclusive,".

**Amendment No. 2**

On page 1, line 22, of said bill, after the period, insert "Suit may be brought against an assessee of such taxes in the event of delinquency in the payment thereof."

**Amendment No. 3**

On page 1, line 9, of said bill, after "sufficient", insert "security".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1058**—An act to amend Sections 7454, 7457, 7701, 7702, 7703 and 7704 of the Revenue and Taxation Code, relating to the collection of the motor vehicle fuel license tax.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended in the Assembly April 17, 1943, after "7728," insert "7729,"; and after "7730," insert "7871,".

**Amendment No. 2**

In line 4 of the title of the printed bill, as amended, after "7981," insert "8101,".

**Amendment No. 3**

In line 6 of the title of the printed bill, as amended, after "7407," insert "7655,".

**Amendment No. 4**

On page 6 of the printed bill, as amended, strike out lines 15 to 19, both inclusive, and insert

"7701. If the board deems such procedure necessary in order to insure payment to the State of the amount of license taxes due from any distributor under this part, it may require him to make returns and payments of his license taxes on a weekly basis. The distributor must then file a return each Tues-".

**Amendment No. 5**

On page 7, line 16, of the printed bill, as amended, after "tax", insert ", and shall give the unlicensed distributor notice of this determination as prescribed by Section 7493. Provisions of Sections 7699 and 7709 shall be applicable with respect to the finality of the determination and the right of the unlicensed distributor to petition for a redetermination".

**Amendment No. 6**

On page 7, line 22, of the printed bill, as amended, after "tax", strike out "and", and insert a comma; and after "penalty", insert "and interest".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 7**

On page 7, line 25, of the printed bill, as amended, insert

"SEC. 24.5. Section 7729 of the Revenue and Taxation Code is hereby amended to read as follows:

7729. At the request of the Controller the Attorney General shall commence and prosecute to final determination an action at law to collect the license tax, [and] penalty and interest, or any part thereof, determined against an unlicensed distributor."

**Amendment No. 8**

On page 7, line 33, of the printed bill, as amended, insert

"SEC. 25.5. Section 7871 of the Revenue and Taxation Code is hereby amended to read as follows:

7871. The license tax, together with all penalties, interests and costs accruing thereupon or with respect thereto, is a lien upon all property of the distributor, attaching at the time of the distribution subject to the license tax. The lien is paramount to all private liens or encumbrances of whatever character and has the effect of an execution duly levied against all property of the distributor [and]. The lien remains until the license tax, together with all penalties, interests and costs accruing thereupon or with respect thereto, is paid or the property sold in payment thereof."

**Amendment No. 9**

On page 9, line 13, of the printed bill, as amended, insert

"SEC. 31.5. Section 8101 of the Revenue and Taxation Code is hereby amended to read as follows:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated upon the public highways of the State.

(b) Any person who exports the motor vehicle fuel for use outside of this State. Motor vehicle fuel carried from this State in the fuel tank of a motor vehicle is not deemed to be exported from this State.

(c) Any employee of the United States who buys the motor vehicle fuel and uses it exclusively in the transportation of rural free delivery mail and special delivery mail.

(d) The United States or any department thereof which buys the motor vehicle fuel for official use and on which fuel no claim for exemption from payment of the tax could be filed in accordance with Chapter 3 of this part.

(e) Any person who sells the motor vehicle fuel to the United States or any agency or instrumentality thereof under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7491 had he been the distributor of this fuel."

**Amendment No. 10**

On page 10, line 25, of the printed bill, as amended, after "them.", insert "The Motor Vehicle Fuel License Tax Law as contained in this code is a continuation of the Motor Vehicle Fuel License Tax Act and all persons having any administrative duty under said act shall continue to have full authority to determine and collect any amounts found to be due and payable on account of any distributions of motor vehicle fuel or other activity of any person prior to July 1, 1943, subject to the



provisions of said act. All liens that have attached under said act shall continue in full force and effect under said law and may be discharged only as in said law provided."

**Amendment No. 11**

On page 10, line 40, of the printed bill, as amended, insert  
 "Sec. 40.5. Section 7655 is added to the Revenue and Taxation Code, to read as follows:

7655. Any distributor who fails to pay the amount of license tax shown to be due by his return on or before the first day of the second calendar month following the monthly period to which it relates must pay a penalty of 10 per cent of the license tax, together with interest on said license tax at the rate of one-half of 1 per cent per month, or fraction thereof, from the date on which the license tax became due and payable to the State until the date of payment."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 687**—An act to amend Sections 6011, 6012, 6015, 6353, 6381, 6486, 6487, 6711, 6776, 6811, and 6812 of the Revenue and Taxation Code, and to add Section 6363 to said code, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended in the Assembly, March 31, 1943, strike out "6245."

**Amendment No. 2**

In line 6 of the title of the printed bill, as amended, after "SAID CODE," strike out "AND", and insert "TO".

**Amendment No. 3**

In line 7 of the title of the printed bill, as amended, after "SAID CODE," insert "AND TO AMEND SECTION 5.1 OF THE RETAIL SALES TAX ACT OF 1933."

**Amendment No. 4**

On page 1, line 10, of the printed bill, as amended, strike out "passage of title to the purchaser", and insert "its purchase".

**Amendment No. 5**

On page 2, lines 11 and 12, of the printed bill, as amended, strike out "title to the property passes to the purchaser", and insert "the purchase of the property is made".

**Amendment No. 6**

On page 2, line 31, of the printed bill, as amended, strike out "passage of title", and insert "its sale".

**Amendment No. 7**

On page 2, line 51, of the printed bill, as amended, strike out "title to the property passes", and insert "the sale of the property is made".

**Amendment No. 8**

On page 5, line 9, of the printed bill, as amended, after "property to", strike out "the United States or any", and insert a colon.

**Amendment No. 9**

On page 5 of the printed bill, as amended, strike out lines 10 to 13, inclusive, and insert a colon and

- (a) The United States, its unincorporated agencies and instrumentalities;
- (b) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;
- (c) The American National Red Cross, its chapters and branches."

**Amendment No. 10**

On page 6, line 16, of the printed bill, as amended, strike out "of the amount of the delinquency", and insert "thereof".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 11

On page 7, line 30, of the printed bill, as amended, insert

"S.E.C. 12.5. Section 5.1 of the Retail Sales Tax Act of 1933 is amended to read:

Sec. 5.1. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of taxes levied, assessed or payable hereunder the gross receipts from the sale of any tangible personal property to [the United States or any agency or instrumentality thereof except a corporate agency or a corporate instrumentality]:

(a) *The United States, its unincorporated agencies and instrumentalities;*

(b) *Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;*

(c) *The American National Red Cross, its chapters and branches."*

#### Amendment No. 12

On page 7, line 43, of the printed bill, as amended, after "hereof", insert ", amending, adding to, and repealing certain provisions of the Revenue and Taxation Code,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 131**—An act to amend the chapter heading of Chapter 5.7, Part 6, Division 1, and to amend Sections 3620, 3625, 3627, 3631, 3635 and 3637, and to add Section 3638 of the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 796**—An act to amend Part 5 of Division 2 of the Revenue and Taxation Code, relating to the vehicle license fee.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1150**—An act to amend Sections 8603 and 8652 of the Revenue and Taxation Code, relating to the use fuel tax.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 294**—An act to amend Section 16c of the Bank Act, relating to the deposit of checks in banks and the return of unpaid items.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1012**—An act to amend Sections 102 and 112 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1021**—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10497, 10498, 10499 and 10500, and to add Section 10498.5 to, the Insurance Code, relating to insurance.

Bill read second time.

#### Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

#### Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "10499", insert ", 10500".

#### Amendment No. 2

On page 1, line 8, of said bill, strike out "chapter", and insert "article".

**Amendment No. 3**

On page 1, line 14, of said bill, strike out "nothing"; and strike out lines 15 and 16, and insert "Any person subject to or exempted from Chapter 10 of this part is also exempted from this article."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 4**

On page 5 of said bill, between lines 22 and 23, insert

"Sec. 105. Section 10500 of the Insurance Code is amended to read:

10500. Every person not expressly exempted by or subject to Chapter 10 of this part [who] and any labor union not exempted by this article that transacts life or disability insurance without a valid and unrevoked certificate of authority or without a valid and unrevoked certificate of exemption issued pursuant to this article, is guilty of a misdemeanor. Every employee, officer or agent of any person who knowingly assists any person in the transaction of insurance in violation of this article, is guilty of a misdemeanor."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1746**—An act to add Sections 3660.1, 3660.2, 3660.3, 3660.4, and 3660.5, to the Revenue and Taxation Code, relating to the apportionment of revenues received by the State from tax-deeded lands to the taxing agency having a lien on or other interest in said land, prescribing the duties of the State Controller in connection therewith, and establishing a system and procedure in relation to tax-deeded lands.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 4 of the printed bill, as amended in the Assembly, April 3, 1943, following line 33, insert

"The one dollar (\$1) for property sold shall be paid from the total amount to be distributed. If the total amount is insufficient the one dollar (\$1) shall be reduced accordingly. The one dollar (\$1) for property redeemed shall be paid from redemption penalties and interest for the oldest year of delinquency and, if that is insufficient, then from redemption penalties and interest for each of the succeeding years in order. If the total amount of redemption penalties and interest is insufficient, the one dollar (\$1) shall be reduced accordingly."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 716**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax-delinquent property and providing for an alternative procedure for accomplishing said purposes.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Revenue and Taxation:

**Amendment No. 1**

On page 2, line 33, of the printed bill, as amended, after "State", insert a comma.

**Amendment No. 2**

On page 2, line 41, of said bill, after "troller", insert "and with the governing board of each taxing agency within the boundaries of which the real property is located".

**Amendment No. 3**

On page 3, line 5, of said bill, strike out "shall not elect", and insert "has not elected".

**Amendment No. 4**

On page 3, line 6, of said bill, after "property," insert "or if any renting or sales agency is terminated,".

**Amendment No. 5**

On page 3, line 7, of said bill, after "State", insert a comma.

**Amendment No. 6**

On page 3, line 43, of said bill, after "notice", insert ", stating the time and place when and where bids will be received for the sale or lease of the property.".

**Amendment No. 7**

On page 4, line 48, of said bill, after "section", insert "unless the agency or the person bringing the action has acquired the interest of the agency named as a party defendant".

**Amendment No. 8**

On page 5, line 1, of said bill, after "years", insert "from the date it received a tax deed to the property from its tax collector or a corresponding officer or from the effective date of this chapter, whichever is the later".

**Amendment No. 9**

On page 5, line 8, of said bill, after "Controller", insert "and with the governing board of each taxing agency within the boundaries of which the real property is located".

**Amendment No. 10**

On page 5, line 12, of said bill, after the period, insert "Whenever an exclusive leasing and sales agency is terminated, as provided in this paragraph, the taxing agency whose rights are thus terminated shall not within three years thereafter become the exclusive leasing and sales agency of such property except with the consent of all taxing agencies."

**Amendment No. 11**

On page 5, line 29, of said bill, after "Controller", insert "and with the governing board of each taxing agency within the boundaries of which the real property is located".

**Amendment No. 12**

On page 6, line 25, of said bill, strike out "an affidavit", and insert "Affidavits".

**Amendment No. 13**

On page 6, line 40, of said bill, strike out "attained", and insert "obtained".

**Amendment No. 14**

On page 7, line 4, of said bill, after "Controller", insert "and to the governing board of each taxing agency within the boundaries of which the real property is located".

**Amendment No. 15**

On page 7, line 7, of said bill, strike out "three", and insert "two".

**Amendment No. 16**

On page 7, line 11, of said bill, strike out "January 2d", and insert "February 1st".

**Amendment No. 17**

On page 7, line 13, of said bill, after "sales", insert "for the preceding calendar year".

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 487**—An act to make an appropriation to pay off the amount of outstanding bonds issued under "An act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose," approved April 2, 1870, and to repeal "An act to provide for the payment of interest on the



outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an act of the Legislature of the State of California, approved March 4, 1881, entitled 'An act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893,' approved March 3, 1893.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "the amount of"; and in line 2 of said title, strike out "outstanding bonds issued", and insert "a portion of the outstanding indebtedness of the State".

##### Amendment No. 2

On page 1, line 2, of said bill, strike out "two hundred"; and strike out line 3, and insert "three hundred fifty-seven thousand, two hundred fifty dollars (\$2,357,250).".

##### Amendment No. 3

On page 1 of said bill, strike out all of lines 5 to 9, inclusive, and insert "to pay off a portion of the outstanding indebtedness of the State in the manner following, to wit: If provision for the payments provided for in subparagraphs (a) and (b) of this section is not otherwise made, on or after July 1, 1945, upon the direction of the Director of Finance:

(a) The Controller shall transfer two million two hundred seventy seven thousand five hundred dollars (\$2,277,500) to the Interest and Sinking Fund, to be used to pay off the principal of the funded debt bonds, the issuance of which was authorized by "An act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose", approved April 2, 1870, all of which bonds are held by the State in trust for the University Fund and the State School Fund. When the sum is transferred to the Interest and Sinking Fund the Treasurer shall redeem the bonds held by him in trust for the University Fund and the School Fund, and the bonds shall be paid and retired.

(b) The State Treasurer shall, upon warrants drawn by the Controller according to law, pay the sum of seventy-nine thousand seven hundred fifty dollars (\$79,750) to The Regents of the University of California to repay moneys heretofore appropriated to the Endowment Fund, but by mistake withheld therefrom and used for other State purposes.

SEC. 2. The Director of Finance shall invest and reinvest the amount appropriated by this act in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged."

##### Amendment No. 4

On page 1, line 10, of said bill, strike out "2", and insert "3".

##### Amendment No. 5

On page 2, line 8, of said bill, after "repealed", insert "effective July 1, 1945".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1391**—An act to amend Sections 7301, 7303, 7304, 7351, 7352, 7402, 7405, 7501, and 7604 of, and to amend and renumber Section 7306 to be Section 6210.3 of, the Public Resources Code, relating to the sale and exchange of land, and granting and taking rights and interests therein, by the State and its political subdivisions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 8, of the printed bill, as amended, strike out "script", and insert "scrip".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 512**—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

On page 2, line 2, of the printed bill, as amended, strike out "; provided,"; and strike out lines 3 to 28, inclusive, and insert a period and

"Until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs, the Railroad Commission may, upon the application of a carrier after hearing held upon notice thereof, issue a permit granting and allowing variations from the requirements of subdivisions (e), (f) or (g), specifying therein the scope and extent of such allowable variations, and the conditions under which allowable, if the commission finds that the requirements of subdivisions (e), (f) and (g), or certain of those requirements, operate in impairment of the war effort and if it further finds that the variations from such requirements specified in the permit will be helpful in furthering the war effort without unreasonably increasing the risk of impairing the health or safety of the employees or of the traveling public, in view of the emergency; and the Railroad Commission may at any time revoke, suspend or modify any such permit upon proof being made that the terms and conditions thereof have been violated or that the variations specified in the permit are no longer necessary."

**Amendment No. 2**

In line 2 of the title of said bill, after "railroads", insert ", declaring the urgency thereof, to take effect immediately".

**Amendment No. 3**

On page 2 of said bill, after the last line, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

It is essential to the successful prosecution of the war that existing transportation facilities and personnel be used to the fullest extent possible and such limitations as are now contained in the laws amended by this act are impeding the successful prosecution of the war."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1147**—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks and shark livers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out the period, and insert ", to take effect immediately."

**Amendment No. 2**

On page 1 of the printed bill, strike out lines 8 to 20, inclusive, and insert "is sought."

It is unlawful to bring shark carcasses ashore or onto any pier or wharf within the waters of the State of California, unless they either are in the round or have only the livers and entrails removed. It is unlawful to bring ashore or onto any pier or wharf within the waters of the State of California shark livers removed from carcasses unless the carcasses are segregated as to sex and unless the livers of the males and females are kept in separate containers. It is unlawful to bring ashore or onto any pier or wharf within the waters of the State of California from any vessel, shark livers, unless a corresponding number of carcasses are unloaded and unless each such carcass has head, fins and evidence of sex intact and attached. Possession of shark livers on any vessel without a corresponding number of carcasses shall be prima facie evidence of a violation of this section."

**Amendment No. 3**

On page 1 of the printed bill, after line 27, insert

"Sec. 2. If any sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each sentence, clause and phrase thereof irrespective of the fact that any one or more of the sentences, clauses or phrases be declared unconstitutional.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore take immediate effect. A statement of the facts constituting such necessity is as follows:

Due to conditions arising out of the war it has become increasingly important to obtain food and vitamins from all possible sources. Shark livers are one of the most important sources of vitamins and shark carcasses are an important item of food. This act, if put into immediate effect, will encourage the taking and bringing into California of shark livers and shark carcasses which are vitally needed in the war effort."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 125**—An act to add Section 842.5 to the Fish and Game Code, relating to the use of nets.

Bill read second time, and ordered to third reading.

**MOTION TO SET SPECIAL ORDER**

Senator Biggar moved that Assembly Bill No. 512 be made a special order of business for Friday, April 30, 1943, at 11 a.m.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT**

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Bill No. 307, at this time, for consideration.

**CONSIDERATION OF SENATE BILL NO. 307**

**Senate Bill No. 307**—An act to add Sections 4.1-1, 4.781-1, 4.782-1, 4.784-1, 4.791-1, 4.793-1, 4.794-1, and 4.796-1 to the School Code and to add Sections 5151.1, 6952.1, 6953.1, 6957.1, 6972.1, 6974.1, 6975.1, and 6977.1 to the Education Code, relating to the support of the public elementary schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jes-

persen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Assembly Bill No. 1994, at this time, for purpose of adopting the committee amendments.

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222, and 2224, of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2017, 2020.01, 2021.01, 2163.1, 2163.2, 2163.7, 2166, 2181.01, 2181.1, 2182.1, 2183.1, 2187.01, and 2222.5 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In the title of the printed bill, as amended, strike out line 2, and insert "2181, 2182, 2183, 2222, and 2224 of the Welfare and".

##### Amendment No. 2

In the title of said bill, strike out line 4, and insert "2016, 2020.01, 2020.05, 2021.01, 2142.5, 2163.1, 2163.2, 2163.7,".

##### Amendment No. 3

In lines 5 and 6 of the title of said bill, strike out "and 2222.5", and insert "2222.7 and 2223.5".

##### Amendment No. 4

On page 2 of said bill, strike out lines 32 to 37, inclusive.

##### Amendment No. 5

On page 3 of said bill, between lines 9 and 10, insert

"SEC. 6.5. Section 2020.05 is added to said code, to read:

2020.05. For the purposes of Section 2020, earnings of an applicant shall not be deemed income or resources of the applicant, and shall not be deducted from the amount of aid to which the applicant would otherwise be entitled.

This section shall take effect if and when amendments to the Federal statutes or rules and regulations of the Federal Social Security Board take effect permitting this State to give effect to this section without thereby rendering this State ineligible to receive Federal grants-in-aid for old age assistance in this State."

##### Amendment No. 6

On page 3, line 35, of said bill, insert

"SEC. 7.5. Section 2142.5 is added to said code, to read:

2142.5. Every person administering aid under this chapter shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under this chapter, and shall endeavor at all times to perform his duties in such manner as to secure for every aged person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of this chapter, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of this chapter."



**Amendment No. 7**

On page 5 of said bill, strike out lines 2 to 10, inclusive, and insert

"2163. No aid under this chapter shall be granted or paid to any person who owns personal property the net value of which exceeds six hundred dollars (\$600)."

The term personal property shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000). No insurance policy shall be valued at more than its present cash value to the applicant or recipient. Premiums paid on insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient."

**Amendment No. 8**

On page 5, line 20, of said bill, strike out "the", and insert "such interest in such".

**Amendment No. 9**

On page 5, line 26, of said bill, strike out the period, and insert "; but do not include jewelry and items of similar character."

**Amendment No. 10**

On page 5 of said bill, strike out lines 48 to 51, inclusive; and on page 6, strike out lines 1 and 2.

**Amendment No. 11**

On page 6, line 27, of said bill, strike out "; directly and not through any other agency of the county,".

**Amendment No. 12**

On page 8 of said bill, strike out lines 10 to 17, inclusive, and insert "in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing."

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 2182."

**Amendment No. 13**

On page 10 of said bill, strike out lines 20 to 30, inclusive.

**Amendment No. 14**

On page 11, line 20, of said bill, strike out "In all cases the"; and strike out lines 21 to 25, inclusive, and insert

"SEC. 23.3. Section 2222.7 is added to said code, to read:

2222.7. Whenever the State Department of Social Welfare finds that moneys collected from recipients in repayment of aid granted under this chapter have been collected erroneously, because of mistake of law or fact, refunds shall be made as provided in this section."

Upon certification by the county or the State Department of Social Welfare that the repayment of aid was made and collected erroneously, the county shall refund to the recipient the amount of the county and State shares of the repayment, and the State shall allow to the county in computing the amounts payable to the county pursuant to Section 2188 a credit for any amount of such refund which has previously been credited to the State. If the United States Government pays or credits to the State the amount of the repayment which has been credited to the United States Government, the State shall allow a credit to the county in the amount of the credit received by the State from the United States Government, and the county shall refund to the recipient the amount so credited to the county."

This section shall be applied retroactively, to require the refund of all repayments erroneously collected from recipients of aid within the two years immediately preceding its effective date, notwithstanding the provisions of Section 4075 of the Political Code.

SEC. 23.6. Section 2223.5 is added to said code, to read:

2223.5. Notwithstanding the provisions of Sections 2222 and 2223, a person who has received aid in good faith, honestly believing himself to be entitled thereto, but who is found to have possessed property in excess of the amount allowed under the

provisions of this chapter, shall be considered to have been ineligible for aid only during the period for which the excess property, if it had been applied to his support at the rate of the aid granted to him, would have supported him. In such case the recipient shall repay only the aid he received during such period of ineligibility."

#### Amendment No. 15

On page 11 of said bill, strike out lines 32 to 37, inclusive, and insert "sent to the relative inquiring whether the relative is in fact contributing to the support of the applicant, and if contributing, in what form and amount per month."

If the relative is not contributing to the support of the applicant, he shall file a sworn statement showing his assets and liabilities."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 256**—An act to amend Sections 2798.5, 2807, 2808, 2820, 2821, 2822, and 2827 of the Elections Code, relating to the State central committee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

**NOES**—Senators Collier, Donnelly, McBride, Powers, Seawell, and Shelley—6.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers and general circulation.

Bill read third time.

#### Motion to Amend

Senator Mayo moved the adoption of the following amendments:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section 4460 of the Political Code", and insert "to add Section 6007 thereto".

##### Amendment No. 2

On page 1 of said bill, strike out line 13, and insert

"SEC. 2. Nothing in the amendments effected in Section 6000 by this".

##### Amendment No. 3

On page 1 of said bill, strike out line 18; and in line 19, strike out "meaning of this section", and insert

"SEC. 3. Section 6007 is added to said code, to read:  
6007. The status of a newspaper of general circulation".

##### Amendment No. 4

On page 2 of said bill, strike out lines 1 to 37, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 353**—An act to amend Sections 755, 762, 763, and 788 of the Probate Code and to add new sections to be numbered 762.5 and 765 to the Probate Code, all relating to the sale of real or personal property in probate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 553**—An act to amend Sections 12625 and 12682 of the Revenue and Taxation Code, relating to insurance taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Senator Cunningham Presiding

At 2:58 p.m., Senator Cunningham of the Twenty-seventh District, presiding.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3:25 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 142**—An act to amend Section 69 of the Civil Code, relating to marriage, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 142.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jepsen, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—Senators Biggar, Dorsey, Fletcher, Hatfield, Judah, Keating, Quinn, and Swing—8.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jepsen, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—Senators Biggar, Dorsey, Fletcher, Judah, Keating, Quinn, and Swing—7.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 2**—A resolution proposing to the people of the State of California to amend Article IV of the Constitution of said State, by adding a new section thereto relating to expenses of Members of the Legislature.

Resolution read.

**Motion to Amend**

Senator Swing moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed measure, as amended, strike out lines 23, 24, and 25, and insert "stitution but each member shall be allowed and reimbursed expenses necessarily incurred by him while attending regular, special and extraordinary sessions of the Legislature. The amount of the expense necessarily incurred by the respective members, while attending any such sessions, shall be determined and payment thereof provided for by Joint Rules of the Senate and Assembly. Such expense allowances may equal but shall not exceed the expense allowances now authorized for other elected State officers.

Amendment read and adopted.

Resolution ordered printed, and to third reading.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 413**—An act to add Section 17 to the Agricultural Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 415**—An act to add Section 4 to the Probate Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 416**—An act to add Section 3 to the Fish and Game Code, relating to the effect of headings upon the interpretation of the provisions of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 414**—An act to amend Section 422 of the Probate Code, relating to the administration of estates of persons dying intestate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1281**—An act amending Section 2356 of the Civil Code, relating to the revocation of an agent's powers, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1528**—An act to amend Sections 150 and 151 of, and to add Section 96.6 to the State Civil Service Act, relating to the State civil service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1762**—An act authorizing the investment of surplus funds of any bridge and highway district in bonds, obligations and securities and legalizing all such investments heretofore made, and

authorizing such bridge and highway districts to use such surplus funds for the refunding or partial refunding of any existing bonded indebtedness of bridge and highway districts and to add Section 27154 to the Streets and Highways Code for the same purposes, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 279**—An act to amend Section 11 of the Motor Vehicle Fuel License Tax Act, and to add Section 8104.5 to, and to amend Section 8105 of, the Revenue and Taxation Code, relating to refunds, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, April 28, 1943

#### *To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

**DR. W. EARLE SMITH**, Baptist minister, resident of the City and County of San Francisco, to the State Board of Prison Directors, vice Julian Alco, appointment withdrawn, for the term ending January 12, 1952, the said Dr. W. Earle Smith, having been heretofore appointed February 9, 1942, during the recess of the Legislature, as a member of the State Board of Prison Directors, and now serving as a member of said board.

**JULIAN ALCO**, businessman, resident of the City and County of San Francisco, to the State Board of Prison Directors, vice Dr. W. Earle Smith, appointment withdrawn, for the term ending January 12, 1944, the said Julian Alco having been heretofore appointed on December 31, 1942, during the recess of the Legislature, as a member of the State Board of Prison Directors, and now serving as a member of said board.

**LEE O. TOOR, JR.**, businessman, resident of the City of Monte Rio, to the Board of Trustees of the Sonoma State Home, vice himself, for the term prescribed by law, the said Lee O. Toor, Jr., having been heretofore appointed August 29, 1942, during the recess of the Legislature, as a member of the Sonoma State Home Board of Trustees, and now serving as a member of said board.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, April 28, 1943*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

FORD CHATTERS, resident of the City of Lindsay, publisher, former Member of the California Assembly in 1933 and 1935, and formerly for four years a member of the State Board of Education, to the State Personnel Board, vice Harry Lutgens, resigned, for the term prescribed by law.

ARCHIBALD B. TINNING, resident of the City of Martinez, attorney at law, former district attorney of Contra Costa County, since 1931 counsel for Joint Highway District No. 13 of the State of California, and former member of the Board of Governors of the State Bar of California, to the State Personnel Board, vice Cornelius J. Haggerty, resigned, for the term prescribed by law.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, April 28, 1943*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointment, and respectfully request your confirmation thereof and consent thereto:

B. H. CROCHERON, resident of the City of Berkeley, professor of agriculture in the Extension Division of the University of California at Berkeley, to State Soil Conservation Committee, vice self, for the term at the pleasure of the Governor.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 67**--An act to add Section 1176.5 to the Fish and Game Code, relating to falcons and pigeons, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES--Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle--28.

NOES--Senators Keating, Luckey, and Swan--3.

The roll was called, and the bill passed by the following vote:

AYES--Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Tickle--28.

NOES--Senator Swan--1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 280**--An act to amend Sections 8353 and 8355 of, and to add Section 8353.5 to, the Revenue and Taxation Code, relating to apportionments and payments to counties out of the Motor Vehicle Fuel Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen,

Judah, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 948**—An act to amend Section 1203.5 of the Fish and Game Code, relating to pigeons.

**Motion to Refer Bill to Inactive File**

Senator Tickle moved that Assembly Bill No. 948 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 1352**—An act to amend Section 661 of the Fish and Game Code, relating to salmon.

**Motion to Refer Bill to Inactive File**

Senator Tickle moved that Assembly Bill No. 1352 be placed on the inactive file.

Motion carried.

**Assembly Bill No. 1951**—An act to add Section 256.5 to the Revenue and Taxation Code, relating to exemptions from real property taxation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1061**—An act to amend Sections 8703, 8705, 9151, and 9174 of the Revenue and Taxation Code, relating to use fuel tax permits and refunds of the use fuel tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 787**—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

NOES—None.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1747**—An act to add Section 44.3 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Tickle—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Bill No. 145**—An act to amend Section 337a of the Penal Code, relating to poolselling, bookmaking, bets and wagers.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Breed, Burns, Carter, Crittenden, Luckey, McBride, Salsman, Seawell, Tenney, and Ward—10.

**NOES**—Senators Brown, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Parkman, Powers, Quinn, Rich, Slater, Swan, and Tickle—17.

#### Senator Collier Presiding

At 4.50 p.m., Senator Collier of the Second District, presiding.

**Assembly Bill No. 945**—An act to add Section 4174 to the Business and Professions Code, relating to certificates to practice pharmacy, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Luckey,

McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1337**—An act to amend Section 4094 of the Business and Professions Code, relating to pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Luckey, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1338**—An act to repeal Article 1, comprising Sections 4160 to 4162, inclusive, of Chapter 9, Division 2 of the Business and Professions Code, relating to pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1787**—An act amending Sections 4006, 4030, 4036, 4090, 4091, 4196, 4231, 4232, 4233, 4250, 4255, and 4256 and to repeal Sections 4160, 4161, and 4162 of the Business and Professions Code, relating to licentiates in pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Tickle—31.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1777**—An act to add Section 5418.5 to the Health and Safety Code, relating to sewerage.

Bill read third time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

#### Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "Any", insert "person, firm, corporation,".

#### Amendment No. 2

On page 1, line 14, of said bill, after the period, insert "This section does not apply to those communities, municipalities, districts or subdivisions where it can be shown to the satisfaction of the board that the natural currents of the ocean are such as to divert the sewage offshore so as to prevent the contamination or pollution

of the beaches and shore waters. The term "raw sewage" as used in this section, shall be construed to mean human excretions only."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new article to be numbered 16, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof; providing for the kinds of securities issuable in connection therewith and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to or dissent from a plan as defined in said Article 16, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such Article 16 or for property and to continue to hold as a legal investment any securities or properties so received, and exempting the proposer or proposers of a plan and the investors and creditors petitioning for withdrawal of assets from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 4 of said bill, strike out lines 25 to 52; and on page 5, strike out lines 1 and 2, and insert "and equitable, and feasible."

**Amendment No. 2**

On page 6, line 28, of said bill, strike out "part", and insert "apart".

**Amendment No. 3**

On page 7, line 20, of said bill, strike out "Subdivision", and insert "Subsection".

**Amendment No. 4**

On page 7 of said bill, strike out lines 38 to 42, inclusive, and insert "to this Section 16.03 (1) by the commissioner, or (2) by the holders of 25 per cent in value of the outstanding investment certificates of the association, or (3) if there are no investment certificates outstanding, by the holders of 25 per cent in value of the outstanding free shares of the association.

Upon the petition of the holders of 15 per cent in value of the certificates, or, if there are no certificates outstanding, of the holders of 15 per cent in value of the free shares, the court shall order the commissioner to send to all certificate holders, or, if there are no certificates outstanding, to all holders of free shares, an invitation to join in proposing to the court a plan of reorganization, together with any arguments in favor of such proposal prepared by such petitioners. Provided, the form and contents of such invitation and arguments shall be subject to approval by the court as fair and reasonable; and provided further, that the expense of preparation and distribution shall be borne by such petitioners.

Provided, however, that no plan may be presented to the court by certificate holders or holders of free shares as provided above, unless it is so presented within nine months after the commissioner has taken possession of the property, business and assets of the association, or, in the case of an association the property, business

and assets of which now are in the possession of the commissioner, within nine months after this act shall take effect."

#### **Amendment No. 5**

On page 8, line 11, of said bill, strike out "to such proposer or proposers, and".

#### **Amendment No. 6**

On page 8, line 36, of said bill, after the period, insert "Such hearing shall be given the same preference as a hearing upon an application for an injunction."

#### **Amendment No. 7**

On page 8 of said bill, strike out lines 41 to 43, inclusive, and insert "satisfied that the plan is fair and equitable, and feasible. After the completion of such hearing the court forthwith".

#### **Amendment No. 8**

On page 10 of said bill, after line 34, insert "the court shall not stay by reason of the pendency of such proceeding further proceedings in liquidation by the commissioner, but".

#### **Amendment No. 9**

On page 10, line 47, of said bill, strike out "one"; and strike out lines 48 to 51, inclusive, and insert "the class specified in this section as subject to reorganization; whether any plan, either in its original or modified form is fair and equitable; whether it is".

#### **Amendment No. 10**

On page 11, lines 30 and 31, of said bill, strike out "if he is in possession of such assets and, if not, by the association".

#### **Amendment No. 11**

On page 12 of said bill, strike out lines 3 to 8, inclusive.

#### **Amendment No. 12**

On page 12 of said bill, strike out line 26, and insert "the commissioner, unless he is enjoined from proceeding with liqui-".

#### **Amendment No. 13**

On page 12, line 33, of said bill, strike out "15", and insert "25".

#### **Amendment No. 14**

On page 13 of said bill, strike out lines 15 to 21, inclusive, and insert "tioner or petitioners or their".

#### **Amendment No. 15**

On page 13, line 24, of said bill, strike out the second "Investors", and insert "At any time prior to such hearing investors".

#### **Amendment No. 16**

On page 13 of said bill, strike out lines 32 to 52, inclusive; and on page 14, strike out lines 1 to 3, inclusive, and insert

"C. Hearing. At least 10 days before such hearing the commissioner shall serve upon the petitioner or petitioners and shall file with the court an appraisal by the commissioner or by appraisers employed by him of each asset of such association (or of each group of assets which are operated as a unit), and such appraisal shall be received in evidence at such hearing and shall be deemed prima facie correct. In such appraisal the various assets shall be classified by the commissioner according to the character of such assets and their operation. At the hearing the court shall determine the total amount of investment certificates and unsecured creditors' claims represented by the petitioner or petitioners, and what ratio such total bears to the total amount of investment certificates and unsecured creditors' claims outstanding. At the hearing, the commissioner, the petitioner or petitioners, or any other certificate holder of unsecured creditor, may recommend to the court the assets to be segregated, and the court shall determine such segregation and shall allot to the withdrawing certificate holders and unsecured creditors their proportionate share of the assets, and the commissioner shall retain the remainder for liquidation for the benefit of the nonwithdrawing investors and unsecured creditors. Such segregation shall be made so far as practicable by designating for withdrawal approximately the same proportion of each class of assets, the intent being so far as practicable to secure for the withdrawing certificate holders and unsecured creditors a fair and equitable cross section of the assets, and to retain for the nonwithdrawing certificate holders and unsecured creditors a fair and equitable cross-section of the assets.

The court shall determine whether such proposed".

#### **Amendment No. 17**

On page 15 of said bill, strike out lines 3 to 26, inclusive, and insert "of unsecured creditors; and provided further, that unless the court finds that the shareholders



have an existing equity in the assets of the association, the securities issued to the shareholders shall contain express provision that such securities shall have no voting power until such corporation shall have retired all securities issued in exchange for claims of certificate holders and unsecured creditors, and, that unless the court finds that the stockholders have an existing equity in the assets, the securities issued to the stockholders shall contain express provision that such securities shall have no voting power until such corporation shall have retired all securities issued in exchange for claims of shareholders, certificate holders and unsecured creditors."

#### Amendment No. 18

On page 16, line 7, of said bill, after "claims", insert "Aggregating not less than 10 per cent of the total investment certificates and unsecured creditors' claims outstanding at the time of the first withdrawal of assets".

#### Amendment No. 19

On page 17, line 11, of said bill, after the period, insert "Unless the court finds that the shareholders have an existing equity in the assets of the association, the securities issued to the shareholders shall contain express provision that such securities shall have no voting power until such corporation shall have retired all securities issued in exchange for claims of certificate holders and unsecured creditors, and, unless the court finds that the stockholders have an existing equity in the assets, the securities issued to the stockholders shall contain express provision that such securities shall have no voting power until such corporation shall have retired all securities issued in exchange for claims of shareholders, certificate holders and unsecured creditors."

#### Amendment No. 20

On page 17, line 16, of said bill, after the period, insert "In determining such fair market value, the court or the commissioner, as the case may be, shall give due consideration to the earning power of the property, past, present, and prospective."

#### Amendment No. 21

On page 18, line 18, of said bill, strike out "shall", and insert "may".

#### Amendment No. 22

On page 18 of said bill, strike out lines 32 to 38, inclusive.

#### Amendment No. 23

On page 19 of said bill, strike out lines 21 and 22, and insert "Section 16.03: (c) file or join in a petition".

#### Amendment No. 24

On page 19, line 41, of said bill, after the period, insert "No appeal from an order disapproving a plan of reorganization or a petition for the withdrawal of assets shall operate as a stay of further proceedings in liquidation by the commissioner."

#### Amendment No. 25

On page 19, line 45, of said bill, strike out "Section 16.11", and insert "article".

#### Amendment No. 26

On page 20 of said bill, strike out lines 1 to 12, inclusive, and insert "The following reasons: There are now in the possession of the commissioner assets worth many millions of dollars, representing the savings of many thousands of persons in this State. In the absence of this act, the law provides no adequate machinery for the reorganization of associations. The Legislature further declares that this act is enacted in the exercise of the bankruptcy powers of this State, for the foregoing reasons."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1013**—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Bill read third time.

#### Motion to Amend

Senator McBride moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 23, of the printed bill, strike out "this subdivision", and insert "subdivisions (b) and (c)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 541**—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator DeLap moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 10, of the printed bill, as amended, between "establishment" and "on", insert "and any officer of or above the rank of lieutenant, senior grade,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 12 to 14, inclusive, and insert "3. Any officer of or above the rank of captain on active duty with the United States Marine Corps;".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1014**—An act to add Sections 10176, 10206.5 and 10641.5 to, and to amend Sections 10202, 10203, 10206, 10270.5, 10270.55, 10270.9, 10270.93 and 10342 of, the Insurance Code, relating to insurance.

Bill read third time.

**Motion to Amend**

Senator McBride moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out the period, and insert "without requiring that the insured first pay such expenses."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**COMMUNICATIONS**

The following communication was received, read, and, on motion of Senator McCormack, ordered printed in the Journal:

April 29, 1943

*Honorable Thomas McCormack, Chairman, Transportation Committee  
State Senate, Sacramento, California*

Your subcommittee appointed for the purpose of investigating and reporting upon the various bills introduced at this session providing for the inclusion of new or additional highways in the State Highway System, and to define a policy in regard to action on these bills in connection with present fiscal conditions in the Highway Department of the State, beg to submit our unanimous conclusion on this whole question, as follows:

According to information obtained by us from the Department of Public Works, Division of Highways, an analysis of the 17 bills presented at this session revealed suggested additions to the State Highway System of 466 miles of new road. The bill numbers and the authors, the descriptions and the mileage involved are as follows:

- S.B. 44—Senator Dorsey. From Route 23 near Cantil to Route 145 via Randsburg—21 miles. See A.B. 34;
- S.B. 250—Senators Hatfield, Donnelly, and Salsman. From a point on Route 41 near Patterson to San Jose—75 miles. See A.B. 1029;
- S.B. 281—Senators Hatfield and Donnelly. From Turlock to Los Banos via Stevenson—30 miles;
- S.B. 283—Senator Tenney. From Route 158 near Van Nuys to Anaheim Street in Long Beach, approximately paralleling the Los Angeles River. See A.B. 100, A.B. 101, A.B. 606;
- S.B. 435—Senators Donnelly and Hatfield. From Route 4 at Merced to Route 4 near Stockton via Winton, Denair, Hughson, Empire, Riverbank, and Escalon—66 miles;
- S.B. 703—Senator Hatfield. Between Snelling and Route 13 via La Grange—26.8 miles; between Merced and Los Banos via Air Line Route—27 miles;

- S.B. 763—Senator Salsman. Between Junction of Routes 5 and 68 and Route 32—30 miles;
- S.B. 966—Senator Shelley. Includes Golden Gate Bridge in State Highway System. See A.B. 1416 and S.B. 969;
- S.B. 967—Senator Shelley. Between Lyon Street and the Golden Gate Bridge Toll Plaza via Richardson Avenue and Marina Boulevard in San Francisco. See A.B. 1004;
- S.B. 968—Senator Shelley. Between Route 1 and the southerly city limits of Sausalito via the Sausalito Lateral. See A. B. 1003;
- S.B. 969—Senator Shelley. Enables the purchase of the Golden Gate Bridge. See A.B. 1416 and S.B. 966;
- A.B. 34—Mr. Werdel. From Route 23 near Cantil to Route 145 via Randsburg. See S.B. 44;
- A.B. 100—Mr. Evans. From Route 158 near Van Nuys to Anaheim Street in Long Beach, approximately paralleling the course of the Los Angeles River—40 plus miles. See A.B. 101, A.B. 606, and S.B. 283;
- A.B. 101—Mr. Evans. Same as above. See A.B. 100, A.B. 606, and S.B. 283;
- A.B. 220—Messrs. Rosenthal and Bennett. From Route 172 to Route 26 via Indiana Avenue—1.5 miles;
- A.B. 393—Mr. Debs. Glendale Boulevard in Los Angeles County from Beverly Boulevard to San Fernando Road—4.4 plus miles;
- A.B. 606—Messrs. Evans, Waters, Lyons, et al. From Route 158 near Van Nuys to Anaheim Street in Long Beach, approximately paralleling the course of the Los Angeles River. See A.B. 100, A.B. 101, and S.B. 283;
- A.B. 761—Mr. Denay. From a point on State Highway Route 29, approximately 10.5 miles northwesterly of Doyle to the Sierra Ordnance Depot—4.3 plus miles;
- A.B. 870—Mr. Lowrey. Vina to Route 1 via Corning, Paskenta, and Covelo—128 plus miles;
- A.B. 1003—Messrs. O'Day, Maloney, et al. Between Route 1 and the southerly city limits of Sausalito via the Sausalito Lateral—1.4 miles. See S.B. 968;
- A.B. 1004—Messrs. O'Day, Maloney, et al. Between Lyon Street and the Golden Gate Bridge Toll Plaza via Richardson Avenue and Marina Boulevard in San Francisco—1.7 miles. See S.B. 967;
- A.B. 1029—Messrs. Brown, Thompson, and Miller. Between a point on Route 41 near Patterson to San Jose. See S.B. 250;
- A.B. 1056—Messrs. O'Day, Gaffney, and Maloney. From Route 68 to Route 2 via Geneva Avenue—2.2 miles;
- A.B. 1080—Messrs. O'Day, Collins, George D., Wollenberg, et al. Divisional Highway in San Francisco from Waller and Divisadero Streets to Alemany Boulevard near Theresa Street—3.1 miles;
- A.B. 1416—Mr. McCollister. Provides for State maintenance of Golden Gate Bridge, etc.—1.7 miles. See S.B. 966 and S.B. 969;
- A.B. 1675—Mr. Burkhalter. From Empire Avenue to San Fernando Road via Leland Way, Front Street and Providencia Avenue—1.8 miles.

Even though under normal conditions the construction of some of these roads might tie in perfectly with the present plans of expansion by the Highway Department in the normal development of the Highway System, it is nevertheless the opinion of your committee that at no time in recent years would it be more inadvisable to recommend additions to the State Highway System than now.

There are wide extremes represented in the character of the roads proposed. In some instances no road now exists where the new road is proposed. Some are entirely local in character, and some carry very little traffic. Some are intended, no doubt, to be heavy traffic arteries. All but two of the proposals required may be by construction, and all of them will require maintenance expenditure by the State. Several are exceedingly costly to build; for instance, the proposed 40 miles from Van Nuys to Long Beach suggested in A.B. 100, A.B. 101, A.B. 606, and S.B. 283. This project alone would cost forty million dollars. Another expensive project is the proposed Divisional Highway in San Francisco, sponsored in A.B. 1080. The cost of construction for this road would run from eight million to twelve million dollars.

There are several serious reasons why a policy of adding roads to the State Highway System should not be adopted by the Legislature at this time. First and foremost is the abnormal reduction in highway revenues produced by gas and rubber rationing, a condition so serious that at the present time the plans of the department can hardly go beyond the provision of maintenance for a State Highway System for the next biennium, new construction being provided only on order of the Federal Roads Administration, in compliance with military necessities. Another factor has



to do with limitation placed on material on all State construction by the Federal Government; difficulties experienced by the Highway Department in preserving and retaining adequate road equipment; the reduction in engineering and maintenance personnel; the increased cost of labor and materials; and the fact that State Highway funds are now falling behind the rate of obsolescence and service demands of traffic—deferment of improvement during the war emergency is seriously aggravating this situation.

Many roads are now being used beyond their ability to serve traffic. Military trucking is imposing requirements beyond road requirements in many cases throughout the State, hastening the end of the economic life of some roads as applied to their physical status. Construction programs for the current period are not achievable, which in itself, from the standpoint of justice, would be a reasonable cause to reject proposals for adding 466 miles to the State Highway System.

Your committee also feels that complete cooperation should be shown at this time by the representatives of the Legislature from all sections of the State in the pending program of planning, engineering, and right-of-way purchases contemplated under the provisions of bills for those purposes now passed by this Legislature, and totaling the amount of \$13,500,000. This timely move will place the State in position for immediate development of tremendous size in highway construction in the postwar period, with all of the preliminaries off the boards, and with the opportunity to immediately cooperate with the Federal Roads Administration in the Federal Government plan of public works development throughout the Nation, including highway developments in many States.

Your committee has no hesitancy in recommending to the Transportation Committee that they table all bills before it providing for additions at this time to the State Highway System.

Submitted herewith is the complete analysis affecting proposed new additions to the Highway System as prepared by Mr. C. H. Parcell, Director of the Department of Public Works, and his engineers.

Respectfully submitted.

**SUBCOMMITTEE ON PROPOSED NEW ADDITIONS  
TO THE STATE HIGHWAY SYSTEM**

H. R. JUDAH, Chairman  
JESSE M. MAYO  
ARTHUR H. BREED, JR.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Luckey moved that Assembly Bills Nos. 1294, 1295, and 1296 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Luckey moved that Assembly Bill No. 1301 be taken from the inactive file and placed on the second reading file.

Motion carried.

**Request for Unanimous Consent**

Senator Luckey asked for, and was granted, unanimous consent to take up Assembly Bill No. 1301, at this time, for the purpose of adoption of amendment.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Assembly Bill No. 1301**—An act to amend Sections 22116 and 22120 of the Water Code and Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amendatory thereof and supplemental to the California Irrigation District Act and to the borrowing of funds and issuance of warrants and securities by irrigation districts.

Bill read second time.



**Motion to Amend**

Senator Luekey moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 28, of the printed bill, as amended, strike out "22216", and insert "22116".

Amendment read and adopted.

Bill ordered printed, and to second reading.

**REPORTS OF STANDING COMMITTEES****Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1591

Assembly Bill No. 1592

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MINTNER, Chairman

Above reported bills ordered to second reading.

**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 961

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bill ordered to second reading.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1052

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MINTNER, Chairman

Above reported bill ordered to second reading.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 12

Assembly Bill No. 89

Assembly Bill No. 226

Assembly Bill No. 406

Assembly Bill No. 440

Assembly Bill No. 606

Assembly Bill No. 962

Assembly Bill No. 963

Assembly Bill No. 1018

Assembly Bill No. 1037

Assembly Bill No. 1038

Assembly Bill No. 1231

Assembly Bill No. 1235

Assembly Bill No. 1266

Assembly Bill No. 1276

Assembly Bill No. 1412

Assembly Bill No. 1424

Assembly Bill No. 1623

Assembly Bill No. 1684

Assembly Bill No. 1772

Assembly Bill No. 1789

Assembly Bill No. 1975

Assembly Bill No. 173

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 12**—An act to amend Section 662 of the Elections Code, relating to election officers.

Referred to Committee on Elections.

**Assembly Bill No. 89**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

**Assembly Bill No. 226**—An act to add Section 18.5 to the Alcoholic Beverage Control Act, relating to the suspension and transfer of licenses.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 406**—An act making an appropriation to the Department of Agriculture for the purpose of establishing, equipping, and operating a poultry disease diagnostic and testing laboratory in San Diego County.

Referred to Committee on Agriculture.

**Assembly Bill No. 440**—An act to amend Sections 758 and 759, and to repeal Section 758a, of the Political Code, all relating to officers and employees of the district courts of appeal.

Referred to Committee on Local Government.

**Assembly Bill No. 606**—An act to add Section 486 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

**Assembly Bill No. 962**—An act to add Sections 5015, 5016, and 5017 to the Public Resources Code, relating to parks and beaches.

Referred to Committee on Natural Resources.

**Assembly Bill No. 963**—An act to add Sections 506.6 and 506.7 to the Public Resources Code, relating to the powers and duties of the State Park Commission respecting shore line protection, improvement and development of State or publicly owned ocean beaches, and to appointment of a Beach Erosion Control Engineer.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1018**—An act to amend Sections 11561 and 11699 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1037**—An act to add Section 136e to the Bank Act, relating to annual reports and accounts by the Superintendent of Banks, and making an appropriation.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1038**—An act to add Section 13.16f to the Building and Loan Association Act, relating to annual reports and accounts by the Building and Loan Commissioner, and making an appropriation.

Referred to Committee on Financial Institutions.

**Assembly Bill No. 1231**—An act to amend Sections 56 and 58 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1235**—An act to amend Sections 53, and 54 of the Unemployment Insurance Act, relating to base periods and benefits under said act.

Referred to Committee on Welfare and Institutions.

**Assembly Bill No. 1266**—An act to revise an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, firewardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemen's pension system.

Referred to Committee on Local Government.

**Assembly Bill No. 1276**—An act to amend Sections 132, 5901 and 5931 of, and to add Section 5884 to, the Elections Code, relating to the absentee registration and voting of the members of the armed forces of the United States, or any auxiliary branch thereof.

Referred to Committee on Elections.

**Assembly Bill No. 1412**—An act to add Division 8, comprising Sections 8001 to 8212, inclusive, to the Public Resources Code, relating to surveys and maps, creating a State Board of Maps and Surveys, and prescribing its powers and duties.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1424**—An act to add Section 1120.5 to the Probate Code, relating to the investment of trust funds.

Referred to Committee on Judiciary.

**Assembly Bill No. 1623**—An act making an appropriation to the State Park Commission, for the acquisition of land in Orange County as part of the State Park System.

Referred to Committee on Natural Resources.

**Assembly Bill No. 1684**—An act to amend Sections 717.5 and 868, of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1772**—An act making an appropriation from the State Parks Maintenance and Acquisition Fund to the State Park Commission to salvage and move cottages at Seacliff State Park, Santa Cruz County.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1789**—An act to amend Section 4265 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-sixth class.

Referred to Committee on Local Government.

**Assembly Bill No. 173**—An act to add Section 957.5 to the Fish and Game Code, relating to the use of nets in San Luis Obispo Bay.

Referred to Committee on Fish and Game.

**Assembly Bill No. 1975**—An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain any otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Referred to Committee on Finance.

**Assembly Constitutional Amendment No. 39**—A resolution to propose to the people of the State of California to amend Sections 3, 4 and 5 of Article IV of the Constitution of said State, relating to the term of office of members of the Assembly and Senate.

Referred to Committee on Rules.

#### ADJOURNMENT

At 5.20 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Friday, April 30, 1943.



# CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

# SENATE DAILY JOURNAL

SIXTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED SEVENTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 30, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Moxter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Swan and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William P. Dwyer, "Spiritual Adviser to the Chaplain of the Senate," of Sacramento.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Arthur Evans, Member of Parliament, of Cardiff, Wales; Sir George Sansom, His Majesty's Minister to Washington, D.C., and Mr. Godfrey A. Fisher, British Consul General in San Francisco.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dan H. Reese, district superintendent; Miss Anna Kirchgater and Elbert Pohemus, teachers, and the following students from the seventh and eighth grades of the Elk Grove Union Grammar School: Camillis Abley, LeRoy Adam, Barbara Ahl, Dorothy Ahl, Barbara Alford, Sherman Alford, George Azevedo, Patsy Baker, Phillips Baker, Etta Batoy, Kenny Batten, David Botto, Anna Mae Brewer, Marilyn Caples, Robert Caples, Maxine Cowan, Robert Daley, Dorothy Davis, Richard Davis, Beverley Derington, Rosella Everson, Doris Falloon, Clifton Felkins, Richard Foster,

Raymond Fouts, Martha Freyschlag, Clarice Glavich, Calvin Gray, Henry Hauser, Irene Hottman, Norma Joyce Hale, Jimmie Hunter, Norma Jeanne Idzinga, Theresa Lavond, Doris Leverton, Caroline Metlen, Kenneth Mohr, Mary Mouser, Lorraine Rauser, Jack Reaves, Clarence Schick, Joe Sellers, Margaret Slater, James Soares, Harry Solorio, Agnes Spitzer, Judy Steele, Lawrence Stetson, Maureen Street, Adrienne Tatum, Duane Tice, Paul Urben, Charles Taylor, Dorothy Olsen, and Laura Brown.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher of the social studies classes in Stanford Junior High School of Sacramento, with the following students: Donald Baker, Lenora Bartuccio, Charles Behrens, Betty Bennetts, Raymond Bobo, Kenneth Bonham, Betty Boyer, Bill Bridgman, Donald Dodds, Lorene Evers, John Forsberg, Larry Grubbs, Beverly Hayes, Marilyn Hicks, Barbara Hoffman, Robert Hunton, Rena James, Theresa Jarvis, Donald Miller, Richard Oakden, Eugene Perrin, Thelma Portlock, Charles Pugh, Lowell Samoville, Philip Slater, Fred Yue, Bill Blanchard, Anna Bartella, Rema Bridges, Betty Brown, Richard Buford, Clarence Carsey, George Coy, Dana Gentry, Elaine Jamieson, John Kalvet, Ronald Keskeys, Prestley King, Verna Layton, Verna Linder, Peter Meo, Elwyn Pierson, John Salvo, Alfred Valerio, Laverne Vierra, James Vogeli, Ida Zanini, George Baker, and Virginia Adams.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Father Michael J. Stack of Merced and Rev. Father Daniel J. Keenan of Los Banos.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. E. Baker and Walter Chapman, both of Winters.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John S. Berry of San Bernardino.

## REPORTS OF STANDING COMMITTEES

### Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 648

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 306

Assembly Bill No. 1995

Assembly Bill No. 2001

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1069

Assembly Bill No. 1834

Assembly Bill No. 1439

Assembly Bill No. 1881

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 490

Assembly Bill No. 1621

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 1940

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 136

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 250

Assembly Bill No. 1967

Assembly Bill No. 446

Assembly Bill No. 1242

Assembly Bill No. 1032

Assembly Bill No. 1990

Assembly Bill No. 1857

Assembly Bill No. 2013

Assembly Bill No. 729

Assembly Bill No. 89

Assembly Bill No. 1420

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 907**—An act to amend Sections 1509.4 and 1571 of and to add Sections 1509.6, 1509.7, 1509.8, and 1509.9 to the Military and Veterans Code, relating to and providing for State and local participation in civilian defense and the

war effort and for the administration of the California War Powers Act, declaring the urgency hereof, to take effect immediately;  
And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-ninth day of April, 1943, at 5 p.m.

SEAWELL, Chairman

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 10.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 40

Assembly Concurrent Resolution No. 45

Assembly Concurrent Resolution No. 46

Assembly Concurrent Resolution No. 59

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Constitutional Amendment No. 40**—A resolution proposing to the people of the State of California to amend Section 9 of Article IX of the Constitution of said State, relating to the ex officio membership of the Board of Regents of the University of California.

Referred to Committee on Education.

**Assembly Concurrent Resolution No. 45**—Relative to a Fact-Finding Committee on Old-Age Pension Advocacy and Promotion, and defining its powers and duties.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 46**—Relative to the creation of a joint committee to investigate fish and game problems.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 59**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1140

Assembly Bill No. 1322

Assembly Bill No. 1388

Assembly Bill No. 1504

Assembly Bill No. 1570

Assembly Bill No. 1702

Assembly Bill No. 1712

Assembly Bill No. 1733

Assembly Bill No. 1821

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk



**FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)**

The following bills were read the first time:

**Assembly Bill No. 1140**—An act to provide for the erection and equipment of a building or buildings on the Campus of the University of California at Los Angeles for use in connection with instruction in engineering, for the establishment and maintenance of a course in engineering on the Campus of the University of California at Los Angeles, and to make an appropriation therefor.

Referred to Committee on Education.

**Assembly Bill No. 1322**—An act to amend Sections 799 and 800 of the Political Code, relating to qualification of notaries public.

Referred to Committee on Judiciary.

**Assembly Bill No. 1388**—An act to add Section 21155.1 to the Education Code, relating to the State Nautical School.

Referred to Committee on Education.

**Assembly Bill No. 1504**—An act relating to the National Flag and the flag of the State of California, and other flags.

Referred to Committee on Military and Veterans Affairs.

**Assembly Bill No. 1570**—An act to amend Sections 149 and 152.2 of and to add Sections 96.7 and 152.6 to the State Civil Service Act, relating to the State civil service, declaring the urgency thereof and to take effect immediately.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1702**—An act to add Section 106.5 to, and to amend Section 106 of, the Vehicle Code, relating to personnel of the Department of Motor Vehicles.

Referred to Committee on Transportation.

**Assembly Bill No. 1712**—An act to amend Sections 752, 757, 763 and 771 of the Code of Civil Procedure, relating to partition of real and personal property.

Referred to Committee on Judiciary.

**Assembly Bill No. 1733**—An act making an appropriation for child care centers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**Assembly Bill No. 1821**—An act to add Section 542.3 to the Political Code, relating to charges for State printing and providing for furnishing public documents to libraries and schools without charge, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 1065**—An act to amend Sections 619, 625, 645, 646, 665, and 669 of, to add Section 62.5 to, and repeal Section 707 of the Vehicle Code, relating to lamps and devices on vehicles, elevated wheels and length of loads.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Transportation:

**Amendment No. 1**

On page 2, line 24, of the printed bill, as amended, insert "(c) On and after January 1, 1940, the color of the light emitted from clearance lamps on new vehicles sold or operated in this State and required to be equipped with clearance lamps as provided in this section shall be amber or amber at the front and red at the rear of the vehicle. Vehicles sold or operated prior to January 1, 1940, may be equipped with and display amber clearance lamps or amber at the front and red at the rear of the vehicle."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**Assembly Bill No. 1263**—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 12, 13, and 14; and in line 15, strike out "time of entrance, has been exhausted:".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1603**—An act to amend Sections 2350, 2351, 2353, and 2357 of the Welfare and Institutions Code, and to add Sections 2351.1, 2353.2, and 2354.1 thereto, relating to agreements for the care of aged persons, providing for regulation and supervision of organizations and persons entering into such agreements by the State Department of Social Welfare, and providing for the issuance of writs of attachment in actions for the enforcement thereof.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 184**—An act to add Section 140 to the Welfare and Institutions Code, relating to public assistance, and providing a procedure for the issue and payment of duplicate warrants therefor, in case of the loss or destruction of the original warrants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 573**—An act to add Section 2497 to the Business and Professions Code, relating to drugless practitioners under the Board of Osteopathic Examiners.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 576**—An act to amend Section 151 of the Business and Professions Code, relating to the salary of the Director of Professional and Vocational Standards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1625**—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1626**—An act to amend Section 4013 of the Business and Professions Code, relating to the California State Board of Pharmacy.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1627**—An act to amend Section 114 of the Business and Professions Code, relating to the renewal of licenses by boards or commissions of the Department of Professional and Vocational Standards.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1659**—An act to amend Section 21224 of the Business and Professions Code, relating to licensing of sellers of prophylactics.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1173**—An act to add Section 2369.5 to the Business and Professions Code, relating to the immunity of witnesses in disciplinary proceedings with respect to the practice of medicine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1331**—An act to amend Section 22103 of the Business and Professions Code, relating to the marking of precious metals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1988**—An act to amend Section 11010 of, and to add Section 11011.5 to, the Business and Professions Code, relating to real estate subdivision.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 1 of the printed bill, strike out Section 2, lines 23 to 31, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1308**—An act to repeal Chapter 8, comprising Sections 6850 to 6955, inclusive, of Division 3 of the Business and Professions Code, and to add Chapter 8 comprising Sections 6850 to 6991, inclusive, to Division 3 of the Business and Professions Code, providing for the regulation, bonding, supervision and licensing of collection agencies and penalizing violations thereof.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 2, line 43, of the printed bill, as amended, strike out "Abstract", and insert "Title insurers or abstract".

**Amendment No. 2**

On page 2 of said bill, between lines 48 and 49, insert

"(i) Fully licensed personal property brokers while making collections for another person of common ownership or affiliated through corporate control."

**Amendment No. 3**

On page 17 of the printed bill, as amended, strike out lines 17 and 18, and insert "existence and is hereby appropriated to carry out the provisions of this chapter."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1591**—An act to add Parts 8 and 9, comprising Sections 13301 to 16652, inclusive, to Division 2 of the Revenue and Taxation Code, and to add Section 50014 thereto, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Inheritance Tax Act of 1935, the Gift Tax Act of 1939, and Section 445 of the Political Code, and repealing acts and parts of acts specified therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1592**—An act to add Part 10, comprising Sections 17001 to 19452, inclusive, to Division 2 of, and to add Section 50015 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of The Personal Income Tax Act, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1052**—An act making an additional appropriation for the support, operation, construction, improvements, and equipment at the State prisons of California.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 2, of the printed bill, strike out "five thousand five hundred dollars (\$5,500)", and insert "sixteen thousand five hundred dollars (\$16,500)".

**Amendment No. 2**

On page 1, line 5, of said bill, after "printed", insert "to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 961**—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shoreline property adjoining State highways.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, strike out "is"; strike out all of lines 10 to 22, inclusive; and on page 2, strike out lines 1 and 2, and insert



"it may be acquired as a part of the highway right of way acquisition. Land heretofore or hereafter so acquired may, except when required wholly or in part for State highway widening or other State highway requirements, be transferred to the control of the State Park Commission, and when so transferred shall be dedicated in perpetuity for bench, park and recreational purposes for the benefit and use of the public; provided, however, that where such land which is not necessary for State highway purpose is producing oil, gas or other hydrocarbons, or is within a distance of six hundred sixty (660) feet from a producing oil or gas well, then if by a majority vote of the State Park Commission and the State Highway Commission it is determined that the acquisition of an easement thereof is desirable, and if the portion thereof lying between the mean high tide line and the extreme high tide line is not occupied by any well, and adequate well sites exist on the remainder of the property, then in accordance with this section an easement may be acquired upon and over the portion of said land lying between said mean high tide line and the said extreme high tide line as a right of way for persons traveling on foot and on horseback and for fishermen and for bathers. If such land is".

#### Amendment No. 2

On page 2, line 6, of the printed bill, as amended, before "or", insert ", or is producing oil, gas or other hydrocarbons, or is within a distance of six hundred sixty (660) feet from a producing oil or gas well,".

#### Amendment No. 3

On page 2, line 7, of said bill, before the period, insert "for such park or recreational purposes".

#### Amendment No. 4

On page 2 of said bill, strike out lines 18 to 28, inclusive, and insert "881. Contracts may be entered into between the department and the State Park Commission for such acquisitions and transfers, and for the appointment of the cost thereof. Nothing in this chapter contained shall be deemed a limitation on the authority granted to the department under any other provision of this code, or under other law, to acquire property for highway purposes, including beach and shore line property, and nothing in this chapter contained shall require the department or the commission to acquire for, or to transfer to, the State Park Commission any property required for State highway purposes, or to acquire any property for State park purposes, when, in the opinion of the commission, the acquisition of such property is not practicable, or in the public interest."

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Transportation.

**Assembly Bill No. 1294**—An act to repeal Sections 22900, 22901, 22902, 22903, 22904, 22905, and 22906 of the Water Code, relating to the distribution of electric power in irrigation districts containing 500,000 acres or more.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1295**—An act to amend Section 22950 of the Water Code, relating to assessments in irrigation districts containing 500,000 acres or more.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1296**—An act to amend Sections 25035 and 25335 of the Water Code, relating to refunding bonds of irrigation districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1301**—An act to amend Sections 22116 and 22120 of the Water Code and Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amendatory thereof and supplemental to the California Irrigation

District Act and to the borrowing of funds and issuance of of warrants and securities by irrigation districts.

Bill read second time, and ordered to third reading.

**Senator McBride Presiding**

At 10.30 a.m., Senator McBride of the Thirty-third District, presiding.

### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawell, ordered printed in the Journal:

#### COUNTY SUPERVISORS ASSOCIATION OF CALIFORNIA

WHEREAS, State Senators and Assemblymen receive one hundred dollars (\$100) per month as compensation for their legislative services; and

WHEREAS, This present salary of one hundred dollars (\$100) per month was fixed by vote of the people 20 years ago; and

WHEREAS, Since that time the business of the State has increased from \$75,000,000 to \$550,000,000 during the biennial period; and

WHEREAS, The functions of the Legislature are of the greatest importance to the people of the State and necessitate practically continuous service by the Members of the Legislature; and

WHEREAS, The Members of the Legislature receive no added compensation for their services at special sessions, except mileage, and only receive actual or per diem expenses for practically constant committee work between sessions of the Legislature; now, therefore, be it

*Resolved*, That the County Supervisors Association of California go on record as favoring an increase of from one hundred dollars (\$100) to two hundred dollars (\$200) per month as compensation for the services of the Members of the California Legislature; and, be it further

*Resolved*, That we request appropriate legislation be drawn and introduced at this Fifty-fifth Session of the California Legislature, namely, a proposed constitutional amendment; and, be it further

*Resolved*, That a copy of this resolution be sent to Honorable Joseph A. Beek, Secretary of the State Senate, and Honorable Arthur A. Ohnimus, Chief Clerk, California Legislature, Assembly.

Moved by Earl S. Hurlbut, seconded by Harry Bartell, and adopted this twenty-ninth day of April, 1943.

ROSCOE L. PATTERSON, President  
J. H. HUNTER, Secretary

### RESOLUTIONS

The following resolution was offered by the Committee on Rules:

#### Senate Resolution No. 124

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of two thousand, three hundred ninety-three and 10/100 (\$2,393.10) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller.

Western Union, telegraphing joint resolutions to Washington, and	
March and April telegraph service	\$ 509 82
Pacific Telegraph and Telephone Company, March and April	
telephone service	277 55
Bancroft-Whitney Company, codes	82 23
C. G. Putnam, illuminating Senate and concurrent resolutions	295 00
H. S. Crocker Company	27 60
Postage	400 00
State Department of Finance	511 99
Bureau of Purchases	288 91

\$2,393 10

SEAWELL, Chairman  
POWERS  
DEUEL

TICKLE  
BROWN

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 48:** By Senator Breed—Relative to approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1943.

#### Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 48, at this time, for consideration.

#### CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 48

**Senate Concurrent Resolution No. 48**—Relative to approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1943.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1772

Senator Gordon moved that Assembly Bill No. 1772 be withdrawn from Committee on Fish and Game, and referred to Committee on Natural Resources.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 740**—An act to add Section 2714 to the Penal Code, relating to the payment of wages to prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 2**—Proposed amendment to Article IV, Section 23, of the Constitution, relative to the compensation of Members of the Legislature.

Resolution read.

**Previous Question**

Senator Dillinger moved the previous question.

Motion carried.

The question being on the adoption of Assembly Constitutional Amendment No. 2.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE**

**CONSIDERATION OF SPECIAL ORDER**

The hour of 11 a.m. having arrived, Assembly Bill No. 512 was taken up.

**Assembly Bill No. 512**—An act to amend Section 6902 of the Labor Code, relating to operation personnel of railroads, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tickle, and Ward—34.

**NOES**—Senator Swing—1.

Bill ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1777**—An act to add Section 5418.5 to the Health and Safety Code, relating to sewerage.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 15, of the printed bill, as amended after "to", insert "any person, firm, corporation, or to".

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1171**—An act to add Section 2108.5 to the Business and Professions Code, relating to issuance of certificates to practice medicine, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.  
**NOES**—Senator Swan—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jaspersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, Tickle, and Ward—31.  
**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1174**—An act to add Section 2376.5 to the Business and Professions Code, relating to the reinstatement of certificates to practice medicine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jaspersen, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1175**—An act to add Sections 2168.5 and 2316.5 to the Business and Professions Code, relating to the proof of the completion of instruction and training requirements to practice medicine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—33.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 718**—An act to add Section 1714.5 to the Civil Code, relating to injuries sustained in air raid shelters; and to declare the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.  
**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

#### RESOLUTIONS

The following resolution was offered:

By Senators Mayo and Luckey:

##### Senate Resolution No. 125

Relating to the creation of a Senate Committee to investigate and determine a construction program to be embarked upon that will provide employment following the relaxation of the war effort and define its powers and purposes.

WHEREAS, The Legislature has determined to establish and provide a Postwar Construction Program that will furnish employment for citizens released from the armed forces and from private enterprise following the relaxation of the war effort, and has provided for a fund to carry on such construction and has authorized the preparation of necessary plans and specifications and for the doing of the preliminary work necessary to make possible the embarking upon such program immediately following the relaxation of the war efforts; and

WHEREAS, It is desirable that an immediate investigation be made to determine the projects and the construction which will best serve to provide such employment, and which will make available opportunities for employment in all parts of the State; and

WHEREAS, It is necessary that the various departments authorized to engage in the preparation of plans and specifications and the doing of the preliminary work hereinbefore referred to, have guidance as to the nature and location of the projects deemed by the Legislature to be best suitable for carrying into effect the intention of the Legislature when authorizing such postwar program; now, therefore, be it

*Resolved, by the Senate of the State of California,* That there be and is hereby created a committee of the Senate to investigate and ascertain facts, and determine the nature and location of projects which, in the judgment of such committee, should be included in the Postwar Construction Program; and be it further

*Resolved,* That said committee shall consist of nine Members of the Senate, at least seven of which shall be from the rural districts, which committee shall be appointed by the Rules Committee of the Senate; and, be it further

*Resolved,* That the committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the adjournment of the Fifty-sixth Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, The committee may do anything which is necessary or desirable to represent the interests of the State or any local agency, district, area, group, or person in the State and to that end may correspond, confer, and cooperate with any agency, officer, or other representative of the United States and for that purpose the committee or any designated member or employee of it may travel either within or without the State; and be it further

*Resolved*, The committee shall from time to time consult, advise and cooperate with the Governor, the various State departments and agencies concerning projects to be included in the Postwar Construction Plan, and shall prepare and submit to the Fifty-sixth Session of the Legislature the report of its investigations, findings and recommendations concerning the projects, improvements and constructions which the committee deem suitable for such Postwar Construction Program; and be it further

*Resolved*, The Sergeants-at-Arms of the Senate and of the Assembly, and other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate for the expenses or claims it may incur under this resolution, to be paid equally from the contingent fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1676

Senator McCormack moved that Assembly Bill No. 1676 be withdrawn from Committee on Transportation, and referred to Committee on Finance.

Motion carried.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.55 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### RECESS

At 11.55 a.m., on motion of Senator Seawell, the Senate recessed to allow Senator Tickle to introduce Colonel Arthur Evans, Member of Parliament, of Cardiff, Wales, and Sir George Sansom, His Majesty, the King of England's Minister at Washington, and Godfrey A. Fisher,

British Consul General at San Francisco, to the Senate, and to hear their remarks.

#### REASSEMBLED

At 12 m., the Senate reconvened.

Senator McBride of the Thirty-third District, presiding.

Secretary J. A. Beek at the desk.

#### RECESS

At 12 m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

#### REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator DeLap moved a call of the Senate.

Motion carried. Time, 2.03 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### REPORTS OF STANDING COMMITTEES

##### Committee on Education

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 521

Assembly Bill No. 1287

Assembly Bill No. 539

Assembly Bill No. 1842

Assembly Bill No. 604

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1222

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1132

Assembly Bill No. 1503

Assembly Bill No. 1207

Assembly Bill No. 1444

Assembly Bill No. 1290

Assembly Bill No. 1445

Assembly Bill No. 1319

Assembly Bill No. 1906

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.



**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, April 29, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1081

Assembly Bill No. 537

Assembly Bill No. 1931

Assembly Bill No. 153

Assembly Bill No. 1964

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Joint Resolution No. 44

Assembly Joint Resolution No. 45

Assembly Joint Resolution No. 46

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 699

Assembly Bill No. 1414

Assembly Bill No. 674

Assembly Bill No. 939

Assembly Bill No. 1238

Assembly Bill No. 701

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 698

Assembly Bill No. 805

Assembly Bill No. 1139

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills re-referred to Committee on Finance.

**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1954

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 57	Assembly Bill No. 1391
Assembly Bill No. 487	Assembly Bill No. 1746
Assembly Bill No. 763	Assembly Bill No. 1984
Assembly Bill No. 1091	Assembly Bill No. 1991
Assembly Bill No. 1106	Assembly Bill No. 1994

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Welfare and Institutions

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1185

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1179

Assembly Bill No. 1184

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 2003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 6, absent 5.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 680

Assembly Bill No. 746

Assembly Bill No. 359

Assembly Bill No. 361

Assembly Bill No. 1544

Assembly Bill No. 1180

Assembly Bill No. 1187

Assembly Bill No. 1188

Assembly Bill No. 1189

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1194  
 Assembly Bill No. 1195  
 Assembly Bill No. 1196

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 849	Assembly Bill No. 1507
Assembly Bill No. 851	Assembly Bill No. 1509
Assembly Bill No. 867	Assembly Bill No. 1510
Assembly Bill No. 968	Assembly Bill No. 1512
Assembly Bill No. 1145	Assembly Bill No. 2008
Assembly Bill No. 1488	Assembly Bill No. 1621
Assembly Bill No. 1492	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 360

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bill re-referred to Committee on Finance.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.15 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 283**—An act to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for participation in religious exercises or for moral and religious instruction.

Bill read third time.

#### Motion to Amend

Senator Salsman moved the adoption of the following amendments:

#### Amendment No. 1

In the title of the printed bill, as amended, beginning in line 1, strike out "to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and".

**Amendment No. 2**

In line 3 of the title of the printed bill, as amended, strike out "Section 8286", and insert "Sections 8286 and 8287".

**Amendment No. 3**

On page 1 of the printed bill, as amended, strike out lines 1 to 23, both inclusive; and on page 2, strike out lines 1 to 6, both inclusive.

**Amendment No. 4**

On page 2, line 8, of the printed bill, as amended, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 5**

On page 2, line 8, of the printed bill, as amended, strike out "Section 8286", and insert "Sections 8286 and 8287".

**Amendment No. 6**

On page 2 of the printed bill, as amended, following line 37, insert "8287. The provisions of this article shall become operative in a school district in the event a majority of the qualified electors of the school district voting at an election called, held and conducted for such purpose by the governing board of the district vote in favor thereof. Except as herein otherwise provided the election shall be called, held and conducted as are elections for the election of members of governing boards of elementary school districts and the votes and returns canvassed as in the case of such elections. The ballots used shall contain the words 'Shall the governing board of the \_\_\_\_\_ District permit the

(insert name)

pupils of such district to be excused from school to participate in religious exercises or to receive moral or religious instruction under the conditions set forth in Article 3 of Chapter 3 of Division 4 of the Education Code?' and the words 'yes' and 'no' so placed that the voters may clearly indicate their vote on such question."

**Amendment No. 7**

On page 2 of the printed bill, as amended, strike out all of lines 39 to 43, both inclusive.

Amendments read.

**Motion to Table**

Senator Swan moved that the amendments offered by Senator Salsman to Assembly Bill No. 283 be laid on the table.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time, 2.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 489**—An act to provide for extension of time on contracts of purchase of State-owned lands, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 802**—An act to add Section 2.5 to an act entitled "An act making an appropriation to the Division of Forestry of the Department of Natural Resources, declaring the urgency thereof, to take effect immediately," approved January 28, 1942, relating to expenditures by the Division of Forestry of money appropriated for its support, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1530**—An act to add Section 387 to the Political Code, and to add Section 120 to the Government Code, relating to the acquisition of exclusive jurisdiction over lands in the State of California by the United States, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1894**—An act to add Section 57.1 to the State Civil Service Act, relating to the position of Associate Forestry Engineer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—25.

NOES—Senators Carter, Collier, Cunningham, and Mayo—4.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Bill No. 654**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 3, of the printed bill, as amended, after the period, insert "(a)".

**Amendment No. 2**

On page 1, line 3, of said bill, after "All", insert "elective constitutional officers,".

**Amendment No. 3**

On page 1, line 7, of said bill, after the period, insert "(b)", and begin a new paragraph.

**Amendment No. 4**

On page 1, line 8, of said bill, after "officers", insert "(other than Member of the Legislature)".

**Amendment No. 5**

On page 1, line 13, of said bill, after the period, insert "(c)", and begin a new paragraph.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1203**—An act to amend Sections 736.14 and 737.6 of the Agricultural Code, relating to assessments for administration of stabilization and marketing plans for fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 2:54 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 420**—An act to amend Sections 736.14 and 737.6 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream and to assessments and refunds thereunder, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 315**—An act to amend Section 506 and to add a new section numbered 509 (a) of the Agricultural Code, relating to the making of ice cream and ice milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Hatfield, Judah, McBride, McCormack, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 417**—An act to amend Sections 1299.1, 1299.6 and 1299.8 and to add Sections 1299.13, 1299.14 and 1299.15 to the Agricultural Code, relating to marketing of milk and other dairy products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

# UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

## Statement by Senator Swing

MR. PRESIDENT: The oranges you are now enjoying are with the compliments of Mr. Mark Anderson of the Redlands-Highlands Fruit Exchange.

This is the third time this session the Senate has been favored with oranges from the Sunkissed Valley of California.

Mr. Anderson hopes they will aid in sustaining your energies during the balance of the session.

SENATOR SWING

## CONSIDERATION OF DAILY FILE (RESUMED)

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 846**—An act to amend Section 787.5 of the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables, declaring the urgency hereof and that this act take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 848**—An act to add to Chapter 2 of Division 5 of the Agricultural Code a new section to be numbered 790.5, relating to emergency standards, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 938**—An act to add to Chapter 4 of Division 4 of the Agricultural Code a new article to be numbered Article 9, including a new section to be numbered Section 690, relating to the disposition of moneys, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 843**—An act to amend Section 18461 of the Education Code, relating to schools.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Dorsey, Jespersen, McCormack, and Salsman—4.

NOES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Donnelly, Gordon, Hatfield, Judah, Keating, Luckey, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—24.

**Assembly Bill No. 1129**—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's Office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—Senators Cunningham and Deuel—2.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2010

Senator Parkman moved that Assembly Bill No. 2010 be withdrawn from Committee on Public Utilities, and referred to Committee on Finance.

Motion carried.

#### • WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 440

Senator Cunningham moved that Assembly Bill No. 440 be withdrawn from Committee on Local Government, and referred to Committee on Finance.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1054**—An act to add Section 862.29 and 887 to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of a city council in cities of the sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, and Swan—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1050**—An act to amend Section 4005 of the Government Code, relating to the filing of reports of public work.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 591**—An act to amend Section 14230 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Rich, Salsman, Seawell, Swan, Swing, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 519**—An act providing for the taking of a census in cities, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.11 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the motion to table the amendments to Assembly Bill No. 283 lost by the following vote:

AYES—Senators Burns, DeLap, Donnelly, Fletcher, Hatfield, Jespersen, Luckey, Quinn, Swing, and Tenney—10.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Engle, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1916**--An act to add Section 1665 to the Code of Civil Procedure, and to add Chapter 4, comprising Sections 300 to 302, inclusive, to Division 1 of the Business and Professions Code, relating to the judicial review of administrative determinations, and providing the time within which administrative action for the imposition of disciplinary penalties is to be commenced and shall be terminated.

Bill read third time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, between lines 2 and 3, insert "Nothing in this section shall apply to the Industrial Accident Commission."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO RETAIN PLACE ON FILE**

Senator Seawell moved that the bills which were passed on file this legislative day, retain their place on file.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 160

Senate Bill No. 799

Senate Bill No. 280

Senate Bill No. 1059

Senate Bill No. 750

Senate Bill No. 986

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 33

Senate Bill No. 268

Senate Bill No. 63

Senate Bill No. 468

Senate Bill No. 139

Senate Bill No. 588

Senate Bill No. 179

Senate Bill No. 685

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 48

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

Above resolution ordered enrolled.

## \* ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 510  
Senate Bill No. 945  
Senate Bill No. 946  
Senate Bill No. 947  
Senate Bill No. 948  
Senate Bill No. 949

Senate Bill No. 952  
Senate Bill No. 982  
Senate Bill No. 983  
Senate Bill No. 984  
Senate Bill No. 1085

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 341  
Senate Bill No. 478  
Senate Bill No. 497  
Senate Bill No. 646

Senate Bill No. 859  
Senate Bill No. 904  
Senate Bill No. 985

Senate Constitutional Amendment No. 10

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 251  
Senate Bill No. 430  
Senate Bill No. 481

Senate Bill No. 534  
Senate Bill No. 745  
Senate Bill No. 774

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ADJOURNMENT

At 4.25 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Saturday, May 1, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED EIGHTEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, May 1, 1943

The Senate met at 11 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Bunn, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gorden, Hatfield, Jaspersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Kathryn Snodgrass and Miss Eleanor Bassignani, both of Richmond.

On request of Senators Swan and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer Stevens, Vice Principal, Grass Valley Union High School of Grass Valley.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clark Butler of Beverly Hills.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Majel McDonald, Acting Exeectrix of the Sacramento Camp Fire Girls' Council and the following members: Barbara Allen, Shirley Baglin, Barbara Jean Beede, Florence Bolla, Betty Burlingham, June Cavin, Barbara Collins, Pearl Cousins, Phyllis Frey, Patsy Allen Fletcher, Janice Furst, Betty

Harrison, Barbara Heale, Annabelle Hudson, Elfrieda Hull, Joyce Jacobs, Rita Kinsley, Leola Kirby, Barbara Lang, Billie Lauber, Beverly Jensen, Peggy McDonald, Myrtle Mae McWilliams, Yvonne Mortenson, Nelda Olson, Norma Robinson, Patty Roper, Wilma Savage, Edythe Stober, Phyllis Stone, Sharon Thunberg, Evelyn Wadsworth, Mildred Walsh, Helen Zucher, Wilma Douglas, and Patsy Bernhard.

On request of Senators Swan and McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James A. Boatman, F 1C, of Bard, New Mexico; Thomas Fred Walker, Montgomery, Alabama; and Harold J. Schultz, Dell Rapids, South Dakota, now all at Mare Island.

On request of Senators McBride and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Pat O'Hara, Miss Catherine McBride, and Miss Shirley Lindley.

#### Call of the Senate

Senator Mayo moved a call of the Senate.

Motion carried. Time, 11.05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 60	Senate Bill No. 640
Senate Bill No. 78	Senate Bill No. 698
Senate Bill No. 120	Senate Bill No. 858
Senate Bill No. 325	Senate Bill No. 976
Senate Bill No. 400	Senate Bill No. 1068
Senate Bill No. 412	Senate Bill No. 1080
Senate Bill No. 413	Senate Bill No. 238
Senate Bill No. 623	

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 16	Senate Bill No. 500
Senate Bill No. 75	Senate Bill No. 590
Senate Bill No. 239	Senate Bill No. 667
Senate Bill No. 320	Senate Bill No. 975
Senate Bill No. 324	Senate Bill No. 978
Senate Bill No. 337	Senate Bill No. 991
Senate Bill No. 363	Senate Bill No. 1001
Senate Bill No. 401	Senate Bill No. 1027
Senate Bill No. 438	Senate Bill No. 1036

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 67

Assembly Bill No. 740

Assembly Bill No. 142

Assembly Bill No. 1747

Assembly Bill No. 512

Assembly Bill No. 1762

Assembly Bill No. 718

Assembly Bill No. 1951

Assembly Constitutional Amendment No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 871. An act to amend Sections 421, 490.5, 698, 698.1, 698.5, 699, 700, 701, 702, 703, 708, 711, and 724.3, of the Fish and Game Code, relating to fish.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 111

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill re-referred to Committee on Finance.

## Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 1381

Assembly Bill No. 1976

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 224

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1783

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 475

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

## Committee on Fish and Game

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 2005

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

GORDON, Chairman

Above reported bill ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1774

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

## WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1672

Senator Swing moved that Assembly Bill No. 1672 be withdrawn from Committee on Governmental Efficiency for the purpose of amendment, and be re-referred to Committee on Finance.

Motion carried.



## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1672**—An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to prescribe the duties and powers of the State Board of Control to administer such aid; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately.

Bill read second time.

## Motion to Amend

Senator Swing moved the adoption of the following amendments:

## Amendment No. 1

In the title of the printed bill, as amended, strike out all of lines 3, 4, and 5, and insert "to provide for the administration thereof; to make an appro-".

## Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 10 and 11.

## Amendment No. 3

On page 2, line 7, of the printed bill, as amended, strike out "board, and it is hereby", and insert "State Director of Finance, and he is hereby".

## Amendment No. 4

On page 2, line 12, of the printed bill, as amended, strike out "board", and insert "State Director of Finance".

## Amendment No. 5

On page 2 of the printed bill, as amended, strike out line 13, and insert "(b) Administer the appropriation hereinafter made and to".

## Amendment No. 6

On page 2, line 16, of the printed bill, as amended, after the period, strike out the remainder of said line; and strike out lines 17 to 24, inclusive, and insert ", provided, that none of the moneys hereby appropriated shall be expended, allotted, encumbered, or become available for expenditure until moneys equal to or in excess of the amount to be expended from this appropriation shall have been made available by a person, firm, association, corporation, political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government, but excluding agencies which are a part of the Executive Department of the State Government, for expenditure for like purposes for which allocations have been made from this appropriation, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or fund of any agency which is a part of the Executive Department of the State Government."

## Amendment No. 7

On page 2 of the printed bill, as amended, strike out lines 30 to 33, inclusive, and insert "(c) Prescribe, amend, modify or rescind such rules and regulations as he may determine".

## Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 37 to 39, inclusive, and insert

"Sec. 4. No moneys may be allocated or facilities provided to any local agency from the appropriation hereinafter made by the State Director of Finance without the written approval of the State Director of Civilian Defense, obtained in advance."

## Amendment No. 9

On page 2, line 46, of the printed bill, as amended, after the period, insert "There shall first be appropriated from this appropriation for the use of the Department of Finance such amount as the Director of Finance shall determine is necessary for administration of the provisions of this act, the total of which amount shall in no event exceed 1 per cent of the total appropriation herein made."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 648**—An act to add Section 53.65 to the Alcoholic Beverage Control Act, relating to bottles.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 28, of the printed bill, as amended, after "a", insert "beer".

**Amendment No. 2**

On page 2, line 29, of said bill, after "a", insert "beer".

**Amendment No. 3**

On page 2, line 30, of said bill, after the period, insert "Nothing herein contained shall be construed to prohibit a manufacturer of glass from accepting return of such bottles to be used as cullett."

**Amendment No. 4**

On page 2 of said bill, strike out lines 36 to 42, inclusive, and insert "Register, and shall also include bottles which, before their first use, are of a pressure resistance or industrial use or reuse less than that of the stubby, steinie, export or select standard returnable beer bottle used principally and generally to bottle or contain beer in the malt beverage industry in the United States on January 4, 1943.

Such beer bottles used by licensees and which are manufactured for one filling only and such beer bottles used by licensees and which, before their first use, are of a pressure resistance or industrial use or, reuse less than that hereinabove set forth for the standard returnable beer bottle above described, shall be as described in Exhibit B-12 or B-13 above mentioned or shall be so designed as to contour, shape or other external characteristics as to be reasonably distinguishable from the steinie, export, or select standard returnable bottles above mentioned and must be lettered plainly on shoulder or face, "not to be refilled", or "no return", or language of similar import.

Ale bottles as described".

**Amendment No. 5**

On page 2, line 45 of said bill, strike out "California", and insert "the United States".

**Amendment No. 6**

On page 2, line 46, of said bill, after "bottles", insert "as mentioned in this section, such ale bottles being in fact standard returnable bottles for ale".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 306**—An act to establish a Postwar Reserve for the construction and reconstruction of State buildings and institutions; defining the powers and duties of State officers in connection therewith, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "to establish a Postwar"; and strike out all of lines 5, 6, and 7, of said title, and insert "relating to the Postwar Employment Reserve; defining".

**Amendment No. 2**

In line 10 of the title of said bill, strike out "therefor", and insert "for preparation of plans for a State Building Program".

**Amendment No. 3**

On page 2, line 46, of said bill, strike out "there"; and strike out lines 47 to 51, inclusive, and insert "and to provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort, there is in the General Fund in the State treasury a Postwar Employment Reserve, which shall be available for expenditure only when appropriated by the Legislature."

**Amendment No. 4**

On page 3 of said bill, strike out all of lines 1 to 17, inclusive; and in line 18, strike out "provided for herein."

**Amendment No. 5**

On page 3, line 18, of said bill, following "Postwar", insert "Employment".

**Amendment No. 6**

On page 3, line 19, of said bill, strike out "for State building construction and reconstruction".

**Amendment No. 7**

On page 3, line 20, of said bill, strike out "as provided in Section 1"; and in line 21, strike out "hereof".

**Amendment No. 8**

On page 3, line 25, of said bill, strike out "3", and insert "2".

**Amendment No. 9**

On page 3, line 25, of said bill, strike out "appropriated by this act", and insert "in the Postwar Employment Reserve".

**Amendment No. 10**

On page 3, line 33, of said bill, strike out "be"; and in line 34, strike out "paid into", and insert "accrued to".

**Amendment No. 11**

On page 3, line 35, of said bill, strike out "4", and insert "3".

**Amendment No. 12**

On page 3, lines 35 and 36, of said bill, strike out "Reserve for State Building Construction and Reconstruction", and insert in lieu "Employment Reserve".

**Amendment No. 13**

On page 3, line 41, of said bill, strike out "hereunder", and insert "thereunder".

**Amendment No. 14**

On page 3 of said bill, between lines 41 and 42, insert

"Sec. 4. There is hereby appropriated out of the Postwar Employment Reserve the sum of one million two hundred fifty thousand dollars (\$1,250,000) which, upon written authorization of the Department of Finance and the approval of the State Board of Control, shall become available to the State Department of Public Works for expenditure as provided by law for surveys, preparation of plans and specifications and other preliminary work necessary to a program of construction, reconstruction, rehabilitation and replacement of buildings and other facilities for State institutions, prisons, reformatories or custodial schools, homes, including the Woman's Relief Corps Home and the Veterans' Home of California, colleges, schools, and other State agencies on land owned by the State of California."

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1995**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 18, of the printed bill, strike out "\$80.00", and insert "\$81.00".

**Amendment No. 2**

On page 1, line 19, of said bill, strike out "77.00", and insert "78.00".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 2001**—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mt. San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 5, line 3, of the printed bill, strike out "legal,".

**Amendment No. 2**

On page 23 of said bill, between lines 25 and 26, insert "Sec. 11.14. The Attorney General shall serve as legal counsel for the authority, and the cost of such legal services shall be paid out of the funds of the authority."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1069**—An act to amend Section 359b of the Political Code, relating to the Governor's Council.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1439**—An act to amend Section 456 of the Political Code, relating to the salaries of State officers and employees in the State Treasurer's Office.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1834**—An act to add Section 83.1 to the State Civil Service Act, relating to oral examinations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1881**—An act to amend Sections 202, 173 and 153.5 of the State Civil Service Act, relating to the State civil service, and declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1940**—An act to amend Section 4247 of the Political Code, relating to salaries and expenses of officers.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 136**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, strike out "seven hundred fifty dollars (\$6,750)", and insert "dollars (\$6,000)".

**Amendment No. 2**

On page 1, line 17, of said bill, strike out "twenty-five dollars (\$325)", and insert "dollars (\$300)".

**Amendment No. 3**

On page 1, line 19, of said bill, after "receive", insert "a minimum of two hundred fifty dollars (\$250) and a maximum of".

**Amendment No. 4**

On page 1, line 22, of said bill, after "month", insert "with ten dollar (\$10) increments".

**Amendment No. 5**

On page 1, line 23, of said bill, strike out "each of whom", and insert "formerly known as court clerks and deputy clerks, each of whom shall receive a minimum of two hundred dollars (\$200) and a maximum of two hundred twenty dollars (\$220)".

**Amendment No. 6**

On page 2 of said bill, strike out line 2

**Amendment No. 7**

On page 2, line 3, of said bill, after "month", insert "with five dollar (\$5) increments".

**Amendment No. 8**

On page 2 of said bill, strike out lines 4 to 7, inclusive, and insert "One deputy clerk, grade 2, formerly known as bookkeeper, who shall receive a minimum of one hundred fifty five dollars (\$155) and a maximum of one hundred seventy five dollars (\$175)".

**Amendment No. 9**

On page 2, line 8, of said bill, after "month", insert "with five dollars (\$5) increments".

**Amendment No. 10**

On page 2 of said bill, between lines 8 and 9, insert "Two deputy clerks, grade 2, each of whom shall receive a minimum of one hundred fifty dollars (\$150) and a maximum of one hundred seventy five dollars (\$175) per month, with five dollar (\$5) increments;"

**Amendment No. 11**

On page 2 of said bill, strike out lines 9, 12, and 13, and insert "Five deputy clerks, grade 3, formerly known as file index clerks, each of whom shall receive a minimum of one hundred thirty dollars (\$130) and a maximum of one hundred fifty dollars (\$150) per month, with five dollar (\$5) increments;"

**Amendment No. 12**

On page 2 of said bill, strike out line 17, and insert "a minimum of one hundred twenty dollars (\$120) and a maximum of one hundred forty dollars (\$140)".

**Amendment No. 13**

On page 2, line 18, of said bill, after "month", insert "with five dollar (\$5) increments".

**Amendment No. 14**

On page 2, line 21, of said bill, strike out "twenty-five dollars (\$325)", and insert "dollars (\$300)".

**Amendment No. 15**

On page 2, line 23, of said bill, after "receive", insert "a minimum of two hundred twenty-five dollars (\$225) and a maximum of".

**Amendment No. 16**

On page 2, line 26, of said bill, after "month", insert "with ten dollar (\$10) increments".

**Amendment No. 17**

On page 2, line 27, of said bill, after "receive", insert "a minimum of two hundred dollars (\$200) and a maximum of".

**Amendment No. 18**

On page 2, line 30, of said bill, after "month", insert "with ten dollar (\$10) increments".

**Amendment No. 19**

On page 2, line 31, of said bill, strike out "Six", and insert "Three".

**Amendment No. 20**

On page 2, line 34, of said bill, strike out "two hundred twenty dollars (\$220)", and insert "a minimum of one hundred ninety-five dollars (\$195) and a maximum of two hundred fifteen dollars (\$215)".

**Amendment No. 21**

On page 2, line 35, of said bill, after "month", insert "with five dollar (\$5) increments".

**Amendment No. 22**

On page 2 of said bill, strike out line 39, and insert "a minimum of one hundred seventy dollars (\$170) and a maximum of one hundred ninety dollars (\$190) per month, with five dollar (\$5) increments".

**Amendment No. 23**

On page 2, line 40, of said bill, after "receive", insert "a minimum of one hundred forty dollars (\$140) and a maximum of".

**Amendment No. 24**

On page 2, line 44, of said bill, after "month", insert "with five dollar (\$5) increments".

**Amendment No. 25**

On page 2, line 45, of said bill, after "matron", insert "court probation officer, and matron".

**Amendment No. 26**

On page 2 of said bill, strike out line 49, and insert "a minimum of one hundred sixty-five dollars (\$165) and a maximum of one hundred eighty-five dollars (\$185) per month, with five dollar (\$5) increments".

**Amendment No. 27**

On page 2, line 50, of said bill, insert

"Upon entrance into the service, the attaches shall start at the minimum salary, and the increases are made at semiannual intervals by the amount set up as increments based upon efficient service as evidenced by a system of service rating reports made semiannually to the city civil service commission. Any person now in the same class for two and one-half years will receive the maximum salary for that class.

The appointing authority, which appointing authority within the meaning of this section, is hereby defined to be the person having the power in the first instance to select the employee from an eligible list provided for that purpose, shall have the power to lay off and suspend an employee or employees because of lack of work requiring the service of the existing personnel of such office or department."

**Amendment No. 28**

On page 3, line 14, of said bill, after "supplies", insert ", books, furniture and suitable quarters, for carrying out their duties, including supplies".

**Amendment No. 29**

On page 3, line 21, of said bill, strike out "30", and insert "20".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Local Government.

**Assembly Bill No. 250**—An act to amend Section 4300f of the Political Code, relating to jurors' fees in municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 446**—An act to amend an act entitled "An act to provide a stenographer and typist for judges of the superior courts

and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1032**—An act to amend Sections 43.5 and 43.6 of the County Employees Retirement Act of 1937, relating to retirement.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1857**—An act to amend Section 6 of the Municipal Court Act of 1925, relating to attaches.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 729**—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8, 12a and 14, relating to county water districts; and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents, and employees; 14.6, relating to claims against districts, their directors, officers, agents, and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents, and employees; 14.8, relating to judgments against district directors, officers, agents, and employees; and 22d, relating to the use of various improvements acts in district improvements.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1420**—An act to add a new section to the District Organization Act (Statutes of 1933, page 2280), relating to the improvement district acts made applicable to the provisions for the dissolution of such districts in the manner provided in said District Organization Act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1967**—An act to repeal Sections 4239, 4239a, 4239b, 4239c, 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239l, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t, 4239u, 4239v, and 4239w of, and to add Section 4239 to, the Political Code, relating to compensation for public services in counties of the tenth class.

Bill read second time.

#### Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

#### Amendment No. 1

In line 4 of the title of the printed bill, strike out "Section 4239", and insert "Sections 4239 and 4239.5".

#### Amendment No. 2

On page 1 of said bill, strike out line 24; and on page 2, strike out line 1; and in line 2, strike out "\$3,000", and insert "two thousand seven hundred dollars (\$2,700)".

#### Amendment No. 3

On page 2 of said bill, after line 30, insert

"SEC. 3. Section 4239.5 is added to said code, to read:

4239.5. In counties of the tenth class, the chairman of the board of supervisors shall receive, in addition to the compensation provided by Section 4239, the sum of

three hundred dollars (\$300) per year for services rendered as chairman of the board of supervisors."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1242**—An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance, approved May 25, 1939, relating to group insurance of public employees.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1990**—An act to amend Section 4029 of the Political Code, relating to supervisorial districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2013** An act to repeal Section 5007 of the Government Code, relating to the reconversion of registered bonds into coupon bonds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 89**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 521**—An act to amend Sections 5384 and 5398 of the School Code and to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

On page 2, line 7, of the printed bill, as amended, strike out "191", and insert "189".

##### Amendment No. 2

On page 2, line 8, of the printed bill, as amended, strike out "194-232", and insert "203, 207, 211, 211a, 216 to 222, inclusive,".

##### Amendment No. 3

On page 2, line 9, of the printed bill, as amended, strike out "to 267, both inclusive,".

##### Amendment No. 4

On page 2, line 20, of the printed bill, as amended, strike out "191", and insert "189".

##### Amendment No. 5

On page 2, line 21, of the printed bill, as amended, strike out "194-232", and insert "203, 207, 211, 211a, 216 to 222, inclusive,".

##### Amendment No. 6

On page 2, line 22, of the printed bill, as amended, strike out "to 267, inclusive,".



**Amendment No. 7**

On page 2 of the printed bill, as amended, following line 13, insert

"In the event such holder is subsequently granted a full pardon by the Governor, the credential, life diploma, or other document shall thereupon be restored to full force and effect if by the terms thereof it had not expired at the time such pardon was granted."

**Amendment No. 8**

On page 2 of the printed bill, as amended, following line 26, insert

"In the event such holder is subsequently granted a full pardon by the Governor, the certificate shall thereupon be restored to full force and effect if by the terms thereof it had not expired at the time such pardon was granted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 539** An act to amend Section 3.351 of the School Code and to amend Section 8812 of the Education Code, relating to the establishment of junior colleges.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "to amend Section 3.351 of the School Code and".

**Amendment No. 2**

On page 1 of the printed bill, strike out all of lines 1 to 7, both inclusive.

**Amendment No. 3**

On page 1, line 9, of the printed bill, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 4**

On page 1 of the printed bill, beginning in line 13, strike out "of the Superintendent of Public Instruction and".

**Amendment No. 5**

On page 1 of the printed bill, following line 7, insert

"The State Board of Education shall not act to approve the establishment and maintenance of a junior college by any high school district without first having requested and received the recommendation of the Superintendent of Public Instruction as to the establishment and maintenance of one or more junior colleges by such high school district. The Superintendent of Public Instruction shall make his recommendation within 90 days after the State Board of Education shall have requested it."

**Amendment No. 6**

On page 1 of the printed bill, strike out lines 17 to 21, both inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 604** An act to amend Section 5.751 of the School Code and to amend Section 13842 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1 of the printed bill, as amended, beginning in line 6, strike out "one thousand six hundred twenty dollars (\$1,620)", and insert "one thousand six hundred dollars (\$1,600)".

**Amendment No. 2**

On page 1, line 12, of the printed bill, as amended, strike out "one thousand six hundred twenty dollars (\$1,620)", and insert "one thousand six hundred dollars (\$1,600)".

**Amendment No. 3**

On page 2 of the printed bill, as amended, beginning in line 20, strike out "one thousand six hundred twenty dollars (\$1,620)", and insert "one thousand six hundred dollars (\$1,600)".

**Amendment No. 4**

On page 2 of the printed bill, as amended, beginning in line 25, strike out "one thousand six hundred twenty dollars (\$1,620)", and insert "one thousand six hundred dollars (\$1,600)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1287**—An act to amend Sections 1.110, 1.111, 1.120, 1.122, 1.123, and 1.125 of the School Code, relating to supervision of the health of pupils in the public schools.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 2 of the title of the printed bill, strike out "16441, 16442," and insert "12291, 16441, 16442, 16443,".

**Amendment No. 2**

In line 3 of the title of said bill, after "of", insert ", and to add Sections 13059.1 and 13059.2 to,".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 1, line 1, of said bill, after "Section 1.", insert "Section 12291 of the Education Code is amended to read:

12291. County or city and county boards of education may grant health and development certificates to the following:

(a) Persons holding *physician's and surgeon's* certificates [to practice medicine and surgery] issued by this State.

(b) Persons holding life diplomas of this State and special credentials in physical education, issued by the State Board of Education.

(c) Persons holding certificates to practice dentistry or dental hygiene issued by the Board of Dental Examiners of California.

(d) Persons holding certificates to practice optometry issued by the State Board of Optometry.

(e) Holders of certificates of registration as nurses issued by the Board of Nurse Examiners of the State of California.

(f) *Persons holding a certificate of registration as an audiometrist issued by the State Board of Public Health.*

SEC. 1.3. Section 13059.1 is added to the Education Code, to read:

13059.1. The qualifications for an otologist shall be a physician's and surgeon's certificate and a health and development certificate.

SEC. 1.4. Section 13059.2 is added to the Education Code, to read:

13059.2. The qualifications for an audiometrist shall be a certificate of registration as an audiometrist issued by the State Board of Public Health and a health and development certificate.

Sec. 1.6."

**Amendment No. 4**

On page 1, line 20, of said bill, after "optometrist," insert "otologist, audiometrist,".

**Amendment No. 5**

On page 2, line 26, of said bill, insert

"SEC. 2.5. Section 16443 of the Education Code is amended to read:

16443. No physician, oculist, dentist, dental hygienist, optometrist, *otologist*, *audiometrist*, nurse, or other person shall be employed or permitted to supervise the health and physical development of pupils unless he holds a health and development certificate."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1842**—An act to add Section 6.737 to the School Code and to add Section 19311 to the Education Code, relating to cafeterias.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 13, of the printed bill, as amended, after "Act", insert "; and provided further, that the governing board of any school district operating a cafeteria may exempt by formal resolution of the board other individuals and organizations from the operation of this section".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1132**—An act to amend Section 3.140 of the School Code and Section 8406 of the Education Code, relating to kindergartens.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1207**—An act to repeal Section 2.2012 of the School Code and to repeal Section 4643 of the Education Code, relating to the annexation of school districts to unified school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1290**—An act to amend Section 3.493 of the School Code, relating to continuation education classes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1319**—An act to repeal Sections 2244 and 2259 of the Political Code and to repeal Sections 20773 and 20923 of the Education Code, relating to the qualifications of certain teachers appointed or employed by the State Department of Education.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1503**—An act to amend Section 1 of an act entitled "An act relating to the education of persons in connection with programs of National Defense, declaring the urgency thereof, and providing that this act shall take effect immediately," approved June 28, 1941, and to amend Section 9176 of the Education Code, relating to the education of persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1444**—An act to amend Section 3.760 of the School Code and to amend Section 10301 of the Education Code, relating to the course of study for elementary schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1445**—An act to amend Section 3.735-2 of the School Code and to amend Section 10126 of the Education Code, relating to exemption from physical education.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1906**—An act to add Section 4.104 to the School Code and to add Section 5806 to the Education Code, relating to the Vocational Rehabilitation Fund.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1081**—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 9, line 22, of the printed bill, as amended, after "deemed", insert "or construed".

##### Amendment No. 2

On page 9, line 24, of said bill, strike out "reclamation district, irrigation district, municipal"; and strike out lines 25 to 33, inclusive, and insert "district in the county whose affairs and funds are not under the supervision and control of the county board of supervisors."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1931**—An act authorizing any city, county, or city and county to acquire property and to construct, operate and maintain parking facilities in connection with any stadium or coliseum maintained by such city, county, or city and county, and to make such parking facilities available to the use of the public and to make a charge therefor.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1 of the printed bill, strike out lines 8 and 9, and insert "pensation which shall be fixed by the legislative body of such city, county, or city and county. Nothing contained herein shall limit or restrict the existing powers of any city, county, or city and county to regulate, provide and control parking and parking facilities."

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1964**—An act to amend Section 4310 of the Political Code, relating to sheriff's special funds.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "each county", and insert "every county having a population of 90,000 or more,".

**Amendment No. 2**

On page 1, line 15, of said bill, before "such", insert "having a population of 90,000 but less than 500,000,".

**Amendment No. 3**

On page 1 of the printed bill, between lines 17 and 18, insert

"In counties having a population of less than 90,000 the board of supervisors may, but need not, establish a sheriff's special fund in such sum as the board of supervisors may set aside, not to exceed two thousand five hundred dollars (\$2,500)."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 537**—An act to amend Section 6 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to county peace officers' retirement system.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 1, line 18, of the printed bill, as amended, strike out "to the extent of the insurance protection".

**Amendment No. 2**

On page 2, line 1, of said bill, strike out "afforded thereby,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 153**—An act to amend Section 103½ of the Code of Civil Procedure, relating to justices' clerks in cities and towns.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2, lines 37 and 38, of the printed bill, as amended, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand one hundred dollars (\$2,100)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No 699**—An act to amend Section 148.5 of the Agricultural Code, relating to best time periods and best time districts.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 25, of the printed bill, as amended, strike out "best time" and insert "best time".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No 1238**—An act to amend Section 149.2 of the Agricultural Code, relating to the marketing of certain products.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 1, line 25, of the printed bill, as amended, strike out "best time" and insert "best time".

##### Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 25, and insert "best time" and insert "best time".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 674**—An act to repeal Article 2, consisting of Sections 423 to 424, inclusive, of Chapter 1 of Division 2 of the Agricultural Code, relating to foreign milk storage plant.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

On page 1, line 2, of the printed bill, after "best time" insert "produced in the Province of Canada and".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No 1414**—An act to add Section 471.1 to the Agricultural Code, relating to cream.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

In the title of the printed bill, as amended, including with "Section" in line 1, strike out the remainder of the title and insert "Article 1.1 of Chapter 1 of Division 2 of the Agricultural Code, relating to cream".

## Amendment No. 2

Strike out lines 2 to 11, inclusive, of said bill, and insert

"SECTION 1. Article 1a is added to Chapter 1 of Division 1 of the Agricultural Code, to read:

*Article 1a. Temporary Provisions, Conditions, Standards or Prices*

35. The Legislature hereby declares that in order to protect the agricultural interests of the people of this State and to conserve the agricultural wealth of the State and protect the health and general welfare of our citizens during the continuance of the wars in which the United States is now engaged, and in order to maintain or enforce State laws, orders or regulations prescribing conditions, standards or prices it is necessary that provision be made for the promulgation of conditions, standards, or prices to take the place of those conditions, standards or prices which are rendered ineffectual or unenforceable by reason of any conflict with a Federal law, order or regulation made under the Federal war powers.

Whenever the director shall be notified in writing by the Attorney General of this State that any provision, condition, standard or price established by or under authority of this code is in conflict with a Federal law, order or regulation made under the Federal war powers, and is thereby rendered ineffectual and unenforceable, he shall prepare proposed new provisions, conditions, standards or prices to take the place of such provisions, conditions, standards or prices declared by the Attorney General to be in conflict as aforesaid, and shall as soon as reasonably possible call a public hearing to consider the same at a place within the State that he deems suitable.

Notice of such hearing shall be given at least five days prior thereto by publication in a newspaper of general circulation printed and published in the County of Sacramento and in a similar newspaper printed and published in the county where such hearing is held.

At such hearing the director shall receive and hear the evidence of all interested persons which shall be taken under oath, and all written evidence and exhibits introduced at such hearing shall be preserved and open to inspection by any interested person.

If from the evidence and data produced at such hearing and from such other knowledge and information as the director may have he shall find in writing:

1. That the conflict between the existing provision, condition, standard or price and the Federal law, order or regulation and the consequent unenforceability of such provision, condition, standard or price seriously impairs or prevents the effectuation of the purpose and intent of such provision, condition, standard or price or of the statute of which it is a part;

2. That the effectuation of the purpose and intent of such provision, condition, standard or price or of the statute of which it is a part will be best served by the adoption of such new provision, condition, standard or price as will remove such conflict with the Federal law, order or regulation;

3. That the new provision, condition, standard or price is as similar to the existing provision, condition, standard or price as is reasonably possible without being in conflict with such Federal law, order or regulation;

4. That the new provision, condition, standard or price will protect the agricultural interests of the people of this State and conserve the agricultural wealth of the State and protect the health and general welfare of our citizens during the life of the Federal law, order or regulation in conflict with the existing provision, condition, standard or price;

Then, and upon such findings, the director shall transmit his determination and recommendations thereon to the Governor. The Governor shall review the determination and recommendations so submitted and if he finds that the purposes and objectives of this section are to be attained thereby shall issue an order formulating and making effective such new provision, condition, standard or price.

Such new provisions, conditions, standards or prices so formulated and made effective shall continue in force and effect only during the life of such Federal law, order or regulation in conflict with the original existing provision, condition, standard or price, and while in force and effect shall supersede the original existing provision, condition, standard or price and be administered and enforced by the director in the same manner and to the same extent, and violations thereof shall be subject to the same penalties, as provided in the case of such original existing provisions, conditions, standards or prices.

Upon the termination of this act all provisions, conditions, standards and prices formulated and made effective hereunder shall immediately terminate and cease and be of no further force or effect and any and all original existing provisions, conditions, standards or prices so temporarily superseded shall be and become in full force and effect as though no new provision, condition, standard or price had been formulated and made effective hereunder. The same shall be true at any sooner time upon the expiration of the life of any such conflicting Federal law, order or regulation as to the particular provisions, conditions, standards or prices affected thereby.

As used in this section, "director" means Director of Agriculture, except with reference to Article 1 of Chapter 3 of Division 5 and Article 4 of Chapter 8 of

*Division 5 of this code; and as to those articles only, "director" means Director of Public Health.*

*This article shall remain in force until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 939**—An act to amend Section 737.6 of the Agricultural Code, relating to the duties of the Director of Agriculture.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 737.6 of", and insert "add Section 737.6-2 to".

##### Amendment No. 2

Strike out line 2 of the title of the printed bill, and insert "ing to testing and sampling of fluid milk delivered to distributors in accordance with stabilization and marketing plans."

##### Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 28, inclusive; and on page 2, strike out lines 1 to 9, inclusive, and insert

"SECTION 1. Section 736.6-2 is added to the Agricultural Code, to read:".

##### Amendment No. 4

On page 2, line 13, of the printed bill, before "In", insert "737.6-2."

##### Amendment No. 5

On page 2, line 19, of the printed bill, strike out "section", and insert "article".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 701**—An act to amend Section 123 of the Agricultural Code, relating to shipments of nursery stock and the documents pertaining to or accompanying same.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

##### Amendment No. 1

On page 3, line 2, of the printed bill, as amended, after "bees", insert ", with screens not less than three inches apart. Entrance to the enclosure shall be through a vestibule not less than six feet in length, double screened in the same manner as the enclosure, with tight-fitting doors at each end. No such wax, hives or appliances shall be removed from such enclosure except under permit from the inspector after treatment in the manner herein provided".

##### Amendment No. 2

On page 3, line 29, of the printed bill, as amended, after "wax", strike out the comma.

##### Amendment No. 3

On page 3, line 30, of the printed bill, as amended, strike out "hives".

##### Amendment No. 4

On page 3, line 40, of the printed bill, as amended, strike out "hives and".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1954**—An act making an appropriation to the State Park Commission, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "appropriated," and insert "apportioned".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 57**—An act to add Sections 3211.2, 3211.4, 3211.6, and 3352.5 to, and Chapter 10, comprising Sections 1301 to 1436, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 7, comprising Sections 1570 to 1573, inclusive, to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the State Council of Defense to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent and making an appropriation for the furnishing of workmen's compensation benefits.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 487**—An act to make an appropriation to pay off the amount of outstanding bonds issued under "An act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose," approved April 2, 1870, and to repeal "An act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an act of the Legislature of the State of California, approved March 4, 1881, entitled 'An act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 763**—An act making an appropriation for the care and education of pupils of the California School for the Blind who are both deaf and blind.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1091**—An act making an appropriation to pay the claim of the County of Sacramento against the State of California.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1106**—An act to repeal Chapter 4.3 of Part 6, Division 1, and to amend Sections 3660 and 3661, and Sections 3662 and 3663 of, and to add Chapter 4.3 to Part 6, Division 1 of the Revenue and Taxation Code, relating to real property taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1391**—An act to amend Sections 7301, 7303, 7304, 7351, 7352, 7402, 7405, 7501, and 7604 of, and to amend and renumber Section 7306 to be Section 6210.3 of, the Public Resources Code, relating to the sale and exchange of land, and granting and taking rights and interests therein, by the State and its political subdivisions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1746**—An act to add Sections 3660.1, 3660.2, 3660.3, 3660.4, and 3660.5, to the Revenue and Taxation Code, relating to the apportionment of revenues received by the State from tax-deeded lands to the taxing agency having a lien on or other interest in said land, prescribing the duties of the State Controller in connection therewith, and establishing a system and procedure in relation to tax-deeded lands.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1984**—An act making an appropriation for the support of the California State Guard.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1991**—An act making an appropriation for the support of the California Commission on Interstate Cooperation, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222 and 2224 of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2020.01, 2021.01, 2163.1, 2163.2, 2165, 2181.1, 2182.1, 2183.1, and 2187.01 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read second time.

#### Motion to Amend

Senator Mayo moved the adoption of the following amendments:

##### Amendment No. 1

On page 5, line 40, of the printed bill, as amended, strike out "the net value of which", and insert "the value of which, less all encumbrances of record,".

##### Amendment No. 2

On page 5, line 47, of said bill, strike out "cash", and insert "surrender".

##### Amendment No. 3

On page 6 of said bill, strike out lines 8 and 9, and insert "beneficiary until it has been made available for expenditure or disposition by him."

##### Amendment No. 4

On page 8, line 3, of said bill, strike out "net".

##### Amendment No. 5

On page 13, line 37, of said bill, strike out "initial".

**Amendment No. 6**

On page 13, line 44, of said bill, strike out "to the support of the applicant," and strike out lines 45 to 48, inclusive, and insert "and such certificate to contribute to the support of the applicant pursuant to the provisions of Section 2181."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1185**—An act to add Section 6564 to the Welfare and Institutions Code, relating to nonprofit stores on the grounds of State institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1179**—An act to amend Sections 6726 and 6727 of the Welfare and Institutions Code, relating to payment for family care and other needs of patients on parole from State hospitals, and declaring the urgency thereof.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

Strike out line 1 of the title of the printed bill, as amended, and insert "an act to add Section 6726.1 to, and to amend Section 6727 of, the".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 15, inclusive, and insert

"SECTION 1. Section 6726.1 is hereby added to the Welfare and Institutions Code, to read as follows:

6726.1. The department may pay any private home, licensed by the department for the care of patients paroled from State hospitals, for the care of any patient paroled to its custody at a rate to be approved by the Department of Finance but not exceeding thirty-five dollars (\$35) per month during the time such patient shall remain on parole to such private home.

This section shall remain in effect until the ninety-first day after the final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede the provisions of Section 6726 which are in conflict with this section, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1184**—An act to amend Section 7302 of the Welfare and Institutions Code, relating to the Langley Porter Clinic.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 11, 12, and 13, and insert "to administer and certify oaths."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2003**—An act to amend Sections 1701 and 1710 of, the heading of Chapter 1 of Division 2.5 of, and the headings of Articles 2, 3 and 4 of Chapter 1 of Division 2.5 of, and to repeal Section

1711.5 of, and to add Sections 1725 and 1742 to, the Welfare and Institutions Code, relating to the Youth Authority and the care, custody and rehabilitation of youths, providing for the costs of such care, custody and rehabilitation, and making an appropriation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

On page 2, line 23, of the printed bill, as amended, strike out "two", and insert "ten".

##### Amendment No. 2

On page 3, line 2, of said bill, strike out "forty dollars (\$40)", and insert "twenty dollars (\$20)".

##### Amendment No. 3

On page 3, line 3, of said bill, strike out "to any person committed to the"; strike out line 4; and in line 5, strike out "imprisonment in a State prison, nor".

##### Amendment No. 4

On page 3, line 8, of said bill, after "persons", insert "under 21 years of age".

##### Amendment No. 5

On page 3, line 10, of said bill, after "persons", insert "under 21 years of age".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 680**—An act to amend Section 3473 of the Welfare and Institutions Code, and to repeal Section 3474 thereof, relating to aid to partially self-supporting blind residents.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 746**—An act to amend Section 3083.5 of the Welfare and Institutions Code, relating to aid to the blind.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 359**—An act to add Section 1752.6 to the Welfare and Institutions Code, relating to the powers of the Youth Correction Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 361**—An act to amend Section 1750 of the Welfare and Institutions Code, relating to expenditures by the Youth Correction Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1544**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 7 of", and insert "add Section 7.6 to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 28, inclusive; strike out all of pages 2 and 3; and on page 4, line 1, strike out "(m)", and insert



"SECTION 1. Section 7.6 is added to the act cited in the title hereof, to read:  
Sec. 7.6. The term "employment" does not include".

**Amendment No. 3**

On page 4 of said bill, strike out lines 3 to 20, inclusive.

Amendments read and adopted

Bill ordered printed, and to third reading

**Assembly Bill No. 1180**—An act to amend Section 5355 and to add Sections 5355.1, 5356.1 and 5356.2 to the Welfare and Institutions Code, relating to the cost and care of narcotic addicts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1187**—An act to amend Sections 5701 and 5701.5 of the Welfare and Institutions Code, relating to licensing of private institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1188**—An act to amend Section 162 of the Welfare and Institutions Code, relating to the expenses of deporting non-resident persons who were committed to State institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1189**—An act to amend Sections 165, 6656.5, 6660.5 and 6661 of the Welfare and Institutions Code, relating to funds and personal property belonging to patients in State institutions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1194**—An act to amend Sections 6720 and 6721 of the Welfare and Institutions Code, relating to escapes and return from parole of patients under the jurisdiction of a State hospital.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

In the title of the printed bill, strike out lines 2, 3, and 4, and insert "Institutions Code, relating to escaped and paroled patients and inmates of State hospitals and institutions."

**Amendment No. 2**

On page 1, line 4, of said bill, after "hospital", insert "or from any hospital or facility operated by or under the Veterans' Administration of the United States Government,".

**Amendment No. 3**

On page 1 of said bill, strike out lines 5 and 6, and insert "authorized or ordered by the Department of Institutions or the facility of the Veterans' Administration, the sheriff of any county in which he is found shall without the necessity of a warrant or court order, or any person designated by the".

**Amendment No. 4**

On page 1 of said bill, strike out line 9, and insert "to a facility of the Veterans' Administration, or to any person or place authorized by the Department of Institutions,".

**Amendment No. 5**

On page 1 of said bill, strike out line 10, and insert "or by the Veterans' Administration, as the case may be, to receive".

**Amendment No. 6**

On page 1 of said bill, after line 19, insert

"Sec. 3. Section 6726.5 of said code is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1195**—An act to amend Sections 7051, 7058, 7069 and to add Section 7058.1 and to repeal Section 7051.5 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 47 to 51, inclusive, and insert

"Any person under commitment as a defective or psychopathic delinquent who escapes or attempts to escape from the institution to which committed, or who commits an assault upon any person while on escape, escaping or attempting to escape from the institution to which committed, is guilty of a misdemeanor."

**Amendment No. 2**

On page 3 of said bill, strike out lines 1 to 6, inclusive.

**Amendment No. 3**

On page 1 of said bill, strike out lines 10 and 11, and insert "quents, and shall be administered in the manner provided by law for the government of the institution in which such unit is established."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1196**—An act to amend Section 5050.7 of the Welfare and Institutions Code, relating to the apprehension of mentally ill or insane persons.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, line 8, of the printed bill, after "thereafter," insert "unless the person's guardian or responsible relative has taken possession of his personal property,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 849**—An act to amend Sections 761, 762, 762.5 and 763 of, and to add Sections 762.6, 762.7, 762.8, 762.9, 763.1, 763.2, 763.3, and 763.4 to, the Agricultural Code, relating to tomato standards, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 851**—An act to add Section 822.5 to the Agricultural Code, relating to markings on containers of apples.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 867**—An act to amend Section 453 of, and to add Section 453.1 to, the Agricultural Code, relating to milk and cream.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 968**—An act to add Section 487a to the Penal Code, and to add Section 378.5 to the Agricultural Code, relating to theft of animals or carcasses or parts of same.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1145**—An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of LA District Agricultural Association.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1488**—An act to amend Section 469 of the Agricultural Code and to repeal Section 472, relating to milk and cream.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1492**—An act to amend Sections 736.2 and 736.15 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream provisions of said code and to control boards thereunder, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1507**—An act to amend Section 1300.1 of the Agricultural Code, relating to processors of farm products.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1509**—An act to amend Sections 122 and 123 of, and to add Sections 124.55, 124.56, 124.57, and 124.58 to, the Agricultural Code, relating to inspection and certification of nursery stock.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1510**—An act to add Section 1152.5 to the Agricultural Code, relating to cooperative agreements to effectuate the purposes of marketing laws.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1512**—An act to amend Sections 1261, 1268, 1268.1, 1269, 1271 and 1273, and to repeal Sections 1268.5 and 1270 of the Agricultural Code, relating to produce dealers and brokers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2008**—An act to add Section 797 to the Agricultural Code, relating to citrus fruits.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1621**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and the district courts of appeal.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1301**—An act to amend Sections 22116 and 22120 of the Water Code and Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amenda-

tory thereof and supplemental to the California Irrigation District Act and to the borrowing of funds and issuance of warrants and securities by irrigation districts.

Bill read second time, and ordered to third reading.

#### UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to have the following report of the Committee on Water Problems printed in the Journal:

#### REPORT TO LEGISLATURE (FIFTY-FIFTH SESSION) ON WATER PROBLEMS OF THE STATE OF CALIFORNIA

By Joint Legislative Committee on Water Problems, Pursuant to Chapter 130, Statutes of 1941

### PERSONNEL OF THE COMMITTEE

#### SENATE MEMBERS

BRADFORD S. CRITTENDEN, <i>Chairman</i> .....	Stockton
R. R. CUNNINGHAM .....	Hanford
CHARLES H. DEUEL.....	Chico
ED. FLETCHER.....	San Diego
ROBERT W. KENNY.....	Los Angeles

#### ASSEMBLY MEMBERS

RODNEY L. TURNER, <i>Vice Chairman</i> .....	Delano
GORDON H. GARLAND .....	Woodlake
GARDNER JOHNSON .....	Berkeley
SETH MILLINGTON .....	Gridley
HAROLD F. SAWALLISCH .....	Richmond
CLYDE A. WATSON.....	Orange

ELIZABETH J. EYRE, <i>Executive Secretary</i> .....	Sacramento
SILVIA PERRY, <i>Assistant Secretary</i> .....	Sacramento

Office of the Committee  
State Capitol  
Sacramento, California



## LETTER OF TRANSMITTAL

April 30, 1943

*To the Members of the Legislature  
State of California  
Fifty-fifth Session, 1943*

Pursuant to Senate Concurrent Resolution No. 11, Chapter 130, Statutes of 1911, your Joint Committee of the Senate and Assembly has the honor to submit to you its report on the water problems of the State.

Your committee has held meetings throughout the counties of the State to the full extent of its time, giving an opportunity to people desirous of expressing their views concerning local water problems. The committee also has studied many previous reports prepared by other legislative committees; reports from the Department of Public Works; documents and reports prepared especially for the committee by city and county agencies, and numerous Federal reports and statutes bearing upon the problems of water conservation and flood control in the State of California. From these meetings and reports it has been possible to assemble certain facts and data concerning the State's water problems which it is believed will be helpful in this and future sessions of the Legislature in passing upon proposed bills relating to these problems.

The committee has not endeavored to pronounce any projects or policies, or express any economic or political views, but rather to determine what water problems exist in the State and present what they are and what the local people think about them.

As far as possible your committee has endeavored to obtain engineering data bearing upon the several points mentioned in Senate Concurrent Resolution No. 11.

Your committee has made certain findings in which it has considered projects of a war emergency nature and also the importance of water conservation projects as they relate to post-war economic adjustment, particularly in furnishing employment for our returning soldiers and those dislocated by closing of war industries and in developing valuable property needed for our growing population.

It is hoped that the list of legislative reports herein presented, as well as the general bibliography of State and Federal reports and orders, will be helpful as a ready reference and addition to important surveys heretofore made of our water problems.

Your committee has made several recommendations, the most important of which is to coordinate all water conservation activities of the State and to aid in an orderly development of all important projects which are so vital to California's welfare and future development.

Respectfully submitted.

BRADFORD S. CRITTENDEN, Chairman

## FOREWORD

The orderly development of California's water resources has been a matter of deep concern to the people of this State for more than three-quarters of a century. Today the problem is of particular significance because of the part it can play in our war effort and the post-war period of adjustment.

Many agencies, local, State and Federal have contributed much in time, effort and money to the solution of various phases of the State's complex water problems, but much remains to be accomplished. Most of the problems remaining are so interrelated and interlocking that no single agency can hope to solve them single-handed. It is a work which will require the combined efforts of all.

This report is the contribution to that end of the Joint Interim Committee's study of the water problems of the State. It is hoped the material contained herein will serve the Legislature of the State of California in bringing about a clearer understanding of the problems which lie ahead and the possible steps which may be taken for their solution.

## ACKNOWLEDGMENTS

The committee wishes to extend its thanks to the following agencies for their helpful cooperation:

Bureau of Reclamation, United States Department of the Interior  
United States Engineers, War Department  
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Water Project Authority, State of California  
Division of Water Resources, Department of Public Works, State of California  
The Reclamation Board, State of California  
Division of Forestry, State of California  
California State Chamber of Commerce  
California Highway Patrol  
Colorado River Board, State of California  
Shoreline Planning Association  
Metropolitan Water District

## INTRODUCTION

Water is the most valuable of all of California's abundant natural resources. To its control and beneficial use can be traced the transition of the State from a vast, semiarid wilderness into the great agricultural and industrial empire it is today.

California's 156,803 square miles of land comprises nearly every extreme of topography, climate and soil to be found anywhere in the temperate and subtropical zones of the world. Three fourths of it is hilly or ruggedly mountainous; part of it sear desert, the remainder fertile valley lands. Its climatic extremes range from virtually no rainfall at all in some areas to the heaviest in the United States in others and from subzero temperatures to the highest recorded in the United States. Geographically the rainfall is not distributed in relation to the need. Seasonally the climate is divided into two distinct periods—a short, wet winter with the recurrent danger of floods and a long dry summer during which irrigation is necessary for the majority of crops.

But in spite of these apparent handicaps California ranks with Iowa as the leading State in the Nation in agricultural products. Her population has grown in less than a century from a few scattered settlements to more than 7,000,000 people. This has been made possible by the careful and consistent development of her natural resources, of which **water is by far the most important.**

The conservation and beneficial use of water has been a basic and fixed policy of the State for more than half a century. Prior to that time, although there was a general recognition of the need for such a policy little was done to establish it. Money was appropriated by the Legislature in 1866 and a survey made for a canal along the west side of the Sacramento Valley which was to be used for irrigation, navigation and incidental flood control. The Legislature also enacted some laws during these early years to assist in swamp land reclamation.

The first effort of the State to launch an extensive investigation of its water resources and offer a solution of the problem of water utilization was made in 1878 when the Legislature passed an act "to provide a system of irrigation, promote rapid drainage and improve navigation on the Sacramento and San Joaquin Rivers." Then, in 1887, the Legislature passed the Wright Irrigation District Act, a model for all subsequent irrigation district legislation in this and other western States.

Up until this time the development of irrigation had been under private leadership and financing, using the natural stream flow on local areas. But with the passage of the Wright Act larger enterprises were made possible through community effort. There followed a rapid expansion of irrigation districts until by 1920 there were approximately 4,500,000 acres of land under irrigation in the State. At the same time the upper mountain reaches of many streams were being harnessed

for hydroelectric power production. These hydroelectric power developments were carried out almost entirely by privately owned utilities.

Flood control and reclamation of swamp and overflow lands, started at first by private enterprise, gradually became so complex it required the formation of districts so it might be handled as a community problem. The largest of these was the Sacramento-San Joaquin River Flood Control District, organized in 1913, in which local, Federal and State interests developed a system of overflow weirs and flood by-passes designed to protect more than a million acres of land in the Sacramento and San Joaquin valleys and the Delta region.

By 1920, however, the rapid but uncoordinated growth in the utilization of water supplies resulted in serious problems. A heavy overdraft on underground supplies became evident through the rapid lowering of water tables in many areas. At the same time a series of dry years accelerated the decline in available supplies. In the Sacramento-San Joaquin Delta salt water from San Francisco Bay advanced farther up the network of sloughs and channels than ever before inflicting heavy crop losses. Hundreds of water users in the Delta region filed suit against the upstream users to try and force by court action the release of sufficient water to meet their needs on the lower stream.

The Legislature, realizing that the problems involved were of such magnitude that they seriously affected the welfare of the entire State, appropriated funds for a general investigation of the State's water problems. The first of these appropriations was made in 1921 and during the following 10 years additional funds were provided to continue the investigations and studies which culminated in the formation of the State Water Plan. As the result of this Legislative interest California became a recognized leader throughout the Nation in dealing with her water problems. The State Water Plan was generally recognized as the most comprehensive example of regional planning for water development in the Nation.

The plan provides for a series of storage reservoirs and conveyance units to be developed under a coordinated system which would conserve waste waters and put them to the greatest beneficial use. Many units of the plan are multiple in purpose, designed for flood control and hydroelectric power production in addition to supplying water for irrigation, domestic and industrial needs. Some units are now in use, particularly the Colorado River development. Other units—those of the Central Valley Project—are under construction, and still others are under intensive investigation by various Federal agencies for war or post-war construction.

Culmination of the State's planning for the development of its water resources coincided with the beginning of the depression years. At that time, the prospect of spending a billion dollars on water development staggered the imagination, even though the development was to go on for a hundred years. But, with the years of depression, a new concept was born. The Federal Government accepted the responsibility of putting as many of the unemployed as possible to work on public works projects throughout the Nation. Billions of dollars of Federal funds were made available and Federal agencies interested themselves in local and regional problems that had heretofore been considered the sole responsibility of the area involved.



In the period, 1932 to 1942, because of its previous planning, California became the special interest of many Federal agencies. The United States Bureau of Reclamation took over construction of the Central Valley Project and investigation of other units of the State Water Plan. The United States Army Engineers, in addition to much construction for flood control launched a series of investigations covering nearly every important stream in the State. The National Resources Planning Board indorsed the State Water Plan for needed future construction. The United States Department of Agriculture and Federal Power Commission likewise interested themselves in California's problems.

The functions of many of these Federal agencies are overlapping and frequently interrelated. Some deal with regional problems, others solely with local problems. But their combined efforts have brought California face to face with a new era—an era of Federal concern in State matters. These agencies are prepared to spend, or recommend the expenditure of many millions of dollars of Federal funds in California. The State, however, still retains a paramount interest in these problems and their ultimate solution. Whereas previously she has dealt with these problems on her own, California now must provide the means by which the efforts of Federal agencies to assist in the solution of these problems are coordinated with the best interests of the State as a whole.

## PREVIOUS INVESTIGATIONS AND REPORTS OF LEGISLATIVE AND CONGRESSIONAL COMMITTEES

1. Investigation and report of the Joint Committee of the Senate and Assembly for an Intensive Study of the Water Resources of California and the State Engineer's Coordinated Plan for their Development, submitted to the Legislature March, 1927. Authority: Assembly Concurrent Resolution No. 16.

2. Investigation and report of the Joint Committee of the Senate and Assembly Dealing with the Water Problems of the State, submitted to the Legislature January 18, 1929. Authority: Assembly Concurrent Resolution No. 30.

3. Investigation and report of the California Joint Federal-State Water Resources Commission to the President of the United States and the Governor of the State of California, submitted December 27, 1930. Authority: Chapter 561, Statutes of 1929.

4. Investigation and report of the Joint Committee of the Senate and Assembly Dealing with the Water Problems of the State, submitted to the Legislature March 23, 1931. Authority: Assembly Concurrent Resolution No. 38, Chapter 78.

5. Investigation and report of the California Joint Legislative Water Committee Dealing with the Water Problems of the State of California, submitted to the Legislature April 20, 1932. Authority: Senate Concurrent Resolution No. 38, Chapter 71, Stats. 1931.

6. Investigation and report of California Water Resources Commission to the Governor of California on the State Water Plan, submitted June 22, 1932. Authority: Senate Concurrent Resolution No. 40, Chapter 90, Stats. 1931.

7. Investigation and Inspection Trip in California of United States Senate Committee on Irrigation and Reclamation, August 30 to September 3, 1932. Authority: Senate Resolution No. 177, Seventy-second Congress, First Session.

8. Investigation and Inspection Trip in California of United States House of Representatives Subcommittee on Appropriations, July 3, to 14, 1931.

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- Bulletin No. 6, "San Gabriel Investigation," 1926-1928, Division of Water Rights.
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- Bulletin No. 22, "Report on Salt Water Barrier Below Confluence of Sacramento and San Joaquin Rivers," 1929, Division of Water Resources.
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## SCOPE OF INVESTIGATIONS PURSUANT TO S. C. R. NO. 11, CHAPTER 130, STATUTES 1941

Although S. C. R. No. 11, Chapter 130, Statutes 1941, was drawn primarily for the purpose of providing a legislative study of problems growing out of construction of the Central Valley Project, it immediately became apparent that a much broader field of investigation and study must be undertaken.

The last previous report on water problems made by a legislative committee was submitted to the Legislature in 1932. At that time, and during the previous 10 years, legislative committees were concerned chiefly with the working out of a coordinated plan for the development of the water resources of the State and particularly those of the great Central Valley. The work of these committees played an important part in the development of the State Water Plan and the launching of the Central Valley Project.



During the intervening 10 years most of the major water problems which then faced the State have remained solved only on paper. Construction work on the initial part of the State Water Plan, the Central Valley Project, has been under way for seven years, and it is apparent now that its completion will bring to the forefront a whole new series of problems relating to the conservation and use of water and power. In the meantime many new and varied problems have arisen. Federal participation in our reclamation, flood control, soil conservation and other kindred endeavors has increased to an unforeseen degree during this period. New agencies have sprung into being and in many cases the work of the agencies is overlapping or interrelated. The whole problem of water conservation and use has become increasingly more complicated.

It was immediately determined that the investigations of this committee should be of a State-wide nature and cover all problems related to water in as thorough a manner as time and other conditions would permit. Every county of the State had water problems of one type or another which this committee was requested to consider and make recommendations upon to the Legislature. As far as humanly possible the committee attempted to meet these requests. As many of these projects as could be included were inspected by the committee members. Meetings were held in as many localities throughout the State as possible in order to give the local interests an opportunity to present the needs of the various areas. Most of the problems presented were of a highly technical nature, the merit of which can be determined only by engineering studies.

The field trips of the committee carried it from the Oregon border to the Mexican border and into virtually every section of California. In addition to the ordinary problems of flood control, salinity control, water conservation, hydroelectric power development and soil erosion, the committee also carefully studied the problem of beach erosion which is of growing importance along the California coast. In all eight field trips were made either by the committee as a whole or by a subcommittee and 42 public meetings were held in as many communities.

## RESUME OF WATER PROBLEMS OF THE STATE OF CALIFORNIA

### AS PRESENTED BY THE PEOPLE TO THE JOINT COMMITTEE ON WATER PROBLEMS

The following recital of data presented to your committee at the various hearings should not be considered as technical engineering statements; rather they are informal expressions from the local people of what they consider their local problems to be.

Furthermore, it should not be considered as a complete reference by any means to all of the problems of the State, or problems from all of the counties of the State.

It was impossible for the committee to visit all of the counties and to make an engineering check on the feasibility of the projects mentioned.

We think the recital of statements made to the committee by the local people, however, is extremely valuable in showing an almost universal demand for additional water conservation and flood control throughout the State.

## CENTRAL VALLEY AREA

The great Central Valley of California extends roughly from Mt. Shasta on the north to the crest of the Tehachapis on the south and from the backbone of the Sierra Nevada to Coast Range. It contains approximately half of the land area of the State.

The valley is drained by the two principal rivers of California, the Sacramento and San Joaquin, which together with their tributaries contribute 51.6 per cent of the State's water resources. On the floor of the valley there are some 8,350,000 acres of first class lands which could be irrigated. At present only about 3,100,000 acres are under irrigation. The valley affords one of the greatest fields for future water development in the State.

## CENTRAL VALLEY PROJECT

The Central Valley Project is still the outstanding uncompleted project of the State. It is still agreed by all that the completion of this entire project will aid Sacramento River navigation, protect the 400,000 acres of Delta lands from the damaging effect of salt water, furnish fresh water for industrial use, provide a surplus for the depleted water supply to 1,250,000 acres in the San Joaquin Valley, and generate a large amount of hydroelectric power.

It was originally intended that this project should be constructed by the State of California, for which the people approved revenue bonds in the sum of \$170,000,000. During the depression, however, the United States Government, in order to aid the State of California and provide labor for thousands of unemployed, took over the entire project through the United States Bureau of Reclamation. The project is now being completed by this bureau. About \$150,000,000 has been spent up to the present time.

Friant Dam is more than 99 per cent completed. Shasta Dam will probably be completed in 1944. The Contra Costa Canal has been nearly completed. The Cross Channel through the Delta, and the Delta-Mendota Canal have not as yet been started.

No new land has as yet been irrigated by this entire project. The only part of the project which is now partly in operation is the Contra Costa Canal. The completion of the project would mean many thousands of acres of new land placed under cultivation and would supply a part of the deficiency now existing in irrigation districts throughout the Central Valley. This project will not work as planned unless it is all completed.

Conditions are the same today in regard to this project as were expressed in the original Bailey Report of December 30, 1926, which contained the following statement:

"It is the opinion of the committee that the results of the studies as set forth will be of exceedingly great value to the future progress of the State. However, the committee feels that it would be lacking in candor if it did not point out at this time that the value of such a plan depends entirely upon its ultimate completion and operation as outlined, no matter whether constructed by pri-

vate interests, by the State or Federal Governments, or by any combination of them.

"In order to obtain the benefits of coordination which is the essential feature, it is necessary that the plan be adopted as a whole and a policy be devised that will insure its progressive execution in harmony with existing, pending, and future local projects, and that when completed, the whole be operated in accordance with the method outlined."

This report was signed by well-known engineers, whose names are as follows: Luis C. Hill, J. B. Lippincott, Wm. Mulholland, A. Kempkey, A. J. Cleary, G. A. Elliott, B. A. Etcheverry, F. C. Herrmann, W. L. Huber, with F. E. Benner, L. S. Ready and C. S. Ridley cooperating with the committee.

### COMMITTEE RECOMMENDATIONS

The committee recommends as a war measure, the immediate completion of the Central Valley Project as a whole and completed project.

### CLIKAPUDI WATER PROJECT

The Clikapudi Project lies on the east side of the Sacramento River opposite the City of Redding, just south of the Pit River arm of the Shasta Reservoir, and could be irrigated by the construction of a tunnel through the ridge near Sheep Rock. It is a 55,000 acre project and has been prominent in the minds of the people for many years.

### IRON CANYON PROJECT

The study of the supply of some 87,500 acres of valuable land in Tehama County has been before the Federal Government and the State of California for many years. It is an important project. It contemplates a dam or dams to be erected somewhere near Red Bluff for the purpose of impounding flood waters.

Many resolutions in regard to the numerous projects have been filed with the committee, and space does not permit their inclusion here. However, we are including the following resolution as typical and the importance of this project, like other projects, shows the earnestness of the people in regard to it.

"WHEREAS, For many years the Sacramento River has been a source of much damage due to uncontrolled flood waters sweeping through the valley; and

"WHEREAS, The Central Valley Water Project now contains a clause providing for a dam or dams to be erected somewhere near Red Bluff for the purpose of impounding these flood waters for irrigating our lands in our two great valleys, and

"WHEREAS, Such a dam or dams would prevent floods in the Sacramento Valley, aid the Central Valley Project by providing the additional water to fight the encroachment of salinity in the delta regions as well as additional water for the San Joaquin Valley; would provide necessary water for the economic irrigation and development of 87,500 acres of valuable land in Tehama County and many more thousands of acres in other counties of the Sacramento Valley, and

"WHEREAS, The citizens of this county have long sought the erection of such a dam; now, therefore, be it

"Resolved, That we, the members of the Tehama County Water Resources Committee, by virtue of the authority vested in us by the citizens of Tehama County, do recommend that the Joint Committee on Water Problems be petitioned to lend its



influence to this worthy project helping in every way possible to influence Congress for necessary funds for carrying out the Amendment to the Central Valley Project Act of 1933 which provides for these dams or dam."

### WILLOWS MEETING

Before terminating our comments on the problems of the Sacramento Valley we should mention that at the meeting at Willows the people expressed the view that their desire was for immediate development of cheap power so that they could develop industry in that section of the valley. Water for additional irrigation was not needed at the present time but they desired a reservation by the State of water to irrigate the section surrounding Willows when the economic conditions required more water. This thought was brought out also at the Angels Camp meeting and also by other representatives of the mountain counties.

They expressed alarm that the conservation of the waters of the mountain streams for valley use might deprive the mountain counties of water for irrigation, domestic and industrial use in the future.

In other words, they are against the principle of developing one part of the State at the expense of another and they wish some assurance that in the future they will be able to obtain additional water supply.

### FLOOD CONTROL

The Red Bluff, Chico, Colusa, Marysville and Stockton meetings brought out the very serious problems of flood control in the Sacramento Valley. Above Chico the Sacramento River is filled with snags and debris. Two thousand acres of land, originally assessed at \$160,000 have been taken off the assessment rolls completely.

It would seem that the burden of clearing the river of snags and sand bars and protecting the land from overflow is more than the individual land owners can pay. Six thousand acres in the Butte Basin seems to have been greatly damaged because of the flowage of waters across this tract in larger quantities than before the reclamation system was constructed. Seepage and storm waters flow down across the land. If wet years continue the farmers believe they will be forced to move out of this section which has been a very productive area. The completion of Shasta Dam may help this problem to some extent.

At the Colusa meeting, it was shown that seepage is the principal problem. This area thus affected extends from a few miles north of Colusa to Knights Landing, a total of approximately 50 miles. The people there feel that the changing of the course of the river by the State had greatly augmented this damaging condition.

The committee's files contain a very carefully prepared statement by Assemblyman Seth Millington on the problems of this section. The following is a brief quotation from his introduction:

"Colusa lies at the head of navigation in the Sacramento River, that navigation, however, being limited to winter and spring months when the river is carrying extra water as many years ago, due to the filling of the stream and more important water diversion



by irrigationists, the head of navigation had dropped in the summertime to the point of confluence of the Sacramento and Feather Rivers and boats have had difficulty for the last twenty years of even reaching Knights Landing in the summer months.

"It is interesting to note in the early days the larger river boats made Red Bluff at all stages of the river and at times were even able to reach Redding. For the past twenty-five years the head of navigation has been dropped from Red Bluff to Chico Landing, then to Butte City, then to Colusa, and today they can hardly reach Knights Landing in the summer time.

"The Jackson report, which followed the great flood of March, 1907, provided for the control of flood water of the reaches of the Sacramento River and for distribution by a system of weirs, supplementing the earlier Dabney report which had contemplated straightening out the river bends and moving the levees back, giving a greater flowage of water within the control of the area of the levees.

"The flood of 1907 demonstrated the impossibility of restraining flood water within any channel limited by levees and as a consequence the Jackson report recommended a system of weirs and by-passes."

In other words, it was shown at the Marysville meeting that the reclamation of some 314,000 acres of swamp lands and the construction of artificial by-passes have caused higher flood planes, which in turn resulted in the necessity of increasing the height of levee systems over that which had originally been assumed to be adequate; that this has resulted in unanticipated detriment to farm lands in certain sections of Yuba, Sutter and Colusa counties. And so problems of flood control were presented covering the area from Marysville to Sacramento and from Sacramento to Stockton.

The Cosumnes River is deserving of mention here. It is very destructive in storm time and causes considerable damage to the Delta area through which it flows.

### HYDRAULIC MINING AND FLOOD CONTROL

Happily it would seem that the conflict between the hydraulic miners and the farmers along the Sacramento River has been settled and there is a spirit of cooperation between them.

### PROBLEMS SURROUNDING STOCKTON

Stockton, because of its location at the junction of the San Joaquin and Sacramento rivers and being the nearest city to the Delta lands, islands and cross-channels, and being the port located at the terminal of deep water used for maritime transportation, presents a group of diversified problems.

First, this section is greatly interested in the problem of flood control. All of the islands within the Delta are protected by levees. These levees are threatened to the breaking point whenever there is an outstanding flood on the Sacramento and San Joaquin rivers.

The people are worried about the proposed cross-channel to be constructed as one of the units of the Central Valley Project. Stockton itself is sometimes threatened from overflow from the Calaveras River. The city has spent more than \$3,000,000 for the construction of a diverting canal. Then, there are several small streams that do much damage in flood time to the farm lands of the county. The overflow of the San Joaquin River in the southern part of the county also presents a serious problem.

No greater number of problems growing out of flood control, water conservation, reclamation and water transportation could be found in any one locality than were found in the environs of Stockton. Most of these problems are of such magnitude that the local interests will be unable to solve them without State and Federal aid. One great help to this community, as well as in other parts of the State would be for the State to assist in advancing money enough so that rights-of-way could be paid for in order to get help from the War Department under the rule adopted by the War Department guiding them in the projects of flood control.

In Stanislaus and Merced counties there is much anxiety about the construction of Friant Dam for the diversion of waters from the San Joaquin River before the cross-channel and Delta-Mendota canal of the Central Valley Project are constructed. The irrigation districts in San Joaquin, Stanislaus and Merced counties, that is many of them, derive their water by pumping from return waters of the San Joaquin River. This water is not allowed to continue in summertime to flow down the San Joaquin River. The people fear that it will be ruinous to several hundreds of thousands of acres on the West Side of the San Joaquin River in Stanislaus, Merced and San Joaquin counties. This is one reason why heretofore we have recommended the completion of the Central Valley Project as one complete project.

Again, the people in this section are anxious concerning the effect of the cross-channel through the Delta for fear it will cause a raising of the water levels in the Delta and cause seepage or will interfere with the deep water channel to Stockton.

The original plan proposed by the State was a simpler method than that proposed by the Federal Government and caused less alarm in this section of the State. The success of the Central Valley Project, reaching from Bakersfield to Redding, depends upon a prompt solution to the construction of these units of the Central Valley to be located in San Joaquin County.

### MODESTO MEETING

The Modesto Irrigation District presents almost a perfect example of water conservation, power development and drainage control. At its own expense, by the construction of Don Pedro Dam some twenty years ago, it has developed sufficient water for all of the lands within the district. Such lands are quite fertile and productive and by the development of power the cost of both water and power in this area has been greatly lessened. The District has sufficient water for the furnishing of power through the winter months and still has water remaining in the dam for irrigation in the summer months. However,

there is reliance on the P. G. & E. for standby service in the event of a shortage of water in the summertime.

It was with much satisfaction that the committee viewed the successful development of irrigated lands by irrigation districts throughout the San Joaquin Valley. The law controlling these districts has been perfected until it is quite satisfactory.

At the meetings held between Stockton and Fresno nearly all of the representatives of the various irrigation districts such as the Modesto, Merced, Gustine, Banta-Carbona, West Side and West Stanislaus expressed anxiety over the effect of the construction of Friant Dam and its operation before building the cross-channel and the Delta-Mendota Canal units of the Central Valley Project.

### POWER

It is quite clear from the experience of the irrigation districts in the San Joaquin Valley that where the storage capacity of water is sufficient to furnish adequate water for irrigation in summertime and also a surplus of water that may be used in wintertime for power, that power can be relied upon, either through public ownership or by the sale to private companies, to a great extent to lower the costs of power and the cost of water. Where, however, the capacity for the storage of water is not sufficient to furnish a constant flow of water for the generation of firm power the year around and also have sufficient water for irrigation in summertime then it can only be relied upon partially for the payment of water costs and or the lowering of power costs.

This subject was gone into quite carefully at the Modesto, Merced, Fresno, Visalia and Bakersfield meetings and the transcript on this subject expresses the diversified views of the people.

### TULARE LAKE

Tulare Lake presents a problem of considerable magnitude. It is the sump into which drain part of the waters of Kings River and all of the surplus waters of Kaweah, Tule and Kern Rivers. Prior to the extensive use of the waters of these streams for irrigation their inflow maintained a continuous lake. In recent years, however, the diversion of water from these streams for irrigation purposes has permitted farming of practically all the area, and at times the entire lakebed, but in years of heavy run-off it is impossible to use all of these waters for irrigation purposes, and considerable amounts flow into the lakebed.

Reclamation by means of huge levees has been undertaken on a large scale, and this wonderfully productive area has been a source of large crop production. Much has already been done by private interests in the reclamation of these lands which are quite similar to the Delta lands in the San Joaquin Valley. From 50,000 to 100,000 acres considered suitable for agriculture are frequently flooded during a series of wet seasons. It is considered that this problem can be solved to a great extent and that it is feasible to solve it and its solution will bring much wealth to the State.

There is no more productive area in California, and the permanent reclamation of some 300,000 acres or more can best be accomplished by building of the Pine Flat Dam on the upper reaches of Kings River,



which project has been favorably reported upon by the U. S. Bureau of Reclamation, and would probably have been under way except for the advent of the war.

At the time of the committee's visit there was considerable water in the lake and there had been a break in one of the levees which was then being repaired by means of large carry-alls and dredgers. Since that time additional levees have broken, causing the inundation of between 25,000 and 30,000 acres of wonderful crops of flax, wheat and barley, at a great loss to the war production effort.

Moving pictures of the devastation caused by flood waters were shown at the evening meeting of the committee held at the Wreden Ranch near Hanford, at which meeting there was a large gathering of local citizens, in addition to the U. S. Bureau of Reclamation engineers, R. S. Calland and R. B. Williams.

#### COMMITTEE RECOMMENDATIONS

The committee recommends that everything possible be done to expedite the building of the Pine Flat Dam at the earliest possible time.

#### COMMENTS

Before finishing the comment on the San Joaquin Valley, its problems and its districts, it should be again called to the attention of the people of the State and to the Federal Government that conditions in Tulare, Kern and Kings counties, and parts of other counties where they have suffered from a lowering water table thereby losing hundreds of acres of citrus trees and other valuable orchards, are just as bad now as when the movement was started 20 years ago for the construction of the Central Valley Project.

### SOUTHERN CALIFORNIA AREA

The Southern California area is the most populous of the State and the section in which available water resources have been the most highly developed. The great metropolitan centers of Los Angeles and San Diego, with their attendant and vitally important war industries and military establishments have spent hundreds of millions in acquiring their present water supplies. Many additional millions will have to be spent before the water needs of this area are solved. Imperial, Riverside, San Bernardino and Orange Counties all have problems as pressing as those of Los Angeles and San Diego. In addition to the need for more water there are serious problems of flood and control and beach protection.

#### COLORADO RIVER PROJECT

The Colorado River Project, and all of its many diversified developments, has not been brought to the attention of the Legislature to any great extent since bills were passed authorizing the State to enter into contracts with other States and to recommend treaties and to provide for contracts necessary to the construction of the All-American Canal.



In general, this project is well under way. Drains, power lines, conduits and necessary auxiliary mills have been completed, and water and power distribution provided. However, this does not mean that all controversies in regard to water rights are ended, that all water developments have been made and that there is nothing more to be done.

At the meeting of the committee in California a history of the past activities, particularly as they concern the All-American Canal, was presented. This is too extensive to reproduce here. A few salient points might be reviewed to refresh the memories of the legislators on this subject.

It will be remembered that the Imperial Valley received its first water about 1901 and this was developed by the local people. It was prior to that time a barren desert. In a similar way Coachella Valley developed along with Imperial Valley on a smaller scale. Coachella Valley developed its water from pumping from deep wells. The original water was brought into this part of the State by the easiest course; that is, the canal system through Mexico. The people had little knowledge of the damage from floods, shortage of water, and of the international complications of obtaining water from a foreign country. They had no authority to build a dam in the Colorado River because of the interest of other States in this water. Eventually the water matter came up in a bill before Congress and as the result of the passage of that bill Boulder Dam and the All American Canal were provided for and constructed.

The Colorado River drains one thirteenth of all of the area of the United States. The other States in the Colorado River Basin fear that California will take a major portion of the water. All of this developed many major controversies in Congress. Legislation was finally passed in 1928 and again in 1929. A compact was signed by the representatives of the Colorado River Basin in 1922. Arizona has not yet ratified the compact. In California the water is being divided between Palo Verde Valley, Yuma, Coachella, Metropolitan Water District and San Diego. Arizona is going ahead with projects using the Colorado River water.

The recital of the above facts briefly will call to our minds the great number of issues to be settled in the perfecting of California's water rights and the development of this great project. These duties fall primarily upon the Colorado River Board. They now want us to be informed here in the Legislature of their several problems and to be ready to help them in the Legislature or in Congress and also they desire help in financing the activities of the board so that they may continue to protect the interests of California in Congress and elsewhere in issues arising between our State and the several States, as well as between our State and the sister republic of Mexico.

#### COMMITTEE RECOMMENDATIONS

The committee recommends that the State Legislature and all offices of the State assist in any way when called upon by the Colorado River Board to do whatever fairly and reasonably can be done to assist in the protection of California's water rights and the early completion of all of the Colorado River projects. We further recommend that a

reasonable appropriation be made to assist the Colorado River Board in the performance of its duties.

### CITY OF SAN DIEGO

San Diego has had the greatest growth of any city of its size in the United States in the last four years. In 1940 its population was 203,000. Today, reliable estimates show a population of approximately 370,000. This population increase is due primarily to the development of vital war industries and does not include 150,000 to 200,000 of the armed forces of the United States, all of whom are drawing on San Diego for their water supply. In other words San Diego has a population of more than half a million people, the majority of whom are engaged in war activities and all dependent upon the city for their water supply.

At present the city has a water supply—a net safe yield—sufficient to care for a population of 266,000 people. It was all developed by San Diego through its own resources without State or Federal aid. This water supply was deemed sufficient to meet the needs of normal growth until 1950. With the projected works at San Vicente, now under construction, it was estimated the additional supply brought in would meet normal growth needs until about 1960 when the population would reach approximately 320,000 people.

Instead of this normal, orderly growth more than 20 years of development has been telescoped into a period of less than two years. It has, in fact, brought about an extremely critical condition and one of great hazard to the city's war contribution.

Mr. Fred Pyle, San Diego hydraulic engineer, has estimated that the city's present supply of stored water would last less than three years if a series of dry years similar to the period 1897 to 1904 were to occur. During that period, which was the driest on record, there was not sufficient rainfall in the entire watershed to take care of evaporation losses from reservoirs.

San Diego's bonding margin is exceedingly limited. The city already has been put to great expense in its attempt to provide needed facilities for its mushrooming population. However, some immediate solution must be found for its critical water problem. Approximately 50 per cent of the potential city water supply in San Diego County remains undeveloped. From 30 to 50 million dollars is needed at an early date to develop the water supply of the San Diego River, Santa Isabel, San Pasqual and San Luis Rey River. The latter is the only source of supply for the Fallbrook Utility District, City of Oceanside, Carlsbad Mutual Water Company, Escondido Mutual Water Company, City of Escondido, and the Vista Irrigation District. San Diego also has undeveloped water resources on Cottonwood Creek, a tributary of the Tia Juana River at Barrett and Marron damsites. The possibility of getting water from the Tia Juana River watershed at the Marron site will depend upon negotiations with the Mexican Government.

San Diego's vast war industries are directly dependent upon the city's water supply and additional supplies are needed to assure the continuation of these war industries and military establishments.

**COMMITTEE RECOMMENDATIONS**

The committee recommends an investigation by the State Engineer's office in cooperation with the City and County of San Diego, of San Diego's entire water problem, including the development of water from the eastern slope and the bringing of Colorado River water to San Diego.

**MOJAVE RIVER**

Another section of the State is coming to the front with its water and flood control problems. Little thought has heretofore been given to this area by the Legislature. It is the section surrounding Barstow and Mojave. The United States War Department is developing very extensive military activities of a diversified nature which calls for the locating therein of thousands of families. Additional water is needed for irrigation and for domestic use to supply these ever-growing demands.

The local taxpayer seems to be unable to bear this burden alone. The Mojave River is of special interest because it will produce water for irrigation, industry and domestic use. After it has run its course for 120 miles it sinks into the desert sands. The project, like many others, is coming into the purview of importance because of the great development in this State. It seems to be feasible and the record of this project is quite interesting.

**COACHELLA PROBLEMS**

Three problems were presented to the committee. The first was in regard to the damage due to soil erosion, resulting from fires and extreme pasturing of livestock in the mountains. The second was in regard to destruction caused by flash floods. The third problem, and most important perhaps, was in regard to the finishing of the construction of the All-American Canal to Coachella Valley. The board of directors of Coachella Valley Water District presented the following resolution:

"WHEREAS, The Commissioner of the United States Bureau of Reclamation has recently determined to reject all bids which he has received for the construction of the third section of the All-American Canal to Coachella Valley; and

WHEREAS, The budget recently presented to the Congress by the President of the United States contains no provision for further construction of the All-American Canal to Coachella Valley, but does contain provision for further construction upon the Gila reclamation project in Arizona; and

WHEREAS, By reason of rapid depletion of the underground water supply of the Coachella Valley it is imperative that a supplemental supply of water for irrigation in said valley be obtained at the earliest possible date; now, therefore, be it

Resolved by the Board of Directors of Coachella Valley County Water District, That said district does hereby request the Joint Interim Committee on Water Problems of the Legislature of California now in session, to urge upon all in authority in the Federal Government, to make prompt provision for the completion of the All-American Canal to Coachella Valley at the earliest possible date."

**THE PROBLEM AT NEEDLES**

It has been mentioned heretofore in the report that in the solution of some of our problems we are creating additional problems. This seems to be the situation at Needles. Since the construction of Parker



and Boulder Dams, serious trouble has arisen at the little railroad town of Needles. Inasmuch as the committee only spent one day at Needles it is impossible to give an exact estimate of damage or a legal determination of the cause of the damage, but it was easy to see that approximately a hundred town lots, upon which were modest homes, were completely damaged by water which appeared to be backing up from the Colorado River. Also, the sewage system of the city and extensive railroad developments were in danger.

Here a lot of people of modest means have been made homeless, their property destroyed and health endangered, and neither the City of Los Angeles, nor the State of California, nor the Federal Government have spent money to meet this situation.

This committee can not make a legal determination of the damages as between the City of Los Angeles, the Federal Government, and/or the State of California. It isn't within its jurisdiction. Any person can see the injustice of this situation. The Colorado River Project was developed for the benefit of the people of the State of California, to the interest of the United States, and for the special benefit of Los Angeles.

The damages to the people of Needles should be paid without their being required to bring suit.

#### RIVERSIDE COUNTY PROBLEMS

The problems of flood control and water conservation for Riverside County brought forth some 16 different projects within the county. The estimated cost of these projects is approximately \$9,276,500, and each individual unit would cost from \$42,500 to \$4,081,000, the latter amount being the estimate for the Temescal Flood Control Dam. The county is not only interested in flood control problems, but in the conservation of water. Water from without the boundaries of the county is needed.

In 1928 the Legislature passed an act authorizing a study and report on the Santa Ana River, dated July 1, 1928, which was made by the State Engineer. The recommendations of this report have not as yet all been carried out. However, the large flood control dam has been built on the Santa Ana River to impound many hundred acre-feet of water, by the United States Flood Control District, under the direction of the United States Army Engineers and paid for by the United States Government. Notwithstanding appropriations by the State Legislature and the Federal Government, there are many projects in this county unfinished which are necessary for the development of the county. The retarding of the flow of streams leading down from the watershed of the mountains into this county and spreading the water over debris cones is one of the main methods of storing water so that it can be pumped when needed upon the land. The composition of the soil in this county perhaps is better adapted to this method of irrigation than in any other part of the State. The people of the county are intensely interested in water conservation and have, themselves, spent much money on their projects.



### SAN BERNARDINO COUNTY PROBLEMS

The last report to this committee on water problems of the State recommended State aid for the solution of the many water conservation and flood control problems of this county, and called attention to the great damage resulting from floods. Since that time much has been accomplished by local interests. The problem still remains serious and of the same nature as when the committee visited this county some years ago.

The highly productive nature of much of the soil in this county and the great increase in population continues to give importance to water conservation and flood control.

### CITY OF COLTON

A serious problem confronts the city because of flood waters coming down from the San Bernardino Mountains, through the various creeks and channels, especially Lytle Creek, breaking over and through its banks and flooding a large area of the city. A recent flood suffered by this city seriously affected transportation, interrupting military and civilian traffic on the trancontinental railroads and highways, and causing an estimated damage to streets and utilities of the city of \$200,000, not including the amount of damage sustained by residential homes and real property. This was the second serious flood within five years. A fair estimate of damage by these two floods would be approximately \$1,500,000.

### COMMITTEE RECOMMENDATIONS

So far as is reasonable and practicable, the State should make available engineering help and advance appropriations, giving such assistance as it can to the county in obtaining Federal aid. It is hoped that the Army Engineers will make available funds sufficient to solve the problems where they are of too serious a nature to be handled by local control.

### ORANGE COUNTY PROBLEMS

In this county some 22 projects are concerned with storing and two or more have to do with spreading basins and the construction of dams in the streams from the local mountains. Notwithstanding the fact that this is one of the most wealthy agricultural counties for its size in the West, nevertheless it is suffering from destruction by floods and it is important to the State and the State should take cognizance of it. The studies of the problems of flood control are well under way in this county and it is hoped that Federal aid can be obtained. Like all of the counties with similar problems the State should stand ready to aid wherever practicable.

### CENTRAL COASTAL AREA

The Central Coast Basin includes a group of counties which have diversified problems of water conservation with which they have been struggling for many years. The growth in population throughout this

section of the State makes these problems more acute and also more important. Their projects have not been brought before the State Legislature at any time with the force of some of the projects of the Sacramento and San Joaquin Valleys and southern California.

The committee feels that the varied problems of water conservation as they appear throughout the State should be mentioned, and California should have them all in mind. Therefore, considerable space in this report is given to describing individual county projects.

### SANTA CLARA WATER PROBLEMS

Santa Clara Valley represents one of the most highly developed agricultural areas of the State and because of its moderate climate and rainfall which is in excess of that of the Central Valley, it is a very popular location for country homes.

The ever-increasing pumping of water from underground stratas upon the orchard and vegetable lands, however, has caused a dangerous lowering of the water table. Some years ago the Legislature passed an act providing for the organization of an irrigation district suitable to the peculiar requirements of Santa Clara County. The complete development of this project seems to depend upon the control of the waters of Los Gatos Creek. Unfortunately there has been a difference of opinion between the City of San Jose, the orchardists and the City of Los Gatos, about the location of dam sites on this creek. Adding to this trouble the State has disregarded the petitions of the people of San Jose and the valley in the location of the highway from Los Gatos to Santa Cruz and has constructed it within possible reservoir sites, particularly one, which is the choice of the San Jose representatives and those of other localities within the valley.

It is only fair, however, to mention that the people of Los Gatos, represented by their mayor, Mr. Stanley Mills, opposed the building of the contemplated dam on Los Gatos Creek because they believe it would mar the scenic beauty of the country, that its location was on the San Andreas Fault, which made it unsafe, that there are other dam sites available, that because of its unsafe location it would endanger the lives of people located beneath it. It is a pity that this district can not be permitted and/or assisted in conserving these waters for the development of this beautiful valley. The State should give it attention and try to work out a plan.

The future development of this very fertile area of the State depends so much on the solution of controlling the water of Los Gatos Creek that we believe the State should assist in the bringing about the best solution of this problem. It is certainly unfortunate that the Highway Department disregarded the petitions of the people of this valley in the location of the State highway before the water problems were settled.

Copious engineering reports have been filed and every problem has been met and solved with the exception of the dam in the Los Gatos Canyon; that is dependent upon the relative economic value of moving the State highway as against the value of the water to be impounded in the proposed dam. The value of the water impounded should be equal to the cost of moving that highway.

Now, even though it results in great economic loss, the problems, we believe should be solved in a safe and feasible manner. The State and Nation will need all of the agricultural products and fruits that can be produced in this most productive valley.

### BEN LOMOND PROBLEMS

No place illustrates the ever growing need for the control of our waters more than the problems presented at our meeting at Ben Lomond. This beautiful little settlement nestled as it is on the banks of the San Lorenzo River is surrounded by hills covered with beautiful redwood trees and decorated everywhere with ferns and shrubbery which remain green the year around. Summer homes, with a population of over 17,000 people, are located in this scenic canyon.

The water problems involve flood control, water conservation, and fire protection. They have organized a county water district and their plan is to construct dams for flood control. This would prevent a damage of some \$165,000 each wet year. They estimate its cost at \$500,000. Eventually, they plan for seven reservoirs with a system of pressure mains. This would furnish water for the prevention of fire in this territory, and provide domestic water as well for Ben Lomond and the surrounding country.

This is one of California's choice recreational spots and is becoming more and more popular with the people from out of the State as well as Californians. Notwithstanding it may not have been adopted as a State or Federal project, it should receive more attention from the State and Federal Governments.

Our records will show pictures of flood damage as well as quite carefully prepared data in regard to the entire project of the San Lorenzo River, not only at the location of Ben Lomond, but also throughout the entire basin of the San Lorenzo River and the problems which develop as it approaches Santa Cruz.

### SANTA CRUZ COUNTY

The master plan of the shoreline development for Santa Cruz County, which is the entire shoreline from Waddell Bluffs to Sunset Beach was presented to the committee. This plan has been presented to the Board of Army Engineers for investigation and will then be referred to the Federal Erosion Board, created in 1936. Santa Cruz intends to do all of the preliminary work and be ready to go on with construction work when the war is over.

The protection of the beaches in this county means much to the recreational value of the county. Sea Cliff alone entertains 75,000 people a year, and residents expect this number to be doubled in 10 years. This is one of the great recreational areas for San Francisco Bay region as well as the entire State. The project here, like many of the coastal projects, should be ready for construction upon the termination of the war.

The importance of flood control and water conservation for the benefit of agriculture should not be overlooked here. The United States Bureau of Reclamation has made a study of the San Lorenzo River



projects. It has expressly found a need for water supply and sanitation control. The Forestry Department also is interested in the up-stream water problems as well as the Department of Agriculture.

The projects on the Pajaro River are under consideration by the United States Bureau of Reclamation.

### **SAN BENITO COUNTY PROBLEMS**

The water problems in the Hollister area have been studied by a recent flood survey of the Pajaro River by the United States Department of Agriculture. Hollister, south Santa Clara Valley and Pacheco Pass, which are irrigated areas, are believed to be facing a serious shortage of irrigation waters. Up to the present time the depletion of ground water supply has been most serious in the Hollister area, although the above-normal rainfall in the last few years, together with the spreading of water, has greatly improved the ground water elevation. The water table in the Hollister district lowered 45 feet between 1915 and 1934. Between 1922-1934 the decline was attributed to less than normal precipitation. Between 1934 and the present there has been a recovery of 27 feet due to increased rainfall, but it can not be anticipated that a heavy annual rainfall will continue.

Quite a complete technical report has been made in Bulletin No. 746, March, 1941, by the United States Department of Agriculture, Washington, D. C., pertaining to this area. There are now some 20,277 acres of land under irrigation in San Benito County. The area includes valley lands along the San Benito River and its tributaries, Trespina Creek, as well as along Pacheco Creek.

### **QUALITY OF WATER**

This area has a problem growing out of the quality of the water supply. It is thought that excessive concentration of boron in the water is responsible for some of the poor conditions of orchards and other plantings in portions of the Hollister area. The water used for irrigation comes from the pumping of underground water. The problem of clearing this water or the land from an excess of boron salt, which the layman would ordinarily call a form of alkali, seems to be rather serious in some parts surrounding Hollister.

There is a large acreage, however, reaching up into Pacheco Pass, which has been used profitably for orchard, vegetables and sugar beets.

The people should be given aid and careful guidance by both the State and Federal authorities in solving the aforementioned problems in this area.

### **MONTEREY AND SAN LUIS OBISPO PROBLEMS**

The counties of Monterey and San Luis Obispo have been working on a solution of flood control and water conservation in the Salinas River Basin for the past 10 years. Recommendations by the flood control and water conservation committees of the two counties have concluded the need for impounding dams and reservoirs in the Salinas River and its main tributaries to take care of the situation.

A preliminary report on the Salinas River Basin was compiled by the State Division of Water Resources in 1933, financed jointly by the



State of California and the counties of San Luis Obispo and Monterey. In December, 1937, the counties requested the United States Army Engineers and the United States Department of Agriculture to make a survey of Salinas Valley for a report of flood control and runoff and waterflow retardation. The Army Engineers completed the report, which was filed with the Board of Engineers for Rivers and Harbors. However, the report was unfavorable because of the ratio of costs to benefits derived, notwithstanding the benefits to be obtained from water conservation. Flood control and water conservation committees of the two counties appealed on the findings of the Engineers' report on November 17, 1941, and the United States District Engineer at San Francisco is now reviewing this report.

The Salinas Valley Basin has an annual valuation of crops amounting to \$17,200,000. The average annual loss of farming land caused by erosion by floods in the Salinas River is from 150 to 200 acres.

Fort Ord, which is located in the Salinas River Basin, would also be endangered by the high waters of the Salinas River and a difficult situation would be created if, due to floods, that area became an island, the committee was told by Major Herbert R. Trumin, United States Army Engineer.

#### GUAYULE

The need for an adequate water supply for the development of guayule in the Salinas Valley, has become vitally important to National defense since the war has virtually shut off the country's imports of rubber from the Far East. During the summer of 1942, 350 million seedlings were produced in the Salinas nurseries, which is sufficient to plant 32,000 acres of guayule during the fall and winter of 1942-1943.

#### PAJARO RIVER

The Pajaro River, which at times during the winter months covers the entire valley with its waters, creates a serious flood problem. As a result of the 1937-1938 floods, the United States Army Engineers made a report of the situation. The City of Watsonville and the Pajaro Valley formed districts and put in a temporary levee which has been very successful, alleviating that area, but still leaving the remainder of the Valley at the mercy of the flood waters.

#### MOSS LANDING

The Salinas River mouth at Moss Landing serves as the outlet for a very large drainage area consisting of 137,400 acres. Due to its shallowness and narrowness, this outlet is entirely inadequate since it does not allow the water to flow out fast enough on the low tides into the ocean. This results in the water level immediately in back of the outlet being at times as much as six feet higher than the ocean low tide level. By providing an adequate outlet to the sea, a harbor at Moss Landing would increase the total acreage under cultivation and reclaim valueless marsh lands.

The United States Army Engineers are now in the process of making a resurvey of the project.

### SAN LUIS OBISPO AREA

The problems in this vicinity involve a need for soil and water conservation and the reforestation of the watershed.

In 1936 the WPA proposed a project to transmit water from the Rinconada Dam to the northern part of the valley, constructing reservoirs along the line. The water could be distributed by gravity as there is a drop in elevation of over 700 feet between Rinconada and Paso Robles. With water at the north end of the county, 250,000 acres could be supplied. The desert area lying east of San Luis Obispo has been creeping toward the coast at the rate of five miles a year.

Like other conditions in the State, the water conservation problems of these counties should receive more State attention.

### SANTA MARIA VALLEY

This valley comprising 244 square miles, is the flood plain of the Sisquoc and Cuyama rivers, with the Santa Maria River flowing through the northerly portion. The valley is one of the richest and most fertile agricultural areas in the State due to material eroded from the surrounding hills and deposited by the Santa Maria River and its tributaries. This entire area is subjected to periodic floods which shift the channel back and forth, enlarging the river bed and destroying large areas of rich farming lands, as well as washing away highways and bridges.

The county authorities have attempted to hold the river at fixed points by bridgeheads and jetties. The jetties serve for flood control and the use of adjacent lands as spreading grounds for replenishment of the underground water supply. Engineering studies reveal that there is an alarming depletion of ground waters due to intensive cultivation.

In 1931, J. B. Lippincott, consulting engineer of Los Angeles, made a survey and report on water conservation and flood control of the Santa Maria River. The report recommended a series of large flood control or retardation dams on the lower end of the Sisquoc and Cuyama rivers which would retard peak flood run-off and store flood waters which could be released slowly to the lower reaches of the Santa Maria River, where the natural streambed would act as spreading grounds to replenish the underground reservoirs.

The county authorized a similar conservation and flood control investigation by an engineering firm in 1938. Their report recommended the building of a new dam on the Santa Ynez River and the enlargement of Gibraltar Dam. These dams would store flood waters only, but the reservoirs were to be made available to the coastal area through tunnels and distribution pipelines, while the natural flow of the stream would supply the lower valley.

These preliminary reports form a basis for a complete water plan for Santa Barbara County. The Army Engineers and the Department of Agriculture have made preliminary and final investigations on the Santa Maria and Santa Ynez rivers.

The Army Engineers' report on the Santa Maria River recommends a levee system along the river from the confluence of the Sisquoc

and Cuyama rivers to the sea at an estimated cost of \$12,000,000, with a contribution from local interests of \$643,000.

The Department of Agriculture flood control reports on both rivers concern upstream flood control projects such as water retardation by check dams and natural cover, soil erosion and reforestation.

The board of supervisors of San Barbara County have entered into a contract with the Division of Soils of the University of California for completion of a county-wide soil analysis report.

### SANTA BARBARA PROBLEMS

In 1919 the City of Santa Barbara constructed the Gibraltar Dam on the Santa Ynez River and since that time has obtained most of its water from this source. The Montecito County Water District, which comprises an area just east of Santa Barbara, constructed Juneau Dam further upstream which furnishes a large part of the district's supply.

Gibraltar Reservoir had an original capacity of about 15,000 acre-feet, but has been reduced to less than 10,000 acre-feet due to the accumulation of silt. This dam does not supply any water for irrigation, but only for the domestic use of the City of Santa Barbara. Reforestation of the Santa Ynez watershed would be of tremendous advantage in preventing a rapid run-off of rainfall, thereby retarding the silt deposits in the Gibraltar Reservoir. The city has contemplated raising the dam primarily to provide for a greater conservation of water, and the additional construction of other dams and reservoirs for flood control and conservation.

Santa Barbara County is divided into three major drainage areas, situated so that nearly all the water which falls in the county is either used or wastes into the sea. About 45 per cent of the county is in National Forest Reserve. Large sums are needed to protect the highly inflammable watershed, which presents a perplexing problem during the summer season. Fires denude the watershed, heavy rainfall on the denuded watershed causes erosion and subsequent damages to reservoirs, land, roads, bridges, etc.

Wells supply most of the water in the county, but the water tables have been rapidly receding in the past 10 years. The problem is to find some method of holding the rainfall during the wet cycles for use during the dry cycles. There is also the danger of encroachment of sea water because of the deep well pumping.

Investigations of Santa Barbara's water problems are being made by the Army Engineers, Department of Agriculture and the Bureau of Reclamation. County officials are working with the Federal agencies toward a coordinated plan. If the Federal agencies recommend a series of projects, which might be reasonably estimated at \$50,000,000, the county is unlikely to be able to finance such a program from local tax sources. The county has demonstrated its willingness and ability to finance a major share of the investigation expenses and has stated that if the program and cost projected over a period of years, the county will provide as much as \$17,000,000, if these funds can be doubled from Federal or State sources.



### VENTURA COUNTY PROBLEMS

Ventura County is bounded on the east by Los Angeles County, on the south by the Pacific Ocean, on the west by Santa Barbara County and on the north by Kern County. The county comprises some 1,189,000 acres of which 37 per cent is in farms. The northern half of Ventura County is more or less mountainous; most of this area being in the Los Padres National Forest. The Ventura River runs in a southerly direction near the western border, with the Ojai Valley, in the head of the farming area, formed by this river. The major streams are the Santa Clara, Piru, Fillmore and Santa Paula creeks.

The county has two water conservation districts, the Santa Clara district, which is the larger takes in practically all the farming land and the Oxnard Plain. Most of the Oxnard Plain requires drainage to lower the perched water table and to reduce the salts which have accumulated in the soil. The climatic and soil conditions of the county are ideal for specialty crops such as pimientos, large lima beans, walnuts, lemons and oranges.

Flood control is needed for the Ojai Valley and the City of Ojai, because of bank erosion, gulying and the depositing of sand and silt in the Ojai River. The flood control problem in this area is dependent upon adequate protection of its watersheds and maintaining its vegetative covering.

### VENTURA AND SANTA CLARA RIVERS

The Santa Clara has from 1400 to 1600 square miles of watershed, with a large flow, and feeds the major citrus development of the county. There is a very definite flood hazard from the Santa Clara and Ventura rivers, which is too large for the local people to handle. It is estimated that the flood damage done by the Santa Clara River alone caused approximately \$3,500,000 in the flood of March 2, 1938. The Ventura water supply intake near Casitas was washed out and bridges and highways were damaged. Live Oak Acres, a small subdivision located on the Ventura River bottom east of Santa Ana Valley, was almost completely wiped out.

During March, 1938 at a preliminary investigation, the local interests requested the United States Engineers to make a survey of the Santa Clara River for comprehensive channel improvement from the ocean to a point near Saugus, and a program of vegetable cover with small debris control works to retard soil erosion and conserve water.

A preliminary survey was made on the Ventura River by the United States Department of Agriculture. Their preliminary report recommended retiring from cultivation certain critical areas of highly eroded lands in Upper Ojai, Ojai and Santa Ana valleys, to permanent vegetable cover. They also recommended soil and water conservation measures such as terracing, strip cropping, crop rotation, contour cultivation, and basin listing.

The United States Engineer's Office also made an investigation of flood control on the Ventura River, but the results have not been released at this writing.

Spreading grounds have been constructed in the Santa Clara Valley Water Conservation District at Piru, Santa Paula and Ojai.



spreading 59,500 acre-feet at Piru and both spreading and percolation at Santa Paula, with a total of 21,272 acre-feet in underground storage. The most important spreading ground is below sea level. However, the committee was told, there is no evidence as yet of a landward invasion of sea water.

The City of Ventura obtains its water supply from the Ventura River. The river has a gravel bed, shallow and easily depleted. This supply is adequate except for a succession of dry years. Then they must turn to the coastal wells. This water is very hard and does not qualify for domestic purposes.

The main problems of this area consist of erosion control, water conservation, flood control and channel control.

#### COMMITTEE RECOMMENDATIONS

Plans should be worked out by the State for the control of floods and the conservation of water in this area.

### NORTH COAST AREA

This area contains 11 per cent of the total area in California, extending from San Francisco Bay north to the Oregon line and eastward to the crest of the Coast Range. It is largely mountainous and contains only 1.9 per cent of the agricultural lands in the State. It is the section of California in which the heaviest rainfall occurs and its watersheds produce 37.6 per cent of the total water resources of the State.

By reason of the over supply of water resources and the lack of irrigable agricultural land, the problems in the North Pacific Coast Basin are largely those of flood control and river regulation.

#### NOVATO CREEK

The Novato Creek Drainage Area comprises 41 square miles in southern Marin County. The basin is 12 miles long by three and one-half miles wide. The watershed is hilly and mountainous, with a small valley of about eight square miles near Novato, and a low-level section of reclaimed marsh land of approximately five square miles. The most damaging flood on record probably occurred in 1940. From 1938 to 1942 there have been four serious floods. These lands have been very fertile in the past and have developed good crops. However, in the last few years large areas have been wiped out and no crops can grow due to the continued high water in the wintertime, because the free flow of the Novato Creek itself has stopped. It is filled with mud and tules and no longer drains the area properly.

There are between 5,000 and 6,000 acres of good farming lands involved. These lands could be reclaimed through adequate drainage in the lower Novato Creek Basin.

A preliminary examination and survey for flood control of the Novato Creek and its tributaries by the War Department was authorized by the Flood Control Act of 1941. The act also authorized the

Department of Agriculture to make a preliminary examination and survey for run-off, water flow retardation and soil erosion prevention in this area.

### PETALUMA RIVER WATERSHED

The Petaluma River drains a basin 146 miles square of which the major portion lies in Sonoma County, the remainder in Marin County. The basin is 19 miles long by eight miles wide. It drains into San Pablo Bay.

The towns of Petaluma, Pennugrove, and portions of Cotati, Novato and Grandview are in the watershed. The population of the basin is about 13,500. The region is largely devoted to poultry raising.

The problem in this area is primarily erosion and the difficulty in controlling the silt coming down the river. The floods inundate the railroad and highway, caused chiefly by the tide backing up and the river itself filling with silt. Unless something is done to clean out the river channel, navigation will cease.

The United States Engineers are studying the problem and trying to check the erosion.

In 1938 five washouts interrupted traffic between Ignacio and Black Point on the Northwestern Pacific Railroad. Creation of a suction at the mouth of the river to draw out the debris as it comes down was suggested as a solution to the problem.

Various measures suggested by the Petaluma River Flood Control Committee included a coordinated system of drainage canals, levees and channel clearing works; works to alleviate bank erosion along Petaluma Creek and its major tributaries and works to draw water rapidly off the upper flood plain above Highway 101; improvements for retardation of run-off from the upper watershed to minimize peak run-off.

A preliminary examination and survey for flood control by the War Department, and soil erosion surveys by the Department of Agriculture, to determine whether detailed surveys should be made, were authorized by the Flood Control Act of 1941.

### SONOMA CREEK

The Sonoma Creek Drainage Basin is about 18 miles long and eight miles wide, draining a small basin in Sonoma County and emptying into San Francisco Bay. The basin contains 133 square miles.

Sonoma Creek is a valuable asset to recreation, as well as to the agricultural and farming land in the area. The channel has been permitted to grow up into brush, undergrowth, etc., and during the rainy season or a high tide, there is a serious flood problem created which washes out summer homes and highways.

### NAPA VALLEY WATERSHED

This watershed extends from Mt. St. Helena, in the Coast Range north of Calistoga, southward to San Francisco Bay. The total area of the drainage basin is 394 square miles, consisting of 58,230 acres of agricultural lands. The valley floor is largely devoted to orchards and vineyards.

It has been determined by the State Division of Water Resources that a dam at either the Conn Creek or Rector Creek sites would be sufficient to supply the State institutions in Napa County.

The Legislature has authorized construction of an earthfill dam on Rector Creek for conservation purposes and provided \$1,375,000 for its construction.

Three small reservoirs have been constructed near the headwaters of the Napa River for domestic water supply. The local property owners have done a large amount of levee construction along the river mostly below Napa.

The United States War Department made a report and recommended that partial flood control combined with water conservation for domestic and irrigation purposes by State institutions in Napa Valley be provided by construction by the United States of an 18,000 acre-foot capacity reservoir on Conn Creek of which 11,000 acre feet would be for flood regulation, subject to the conditions that the State of California contribute its share estimated at \$700,000 of the first cost of the reservoir and give satisfactory assurance that it assume its share of the cost of maintenance and operation. The report further recommended that, as an alternative, construction by the United States of a reservoir at the Conn Creek site up to a capacity of 37,000 acre feet be undertaken provided that the State of California contributed all funds for the first cost thereof additional to those allocated for flood control.

#### RUSSIAN RIVER WATERSHED

A preliminary report by the United States Army Engineers on the Russian River flood control problem shows damage in Sonoma County estimated at a total of \$1,251,623 caused by the floods of 1937 and 1940.

This area is 80 miles long and 12 to 22 miles wide and includes 1,508 square miles. The river rises in Mendocino County and discharges into the Pacific Ocean at Jenner.

A flood control district has been formed, with the work over a period of three years consisting primarily of channel clearing and bank screening. The work done in this area has mostly been of a temporary nature. Temporary low dams are built in summer for recreational purposes. The total cost of flood protection works, including Jenner Jetty, constructed cooperatively by the State of California and local agencies, is estimated at \$308,000.

In 1938-1940 serious washouts interrupted railroad and highway traffic at Asti, Pieta and Hopland. Federal or State aid is requested for flood control, sheet erosion control and channel clearing.

The United States Bureau of Reclamation is studying and working on surveys for dam sites and a probable combination of reservoirs for flood control and irrigation channel clearance. The Bureau asserts the diversion of the Eel River to Potter Valley has been beneficial to the valley, because the Eel diversion average is 170 cubic feet per second, irrigating 10,000 acres, thus making fresh water available for agriculture. The Bureau investigations are being carried out under an agreement with the Department of Agriculture, War Department and Department of Interior.

## MENDOCINO COUNTY

Flood control in Mendocino County has been a major problem for many years. Ranches situated along the river bottom have been washed out, the Russian River carrying away the rich alluvial soil. The entire valley south of Feliz Creek is in danger of becoming a river channel unless something is done to clear the riverbed of willow trees and other growth so that the natural flow can keep the channel scoured. Each season valuable agricultural crops such as grapes, hops, pears and prunes are being lost by floods.

The landowners in this area believe that the flood situation has been aggravated by the diversion of the Eel River water into the Russian River. They feel that immediate steps for remedial work should be undertaken at once.

## EEL RIVER WATERSHED

The Eel River watershed is approximately 130 miles long with a maximum width of five miles and comprises 3,675 square miles. Twelve reservoir sites have been studied for combined flood control and hydroelectric power development. The preliminary studies have not indicated that these dual purposes are economically feasible at this time.

The United States Engineers have made studies and provided plans for reservoirs for flood control at the time of high water to take the peaks off the high floods on the river and its tributaries.

Section 2 of the Flood Control Act of 1936 as amended, has made provisions for money to be used primarily for channel clearing.

A favorable report on general back protection and channel improvements in the Delta region of the Eel River with the proviso that local interests furnish right-of-ways and give satisfactory assurances that they will operate and maintain the improvements has been presented by the United States Army Engineers. The report was unfavorable to participation by the United States and any other improvements for flood control for which the War Department is responsible on the Eel River and its tributaries.

## HUMBOLDT COUNTY

Humboldt County is considered a little empire in itself. Its major problem is flood control, with too much water in the wintertime and not enough in the summer.

The Klamath River, which drains the largest basin in the North Pacific Coastal Area of California, wastes away more than 100 acres a year. In 1930 it was estimated that more than \$50,000 in property was being carried away by floods.

Along the Lower Eel River, the Federal Farm Loan Association has condemned approximately 10,000 acres of land on either side of the river and between 6,000 and 7,000 acres of land has been barred. Two hundred forty-three acres have been taken off the county assessment rolls. About \$85,000 was spent in 1931 on the Eel River, \$3,000 on the Van Duzen River, and \$12,000 spent at Pepperwood to control floods.



In the past three years the Eel River has cut into Dyerville and Pepperwood, causing the residents to give up their homes. At Fernbridge, below Laeta, the Federal engineers are wrapping the river out and putting it back in its original channel by making a series of sweeping curves, four and one half miles in length. As it meanders today, it is eight miles, traveling twice the distance it would if it were straight.

At East Lake Slough, the river is cutting in and raising hundreds of acres of land.

The committee was asked that the State budget its appropriations for flood control so that the money can be obtained more readily, and to simplify the methods of handling the emergency funds.

#### COMMITTEE RECOMMENDATIONS

The committee feels that this area is deserving of more attention by the State and Federal Government in assisting in investigating the projects in the county and in the assisting of the county with State and Federal aid.

### BEACH EROSION

The committee has quite carefully inspected the most important beaches from San Diego to Eureka and has listened to the people at various meetings on this subject. These meetings were held in San Diego, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, Santa Cruz, San Francisco, Marin, Sonoma, Mendocino and Humboldt counties.

Frankly, it was not contemplated at the time of the introduction of the resolution under which the committee worked to undertake a study of beach erosion. However, there was a great demand from many people and many public agencies for such a study. The members simply decided as a committee that a liberal construction of the resolution permitted such action.

Another general observation might be made. During the earlier history of the development of cities and properties along the shoreline and beaches, such developments were more or less of a modest nature. Some of these buildings and modest structures were used to camp in during the vacation period of the summer months and were abandoned during the rest of the year, the loss of which would be slight. The mouths of rivers and streams emptying into the ocean were frequently occupied in the summertime by camps which would move out in the winter.

This picture has materially changed. First; structures of great value located within the boundaries of our great cities have risen up either upon or adjacent to the upper realm of our beaches. Permanent developments have been made almost within the mouth of streams leading into the ocean. The beaches themselves are now used by hundreds of thousands of people throughout the year in some parts of the State for rest, recreation and amusement. Now, the social, recreational and economic value of many of our main beaches extending from the

north to the south can scarcely be estimated because of their great and varied uses.

Again, the people seem to have, in times past, looked upon the sand on our beaches as a permanent condition, not mindful of the often expressed thought of shifting sands, and with the result that the banks lying adjacent to the beaches may themselves be frequently torn away by the waves of the ocean. When the sand on the beaches moves away and the shoreline of the ocean is eroded, it results in a destruction of the beaches, a direct result of which causes a loss of millions of dollars of property.

The study of beach erosion brings us to the conclusion that sand on the beaches is not permanently located. The control of the sand on the beaches is a problem which is comparatively new, but which it would seem, is possible of solution by man within certain limitations.

Therefore, it is apparent that the solution of our beach erosion problems is very important and is growing more important as time goes on.

The Shoreline Planning Association was of great help to the committee in its study of these problems in the several cities and counties, and we can not help but mention the good work being done by our former colleague, Mr. Geoffrey F. Morgan, president, as well as, Mr. George P. Larsen, executive secretary of the association. The association is in touch with similar associations existing on the Atlantic shore and has brought to the committee some of the latest thoughts in regard to the solutions of this important problem of beach erosion. This association has presented many pictures as exhibits and considerable data in regard to the matter for the prevention of beach erosion and methods of accomplishing this.

It has been suggested by Mr. A. G. Johnson, civil engineer, City of Los Angeles, who has made a comprehensive study of beach erosion, that the problem resolves itself into five separate divisions. First, the adoption of a State master plan of shoreline development; second, a public acquisition of beaches and coastal parks; third, development of public beaches and coastal parks; fourth, erosion control; and fifth, administration.

It is apparent that a master plan should be worked out so that one development would not interfere with another, or that the benefit of one stretch of beach would not be to the detriment of another stretch of beach line. A master plan would result probably in a better economic distribution of whatever aid may be given to the cities and counties for beach erosion problems.

Public acquisition of beaches and coastal parks is now an adopted policy of the State, limited by the amount of money available. The development of public beaches of course, should be where there is the greatest need for them, such as in or near our great cities or where the greatest number of people can and would use them.

The methods of erosion control, the committee feels, are still not completely standardized, and that there is not a complete unity among engineers as to methods and ways. However, much dependable information was received, sufficient to justify the expenditure of money in many places in the interest of the control of erosion.

The committee believes that beach erosion control should be vested with some state-wide commission or board appointed to control all of the beaches of the California coast, and that no new local work be done until first receiving the approval of this commission or board. Its importance is ever growing, and we should at this time, look to the future. This should be paid for on a fair basis by local interests, the State and the Federal Government.

## THE STATE WATER PLAN

The State Water Plan, developed after 10 years of intensive studies of the water resources of California by the State Engineer's office, was submitted to the Legislature of the State of California in Bulletin No. 25, "Report to Legislature of 1931 on State Water Plan."

This report divided the State into seven major hydrographic regions, namely, the North Pacific Coast Basin, Sacramento River Basin, San Joaquin River Basin, Central Pacific Coast Basin, South Pacific Coast Basin and the Great Basin. A comparison of water supply and requirements in the various basins showed a large excess of water over needs in the North Pacific Coast Basin, some excess in the Sacramento River Basin and a deficiency in supply in the other basins.

A complete plan of water control for the entire State was not worked out in detail. As presented to the Legislature in Bulletin No. 25, and subsequently in 11 detailed reports on special sections and features, the State Water Plan provided a solution only for the Sacramento and San Joaquin River Basins which form the Great Central Valley, the San Francisco Bay Basin and the South Coastal Basin. No units were presented for the North Pacific Coast, the Central Pacific Coast and the Great Basin.

Under the State Water Plan basins favored with water in excess of their needs would be furnished a regulated supply in accordance with the requirements of their ultimate development. Waters in excess of these requirements would be conveyed to areas of deficiency and there used to supplement local waters and afford those areas supplies adequate to meet their future ultimate requirements.

The primary physical features of the plan are (1) storage reservoirs, both surface and underground, which would be used for regulating the available run-off, and (2) canals for conveying the supply from points of origin to areas of use. In conjunction with the surface reservoirs, hydroelectric power plans would be utilized in some cases to generate electrical energy incidental to the primary use of the reservoir. In some instances the reservoirs also would be utilized for flood control, improvement of navigation and control of salinity.

In the Central Valley Basin, embracing the stream systems of the Sacramento and San Joaquin rivers, the plan contemplates 24 major storage reservoirs with an aggregate capacity of 17,817,000 acre-feet, and six major conveyance units to distribute the regulated supplies of surplus waters developed in the Sacramento River Basin for use in the San Joaquin River Basin and in the San Francisco Bay Basin.

This system of reservoirs would furnish adequate supplemental water supplies to care for all of the domestic, industrial and municipal uses and for the ultimate irrigation of nearly 10,000,000 acres of irrigable lands in the Sacramento and San Joaquin valleys as compared to the present irrigated area of some 3,000,000 acres. It would also provide a supplemental supply sufficient to meet the full ultimate water requirements in the San Francisco Bay Basin. Other primary objectives comprise the restoration and maintenance of commercial navigation on the Sacramento and San Joaquin rivers, the control of floods by storage regulation and the prevention of salt water intrusion from San Francisco Bay into the delta of the Sacramento and San Joaquin rivers.



An essential feature of the plan is the proposed utilization of underground reservoirs in accordance with the definite program of operation involving charging, storage and subsequent extraction of water by pumping. Underground storage is particularly important in the southern San Joaquin Valley where the potential usable underground capacity aggregates about 20,000,000 acre-feet or more than the capacity of all of the proposed major surface storage reservoirs. In addition to its other purposes, the State Water Plan for the Central Valley Basin provides for the development of hydroelectric power at 10 of the proposed storage dams, at five afterbay dams, and also in connection with the diversion of Trinity River water into the Sacramento River Basin. In all, the plan contemplates an aggregate installation of 1,640,000 kilovolt-amperes in hydroelectric plants with an estimated annual power output of 6,800,000,000 kilowatt-hours.

The plan was formulated with a long-time viewpoint contemplating a progressive development with units constructed as necessity demands. Furthermore, it is designed to coordinate all existing developments of water conservation, regulation and distribution with the least possible interference of existing rights and interests and with existing agencies and their operations.

The proposed reservoirs and the purposes for which they will be operated are as follows:

Shasta Reservoir—Water conservation, flood control, salinity control, navigation, power generation.

Keswick Afterbay Reservoir—River regulation, power generation.

Trinity River Diversion—Water conservation, power generation.

Oroville Reservoir (Feather River)—Water conservation, flood control, power generation.

Oroville Afterbay Reservoir—River regulation, power generation.

Yuba Narrows Reservoir—Water conservation, flood control, power generation.

Camp Far West Reservoir (Bear River)—Water conservation, flood control.

American River Unit (comprising Folsom Reservoir and Afterbay, Auburn Reservoir and Afterbay, and Colusa Reservoir and Afterbay—Water conservation, flood control, salinity control, river regulation, power generation.

Millsite Reservoir (Stony Creek)—Water conservation, flood control.

Capay Reservoir (Cache Creek)—Water conservation.

Monticello Reservoir (Putah Creek)—Water conservation.

Nashville Reservoir (Cosumnes River)—Water conservation, flood control.

Ione Reservoir (Dry Creek)—Water conservation, flood control.

Pardee Reservoir ( Mokelumne River)—Water conservation, flood control, power generation.

Valley Springs Reservoir (Calaveras River)—Water conservation, flood control.

Melones Reservoir (Stanislaus River)—Water conservation, flood control, power generation.

Don Pedro Reservoir (Tuolumne River)—Water conservation, flood control, power generation.

Exchequer Reservoir (Merced River)—Water conservation, flood control, power generation.

Buchanan Reservoir (Chowchilla River)—Water conservation and flood control.

Windy Gap Reservoir (Fresno River)—Water conservation and flood control.

Friant Reservoir (San Joaquin River)—Water conservation, flood control.

Pine Flat Reservoir (Kings River)—Water conservation, flood control, power generation.

Pleasant Valley Reservoir (Tule River)—Water conservation, flood control.

Isabella Reservoir (Kern River)—Water conservation, flood control.

### SOUTH PACIFIC COAST BASIN

The plan of obtaining additional water supplies for this basin comprised the conservation of as large a part as possible of the supplies originating within the basin and the importation of water from the Colorado River, Mono Basin and the Owens River. The report also recommended use of the return sewage water from urban areas wasted into the ocean.

The report stated ultimate development of the 2,000,000 acres of net habitable area in the South Pacific Coast Basin would require distributory conduits to San Diego and Orange counties and to the heads of the San Gabriel and San Bernardino basins and possibly into Ventura County if deficiencies in local supplies for ultimate development were made by supplies from the Colorado River Aqueduct.

The report also recommended the regulation of floods in various streams so the waste waters might be sunk into underground basins by the employment of flood control and spreading works. The plan for the Santa Ana River Basin recommended the construction of works on the main stream and on its principal tributaries. In the upper Santa Ana Valley the works consisted of improvement of flood channels, construction of debris dams and spreading works on the main stream and tributaries and utilization of mountain gravel storage. In the lower Santa Ana River Basin the plan included a large reservoir in the lower Santa Ana Canyon, improvement and acquisition of the channel in the Santa Ana River below the reservoir and reservoirs on Santiago Creek.

### THE CENTRAL VALLEY PROJECT

When the State Water Plan was presented to the Legislature in 1931 in Bulletin No. 25, the initial units of the plan recommended for immediate construction were those which have subsequently been grouped into one unit called the Central Valley Project.

The 1931 Legislature deferred action upon construction of the project but made provision for further consideration of the legislation and financing. It authorized a joint legislative committee and a new commission—"The California Water Resources Commission"—to be appointed by the Governor to study and report on the State Water Plan and to prepare and submit such proposed legislation, resolutions, and constitutional amendments as might be necessary and advisable to carry into effect a coordinated plan for the conservation, development, and distribution of the water resources of the State. This commission and the joint legislative committee made separate but similar recommendations approving the engineering plans for the Central Valley Project and submitted drafts of a proposed constitutional amendment and a legislative act to provide for the consummation of the project.

The 1933 Session of the Legislature passed the "Central Valley Project Act of 1933" authorizing the project as a State enterprise and providing for its construction and operation, methods of financing, etc. This act was held up by referendum and was voted upon at a state-wide election on December 19, 1933, when it was approved by a major-

ity vote of the people of the entire State. The act became effective on January 13, 1934.

The act created an administrative agency designated as the "Water Project Authority of the State of California" composed of the Director of Public Works as chairman, Attorney General, Director of Finance, State Treasurer and State Controller, with the State Engineer as its executive officer. It directed the Authority to construct the project when funds became available and when in its judgment income and revenue from all sources would be sufficient to meet all carrying charges of the project and authorized and empowered the Authority to issue revenue bonds to provide funds for construction. Estimated cost of the project was \$170,000,000.

#### UNITS AUTHORIZED FOR CONSTRUCTION

The Central Valley Project Act specifically authorized the construction of certain units to be known as the Central Valley Project. These consist of:

(1) "A dam, reservoir and hydroelectric power plant, or plants, with necessary afterbay and regulatory appurtenant works located on the Sacramento River, at or near Kennett, Shasta County, California." (These works are now known as Shasta Dam and power plant and Keswick Dam and power plant.)

(2) "A transmission line having capacity sufficient to transmit all the electric energy which can be generated at said dam, including substations, transformer stations, and other facilities for the distribution of power from Kennett Dam (Shasta Dam) to a central substation near the City of Antioch."

(3) "A conduit or canal, equipped with all necessary pumping plants and other works to convey water, and extending westerly from a diversion point near Knightsen, California, southerly of Suisun Bay to the vicinity of Martinez, California." (Now known as the Contra Costa Canal.)

(4) "A channel or canal, together with all necessary dams, pumping plants, conduits, and other works as shall be determined by the Authority to be necessary to convey a supply of water for irrigation and other beneficial uses, from the lower Sacramento River into the San Joaquin Delta, and also adequate to convey and transport not less than 3,000 cubic feet of water per second from a point on the lower San Joaquin River southerly to the mouth of Fresno Slough." This authorized two units now known as the Delta Cross Channel and the Delta Mendota Canal.

(5) "A dam, reservoir and hydroelectric power plant, or plants, to be located on the San Joaquin River, at or near Friant, Fresno County, California." (This unit is now Friant Dam.)

(6) "A canal or conduit leading from Friant Reservoir northerly to a point on the Chowchilla River." (Madera Canal.)

(7) "A canal or conduit extending from said Friant Reservoir southerly to a point on Kern River near the City of Bakersfield in Kern County." (The Friant Kern Canal.)



(8) "Such other units as may be from time to time added by the Authority to the units herein above specifically enumerated and the Authority shall be and is hereby empowered to add additional units consistent with and which may be constructed, maintained and operated as a part of said Central Valley Project and in furtherance of the single object contemplated by Section 3 of this act."

#### WHAT THE PROJECT IS DESIGNED TO DO

The Central Valley Project is planned primarily for the purpose of meeting the immediate urgent problems of water shortage and inadequate conservation, control and distribution of the available water supplies of the Sacramento and San Joaquin rivers. It is an initial development of a State Water Plan which was formulated under the direction of the State Engineer as a result of over 10 years of intensive investigations, starting in 1921.

It provides for the coordinated development of the Sacramento and San Joaquin rivers—the two largest streams in the State—through a system of physical works to conserve, regulate, and distribute the waters of these streams in order to provide urgently needed water supplies for existing agricultural, industrial, and municipal developments in the Sacramento and San Joaquin valleys and upper San Francisco Bay region.

It owes its inception to vital necessity. Its chief function is remedial. Its major objective is the preservation of present developments and production.

Multiple-purpose in its operation, the project will:

1. Improve navigation on the Sacramento River.
2. Increase flood protection along the Sacramento and San Joaquin rivers.
3. Provide a supplemental irrigation supply for producing land.
4. Control salinity in the Delta region.
5. Provide water for industrial and domestic use.
6. Produce hydroelectric power.

#### THE WATER PROJECT AUTHORITY

Through the efforts of the Water Project Authority the initial Central Valley Project was authorized and adopted first by executive order in 1935 and subsequently by congressional authorization in 1937 as a Federal undertaking of the Bureau of Reclamation, Department of the Interior. When the project was first authorized as a Federal undertaking the Bureau of Reclamation was entirely dependent upon the engineering studies made by the State Engineer. A cooperative contract was entered into with the State in March, 1936, providing for State approval of the type, location and capacity of the various units of the project. The Authority was also empowered to negotiate contracts for acquisition of water rights in the San Joaquin River, rights of way, studies and negotiations for disposal of water and power, and to conduct general investigations to expedite work of the bureau. A great deal of work was done by the Authority under this and four



supplemental contracts. Since termination of the last contract on August 31, 1939, the Authority has carried on its activities in connection with the project independently. These have comprised chiefly independent investigations of the problems of operation, water and power requirements, and methods of disposal to the market area to be served, studies on which the allocation of costs may be based and assistance to the bureau in obtaining adequate appropriations.

#### STATUS OF CONSTRUCTION WORK AS OF DECEMBER 10, 1942

The United States Bureau of Reclamation broke ground on the project on February 19, 1937. First work on the project proper was initiated with the start of construction of the Contra Costa Canal in October, 1937. Construction of Shasta Dam and power plant started in September, 1938; on Friant Dam in November, 1939, and on Keswick Dam in August, 1941.

A series of War Production Board rulings and lack of priorities have closed down work on all units of the project except Shasta Dam and power plant and Keswick Dam. Construction work on these two is still in progress at this time.

On December 10, 1942 4,631,992 cubic yards of concrete had been poured at Shasta Dam. In dollar value the construction at Shasta Dam and power plant was 77 per cent complete. As of the same date 133,812 cubic yards of concrete had been poured at Keswick Dam, which was 76 per cent complete.

The War Production Board has stopped installation of three of the power units at Shasta Power Plant, but work was proceeding on installation of the remaining two units. A similar order from the War Production Board stopped installation of the three power units planned at Keswick.

Friant Dam is completed with the exception of installation of the spillway and outlet gates not available under War Production Board orders. Only seven miles of the Madera Canal have been constructed. No construction work has been done on the Friant-Kern Canal.

The Contra Costa Canal is in partial operation. A section of approximately six miles, which would bring water to Martinez and adjacent areas, is yet to be built. No construction work has been done on the Delta Cross Channel or the Delta-Mendota Canal.

In line with the report of the Senate Appropriations Committee, of the Seventy-seventh Congress, and subsequent decisions and orders of the War Production Board, construction of the main transmission lines of the project from Shasta to Antioch has been held in abeyance. In the meantime the Bureau of Reclamation has been making surveys for a transmission line of 150,000 kilowatts capacity connecting Shasta to an existing line of the Pacific Gas and Electric Company near Oroville.

#### COST OF THE PROJECT AND FUNDS MADE AVAILABLE

The cost of the project as estimated by the United States Bureau of Reclamation is \$264,000,000. To date appropriations from all sources total \$149,969,000, leaving approximately \$114,031,000 to be appro-

priated for completion of the project. Federal funds have been made available as follows:

Emergency Relief Act of 1935-----	\$4,200,000
First Deficiency Act of 1936-----	6,900,000
Interior Department Act of 1938-----	12,500,000
Interior Department Act of 1939-----	9,000,000
Public Works Administration, 1938-----	2,000,000
Interior Department Act of 1940-----	10,000,000
First Deficiency Act of 1940-----	5,000,000
Interior Department Act of 1941-----	23,600,000
Interior Department Act of 1942-----	34,750,000
Third Supplemental National Defense Act of 1942-----	3,000,000
Interior Department Act of 1943-----	39,019,000
Total to January 1, 1943-----	\$149,969,000

## WATER SUPPLIES AND REQUIREMENTS OF THE CENTRAL VALLEY BASIN

*The following findings with respect to the Central Valley Project and the State Water Plan are based on data and information furnished by Edward Hyatt, State Engineer and Chief of the Division of Water Resources; and pertain to subdivisions (a), (b), (c), (d) and (e) of S. C. R. No. 11, Chapter 130, Statutes 1941.*

### WATER REQUIREMENTS

The Central Valley Project, as authorized by the Central Valley Project Act of 1933 (Chapter 1042, Statutes of 1933) and as now being constructed by the United States Bureau of Reclamation as a Federal undertaking, has as its chief objective the meeting of the immediate urgent problems of deficient water supply and regulation in the Sacramento and San Joaquin valleys and the adjacent upper San Francisco Bay area. However, the Central Valley Project Act contemplates the construction of other storage and conveyance units, in addition to those specifically designated in that act, in a progressive development to take care of the increasing needs as they arise, in accordance with the plans formulated for the Great Central Valley Basin under the State Water Plan. The ultimate water requirements which will be met by the complete State Water Plan for the Central Valley Basin, therefore, greatly exceed the water requirements that can and will be served by the project which is now being constructed.

### ULTIMATE WATER REQUIREMENTS

The ultimate water requirements to be served under the complete State Water Plan for the Central Valley are based upon the irrigation of all of the first class agricultural lands in the Sacramento and San Joaquin valleys and the furnishing of necessary water supplies for the adjacent San Francisco Bay Basin; and, in addition, the control of salinity in the Sacramento and San Joaquin Delta. The gross area of first class agricultural lands on the valley floor of the Sacramento and

San Joaquin valleys and the corresponding net irrigable areas are estimated as follows:

	<i>Gross area in acres</i>	<i>Net irrigable area in acres</i>
Sacramento Valley -----	3,641,000	2,775,000
San Joaquin Valley .....	7,521,000	5,581,000
	11,162,000	8,356,000

The gross annual water requirements for the irrigation of these lands are estimated as follows:

Sacramento Valley .....	9,409,000 acre-feet
San Joaquin Valley .....	12,062,000 acre-feet
Total .....	21,470,000 acre-feet

In addition, the gross requirement (less net of salinity) in the Delta is estimated at 2,390,000 acre-feet annually.

In the adjacent San Francisco Bay Basin it is estimated that the ultimate gross water service area will aggregate 1,000,000 acres with a corresponding net service area of 870,000 acres. Of the gross annual water requirements estimated at 1,745,000 acre-feet it is estimated that about 600,000 acre-feet annually will ultimately be required from sources in the Central Valley Basin.

Summarizing, the total ultimate water requirements to be served by the complete State Water Plan in the Central Valley Basin are estimated at 24,486,000 acre-feet annually.

#### IMMEDIATE REQUIREMENTS

The immediate water requirements that the Central Valley Project as now being constructed, is designed to serve according to plans formulated by the State, are as follows:

<i>Requirements to be served from Shasta Reservoir in conjunction with Unregulated Water Supplies from Sacramento and San Joaquin Rivers</i>	<i>Annual amount in acre-feet</i>	<i>Maximum demand in second test</i>
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1. Assumed requirements for lands having rights to Sacramento River water between Redding and Sacramento .....	1,677,000	6,000
2. Flow at Knights Landing to maintain navigation on Sacramento River .....	3,615,000	5,000
3. Consumptive use in Sacramento-San Joaquin Delta .....	1,083,000	3,700
4. Salinity Control in Sacramento-San Joaquin Delta .....	2,380,000	3,300
5. Assumed Requirements for Contra Costa County Area .....	86,000	240
6. Required Average Substitutional Supply for Crop Lands in northern San Joaquin Valley under Exchange Contract .....	822,000	2,450

#### *Requirements to be Served from Friant Reservoir*

7. Supplemental Water Supply to Lands in southern San Joaquin Valley in Madera, Fresno, Kings, Tulare and Kern Counties .....	600,000 to 1,500,000	4,500
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The amount of water estimated to be required under Item 1 contemplates taking care of not only the present use of Sacramento River water but also the requirements to take care of all rights, both appropriative and riparian, to Sacramento River water between Redding and Sacramento. Actually the amount of water estimated to be required for this purpose is about 50 per cent in excess of the amount of water that has been diverted and used from the Sacramento River during the past 20 years.

The requirement for maintenance of navigation under Item 2 is a duplication in part of requirements downstream from Knights Landing, for the reason that water available or furnished to meet this requirement at Knights Landing would be available also for use in meeting a part of the requirements downstream, as estimated under Items 3 to 6 inclusive. However, at certain times of the year the navigation requirement may exceed the combined requirements downstream and therefore govern the total requirements to be met. At other times of the year the combined requirements downstream from Knights Landing may exceed the requirement for navigation.

The plans for the Central Valley Project as formulated by the State contemplate that the requirements to be served by the regulated water supplies released from Shasta Reservoir, supplementing the unregulated water supplies available therefor from other sources, would be fully met in all years except abnormally dry years such as 1924 and dry cycles such as occurred in the period 1931 to 1934 inclusive. Under such dry year or dry cycle conditions, it is contemplated that certain of the requirements can not be fully met and that a deficiency of not to exceed 10 per cent in certain months will be allowable for certain of the requirements such as irrigation and navigation. However, the full requirements would be provided even in dry years for industrial and domestic water requirements and for the substitutional supply required under the exchange contract.

A large part of the gross requirements to be served under Items 1 to 6 inclusive, will be furnished by the unregulated flows of the tributaries entering the Sacramento River below Shasta and from the San Joaquin River and its tributaries entering the Delta. Shasta Reservoir will be operated so as to furnish the amount of water required to supplement the unregulated water supplies from these other sources so as to meet all of the assumed immediate requirements.

The necessary releases of water from Shasta Reservoir to provide the supplemental water supply to meet these requirements, based on detailed studies of past records of stream flow covering the period 1919 to 1941, have been estimated to average 2,792,000 acre-feet annually varying from a minimum of 2,120,000 acre-feet in a wet year such as 1938 to a maximum of 3,876,000 acre-feet in the dry year of 1939. These required or mandatory releases constitute the primary requirements to be met by the operation of Shasta Reservoir in accordance with the provisions of both the Central Valley Project Act and the Congressional Act authorizing the construction of the project, in which the primary objectives of the project are set forth as the furnishing of water supplies for improvement of navigation and for irrigation and domestic use.



The immediate water requirements to be served from Friant Reservoir (Item No. 7) represent the estimated amount of water required to supplement the supply available from other local sources to provide a full supply to meet the irrigation requirements of about a million and a quarter acres of irrigated lands in the five counties of Madera, Fresno, Kings, Tulare and Kern in the southern San Joaquin Valley. Studies by the Division of Water Resources, set forth in the reports made to the Legislature on the State Water Plan in 1931, reveal that during the period 1921 to 1929, the average seasonal deficiency in this area amounted to 387,000 acre-feet. It was further found that a minimum seasonal supply of from 500,000 to 600,000 acre-feet should be provided in order to meet this shortage and also provide for the replenishment of the underground water reservoirs which had been seriously depleted. Although the ground water supplies have been replenished in some areas since these studies and reports were made in 1931, the depletion in other areas is still just as bad and in some cases worse. However, it appears possible that the area served from Friant Reservoir may require and utilize as much as 1,500,000 acre feet within a few years after the works have been completed.

### WATER SUPPLY

The water supply that will be made available by the Central Valley Project as now being constructed will be obtained through the operation of Shasta Reservoir on the Sacramento River and Friant Reservoir on the San Joaquin River.

#### WATER SUPPLY FROM SHASTA RESERVOIR

The runoff of the Sacramento River at Shasta Dam, based on measurements of stream flow during the period 1919 to 1941 inclusive, averaged 4,847,000 acre-feet annually, ranging from a minimum of 2,726,000 acre-feet in 1924 to a maximum of 8,756,000 acre-feet in 1941. The stream flow has varied between wide limits from day to day and from month to month in any year and in different years. The rate of flow has varied from a minimum in the late summer and early fall months of dry years of about 2,500 second-feet to a maximum of 182,000 second-feet during the largest flood of record in 1940.

Shasta Reservoir will be operated to regulate the extremely variable stream flow to meet the purposes which the reservoir is designed to serve, including control of floods and the furnishing of regulated water supplies for improvement of navigation on the Sacramento River, for irrigation, industrial and domestic uses, for salinity control in the Sacramento-San Joaquin Delta, and secondarily for the generation of electric energy and other beneficial uses.

Shasta Reservoir will have a gross storage capacity of 4,500,000 acre-feet. Of this total the lower 500,000 acre-feet of space will normally be held as dead storage and the remaining 4,000,000 acre-feet will be utilized for storage regulation.

According to present plans a minimum of 500,000 acre-feet in the upper part of the reservoir will be reserved from December 1st to April 1st for the purpose of controlling winter floods. The amount of

space reserved for this purpose may be increased during certain abnormally wet years to as much as 1,300,000 acre-feet so as to effect a greater control of the maximum floods of record or which may be expected. Recent studies by the United States Army Engineers show that with this amount of reservoir space provided for flood control, the peak flows during the maximum flood of record on the Sacramento which occurred in February-March, 1940, would be reduced from 182,000 second-feet to 66,000 second-feet immediately below Shasta Dam, from 292,000 second-feet to 105,000 second-feet at Red Bluff and from 370,000 second-feet to 181,000 second-feet at Chico Landing. These reductions in peak flood flows would very materially reduce future flood damages on the Sacramento River. The operation of Shasta Reservoir in this manner for flood control will not interfere with the furnishing of regulated water supplies to meet the primary requirements of navigation, irrigation, etc.

Studies have been made by the Division of Water Resources of the operation of Shasta Reservoir covering the period 1919 to 1941 inclusive. These studies show that the reservoir can be operated to provide for flood control as previously described and, in addition, to furnish the supplemental water supply required for the primary purposes of improvement of navigation, irrigation, industrial and domestic use, and salinity control, as previously set forth, averaging 2,792,000 acre-feet annually.

Of the total releases for primary purposes, an average of 2,090,000 acre-feet annually or 74.9 per cent of the total would be required to maintain the flow of 5,000 second-feet at Knights Landing for navigation; an average of 673,000 acre-feet annually or 24.1 per cent of the total would be required for irrigation of lands in the Sacramento Valley having rights to Sacramento River water; and an average of 29,000 acre-feet or 1 per cent of the total would be required for the Sacramento-San Joaquin Delta, Contra Costa area and the substitutional water supply under the exchange contract.

The operation of the reservoir would be governed chiefly by these primary requirements. However, in addition to satisfying these primary requirements, a substantial amount of water would be available for other beneficial purposes. The total amount of water released from the reservoir or passing Shasta Dam, would average 4,723,000 acre-feet, ranging from a minimum of 3,570,000 acre-feet to a maximum of 5,764,000 acre-feet. A part of this total would be nonuseful waste water occurring in certain months of wet years, which could not be conserved or utilized for any purpose.

Except for such nonuseful water, all of the water passing Shasta Dam would be utilized for the generation of hydroelectric power in either Shasta or Keswick power plants, or both. The studies of reservoir operation show that, in addition to providing the water required for primary purposes, 1,632,000 acre-feet of water on the average annually would be available and could be utilized for generation of electric energy.

The total amount of water released from Shasta reservoir that would be utilized for the incidental generation of hydroelectric power in either the Shasta or Keswick power plants or both, including releases

for primary purposes, would average 4,424,000 acre-feet annually during the period 1919 to 1941 inclusive. With this amount of water the average annual output of electric energy from the Shasta and Keswick power plants would amount to approximately 1,800,000,000 kilowatt hours during this period.

Of the 4,424,000 acre-feet of water that would be used for the generation of electric energy at the Shasta and Keswick power plants, 2,792,000 acre-feet, or 63.1 per cent, would be used for the previously described primary purposes of the project; 1,116,000 acre-feet, or 25.2 per cent, would be released for power generation at times when abundant water supplies were available; and 516,000 acre-feet, or 11.7 per cent, would be used to generate electric energy necessary to maintain the assumed system requirements in conjunction with the proposed steam-electric capacity.

#### WATER SUPPLY FROM FRIANT RESERVOIR

The run-off of the San Joaquin River at Friant Dam, based on measurements of stream flow during the period 1900 to 1941 inclusive, averaged 1,695,200 acre-feet annually, ranging from a minimum of 562,800 acre-feet to a maximum of 3,591,000 acre-feet annually. The stream flow varies widely from day to day and from month to month in any year and in different years.

Friant Reservoir will be operated to regulate the extremely variable stream flow for the purposes which the reservoir is designed to serve, including control of floods and the furnishing of supplemental water supplies for irrigation and other purposes in the counties of Madera, Fresno, Kings, Tulare and Kern in the southern San Joaquin Valley. The reservoir will have a gross capacity of 520,000 acre-feet. The lower 130,000 acre-feet will be nonusable dead storage below the outlets of the Madera and Friant-Kern canals. The remaining 390,000 acre-feet will be utilized for storage regulation. According to the present plans the upper 70,000 acre-feet of storage space will be reserved for control of winter floods during the period December 1st to April 1st of each season. It is contemplated that the reservoir will also be operated to control floods from melting snow and that sufficient space for this purpose will be reserved in accordance with the data obtained from snow surveys on the watershed. According to studies made by the United States Army Engineers, the use of the reservoir for flood control in this manner will control flood flows at Friant Dam to a maximum of 9,000 second-feet.

Studies have been made by the Division of Water Resources of the operation of Friant Reservoir covering the period 1909 to 1941 inclusive. These studies show that the reservoir can be operated to provide for flood control as previously described and, in addition, to furnish a regulated water supply for diversion through the Madera and Friant-Kern canals, of 1,562,800 acre-feet on the average annually, ranging from a minimum of 551,100 acre-feet in the season 1930-31 to a maximum of 2,389,400 acre-feet in the wet season 1937-38. However, this entire amount of water supply can not be made available within the irrigation demand. The studies indicate that, on the average, 776,500 acre-feet



annually could be furnished as an assured primary supply within the irrigation demand, the amount varying from a minimum of 551,100 acre-feet to a maximum of 800,000 acre-feet annually.

The remaining secondary supply would average 786,300 acre-feet annually, varying from 0 in an exceptionally dry year to about twice the average annual amount in an exceptionally wet year. Large amounts of this secondary supply would be delivered within the monthly irrigation demand and could be used, when available, as a surface irrigation supply. However, a considerable portion of the secondary water, which could not be used directly for irrigation, would be used for replenishment of underground storage and subsequently recovered by pumping from wells and utilized for irrigation in seasons and months of deficient surface supply.

An essential feature of the Central Valley Project is the proposed utilization of underground reservoirs for the storage and subsequent extraction of water supplies. There is available on the easterly slope of the San Joaquin Valley a utilizable underground capacity of approximately 20,000,000 acre-feet. The utilization of this underground reservoir affords the only means of providing the large amount of cyclic storage required for the full utilization of the regulated water supply obtainable from Friant Reservoir, in conjunction with the supplies obtained from local sources. The studies made by Division of Water Resources indicate that underground storage will make available a supplemental supply sufficient to take care of the requirements of the southern San Joaquin Valley, estimated at 600,000 acre-feet annually as a minimum and ranging up to a possible maximum of 1,500,000 acre-feet annually.

## SALINITY PROTECTION A FEATURE OF THE CENTRAL VALLEY PROJECT

*Submitted at the request of the Board of Directors of the Contra Costa County Water District by Thomas M. Carlson, attorney for the District.*

Recent discussions of the Central Valley Project seem to have been preoccupied with the production and disposal of power. Too little has been said about irrigation; but salinity control, which is quite as important and urgent as any other purpose of the project, seems to have been hardly mentioned. Yet the inhabitants of the Delta region, where tidal encroachment had commenced to sour the rich farm lands and threaten and to some extent impair the supplies of fresh water for domestic and industrial use, were pioneers in the movement, and without their help the Central Valley Act of 1933 would not have been enacted. They have lost neither rights nor interest in the project.

Bulletin No. 25, which was a report by the Division of Water Resources submitted by the Director of Public Works to the Legislature of 1931, and is the fundamental study of the Central Valley Project, laid stress on the salinity problem as one of the principal concerns of the proposed coordinated plan for water conservation in the Central Valley. In 1931 two exhaustive reports on that problem were made



in Bulletins No. 27 and No. 28, one dealing with variation and control of salinity and the other with the economic aspects of a salt water barrier. Bulletin No. 28 concluded that a barrier was not necessary or economically justified as a unit of the State Water Plan and recommended against a barrier and in favor of controlling salinity by stream flow, supplemented at proper times with fresh water releases from mountain storage.

The Central Valley Project Act of 1933 declared that the Kennett (now Shasta) Dam unit "shall be constructed and used *primarily* for improvement of navigation on the Sacramento River to Red Bluff, for increasing flood protection in the Sacramento Valley, *for salinity control in the Sacramento-San Joaquin Delta*, and for storage and stabilization of the water supply of the Sacramento River for irrigation and domestic use, and *secondarily* for the generation of electric energy and other beneficial uses." Thus far the Central Valley Project has been entirely a Federal reclamation project. All the money expended on it has been Federal money.

The Bureau of Reclamation, in a schedule of projects attached to the order of September 10, 1935, by which the President transferred the original \$20,000,000 of Emergency Relief money to the reclamation service for the Central Valley Project, stated that the purpose of the project was to store and conserve flood waters of the Sacramento and San Joaquin rivers and their tributaries so that "the entire flow" can be used for flood control and other purposes there mentioned, including "the protection of the delta lands at the junction of the two rivers against injury from salt."

A letter of Secretary Ickes to the President, dated December 2, 1935, recommending construction of the Central Valley Project said among other things:

"Control of salinity in the delta of the two rivers near Sacramento is part of the agricultural maintenance phase of the project. Here 400,000 irrigated acres with an annual crop value of \$30,000,000 are menaced by salt water from upper San Francisco Bay. Some abandonment has occurred and the whole area is endangered. In this same general area is a large industrial section which is also short of water by reason of increasing salinity. Here 100 industrial plants produce annually \$100,000,000 value of manufactured products, and while not facing extinction, are suffering damage and expense from lack of water."

While salinity control is not expressly mentioned as one of the purposes of the project in the Act of Congress (Aug. 26, 1937; 50 Stat. 844-850) reauthorizing the project, the stated purposes of regulating the flow of the two rivers, controlling floods and providing for storage must be deemed to include salinity control in the light of the Secretary's letter to the President, and the obvious beneficial consequences of such storage of water.

The need of salinity control in the delta region of the Sacramento and the San Joaquin rivers is not less than it was in 1930. Indeed it has grown greater with the large increase of population serving war

industry in that area. A few recent years of high precipitation and copious run-off in the watershed have saved the situation from becoming acute, but the problem is still unsolved and pressing. It will become critical again when dry years recur or when the run-off is impounded behind Shasta dam unless enough water shall be released into the stream flow at the right times to hold back the tidal pressure in the lower reaches of the river and supply all the demands of consumption along the river below the dams for domestic, agricultural, and industrial uses, in addition to maintaining the navigable depth.

Any plan for the production of incidental power at Shasta and Keswick for the purpose of financially aiding and assisting the project must take into consideration the fact that in determining the times and quantities of water releases precedence must be given to serving the water purposes of the project, including salinity control. The real need in the whole Central Valley is for water, the supply of which is variable and at times and in places insufficient as measured by the need, rather than electric power of which the supply has always been continuous and abundant.

Naturally the emphasis now being laid on the power feature of the project arouses suspicion that the rights and needs of the delta population respecting salinity control may be overlooked or slighted, if not deliberately at least through excess of zeal in one direction on the part of officials thinking in terms of power rather than in terms of water. Hence those concerned about the saline protection feature of the project should be vigilant to make sure that all calculations or contracts for production or disposal of the project's electric energy include adequate reservations of water for all the primary water objectives of the project.

## LEGAL PHASES OF THE CENTRAL VALLEY PROJECT

The original plan for the construction of the Central Valley Project provided for the issuance of State bonds and the repayment of these bonds from the sale of power and water. Because of the depression, which began some 13 years ago, all persons interested in the Central Valley Project were very happy to have the Federal Government take over the construction of this project and to supply the money therefor.

Because of various bills that were introduced in the Legislature during recent years which had for their purpose the stimulation of the sale of power and water to cities and districts for the purpose of repayment to the Federal Government of the money advanced by them, it became interesting and a subject of much inquiry as to what the legal status of the Central Valley Project was or as to who is responsible for the repayment of the money and how.

As a result of this confusion and inquiry on the part of the people of the State and particularly members of the Legislature, a question-

naire was addressed to the Legislative Counsel Bureau. The following letter is in reply to said questionnaire:

STATE OF CALIFORNIA  
OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, December 28, 1942

Honorable Bradford S. Crittenden, Chairman  
Joint Committee on Water Problems  
Bank of America Building  
Stockton, California

*Central Valley Project, No. 5497*

Dear Senator Crittenden:

This is in response to a series of questions relating to the Central Valley Project directed to us by the Joint Committee on Water Problems on December 11, 1942. As we explained to the committee at the meeting during which the questions were asked, it is somewhat difficult to discuss any phase or phases of the Central Valley Project without becoming involved in such a discussion of related matters that eventually a treatise on the entire subject, with all its ramifications, would result.

In view of the time limitations imposed upon compliance with this request we will attempt to confine our discussion to the specific questions, with no more elaboration than appears to be necessary to an understanding of the particular matters discussed.

*Question No. 1:* Assuming that the Central Valley Project is taken over by the Federal Government by the Federal Reclamation Act, what are the powers of the Federal Government over this project?

At the present time the Central Valley Project is being constructed entirely as a Federal project, and, unless the law is extensively changed, will be operated as a Federal project pursuant to Federal law.

Specifically, the project is being constructed by the Bureau of Reclamation of the Department of the Interior of the United States. The authority of the Bureau of Reclamation depends upon certain acts of Congress, which in turn depend for their validity upon the Constitution of the United States.

We believe that there is no serious question that Congress has the constitutional authority to provide, as it has done, for the construction and operation of the project by a Federal agency. The constitutional power of Congress arises from its power to regulate commerce, and more specifically, its power to regulate navigable waters.

The construction of the project as it is now proceeding is based upon an "authorization" of Congress contained in Section 2 of an Act of Congress, approved August 26, 1937 (Public No. 392—75th Congress, Chapter 832—First Session), as amended by an act approved October 17, 1940 (Public No. 868—76th Congress, Chapter 895—Third Session), and which in its present form reads as follows:

"Sec. 2. That the \$12,000,000 recommended for expenditure for a part of the Central Valley Project, California, in accordance with the plans set forth in Rivers and Harbors Committee Document Numbered 35, Seventy-third Congress, and adopted and authorized by the provisions of Section 1 of the Act of August 30, 1935 (49 Stat. 1028, at 1038), entitled 'An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' shall, when appropriated, be available for expenditure in accordance with the said plans by the Secretary of the Interior instead of the Secretary of War: *Provided*, That the transfer of authority from the Secretary of War to the Secretary of the Interior shall not render the expenditure of this fund reimbursable under the reclamation law: *Provided further*, That the entire Central Valley Project, California, heretofore authorized and established under the provisions of the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat. 1622), is hereby reauthorized and declared to be for the purposes of improving navigation, regulating the flow of the San Joaquin River and the Sacramento River, controlling flood, providing for storage and for the delivery of the stored waters thereof, for



*construction under the provisions of the Federal reclamation laws of such distribution systems as the Secretary of the Interior deems necessary in connection with lands for which said stored waters are to be delivered, for the reclamation of arid and semiarid lands and lands of Indian reservations, and other beneficial uses, and for the generation and sale of electric energy as a means of financially aiding and assisting such undertakings and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes: Provided further, That, except as herein otherwise specifically provided, the provisions of the reclamation law, as amended, shall govern the repayment of expenditures and the construction, operation, and maintenance of the dams, canals, power plants, pumping plants, transmission lines, and incidental works deemed necessary to said entire project, and the Secretary of the Interior may enter into repayment contracts, and other necessary contracts, with State agencies, authorities, associations, persons, and corporations, either public or private, including all agencies with which contracts are authorized under the reclamation law, and may acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, water rights, and other property necessary for said purposes: And provided further, That the said dams and reservoirs shall be used, first for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses; and, third, for power."*

It will be observed that the authorization declares:

"that, except as herein otherwise specifically provided, the provisions of the reclamation law, as amended, shall govern the repayment of expenditures and the construction, operation, and maintenance . . ." (of the project).

The "reclamation law" referred to in the authorization comprises a considerable body of Federal statutory law, which is collected in Chapter 12 of Title 43 of the United States Code. This comprises the Reclamation Act of June 17, 1902, the Reclamation Project Act of 1935, and various other amendatory and supplementary acts relating to this subject.

Some of the provisions of the reclamation law are obviously not applicable to the Central Valley Project. Provisions relating to the authorization of projects are inapplicable because the specific authorization of the Central Valley Project is, of course, controlling. Various provisions of the reclamation law relate to public lands of the United States and apply to the Central Valley Project only to the extent that such public lands are, or may be, involved. Numerous provisions of the Reclamation Project Act of 1939 were directed to "repayment contracts" or obligations connected therewith which were outstanding as of the date of that act (August 4, 1939) and therefore are not applicable to the Central Valley Project. Certain provisions in the reclamation law are directed to specific projects, for example, the Boulder Canyon Project, and do not apply to the Central Valley Project.

The effect of the residue of the reclamation law, which is applicable to the Central Valley Project, can not be summarized adequately and at the same time briefly; but most of the more important features will be touched upon in our answers to the other questions.

*Question No. 2:* Does it require payment of money to the Federal bureau?

If so, how far can the Government go in the collection and from whom can they collect?

The appropriations made by Congress for the construction of the project are declared, in the several acts making the appropriations, to be "reimbursable under the reclamation law." The congressional authorization set out above also refers to the repayment of expenditures. Therefore, it is clear that it is contemplated that the cost of the project will be repaid to the United States as provided in the reclamation law.

Apparently in the case of a multiple purpose project such as the Central Valley Project it is contemplated that certain allocations be made of the cost of construction pursuant to Section 485h, Title 43, U. S. C., which is Section 9 of the Reclamation Project Act of 1939. Subdivision (b) of that section provides for the allocation to flood control or navigation of the part of such cost which the Secretary of the Interior may find to be proper. No provision is made for the reimbursement of this amount.



The balance of the construction cost is then to be allocated as follows:

- (a) To irrigation to be repaid by the water users;
- (b) To power to be returned from net power revenues;
- (c) To municipal water supply and other miscellaneous purposes to be returned to the United States.

In so far as electric power and water for municipal water supply or miscellaneous purposes are concerned, it is apparently contemplated that the secretary may deal direct with individuals, corporations, or any governmental agency that may desire to contract, except that in the sale of electric power or the lease of power privileges preference is to be given to municipalities and other public corporations or agencies and also to cooperative and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936.

As to sales of water for irrigation purposes the situation is somewhat different. It is provided in Section 423e, Title 43, U. S. C. (which is based upon the act of May 25, 1926), that no water shall be delivered until a contract or contracts in form approved by the secretary shall have been made with an irrigation district or irrigation districts, organized under State law, providing for payment by the district or districts of the cost of constructing, operating, and maintaining the works.

Similarly, in Section 485h, Title 43, U. S. C. (which is based upon Section 9 of the Reclamation Project Act of 1939) it is provided that no water may be delivered until an "organization satisfactory in form and powers to the secretary" has entered into a repayment contract with the United States.

We believe that the last mentioned provision applies to Central Valley Project by virtue of subdivision (b) of Section 485f, Title 43, U. S. C. (which is based upon Section 7 of the Reclamation Project Act of 1939) and that the contract need not be made with an irrigation district but may be made with any "organization" meeting the requirements.

The term "organization" is defined in Section 485a, Title 43, U. S. C. (which is Section 3 of the Reclamation Project Act of 1939) to mean "any conservancy district, irrigation district, water users association, or other organization, which is organized under State law and which has capacity to enter into contracts with the United States pursuant to the Federal reclamation laws."

Therefore, it appears that the contracts for water for irrigation purposes will not be made direct between the United States and the individuals involved but rather through such an "organization."

The money which is to be collected will be collected pursuant to the contracts and the Federal Government will collect from the other contracting party, which in the case of water for irrigation purposes will probably be a district such as an irrigation, county water, or similar district; but in relation to power and water for municipal water supply or miscellaneous purposes does not have to be a district, but, of course, may be one.

**Question No. 3:** Can they attach private property, or business activities?

The law does not contemplate the establishment of anything in the nature of an assessment or taxing district in which assessments will be levied and collected by the United States. However, since the United States by virtue of its contract will become a creditor of a district or possibly of an individual, it is possible that private property may be sold to meet the obligations due to the United States under the contract in the same manner as in the case of a contract with a private person. For example, assuming that an irrigation district should make a contract for water for irrigation and should levy an assessment to meet the obligation so incurred. Then, upon the failure of the landowner to pay the assessment his property could be sold for delinquency in such payment.

In connection with the matters as to which a direct contract from the Federal Government to the individual is possible, upon the failure of the obligor to pay the amount due to the United States under the contract an action on the contract could be brought, and we can see no reason why the United States could not attach any property not exempt therefrom in the same manner as any other contracting party may do in such a civil action.

Therefore, even though there is no direct assessment or tax by the Federal Government, it is quite within the realm of possibility that private property might eventually be so sold, and this would not in all cases be restricted to agricultural property but might include urban, or possibly even personal property. The exact nature of such possibilities would be dependent upon the nature of the arrangement, whether a contract with a district or with a private individual, and, also, in the

case of a district, to some extent upon the particular provisions of the statute of the State under which the district operated.

*Question No. 4:* Is there a limit to the extent of taxing persons or property under the act?

*Question No. 5:* If persons fail to pay assessments, does that then constitute a lien upon their property?

In so far as these questions relate to a possible tax or assessment levied by the Federal Government they are covered above. In so far as a municipality within this State or a district organized under the laws of this State may become involved the limitation on the power of assessment would depend upon the State law under which the particular agency involved was operating. There are several types of districts which might become involved and, in general, it is safe to say that if the particular agency has the power to enter into such a contract with the United States in the first place, it will be found to have the power to collect by assessment or otherwise within its geographical area such money as may be necessary to meet its obligations under the contract.

Whatever taxes or assessments there may be in connection with the operation of the project, all will be levied pursuant to the State law, and it is safe to assume that as to any particular agency that has not, under State law, sufficient power to levy and collect the necessary money, the secretary will not find the requisite suitability of form and powers which is expressly required in the case of sales of water for irrigation purposes, and which probably would be required as a matter of course by the secretary in any event.

As to proceedings upon failure to pay assessments, that matter is also covered by the particular State law relating to the agency involved.

*Question No. 6:* Can the benefits of the Central Valley Project be limited to provide only for ownership of 160 acres of land?

*Question No. 7:* Whether the limitation of ownership to 160 acres would apply in regard to the Central Valley Project?

These questions involve the so-called "excess lands" provisions of the reclamation law. Some of these provisions in the law are obviously directed to situations where entries are made on public land of the United States within the project and would apply to the Central Valley Project only in so far as such public land is or may be involved. There is, however, one such provision which we think may apply to the Central Valley Project.

A portion of Section 423e, Title 43, U. S. C., which provides for contracts with irrigation districts as a condition precedent to the delivery of water of a project initiated after May 25, 1926, reads as follows:

"Such contract or contracts with irrigation districts hereinbefore referred to shall further provide that all irrigable land held in private ownership by any one owner in excess of 160 irrigable acres shall be appraised in the manner to be prescribed by the Secretary of the Interior and the sale price thereof fixed by the secretary on the basis of the actual bona fide value at the date of appraisal without reference to the proposed construction of the irrigation works; and that no such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such land under terms and conditions satisfactory to the Secretary of the Interior and at prices not to exceed those fixed by the Secretary of the Interior; and that until one-half of the construction charges against said lands shall have been fully paid no sale of any such land shall carry the right to receive water unless and until the purchase price involved in such sale is approved by the Secretary of the Interior and that upon proof of fraudulent representation as to the true consideration involved in such sale the Secretary of the Interior is authorized to cancel the water rights attached to the land involved in such fraudulent sales."

This provision is taken from the act of May 25, 1926. The Reclamation Project Act of 1939 provides for somewhat similar contracts with "organizations, satisfactory in form and powers to the Secretary" and does not contain a comparable excess land provision. However Section 16 of the Reclamation Project Act of 1939 provides that "the provisions of previous acts of Congress not inconsistent with the provisions of this act shall remain in full force and effect."

Therefore, by giving full weight to the continuation provision in said Section 16, the excess lands provision in Section 423e, Title 43, U. S. C. quoted above, is

legally applicable to all contracts for the delivery of irrigation water to districts or organizations.

Some indirect support may be given to this contention by the fact that by a special act of June 16, 1938, 52 Stats. 764, an express exception was made as to the Colorado-Big Thompson Project:

"The excess land provisions of the Federal reclamation laws shall not be applicable to lands which on June 16, 1938, had an irrigation water supply from sources other than a Federal reclamation project and which will receive a supplemental supply from the Colorado-Big Thompson Project." (Sec. 386, Title 43, U. S. C.)

The fact that such an express exception was made is some indication that Congress believed that without such exception the excess lands provisions would have applied in that instance.

*Question No. 8:* Will it require Federal or State legislation in order that the Bureau of Reclamation will have power to operate the project or tax for repayment of money advanced?

*Question No. 9:* Is the act self operating or must we have enabling acts, either State or Federal, to carry out the purposes of the Central Valley Project?

The portion of question 8 relating to a "tax" for repayment of money advanced is covered in the foregoing discussion of the provisions relating to reimbursement. There will be no Federal tax as such upon the lands involved.

As we have indicated above there now exists, within the four corners of the reclamation law provisions under which the project can be operated, and when considered from a strictly legal standpoint there is no absolute necessity of any amendment to any State or Federal statute.

Assuming that no further legislation is enacted by Congress or by the State Legislature we believe that the administrative machinery now set up in the reclamation law is legally sufficient to permit the operation of the project.

When the project is put in operation the Federal Government will apparently contract in relation to water for irrigation purposes with organizations, satisfactory in form and powers to the Secretary."

We have not examined the State laws relating to the various types of water districts, irrigation districts, et cetera, to ascertain if any amendment is needed to the laws under which such districts are formed. Apparently irrigation districts organized under State law have power to enter into such contracts and the same appears to be true of county water districts. Presumably, if any of the various types of districts are lacking in the necessary powers the statutes to provide appropriate amendment will come from persons interested in the particular type of district.

This report would not be complete without some mention of the proposed study of the Central Valley Project initiated by the Bureau of Reclamation and referred to in a press release of December 2, 1942, with which the committee is undoubtedly familiar.

This program poses 24 basic problems which are to be studied and apparently certain State agencies, private organizations, and educational institutions in the State are to be invited to participate.

In so far as departments, boards and other agencies of the State are to participate in these discussions and studies it may be possible that some amendment to the law under which the State agency operates might prove desirable expressly to authorize participation in the program. Until we know what agencies are involved there is no way of telling what possible amendment might be advisable. It is quite possible that all agencies that will become involved have already sufficient power to engage in such activities.

The result of the proposed studies will, of course, be reflected principally in amendments to the Federal law. The project now is entirely Federal in character and any State legislation affecting the project would operate only on the ancillary features such as the amplifying of the powers, or the possible creation of new types, of districts under State law. What will be required or appropriate in the way of State legislation can not at this time be foreseen and will depend to a very large extent upon the result of the proposed studies.

When the proposed studies reach the point where it becomes clear what State departments or other agencies are to be invited to participate in the discussions the Legislature might desire to make sure that the State departments or agencies involved had sufficient statutory authority to proceed in the premises, or to do what otherwise may be possible to facilitate the completion of such studies.



Before closing we wish to express our sincere regret that the lack of time and pressure of other matters in this office have rendered it impossible to make a more complete and detailed report on this subject. In any discussion of a matter as complex and important as the Central Valley Project it is difficult to generalize without leaving room for misleading implications in relation to matters not under discussion.

Under the circumstances, we have attempted to answer the specific questions to the best of our ability without going into any more extensive detail than is necessary. We trust that there is no implication that we consider matters not discussed are unimportant or that all problems relating to the project are solved herein. If we may borrow Mr. Churchill's phrase relating to the progress of the war, the Central Valley Project is now at "the end of the beginning."

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By JOSEPH W. PAULUCCI, Deputy

## RECOMMENDATIONS

Your committee recommends to the Legislature of the State of California, and to the people of the State, that the conservation of water for the irrigation of the lands of the State and the protection of fertile lands from overflow and erosion due to floods, is basic; that all other economic and social development follow in proportion to the amount of lands we thus furnish with water and protect from overflow.

Your committee recommends that the State adopt for the present and after-war development, as a basic policy of the State, an intensive engineering investigation as rapidly as practicable of all of the many water conservation and flood control projects of the State; that the State, through its proper agencies, strive to coordinate the activities of local interests, the Federal Government and the State Government in the construction of the projects mentioned hereafter.

Your committee recommends that an interim committee again be appointed to study the data already accumulated and filed; to investigate such parts of the State as have not been visited by this committee; to continue the consideration of the water problems of the State, and of the local governmental agencies, public districts, persons and areas within the State to the end that coordinated plans, programs and policies may be formulated in order that a more rapid, feasible and comprehensive development of the State's water resources may be attained.

Your committee urges the immediate construction of all of the units of the Central Valley Project. The committee is of the opinion that this is the outstanding water conservation and flood control project in the State at this time. The complex engineering problems necessary to be solved in order to construct the Delta Cross Channel and the Delta-Mendota Canal should be worked out at once.

The committee makes the above recommendation because it believes the several demands for the construction of Shasta, Friant and Keswick dams are more urgent now than in 1927 when the project was first set up, and that it is obvious that millions of acres of land are available for cultivation as soon as water can be obtained from this project.

Your committee recommends that the State of California, through its proper agencies, cooperate with the Federal Government at once



and proceed to determine how much and in what manner money for the construction of and maintenance of Central Valley shall be paid to the Federal Government.

Your committee recommends that the State put forth such effort as is necessary, in any reasonable way necessary, to protect great areas of the Sacramento Valley from overflow, whether caused by the present reclamation system or not, and also keep in mind the protecting of the levees of the great Delta area.

Your committee recommends that the State, through its proper agencies, adopt a plan and assist where necessary in the adoption of a coordinated plan which will solve the beach erosion problem along the entire coastline of California, and particular reference is made to the beaches near metropolitan centers or places that are highly developed. Particular attention should be paid to coordinating efforts being put forth by city and county agencies locally and by the State and Federal Government.

Your committee recommends that the State interest itself and do such things as are necessary to assist the local water conservation and flood control projects in the coastal counties. These projects are varied in their nature and are becoming more and more important. The State should strive to coordinate the efforts of those representing the local projects, the Federal Government and the State Government wherever engineering reports show them to be economically feasible. Hundreds of thousands of acres of farming land and a great wealth of municipal and home properties can be benefited by such a State policy.

### OTHER PROJECTS

Your committee recommends that the State cooperate with the Colorado River Board and give them such assistance as is necessary to complete the Colorado River Project, and to protect the State's water rights in the Colorado River.

Your committee recommends that the State, through its proper officials, cooperate with the City of San Diego in such ways as it may be helpful or necessary to furnish water to this extremely rapidly growing metropolitan city. This is urgent as a matter of National defense.

Your committee recommends that the State, through its proper agencies, take an active interest in assisting in finding a solution at the earliest possible date to alleviate the destruction of property at Needles due to the overflow of a considerable portion of this small city from waters of the Colorado River.

The Mojave and Barstow areas represent a project of growing importance with considerable opportunity for future development, which the State should assist in developing from time to time.

Another project with an opportunity for development affecting a great area is that in and around Tulare Lake including the proposed Pine Flat Dam, and the Isabella Dam on the Kern River. The State should bring these projects into its water conservation and flood control picture.

## APPENDIX

## SENATE CONCURRENT RESOLUTION NO. 11

## CHAPTER 130

*Senate Concurrent Resolution No. 11—Providing for the appointment of a joint committee to study and to report upon the water problems of the State.*

[Filed with Secretary of State June 16, 1941.]

WHEREAS, The Legislature of California has had before it for the past 20 years the problem of the determination of the available water resources of the State; and

WHEREAS, Year by year the question of available hydro-electric power and the demand therefor has rapidly become a paramount problem and is closely correlated with the conservation of water; and

WHEREAS, A legislative committee and a gubernatorial committee worked jointly for more than four years on the water problems of the State, and as a result of the work of these committees and the assistance of the Department of Public Works, the project known as the Central Valley Water Project was determined upon and approved, and the great dams of Shasta Dam and Friant Dam and other works are now being constructed pursuant to the law growing out of such studies; and

WHEREAS, Said dams will be completed in a few years and additional water and power will be made available; and

WHEREAS, Year by year there is a growing need for such water for the irrigation of the hundreds of thousands of acres of land within the Central Valley; and

WHEREAS, There is a growing need for the operation of said dams for the purposes of navigation, flood control and saline control; and

WHEREAS, There is a growing need for the supply of power for the pumping of water for irrigation of said great quantity of valley land, and for the use of power for domestic purposes, such as the demands of people of cities, towns and industry located therein; and

WHEREAS, There is a great demand for the solving of the most feasible way and manner and the soundest economic way of distributing such water and power; and

WHEREAS, There are great demands made upon the members of the Legislature to provide for the distribution of such water and power in several different ways: One, by complete governmental control; two, by as near complete private control as possible; three, by a combination of city, town, district and State control, with private control of distribution; four, by a combination of State and Federal control; and

WHEREAS, These various methods are urged upon us as the result of the near completion of the Central Valley Water Project and a growing demand for water and power, and, therefore, of great interest to the people of the State; and

WHEREAS, There is much confusion in the minds of our people and in the minds of members of the Legislature, which confusion becomes the greater in the absence of a thorough study of present conditions and in the presence of widely divergent views and opinions heralded and expressed in the spirit and atmosphere of political partisanship; and

WHEREAS, Diverse methods of financing are presented to us, including the method of revenue bonds in their several forms; and

WHEREAS, Perhaps the most crucial problem now before the State is that of determining the basic principle which should be adopted in the solving of these issues, including the avoidance of bureaucratic extravagance as well as private monopoly, either of which might result in costly administration of water and power; and

WHEREAS, A long term program should be devised, formulated and adopted, comprehending all future demands for water and power for the agricultural lands of the Great Central Valley of California, and the conservation, development, utiliza-

tion and regulation of the water resources of the State for the purposes of flood control, river flow control and equaton, domestic use, irrigation, reclamation, power development and other beneficial uses, in furtherance of which it is necessary that the Legislature have available to it information adequate to enable its members to legislate advisedly and appropriately in respect to any and all phases of this subject; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That a committee, to be known as the Joint Committee on Water Problems, consisting of the Speaker of the Assembly and five members of the Assembly appointed by the Speaker, and the President pro tempore of the Senate and four members of the Senate appointed by the Committee on Rules thereof, is hereby created, to make a thorough study of the water problems of the State, including any and all aspects thereof indicated in the above recitals hereof and to report to the Legislature from time to time, its final report to be submitted to the Legislature within 30 days from the date of convening of the Legislature at its Fifty-fifth Session, together with the recommendations of the committee as to needed legislation upon any phase of this subject, which report, among other things, shall include findings as to

(a) The amount of water that will be available at Kennett or Shasta Dam and at Friant Dam,

(b) The demand for water both now and in the future for the development of all the agricultural lands under the Central Valley Project,

(c) The amount of water required for saline control within the project,

(d) The amount of water from these projects that can be controlled and used to assist flood control, and how it can be utilized in aid of navigation,

(e) As definitely as possible, how much water there will remain that can be used for primary power after fulfilling the requirements of the needs hereinbefore mentioned,

(f) What methods of distribution adopted to fulfill the needs hereinbefore mentioned will be most feasible and economic to the people of the State of California,

(g) What methods of financing of the distribution of power and water may be used or adopted and what method is the more economic and feasible to the people of the State of California, and

(h) How, after the adoption of any of the suggested plans for distribution of water and power, the plan may be continued in operation free from selfishness either of private enterprise or political control;

All of which findings shall be detailed and specific, showing every element and factor upon which the findings and the accompanying recommendations are based; and

The committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect,



administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procedure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, The Sergeants-at-Arms of the Senate and of the Assembly, and other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred for accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

*Resolved*, That the sum of twenty five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## COMMITTEE MEETINGS

October 16, 1941—Organization Meeting, State Capitol, Sacramento

### SACRAMENTO VALLEY

December 1, 1941—Dinner Meeting, Golden Eagle Hotel, Redding  
 December 2, 1941—Luncheon Meeting, Hotel Tremont, Red Bluff  
 December 2, 1941—Meeting, City Hall, Chico  
 December 3, 1941—Luncheon Meeting, Willows  
 December 3, 1941—Dinner Meeting, Riverside Hotel, Colusa  
 December 4, 1941—Luncheon Meeting, Hotel Marysville, Marysville  
 December 4, 1941—Meeting, State Capitol, Sacramento  
 December 5, 1941—Luncheon Meeting, Hotel Auburn, Auburn  
 December 6, 1941—Dinner Meeting, Hotel Stockton, Stockton  
 December 22, 1941—Luncheon Meeting, Bedell's, Sacramento

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January 11, 1942—Meeting, State Capitol, Sacramento



## SOUTHERN CALIFORNIA

February	2, 1942	Dinner Meeting, Hotel San Diego, San Diego
February	4, 1942	Dinner Meeting, Hotel de Anas, Calexico
February	5, 1942	Luncheon Meeting, Coachella Women's Club, Coachella
February	5, 1942	Dinner Meeting, Masons Inn, Riverside
February	6, 1942	Dinner Meeting, Hotel California, San Bernardino
February	7, 1942	Luncheon Meeting, Masonic Bldg., Santa Ana
February	9, 1942	Meeting, State Bldg., Los Angeles
February	9, 1942	Luncheon Meeting, Los Angeles Chamber of Commerce, Los Angeles

March	16, 1942	Luncheon Meeting, Masonic Bldg., Needles
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## SAN JOAQUIN VALLEY

May	11, 1942	Luncheon Meeting, Hotel Stockton, Stockton
May	11, 1942	Dinner Meeting, Hotel Rancho, Angels Camp
May	12, 1942	Dinner Meeting, Hotel Modesto, Modesto
May	13, 1942	Luncheon Meeting, Merced
May	13, 1942	Dinner Meeting, Hotel Fresno, Fresno
May	14, 1942	Meeting, Fresno Dam
May	14, 1942	Dinner Meeting, Hotel Johnson, Visalia
May	15, 1942	Dinner Meeting, Wreden's Ranch, Hanford
May	16, 1942	Meeting, City Hall, Porterville
May	16, 1942	Dinner Meeting, Hotel El Tejon, Bakersfield
May	17, 1942	Luncheon Meeting, Beacon Inn, Barstow

## CENTRAL COAST AREA

October	13, 1942	Meeting, Los Gatos Creek Dam Site, Los Gatos
October	13, 1942	Meeting, Ben Lomond
October	13, 1942	Luncheon Meeting, Hotel Palomar, Santa Cruz
October	13, 1942	Dinner Meeting, Memorial Hall, Hollister
October	14, 1942	Luncheon Meeting, Salinas
October	14, 1942	Dinner Meeting, San Luis Obispo
October	15, 1942	Luncheon Meeting, Santa Maria Inn, Santa Maria
October	15, 1942	Dinner Meeting, El Paseo, Santa Barbara
October	16, 1942	Meeting, Courthouse, Santa Barbara
October	16, 1942	Luncheon Meeting, Pierpont Inn, Ventura

## NORTH COAST REGION

November	17, 1942	Luncheon Meeting, Occidental Hotel, Santa Rosa
November	17, 1942	Dinner Meeting, Palace Hotel, Ukiah
November	19, 1942	Luncheon Meeting, Eureka Inn, Eureka

December 8-11, 1942—State Capitol, Sacramento

*Redding, California*

*December 1, 1941*

Senator Oliver Carter presided. Roscoe Anderson, president of the Klikapudi Water Project Association, presented former Assemblyman Clinton Fuleher, who spoke in behalf of the association, requesting that the committee give the Klikapudi Water Project its favorable recommendation. Neil Derrick, Shasta County Farm Bureau, and Paul C. Bodenhammer, member of the board of directors of the Klikapudi Project, spoke in behalf of the Klikapudi Project and asked that the committee favorably recommend the project to the United States Bureau

of Reclamation and that it be included in the State Water Plan. Others present who represented the Clikapudi Project Association were: Directors E. C. Frisbie, Mrs. Ruth Garrecht and Wm. A. Keagy. Senator Carter called the committee's attention to the proposed Trinity Reservoir.

**EXHIBIT: The Clikapudi Project.**

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*Red Bluff, California*  
*December 2, 1941*

Senator D. Jack Metzger presided. The Tehama County Water Resources Committee presented a resolution recommending that the committee be petitioned to lend its influence in erecting a dam or dams in the vicinity of Red Bluff for the purpose of flood control, irrigation and development, as well as salinity control in the Delta regions. A. L. Conard, secretary, Iron Canyon Association, explained the need for the Iron Canyon Project, referring to various cooperative reports by the State Government and local land owners. Col. F. T. Robson, chairman, Sacramento River Protection Committee, urged the completion of the original State Water Plan. C. D. Conway, secretary-treasurer, illustrated his remarks with motion pictures depicting flood conditions, erosion and navigation obstacles on the Sacramento River between Red Bluff and Tehama.

**EXHIBIT:** Communication from Nelson Hunt, Department of Interior, Sacramento—"Irrigation in the Sacramento River." By Wm. Marshall, dated May 24, 1913. Communication directed to District Engineer, War Department U. S. Engineer's Office, Sacramento, June 4, 1936, signed: F. T. Robson, chairman and L. E. Bronson, secretary, Chamber of Commerce.

"Hearing—Under Authority Public 738—Seventy-fourth Congress at Red Bluff, California, October 22, 1937 (L. B. Chambers, Lt. Col. Corps Engineers, in charge).

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*Chico, California*  
*December 2, 1941*

Senator Charles H. Deuel presided. Grayson Price, Butte Basin Land Owner's Association spoke on flood control and flowage rights on the Sacramento River. Robert McKee, chairman, Butte Basin Land Owner's Association, presented the flood situation in that area. F. G. Christian, senior engineer, Corps of Engineers, United States War Department revealed that a survey by the War Department was now under way covering consideration of reservoirs in Iron Canyon, Stony Creek and streams running into Butte Basin a report of which would be submitted to Congress for consideration. Martin Polk, member of the Reclamation Board, recommended correction of the flood situation in Butte Basin. Hugh Baber, superintendent, Parrott Investment Co., recommended storage reservoirs on the streams in Butte Basin. Mr. Hullan, Moulton Land Co., described damage of floods of 1937 and 1940. Warren Steele referred to a petition presented to the Reclamation Board, 1940.

**EXHIBIT:** Communication directed to Senator C. H. Deuel, Chico, December 17, 1941, signed: W. H. Baber.

*Willows, California*  
*December 3, 1941*

James M. Boyd, Willows, urged reservation of water for future use, and asked that the original Central Valley Water Project Act be carried out. Dr. Walker predicted that community would become the greatest industrial area in the United States if they had electric power. J. W. Monroe, chairman, board of supervisors, Glenn County, described the inundated highways in that area during flood season. Edward Hyatt, State Engineer, stated that Shasta Dam would not provide enough water for the ultimate requirements of that particular area. However, he believed the problem would be worked out from other sources. He stated further that power from Shasta Dam would be developed as a means of assisting irrigation and that the Appropriations Committee of Congress has recommended a \$4,000,000 appropriation to bring transmission lines through that area to carry power from the project. Howard Allard, secretary, Glenn Colusa Irrigation District, asked that the Glenn-Colusa Canal be extended to take care of the many acres of dry lands west of Willows.

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*Colusa, California*  
*December 3, 1941*

A. J. Jensen presided and introduced Assemblyman Lloyd Lowrey. Dan Weyand, secretary, Sacramento River and Seepage Association, showed motion pictures taken in the spring of 1941 depicting seepage conditions in Colusa and vicinity. Francis Steidlemeier stated that flood conditions in that area had become greatly aggravated since the closing of Butte Slough. J. J. Zumwalt and Lloyd W. Seaver spoke on flood and seepage conditions. Charles D. St. Maurice, engineer, referred to damage caused by seepage and recommended the construction of retaining dams for flood control in the upper counties. George Poundstone spoke on the long periods of high water and seepage problems in the Colusa area. Jesse H. Cave, member of the Reclamation Board, spoke of the seepage problem in Reclamation District No. 999, and the presence of "sand boils" in that district. Phillip Arnold spoke on the flood situation.

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*Marysville, California*  
*December 4, 1941*

W. T. Ellis, general manager, Marysville Levee Commission, presided and submitted a statement relative to flood control and seepage in and around Yuba County. Hugh Baber and Percy Hinks spoke on the seepage problem in that area. Merle D. Collins, county farm adviser, referred to the "Land User's Committee," composed of farmers, bankers and business men, who are making a study of facts and data in that county for the benefit of agricultural development. Paul Erickson told of the mosquito problem and the proposed plans for eliminating the pests. Senator W. P. Rich spoke briefly on the flood control and reclamation problems in that area and need for their correction.

**EXHIBIT:** Statement by W. T. Ellis, general manager, Marysville Levee Commission.

*State Capitol  
Sacramento, California  
December 4, 1941*

Senator Bradford S. Crittenden presided. The following persons appeared before the committee: John H. Keith, chief of assessment standards, Board of Equalization; F. G. Christian, senior engineer, United States War Department; Frank Clark, Director of Public Works and chairman of the Reclamation Board; Franz Sasche, assistant director, Department of Public Works; A. J. Ottem, secretary, Reclamation District 999; Assemblyman John Edward Cain and Earl D. Desmond; Sam R. Leedom, Division of Water Resources, Department of Public Works; Senator Thomas McCormack; former Assemblyman Cliff Kallam; George Sehn Meyer, master, California State Grange, and Senator John Harold Swan.

EXHIBIT: "Soil Survey" (including maps and data) by Professor R. Earl Storie, University of California. "The Use of Soils Information on the Central Valley Project, California," by Walter W. Weir and R. Earl Storie. "How Soil Survey Information Is Necessary in the Formation of Water Districts in the Great Valley of California." "Status of Soil Surveys in California," by R. Earl Storie, University of California, December, 1941.

Resolution: "Central Valley Project," adopted by California State Grange, Santa Barbara, October 23, 1941. Resolution: "Indorsing a Central Valley Authority," adopted by California State Grange, Santa Barbara, October 23, 1941.

Communication from: Gus Olson, president, Board of Trustees and A. J. Ottem, secretary, Reclamation District No. 999, Clarksburg, California. Dated: December 15, 1941.

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*Auburn, California  
December 5, 1941*

Mayor Dalburg, City of Auburn, and president, Auburn Chamber of Commerce, presented Jim Johnson and Senator Jerrold Seawell. Cal Haffie, chairman, Hydraulic Miner's Association and James Stewart presented their views regarding hydraulic mining in connection with water storage and offered their cooperation. Assemblymen Allen G. Thurman, Earl Desmond and John Edward Cain were present. Wendell Robie, Auburn Lumber Company, spoke briefly.

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*Stockton, California  
December 6, 1941*

Otto F. Muller, chairman, San Joaquin County Farm Bureau presided. Colonel R. G. Allen spoke on behalf of the Port of Stockton and flood control on the San Joaquin River. Henry Ohm and Karl C. Brueck, executive secretary, Lower San Joaquin River Flood Control Association, stressed the need for immediate consideration of flood control and suggested the committee request the Legislature to memorialize the Reclamation Bureau and other administrative agencies of the Federal Government to release to Congress the flood control reports of the Army engineers at the earliest possible time. Thomas Louttit, executive secretary, Flood Control Association, pointed out the need for the protection of the rights of farming interests adjacent to the San Joaquin River, asking the committee to consider requesting the Legislature to render assistance in acquiring rights of ways. Otto F. Muller,



Milton Kidd, president, Modesto Irrigation District, W. F. Woolley, engineer, Patterson Water Company, John P. Sillerman and J. E. Steward, Woodbridge Irrigation District, expressed interest in the location of the proposed Delta Cross Channel and the problems involved. R. S. Cailand, district engineer, United States Bureau of Reclamation, made a brief statement in connection with the location of the Delta Cross Channel. Colonel Allen suggested the Government hold hearings in regard to the location of the proposed Cross channel. William Doyle, United States War Department, made a brief statement regarding the Calaveras and Littlejohn reports. Assemblyman Charles Weber spoke with regard to flood control.

REFERENCE: Data, Information and Illustrations Concerning Inspection of Shasta Dam—The Central Valley Project in the Sacramento Valley and the Sacramento-San Joaquin Delta Region—December 1 to 7, inclusive, 1941, No. I

*Sacramento, California  
December 22, 1941*

Senator Bradford S. Cruttenben presided. Persons present other than members of the committee: Colonel A. M. Barton, chief engineer and general manager; J. D. Jordan, the Reclamation Board and Edward Hyatt, State engineer.

REFERENCE: "Report on National Defense Aspects on the Acres Subject to Floods in the Sacramento and San Joaquin Valleys," by Colonel A. M. Barton, chief engineer and general manager, the Reclamation Board, submitted at the request of the chairman, Senator Bradford S. Cruttenben, December 19, 1941—No. II.

*State Capitol  
Sacramento, California  
January 11, 1942*

Senator Bradford S. Cruttenben presided. Lester J. Holmes, superintendent, American Crystal Sugar Company, Clarksburg, spoke with regard to the importance of the sugar industry to National defense and the protection of levees and other works in the San Joaquin Valley. A. J. Reid, landowner in the Delta and Sacramento Valley, dwelt on the importance of protecting the Tisdale Weir and recommended the patrolling and protection of all vital levees in the Sacramento and San Joaquin valleys. Mr. Taylor, Clarksburg, spoke on the possibility of sabotage and the need for guarding and protecting levees. Speaker Gordon H. Garland and Senator Robert W. Kenny reported on developments in Washington, D. C., relative to securing Federal appropriations and repayment of the loan made by the State of California for the construction of the Sacramento River Flood Control Project.

REFERENCE: Report by Colonel A. M. Barton on need for State funds for continuance and maintenance of construction of Sacramento River flood control project—Resolution adopted by the Reclamation Board, January 7, 1942. (Pages 7-9 inc., Agenda of Meeting, Jan. 11, 1942, No. III.)

Communications regarding Reclamation District No. 999. (Pages 11-16 inc., Agenda of Meeting, Jan. 11, 1942, No. III.)

Communications and resolution from Princeton-Colera-Glenn Irrigation Districts, transmitted by Assemblyman Lloyd W. Lowrey. (Pages 17-21 inc., Agenda of Meeting, Jan. 11, 1942, No. III.)

Communication Relative to Complaint of Reclamation District No. 900, from A. F. Turner, Secretary. (Pages 26-28 inc. "Agenda of Meeting, January 11, 1942, No. III.)

Report on "National Defense Aspects on the Areas Subject to Floods in the Sacramento and San Joaquin Valleys (Pages 15-70 inc., Senate Journal, December 22, 1941.)

Preliminary Report on "Dams, Flood Control and Water Supply Works as Related to National Defense Activities" by Department of Public Works, Division of Water Resources—January 10, 1942.

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*San Diego, California*  
*February 2, 1942*

John T. Martin, president, San Diego Chamber of Commerce, presided. City councilman Fred Simpson, member Colorado River Board of California, and David Bird, supervisor, San Diego County, welcomed the committee. Mat Gleason, chairman, State Park Commission, told the committee of the severe damage at Ocean Beach and the need for further appropriations to protect the beaches. Captain E. A. Shafer, United States Army, representing General Ardaway, explained the Army's need for a more ample water supply. Captain Henry F. Bruns, C. E., United States Navy, representing Admiral Holmes, District Commandant, expressed the Navy's need for a sufficient water supply. Major General C. B. Vogel, United States Marine Corps, told the committee that the Marine Corps Base in San Diego used 2,997,000 gallons of water in December, 1941, and will require 25,000,000 gallons a month in the future. Walter Cooper, city manager, San Diego, spoke of the need for an adequate supply of water in San Diego, and urged the committee to recommend that Colorado River water be brought into San Diego. Ewart Goodwin, chairman, Chamber of Commerce Water Committee, requested that immediate steps be taken to bring about a survey to find the best route to bring additional water to San Diego. Albert Harper suggested the heightening of the San Vicente Dam and the completion of the Sutherland Dam to meet the required need for water storage. Fred Heilbron favored the development of the local water supply by the heightening of the San Vicente Dam and later bringing water from the Metropolitan Water District or the Colorado River. Major A. N. Gott, vice chairman, Consolidated Aircraft Company, told the committee that now is the time to bring in water from the Colorado River, taking care of the dams later. L. W. Coddington, member, San Luis Rey Water Authority, told of the need for flood control on the San Luis Rey River and the problem of salinity contamination of the well water at Oceanside. Matthew Gleason, State Park Commissioner, spoke on the beach erosion problem.

**EXHIBITS:** Report to Robert A. Woose, Superintendent, Water and Sewer Department, City of Oceanside, California, on "Prevention of Infiltration of Salt Water Into San Luis Rey Basin by Subterranean Barrier" by Raymond E. Davis, Consulting Engineer, Berkeley, California, December, 1941.

Report of Flood Control and Water Conservation Problems in San Diego County, California, by San Diego County Planning Commission, 1942.

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*Calexico, California*  
*February 4, 1942*

Senator E. George Luckey presided and introduced the following: former Senator Ben Hulse, supervisor Ike Schlater and B. M. Graham.

M. J. Dowd, chief engineer, Imperial Irrigation District, summarized the history of the All-American Canal. Evan Hewes, chairman, Colorado River Board of California, and president of the Imperial Irrigation District, explained the purpose of the Colorado River Board.

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*Coachella, California*

*February 5, 1942*

Assemblyman Nelson Dilworth presided. The Coachella Valley County Water District was represented by vice president Buck, directors Anderson, Farrar and Newman, and engineer Romberg. Engineer E. R. Romberg explained the present and proposed irrigation systems of the valley. Director Ted C. Burk spoke on the necessity of bringing Colorado River Water to the valley as soon as possible. Director Lee J. Anderson related the necessity of having water from the Colorado River. Evan T. Hewes, chairman, Colorado River Board and director of the Imperial Irrigation District, called attention to the economic advantage of having two canals across the Imperial Valley. E. C. La Rue, engineer, Army Flood Control Department, described the proposed work in the upper valley for the prevention of potential flood damages in the lower valley from the Whitewater River.

**EXHIBITS:** Communication from William S. Howell, Jr., Redwood, California, Dated February 19, 1942.

Resolution by Coachella Valley County Water District.

- (a) Tabulation Showing Amounts That Coachella Valley Is Paying to United States Government and to Imperial District on Its Contract;
- (b) Project Map Showing That Canal Construction Was Stopped by the United States Government When About 75 Per Cent Completed.

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*Riverside, California*

*February 5, 1942*

Senator John Phillips presided. W. V. Pitman, supervisor, Riverside County, called attention to the flood control problems of Riverside County. Alec Filmore stressed the need for flood control and water conservation. Robert Bowden, superintendent of lights and water, City of Riverside, explained the city's interest in keeping the Santa Ana River in its channel and told of the great damages suffered during the 1938 flood. Lee Natzger, city engineer, Riverside; Mr. Poorman, secretary, San Jacinto River Authority, and Herbert Chamber spoke on the need for flood control on the San Jacinto and Santa Ana rivers.

**EXHIBITS:** Riverside County Flood Control Projects. Map of Riverside County showing location of proposed projects.

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*San Bernardino, California*

*February 6, 1942*

Senator Ralph Swing presided. C. E. Grier, chairman, board of supervisors and chairman of San Bernardino County Flood Control District, explained the work done by the San Bernardino County Flood Control District. Howard L. Way, chief engineer, San Bernardino County Flood Control District and San Bernardino county engineer, told of the need for water conservation and fire protection. P. B. Hasbrouck, chairman, Engineering Advisory Committee, stressed the need for spreading grounds and further financial aid. Neal D. Smith,



city engineer, Ontario and member of Engineering Advisory Board told of the waste of surplus waters so vitally needed to supply the underground wells. George Hlinckley, city engineer and water superintendent of Redlands, and member of Engineering Advisory Board, stressed the need for flood control dams on the Santa Ana River and further bank protection. George Weiss, San Fe Railroad, told of the seepage problem in the City of Needles. Bard Livingstone, superintendent, San Bernardino City Water Department, recommended conservation and flood control. A. C. Reynolds, chairman, Zone 1, Flood Control Committee and president, San Antonio Water Company, stated that Chino Basin, which is the main portion of San Bernardino County, is dependent on its watershed, and flood waters must be conserved in order to maintain the water supply. John Ralphs, Jr., chairman, Zone 2, Flood Control Committee, presented the flood problems of Zone 2. O. C. Halstead, chairman, Zone 4, spoke of the flood problems of Zone 4. R. V. Ward, engineer, Flood Control District, gave a resume of flood control problems and called attention to the transcontinental lines of the Union Pacific and Santa Fe Railroads which pass through the county, exposed to various floods. He stated further that they hoped to work out a plan for a system of pipe lines and pumping stations along the crest of the mountains to take care of the debris. Senator Swing spoke on the benefits derived from spreading grounds in the Chester Area.

**EXHIBITS:** Supplemental statement concerning flood control and water conservation problems in San Bernardino County, by R. V. Ward, assistant engineer, San Bernardino County Flood Control District.

Flood Control and Water Conservation, San Bernardino County, California.

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*Santa Ana, California*  
*February 7, 1942*

Allison Honer presided and introduced Mayor Joseph P. Smith and Willis H. Warner, chairman, Orange County board of supervisors. Paul Bailey, consulting engineer, Orange County, presented data relative to projects and proposed projects in Orange County.

**EXHIBITS:** Proposed flood control, water conservation and erosion control projects for Orange County, California, submitted by A. A. Beard, acting flood control engineer, Orange County.

Master plan of shoreline development, Orange County, California, by the Orange County Planning Commission.

Communications directed to Sunset Beach Chamber of Commerce from property owners of Sunset Beach.

Photographs of damages to real property by beach erosion, Sunset Beach.

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*Los Angeles, California*  
*February 9, 1942*

Senator Crittenden presided. George P. Larson, executive secretary, Shoreline Planning Association, presented Geoffrey F. Morgan, president, Shoreline Planning Association, who explained the organization and purposes of the association. A. G. Johnson, assistant engineer, City of Los Angeles, explained the beach erosion problem in Los Angeles County. Harry Welsh, secretary, Newport Harbor Chamber



of Commerce, referred to the Shoreline Planning Report of Orange County. Tom D. Cooke, planning engineer, Regional Planning Commission, explained the master plan adopted by the County of Los Angeles. George P. Larsen, executive secretary, Shoreline Planning Association, extended credit to the State Park Commissioner and other State officials for their studies of the shorelines and beaches. Stephen Cunningham, former member, Los Angeles city council, told of his interest in the beach erosion programs. Assemblyman Thomas J. Doyle, stressed the necessity for an over all plan for the correction of beach erosion. Darwin Tate, chief, Division of Beaches and Parks outlined studies and reports on California beaches presented to the State Park Commissioner by a committee consisting of the president of the State Planning Commission; Mr. Drury, National Park Service; Mr. Tate and representatives of the various cities in Los Angeles County. George Hjelt, director, Los Angeles City Playground and Recreation, and vice president of American Shore and Beach Preservation Association, explained the importance of outlining plans for recreational activities during wartime. L. A. Hauser, executive secretary, Colorado River Board of California, presented a resolution, directed to the Governor, requesting \$5,000 from the Emergency Fund for the further support and maintenance of the Colorado River Board, which was adopted by the committee.

**EXHIBITS:** Beach erosion study, Orange County, California—Letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 13, 1940, submitting a report, together with accompanying papers and illustrations on a beach erosion study, Orange County, California, authorized by the River and Harbor Act approved July 3, 1930, and by Act of Congress approved June 26, 1936.

Shore and Beach Journal of the American Shore and Beach Preservation Association—Volume Nine, October, 1941.

The Master Plan of Shoreline Development, by Los Angeles County Regional Planning District.

Beach Erosion and Its Solution—Long Beach, California.

Report on Erosion of the Beaches in the Venice District, by A. G. Johnson, April, 1940.

Assembly Bill No. 1327, Chapter 942, Statutes 1941—Funds as Appropriated by the 1941 Session of the Legislature, Submitted by the State Park Commission.

The Vanishing Beaches of Southern California, by A. G. Johnson.

Erosion Study of Central and East Beaches in Relationship to Dredged Material to be Deposited on Beaches, and the Advisability of Building Groins to Protect this Material.

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*Los Angeles, California*  
*February 9, 1942*

William Smith, supervisor, Los Angeles County, presided and told of the flood control work done by Los Angeles County, requesting State aid for future programs. Colonel Edwin C. Kelton, district engineer, Corps of Engineers, United States Army, explained the difficulties encountered by the Army due to floods in the Los Angeles area. H. E. Hedger, chief engineer, Los Angeles Flood Control District, states he knew of no other area in the entire State of California, or in the United States, where such large public holdings are subjected to

flood hazards, giving estimates of costs for future flood control projects, including the building of necessary bridges and channel control.

**EXHIBITS:** Flood Control in Southern California, by the Corps of Engineers, United States Army. Presented by Colonel Edwin C. Kelton, Corps of Engineers, District Engineer, Los Angeles Engineer District.

Federal Interest in Beach Erosion. Presented by Colonel Edwin C. Kelton, Corps of Engineers, District Engineer, Los Angeles Engineer District.

**REFERENCE:** Data, Information and Itinerary Covering Inspection of Water Problems in Southern California, February 2 to 9, inclusive, 1942—No. IV.

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*Needles, California*  
*March 16, 1942*

Mayor W. M. Claypool, Jr., presided. The following persons appeared and expressed their views before the committee: L. J. Foster, engineer in charge, Colorado River Projects; John M. Meade, attorney, United States Bureau of Reclamation; C. H. Gensler, superintendent, Colorado River Indian Agency; E. C. La Rue, consulting engineer, United States Army; Otto Emma, C. C. Elder, Ray C. Eberhard, Metropolitan Water District of Southern California; M. C. Blanchard, chief engineer, Coast Lines, G. L. Davenport, Santa Fe Railroad; Howard L. Way, county engineer, Dr. W. W. Fenton, county health officer, E. G. Farmer, American Red Cross, R. V. Ward, engineer, County Flood Control District and Louis Spence, sanitary engineer, County of San Bernardino; Kent Fuller, City of Needles; Assemblyman Frank Russell; Edward Hyatt, State Engineer.

The major subject brought before the committee was the discussion of damages to persons and property of Needles, California, caused by water overflowing from the Colorado River and the damages caused from hindrance of sewage disposal. Many diversified views were expressed as to whether or not this condition was due to the construction of Parker Dam, Boulder Dam or both. Also, whether or not damages should be paid to the people of Needles, and if so, whether or not the Metropolitan Water District, the State of California, or the United States Bureau of Reclamation should assume the damage. The committee passed a resolution requesting the War Department of the United States to take immediate action, and further resolving that the committee recommend to the Senators and the members of the House of Representatives from California in the Congress of the United States that they submit to the officials of the War Department a request that the sum of \$500,000, or as much thereof as may be necessary be authorized from any fund already available for the purpose of correcting these deplorable conditions.

Another resolution was adopted by the committee resolving that the Senator and the Assemblyman representing the County of San Bernardino in the California Legislature; the Supervisors of the County of San Bernardino; officials of the Metropolitan Water District; officials of the Santa Fe Railroad; the Mayor and City Council of the City of Needles, California; the State Engineer of the State of California; and the officials of the United States Bureau of Reclamation, contact the Senators and the California members of the House of Representatives in the Congress of the United States, and each agency above mentioned, strongly urge and recommend to the members of the Congress of the

United States and the officials of the War Department that the situation as existing in the City of Needles be immediately investigated and rectified.

**EXHIBITS:** Agreement by and between The Atchison, Topeka and Santa Fe Railway Company and the California, Arizona and Santa Fe Railway Company, and the Metropolitan Water District of Southern California.

Boulder Canyon Project Cooperative Contract for Construction and Operation of Parker Dam, United States Department of the Interior, Bureau of Reclamation.

Resolution of the Board of Directors of the Metropolitan Water District of Southern California Relating to Condition of the Colorado River at and in the Vicinity of Needles, California.

Opinion from the Office of Legislative Counsel, State of California, April 2, 1942.

Report to Governor Culbert L. Olson on flood and seepage problems at Needles, California, by Edward Hyatt, State Engineer, May 8, 1942.

**REFERENCE:** Transcript of hearing at Needles, California, March 16, 1942, No. V.

*Stockton, California*  
*May 11, 1942*

Senator Crittenden presided. Karl Brueck, executive secretary, San Joaquin Flood Control Association, explained the objectives of the association and filed a report by Henry Ohm, engineer, Flood Control Association. Brueck also asked that the Stanislaus and Mokelumne rivers be included in the Army Engineer's report and the Littlejohn and Bear Creeks be submitted in separate reports. George Imrie, United States Bureau of Reclamation described the tentative location of the Delta-Mendota Canal. R. S. Calland, district engineer, United States Bureau of Reclamation spoke on the same subject. Walter Hlogan, city engineer, Stockton, told of the community's interest in flood control problems, and its desire for State acquisition of flowage rights along the San Joaquin River from Paradise Cut to Mendota. Paul Weston, Julius B. Manthey, county engineer, San Joaquin County and Assemblyman Charles Weber spoke on local flood control problems. Assemblyman James Thorp told of the serious flood situation along the Mokelumne and Stanislaus rivers. S. B. Show, Regional Forester, United States Forest Service, San Francisco, explained the importance of natural coverages on the watersheds in preventing floods, and asked for the committee's active interest in the consideration of future surveys and allocation of funds.

**EXHIBITS:** Location map, Delta Division, Delta-Mendota Canal, Department of Interior, Bureau of Reclamation.

Statement of flood conditions on the San Joaquin River made in behalf of the Flood Control Association of the Lower San Joaquin River and its tributaries, by Henry Ohm, engineer for Flood Control Association of the Lower San Joaquin River and its tributaries.

The National Forests of California in relation to the water resources of the State, by S. B. Show, Regional Forester, United States Forest Service, San Francisco, California, 1942.



*Angels Camp, California*  
*May 11, 1942*

Senator Jesse Mayo presided. Superior Judge J. A. Smith stressed the need for water conservation in the mountain counties to be used for irrigation in the valleys. Joe Huberty, attorney for Calaveras Public Utility District, declared the people of the mountain communities are hamstrung by prior rights of large utilities. Senator Mayo and Frank Tower spoke on the need for reservation of water for future use in mountain counties and water conservation in the upper regions. John Burgess, superintendent of Carson Hill Gold Mining Company, made a brief statement on mining in the region. George Dietz told of the need for check dams. H. W. Boetzkes, Corps of Engineers. United States War Department stated that by increasing the storage capacity of the proposed Melones Dam that it would not destroy the operations of the Carson Hill Mine completely, but would necessitate some changes in the surface works facilities, and to increase the capacity of the dam from 120,000 acre-feet to 300,000 acre-feet, would be inadvisable.

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*Modesto, California*  
*May 12, 1942*

Assemblyman Hugh Donnelly presided. Milton Kidd, president, Modesto Irrigation District, stated they had no particular problem to place before the committee at the present time. Cliff Plummer, electrical engineer, Modesto Irrigation District, declared that they sell power at about 5 per cent lower than any other city of comparable size in the State. Mr. Kidd told of the success of the Modesto Irrigation District in supplying water for irrigation and power. Jack Patterson, president, Patterson Water District, declared they are interested in the effect the Central Valley Project will have on their district. R. S. Calland, United States Bureau of Reclamation, stated that when Friant Dam is completed there may be a reduction in the flow of the San Joaquin River. W. W. F. Woolley, engineer, West Stanislaus Irrigation District, declared they should have substitute dams similar to those in Modesto, which would keep salmon spawning grounds alive. Edward Hyatt, State Engineer, pointed to the Modesto Irrigation District as an example of the possibilities of cheap water and power from a multiple purpose project. Charles Olinger, State-wide Flood Control Committee of the State Chamber of Commerce, announced that they are dependent on the water of the San Joaquin River. R. E. Hartley, engineer, Oakdale Irrigation District, declared they do have a flood control problem, and thinks that flood control, irrigation and power should go hand in hand.

EXHIBITS: Information Relative to Modesto Irrigation District.

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*Merced, California*  
*May 13, 1942*

Senator Peter Myhand presided. D. K. Barnell, chairman, Merced Irrigation District, told of the success of the Merced Irrigation District and thanked the Legislature for their cooperation in the past. W. L. Hess declared since the building of Exchequer Dam they have had no flood damages in the Merced area, and explained the operation of the Merced Irrigation District. H. P. Sargeant stated the district has a



flood control problem, as Bear Creek, Burns Creek, and others cause more trouble than the Merced River, affecting about 20,000 acres. William Pfitzer, chairman, Gustine Drainage District, declared they had too much water and felt that when the Central Valley Project is completed they will need State aid in order to control the high water table. A. L. Cowell, attorney, Gustine Drainage District, stated they feared that unless the Highline Canal is built very carefully that the seepage from the canal will aggravate the drainage problem in the Gustine District.

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*Fresno, California*

*May 13, 1942*

Senator Crittenden presided. W. P. Boone, chairman, Kings River Water Association, explained the functions and problems of the Fresno Irrigation District and recommended power development on the Kings River, giving the public the benefits and control. Philip Gordon, president, Fresno Irrigation District, stated that the receding water was destroying farming lands and outlined the cost of water per acre-foot in the district. L. L. Miller, chairman, Pine Flat Water Users and Power Association, said his association is interested in the development of water and power, and explained the organization of the association. He declared the Antioch Steam Plant should be included in the Central Valley Project for the benefit of the majority of the people. Charles Kaupke, watermaster, Kings River Water Association, filed a statement with the committee on the problems of the Kings River area. J. T. Stewart, director, Pine Flat Water Users Association, expressed hopes for water power from the Central Valley Project for the benefit of the State and the building of transmission lines and steam plant to pay for the cost of irrigation. Arthur Tarpey told the committee that the Government or State has not returned the money advanced for the development of the Kings River and explained irrigation and distribution of water in the district. He also stated that the City of Fresno does not pay for water received, that the farmers pay all the costs. I. Tielman, Jr., told how the gravity water serves all the pumping plants in the district.

EXHIBITS: Statement by the Kings River Water Assn. by Charles L. Kaupke, water master.

Statement by I. Tielman, re Central Valley scheme.

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*Friant Dam*

*May 14, 1942*

Senator Crittenden presided. Assemblyman Sam L. Heisinger was present. Harry Barnes, Madera Irrigation District read and presented a statement on the interest of the district in the Central Valley Project.

EXHIBITS: Memorandum of Madera Irrigation District, by Harry Barnes.

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*Visalia, California*

*May 14, 1942*

Assembly Speaker Gordon H. Garland presided and introduced Senator Frank Mixter. R. V. Oliver, chairman, board of supervisors, Tulare County; Roseoe Patterson, supervisor, Tulare County; J. G.

Brown, supervisor, Tulare County; Irving S. Althouse, Porterville; F. E. Boone; Carroll Birch; LeRoy McCormick; Richard McNutt, Richard Ropes; Mrs. Bertha Rankin, Bakersfield; Miss Jacobs, president of Business and Professional Women's Club of Visalia; Mrs. Dana, past president of Business and Professional Women's Club; George Tschumy and Robert Schmeiser appeared before the committee detailing the need for additional water in Tulare County and the completion of the Friant-Kern Canal. H. H. Holley cited the need for storage of excess water in the Tulare Lake Basin and the damages caused by the 1938-1940 floods in that area. W. R. Bailey spoke on flood control problems. Hugh Pennybaker and Virgil Hart commended the committee on its studies. Mr. Jenson, Orange Cove, representing northern Tulare County and the Fresno County Irrigation District, stated they plan to raise funds for the future distribution of water by issuing bonds. Edward Hyatt, State Engineer, gave a brief summary of the history of the Central Valley Project, and the plans for future development.

EXHIBIT: General map of Kings River watershed and irrigation units, submitted by Kings River Water Association.

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*Porterville, California*  
*May 16, 1942*

Senator Crittenden presided. J. G. Brown, supervisor, Tulare County, told of the loss of valuable citrus orchards through lack of sufficient water in southern Tulare County.

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*Bakersfield, California*  
*May 16, 1942*

Assemblyman Rodney Turner presided. W. R. Woollomes, chairman board of supervisors, Kern County, welcomed the committee. Frank Stockton, Kern County Chamber of Commerce, spoke of the need for additional water for irrigation. Alfred Harrell, publisher, Bakersfield Californian, was present. George Henderson, chief engineer, Kern County Land Company, told of the need for flood control on the Kern River and recommended a dam at Isabella for irrigation and flood control. John Lewis, R. W. Henderson, Ralph Abel, John Nale, W. L. Smith, Mrs. Bertha Rankin, A. L. Tuttle, Delano and George Osner of Delano, expressed their desire for the early completion of the Central Valley Project, and the pressing need for the completion of the Friant-Kern Canal to supply that area with sufficient water for irrigation. Mayor W. B. Smith, Delano, expressed desire for immediate water development and power development secondarily. Edward Hyatt, State Engineer, explained the history and purpose of the Central Valley Project Act and requested the local people to prepare and submit to him an analysis of their problems regarding water and power development. R. S. Calland, district engineer, United States Bureau of Reclamation, concurred in Mr. Hyatt's remarks. Assemblyman Gordon Garland offered a resolution, amended by Senator Robert W. Kenny, urging the early completion of the Friant Dam, Friant-Kern Canal, Madera Canal, power plants and transmission lines of the Central Valley Project, and proposing the collection by the farmers in that

area of three tons of scrap steel for every ton allocated for the completion of the dams, canals, power plants and transmission lines.

**EXHIBITS:** Supplemental report on water supply from Central Valley Project required for lands in Kern County, and progress report on water supply from Central Valley Project required for lands in Kern County, by P. A. Etcheverry, consulting engineer.

Memorandum concerning irrigation and flood control problems of Kern County, by G. L. Henderson.

Resolution by Joint Committee on Water Problems.

*Barstow, California*

*May 17, 1942*

The committee was welcomed by Senator Ralph Swing and Arthur L. Doran, supervisor, First Supervisorial District. Mayor William Claypool of Needles expressed his appreciation for the committee's efforts in alleviating the situation at Needles. C. E. Grier, chairman, San Bernardino Board of Supervisors, explained the need for flood control and water conservation in the vicinity of Barstow. Howard L. Way, chief engineer, San Bernardino County, expressed the need for financial aid in controlling the floods of the Mojave River. R. V. Ward, engineer, Flood Control District, asked that the State continue its studies of flood control and water conservation on the Mojave and recommended a regulating dam on the west fork of the river, also artificial spreading grounds as an additional aid. Assemblyman Frank Russell stressed the importance of timber and brush cover on watersheds for the purpose of flood control. O. C. Halstead, chairman, and John Benson, Zone 4, delegated Kemper Campbell to outline their problems. Mr. Campbell suggested the committee investigate the feasibility of a dam at the confluence of the east and west forks of the Mojave for flood control, and a complete study be made by the Department of Agriculture on the possibility of check dams on Deep Creek. He also referred to recreational activities and the importance of protecting transportation lines in that area. George L. Weiss, Santa Fe, told of the flood situation as it affects the railroads. A. W. Walker, industrial coordinator, San Bernardino County, told of the necessity for controlling floods as related to industry.

**REFERENCE:** Data, information and itinerary covering inspection of Central Valley Project and units of the State Water Plan in the San Joaquin Valley, May 11 to 17, inclusive, 1942—No. VI.

*Los Gatos Creek Dam Site*

*October 13, 1942*

Stanley Mills, mayor, Los Gatos, and president of the Los Gatos Chamber of Commerce, addressed the committee briefly and stated that he was opposed to the building of the Los Gatos Dam, because the dam would mar the scenic beauty of the country and is located on the San Andreas Fault.

**EXHIBITS:** Memorandum on Requests to the State Department of Public Works, and the State Highway Commission, to Build the Los Gatos-Santa Cruz Highway Above a Proposed Reservoir at Alma.

Memorandum Relative to Re-routing by the Highway Commission of the Los Gatos-Santa Cruz Highway to Make Available a Reservoir Site on the Los Gatos, Submitted by: Orchard City Grange, Santa Clara Chamber of



Commerce, Kiwanis Club of Campbell, Campbell Chamber of Commerce, San Jose Chamber of Commerce, Cupertino Improvement Club, Santa Clara Walnut Growers Association, Campbell Co-operative Dryer, Santa Clara Farm Bureau.

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*Ben Lomond, California*  
October 13, 1942

James G. Foss, chief engineer, San Lorenzo Valley County Water District, gave a brief description of the topography of the Valley and the problems of flood control and domestic water supply.

**EXHIBITS:** Memorandum Outlining Proposed Flood Water Control for the San Lorenzo Valley.

Report of the Findings of the Board of Directors of San Lorenzo Creek Flood Control Association, by George A. Mays, Secretary, San Lorenzo Creek Flood Control Association.

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*Santa Cruz, California*  
October 13, 1942

Senator H. R. Judah presided, and told of the activities of a committee, appointed by the Chamber of Commerce studying beach erosion in Santa Cruz County. Assemblyman Jake Leonard spoke on recreational and agricultural activities in that area. A. D. Edmonston, Assistant State Engineer, stated that the community should be commended on its interest in water and beach erosion problems. Owen G. Stanley, engineer, United States War Department, and S. A. Kerr, United States Bureau of Reclamation, referred to the flood control report on the San Lorenzo River. Anthony Dean, United States Forest Service, made a brief statement regarding the Forest Service's interest in the up-stream water problems. Mr. Wilkinson, Watsonville, offered the cooperation of the Watsonville Chamber of Commerce. W. A. Williamson, member of the Erosion Committee, Chamber of Commerce, spoke on and illustrated the Master Plan of Shoreline Development in Santa Cruz County.

**EXHIBITS:** The Master Plan of Shoreline Development for Santa Cruz County, by the Santa Cruz County Planning Commission.

Memorandum on Proposed Acquisition of Nucleus for Loma Prieta State Forest Area.

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*Hollister, California*  
October 13, 1942

E. E. Sparling, president, Hollister Chamber of Commerce, presided. Assemblyman Jake Leonard explained the topography of San Benito County, illustrated by a wall map. Roy D. McCullum told of the presence of boron in the wells in that area. Weston McNutt, United States Soil Conservation Association, spoke briefly on agricultural problems. Owen G. Stanley, United States Engineers, stated that the Army Engineers' activities are primarily concerned with flood control. S. A. Kerr, United States Bureau of Reclamation, told of the work being done by the Bureau on the boron situation and flood control measures. L. E. Ladd, president, Hollister Irrigation District, spoke on the district's activities in flood control on the Pajaro River. Otto C. van Seggern, United States Engineer, stressed the importance of flood control on the San Benito River. Senator Edward Tickle declared there was



little hope for appropriations until after the war is won. Colonel A. M. Barton, chief engineer and general manager, the Reclamation Board, recommended that Federal funds be accrued so that the corps of engineers and the Bureau of Reclamation could make studies now, in order to start construction after the war. James Holoan expressed his hopes that their plans will achieve results after the war.

**EXHIBITS:** Quality of Irrigation Waters of the Hollister Area of California. Filed by Assemblyman Jake Leonard.

Water Problems of the Hollister Area, San Benito County, California.

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*Salinas, California*

*October 14, 1942*

Mr. Lacey, president, Salinas Chamber of Commerce presided. Senator Edward Tickle and Assemblyman Fred Weybret welcomed the committee. Mose Hutchings, supervisor, Monterey County, spoke on the flood control problems on the Pajaro River. Major Herbert R. Tumin, United States Army Engineer, Fort Ord, told how the Salinas River at flood stage would affect the military area. Achille A. Taver-netti, farm advisor, Monterey County, spoke on water conservation. Harry Banning, United States Forest Service, Department of Agriculture, talked on the guayule project near Salinas. W. J. Redding, supervisor, Monterey County, asked for legislative assistance for the water problems in Monterey County.

**EXHIBITS:** Photographs of Agricultural Products Grown in the Salinas Valley. Summary of Pertinent Facts Pertaining to Flood Control and Water Conservation in the Salinas River Basin. Submitted by Board of Supervisors of Monterey County; Flood Control and Water Conservation Committees of Monterey and San Luis Obispo Counties; the Flood Control and Water Conservation Committee of Monterey County, California.

Rubber from Guayule, U. S. Department of Agriculture, Forest Service.

Moss Landing Harbor As It Relates to the Salinas Valley Water Problems, by Lowell Griffin, Chairman, Moss Landing Harbor Committee.

Blueprint of Moss Landing Harbor Project.

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*San Luis Obispo, California*

*October 14, 1942*

Gene Paulson, president, San Luis Obispo Chamber of Commerce, welcomed the committee and introduced Senator Chris Jespersen. Fred Kimball, Mayor, San Luis Obispo, Alfred L. Farini and Assemblyman Fred Weybret spoke briefly to welcome the committee. Lieutenant Colonel Raleigh, post engineer, Camp San Luis Obispo, and representing Colonel Bull, told how water has been diverted from the Salinas River for use by the camp. George P. Larsen, Shoreline Planning Association, made a brief statement on beach protection. Dr. McGarvey, Atascadero, outlined the need for soil and water conservation, and reforestation of the watershed area.

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*Santa Maria, California*

*October 15, 1942*

C. L. Preisker, chairman, board of supervisors, Santa Barbara County, presided and spoke on flood control problems on the Santa Maria and Santa Ynez rivers.

**EXHIBITS:** Santa Maria River Flood Control, by C. L. Preisker, Chairman, Board of Supervisors, Santa Barbara County.

Santa Barbara County's Water Program, by C. L. Preisker and Wallace C. Penfield.

Map of Major Drainage Areas, Santa Barbara County.

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*Santa Barbara, California*  
*October 15, 1942*

Senator Clarence Ward presided and introduced the following persons: Patrick J. Maher, mayor of Santa Barbara; Chester Moore, city engineer; Assemblyman Alfred Robertson and Captain Davie, former president, Chamber of Commerce, all of whom made brief welcoming addresses. C. L. Preisker made a brief statement. Miss Pearl Chase suggested the committee draw an introduction and summary of the report which can be readily worded by the newspapers and that other educational data be made available to the public. Wallace Penfield, engineer-secretary, Santa Barbara County Planning Commission, referred to the meeting to be held the following day at the County Court House.

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*Santa Barbara, California*  
*October 16, 1942*

Patrick J. Maher, mayor of Santa Barbara, presided and declared that the Legislature and the people of California should direct their attention to the problem of water for the betterment of the entire State. Wallace Penfield, engineer, Santa Barbara Planning Commission, stated that Goleta, Santa Barbara and Montecito water supplies are in an acute situation due to the fact that the Gibraltar Reservoir, which supplies the City of Santa Barbara is half full of silt. He said the city has a program which not only takes care of the flood situation, but also replenishes the underground water supply as a means of supplying various areas on an economic basis. Ernest L. Colby, engineer, working on the Santa Maria and Santa Ynez River Survey, told of the survey made by the Department of Agriculture and the various conditions under consideration. J. H. Furdiek, engineer, United States Bureau of Reclamation, spoke on the study being made of the water resources of Santa Barbara County by the bureau and the problems involved. G. B. Bebout, United States Engineer, stated they have a beach erosion and breakwater problem in Santa Barbara County.

**EXHIBITS:** Santa Barbara Beach Erosion Problem from "The Santa Barbara Shoreline and Beach Plan." Adopted by the Board of Supervisors, Santa Barbara County Planning Commission, Wallace C. Penfield, Engineer.

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*Ventura, California*  
*October 16, 1942*

Senator James J. McBride presided. Robert L. Ryan, county surveyor presented a general picture of streams, watersheds and beaches of Ventura County and discussed the various general flood control and conservation problems. V. M. Freeman, engineer, Santa Clara Water Conservation District, gave a brief history of the district and what it has accomplished. Hugh Wood, city engineer, Ventura, spoke on water shortage and flood control in connection with the Ventura River.

Arthur Taylor, consulting engineer, Los Angeles, stated the main problems in that area are erosion control, water conservation, flood control and channel control. R. H. Jamison, Ventura County Water Engineer, spoke of the problems of the City of Ventura in providing an adequate supply of water.

**EXHIBITS:** Change in Ground Water Elevation in Various Pumping Areas, Ventura County, California, 1928 to 1941, by Richard H. Jamison.

Extensive Survey of the Land Use Problems in Ventura County, California, Developed by the Ventura Land Use Committee

The Master Plan of Santa Barbara County Shoreline and Beaches.

**REFERENCE:** Data, Information and Itinerary, Covering Inspection of Central Coastal Area, October 13 to 16, Inclusive, 1942—No. VII.

*Santa Rosa, California*

*November 17, 1942*

Senator Herbert Slater presided. George S. Jones, county clerk and superintendent, Marin County Mosquito Abatement District, Norman W. Ford and Senator Thomas Keating, told of the damage caused by flood waters in San Rafael, Novato and the Greenbrae areas. Assemblyman Richard McCollister asked for funds from State or Federal sources to alleviate the problem of heavy taxation for maintaining flood control works. V. M. Moir, State Chamber of Commerce, outlined various flood control problems in that area. Marshall Wallace, county engineer, spoke on the erosion problems of the Petaluma Watershed and the Russian River and asked for temporary State aid in channel clearing. William Isaac, Engineer, representing the industrial waterfront of Petaluma, and the Northwestern Pacific Railroad, explained the silt problem on the Petaluma River and how it has affected navigation. Otto C. van Seggern, Engineer, United States Army Engineers, told how the Army Engineers are trying to check erosion to make navigation on the Petaluma River possible. Howard Knight, supervisor, Sonoma County, explained how dredging on Sonoma Creek would aid flood control. Osear Larsen spoke on the same subject. Thomas P. O'Keefe, Northwestern Pacific Railroad, suggested construction of retention dams on the streams to cut flood peaks. Lloyd Cullan, supervisor, Sonoma County, spoke on water conservation to supply the City of Santa Rosa and irrigation. George Kennedy spoke on sheet erosion and soil conservation in the Petaluma area. Dr. E. H. Crawford, chairman, Santa Rosa Sportsman's Organizations, asked for aid from the State Engineer's Office and the State Fish and Game Commission in maintaining the Jenner Jetty. Lee Shelford, Cloverdale, talked on flood control. Herbert Waters, editor, Santa Rosa Press Democrat, told of the water problems encountered by the summer resorts in that area. Jim W. Keegan, Department of Agriculture, urged channel clearing. Senator Slater summed up the flood control problem on the Russian River, Novato Creek, Petaluma River and Sonoma Creek.

**EXHIBITS:** Preliminary Report on Russian River Flood Control, Submitted to United State Army Engineers, prepared by Gerald McKinlay, R. E., engineer in charge.

Excerpts From Report of Survey of Russian River for Flood Control, to chief of engineers, U. S. Army through South Pacific Division.



*Ukiah, California*  
*November 17, 1942*

Senator Crittenden presided. Ed. Haehl, chairman of the Upper Russian River Conservation District and director of the Russian River Flood Control Association, explained the flood control problems on the Russian River and Feliz Creek. Everett Cox spoke on flood control in Mendocino County and stressed the necessity for channel clearing. Norman Buhn, county agricultural commissioner, told of the losses sustained by floods. Lloyd Bittenbender and George Jones spoke on the same subject. Otto van Seggern, United States Army Engineers, stated that a program working out channel clearance on the Russian River is important and that the engineers have made studies on the main river and its tributaries for storage and flood control. Edgar Dutton told how the Russian River meandered, taking with it the rich alluvial soil along the banks. Thomas P. O'Keefe explained the flood situation at Cazadero. S. A. Kerr, United States Bureau of Reclamation, talked on the reclamation work done and being planned by the Bureau and Army Engineers on flood control on the Russian and Eel rivers. Edward Hyatt, State Engineer, suggested the affected areas actively campaign for assistance in their flood control problems. Colonel A. M. Barton, the Reclamation Board, proposed that they request Congressman Lea to use his influence in releasing the Russian River Report made by the Army Engineers in order to obtain Federal aid for flood control. George Anderson, president, Title and Land Company, stated the situation had been aggravated by the diversion of the Eel River water into the Russian River. Hal Bruner, president, Ukiah Chamber of Commerce, told how the river is affecting agriculture by continuously cutting new channels.

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*Little Lake Valley (Roadside inspection)*  
*November 18, 1942*

Frank Kenny explained how high water interrupted traffic during the winter on State Highway 101 and at times stopped traffic on the Northwestern Pacific Railroad. V. M. Moir stated that about 15,000 acres of grazing land and 15,000 acres of grain land was involved.

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*Eel River near Pepperwood (Roadside inspection)*  
*November 18, 1942*

The State constructed a jetty costing \$7,000 and the county contributed \$3,000 to repair it, but the structure was ineffective. The water, sweeping in on a wide curve, has cut out a five-acre ranch on the east side and several ranches are going out on the west side. Already two bridges are submerged in this location. The railroad company has put in four jetties to protect its bank on the opposite side, which are holding. The problem concerns the shifting of the channel, which has caused several wide bends in the river and is cutting away the banks. State Highway No. 101 is involved at several points, also the railroad, and farm properties of high value.



*Eureka, California*  
*November 19, 1942*

Senator James Quinn presided and spoke on the flood control situation as related to the Eel and Van Duzen rivers in Humboldt County. Assemblyman M. J. Burns spoke on the same subject and asked that the committee make a recommendation that sufficient funds for permanent work be allocated for the river lands in that area. Frank Kelly, county surveyor, described bank erosion and channel clearing work on the Eel, Mad and Van Duzen rivers, and Redwood Creek. J. J. McCloskey, deputy assessor, told how the assessment rolls had been diminished due to loss of lands washed away by the rivers. George Lindley, member, board of supervisors, explained the problems threatening the Eel River Valley. George J. Cole and L. Yocum, members, board of supervisors requested the State to repay money owed to the county. Fred G. Anderson, supervisor, stated the problem in the vicinity of Loleta is the continued spreading of the river. Albert Pedrezzi told of the loss of lands on the banks of the river due to sand bars filling the river bed. Ralph Herriek described the drainage problem caused by silt and willows in the stream. Thomas O'Keefe explained the various problems confronting the railroad in that area. J. Benbow recommended that more dams be built. Otto C. van Seggern, United States Army Engineers, said that the Army Engineers have found the flood control problem in that area is very serious and comparable to any other river in California, and recommended a matching program to secure Federal appropriations for flood control work. Edward Hyatt, State Engineer, stated he believed Humboldt County is entitled to consideration for State and Federal aid on policies applicable to the whole country. A. M. Barton, the Reclamation Board, suggested formation of a district to permit the raising of funds for flood control and reclamation so that when the war is over the projects recommended by the Army Engineers can be carried out.

REFERENCE: Itinerary, Inspection Trip, Joint Committee on Water Problems, North Coast Region, November 17 to 19, Inclusive.

NOTE.—*Transcripts of the hearings throughout the State, and exhibits presented will be on file in the committee's offices.*

LIST OF UNITED STATES ENGINEER DEPARTMENT PROJECTS  
IN CALIFORNIA FOR RIVERS, HARBORS, AND  
FLOOD CONTROL, UNDER CONSTRUCTION OR IN PREPARATION

*LOS ANGELES DISTRICT*

A. HARBORS

San Diego Harbor  
Los Angeles and Long Beach Harbors  
Morro Bay.

B. FLOOD CONTROL

1. LOS ANGELES COUNTY DRAINAGE AREA

Los Angeles River Channel  
Hansen Dam  
Sepulveda Dam  
Santa Fe Dam  
San Gabriel River, Canyon Mouth to Santa Fe Dam.

2. SANTA ANA RIVER BASIN

Brea Dam  
San Antonio Dam (surveys, explorations)  
San Juan Dam (surveys, plans, specifications, etc.)  
Carbon Canyon Dam and Channel (surveys, explorations,  
engineering)

*SACRAMENTO DISTRICT*

A. RIVERS AND HARBORS (Navigation)

Sacramento River  
Old River

*CALIFORNIA DEBRIS COMMISSION (SACRAMENTO DISTRICT)*

B. FLOOD CONTROL

Sacramento River Flood Control Project

*SAN FRANCISCO DISTRICT*

A. RIVERS AND HARBORS (Navigation)

San Francisco Harbor  
Oakland Harbor  
Richmond Harbor  
San Pablo Bay and Mare Island Strait  
Bodega Bay  
Noyo River

B. FLOOD CONTROL—No projects.

**LIST OF RECENT UNITED STATES WAR DEPARTMENT FLOOD  
CONTROL REPORTS FOR STREAMS IN CALIFORNIA  
WHICH HAVE BEEN PRESENTED TO  
CONGRESS AND PRINTED**

CONGRESS AND PRINTED					
<i>House Document</i>	<i>No.</i>	<i>Congress Session</i>	<i>Date</i>	<i>Title</i>	
	688	75	3d	5-19-1938	San Antonio and Chino Creeks, California.
	630	76	3d	2- 2-1940	Kings River and Tulare Lake, California.
	838	76	3d	6-11-1940	Los Angeles and San Gabriel Rivers and Their Tributaries, and Ballona Creek, California.
	845	76	3d	6-17-1940	Fresno County Stream Group, California.
	205	77	1st	5- 5-1941	Sacramento Valley, California, within the Existing Flood Control Project
	323	77	1st	7-19-1941	Ventura River, Ventura County, California.

**\*LIST OF STREAMS AND OR PROJECTS INVESTIGATED OR  
UNDER INVESTIGATION BY THE UNITED STATES  
BUREAU OF RECLAMATION AND WAR  
DEPARTMENT IN CALIFORNIA**

Pajaro River	Tuolumne River
Salinas River	Stanislaus River
San Lorenzo Creek, Alameda	Cosumnes River
Russian River	Mokelumne River
Eel River	Madera Group
Mad River	Bear River
Klamath River	Sacramento River
Napa River	Truckee River and Lake Tahoe
San Lorenzo River, Santa Cruz	Carson River
County	Walker River
Clikapudi Project	San Diego River
Merced County Group	San Luis Rey River
Kern River	Santa Ana River
Kaweah River	San Antonio River, Los Angeles
Tule River	County
Kings River	Los Angeles River
Fresno Group	San Gabriel River
Calaveras River	Mojave River
Littlejohn Creek	Ventura River
Cache Creek	Santa Clara River, Ventura
Putah Creek	County
Feather River	Santa Maria River
American River	Arroyo Grande Creek
Yuba River	Santa Ynez River
Merced River	Santa Margarita River
San Joaquin River	Solano Project

\* Most of the above investigations are in cooperation with the United States Engineer Corps and the United States Department of Agriculture.

**APPLICATIONS FOR WATER AND ELECTRIC POWER FROM  
CENTRAL VALLEY PROJECT MADE TO WATER  
PROJECT AUTHORITY OF THE STATE  
OF CALIFORNIA**

*Water*

Name of applicant	Date of application	Amount of water requested
Alta Irrigation District.....	1/17/34	50,000 acre-feet per annum
Consolidated Irrigation District.....	2/ 9/34	100,000 " " " "
Corcoran Irrigation District.....	3/19/34	
Fresno Irrigation District.....	1/10/34	150,000 " " " "
Kern County.....	1/18/34	125,000 " " " "
Laguna Irrigation District.....	2/ 9/34	30,000 " " " "
Madera Irrigation District.....	10/11/34	200,000 " " " "
Mendota Irrigation District.....	4/12/35	350,000 " " " "
Orange Cove Irrigation District.....	3/19/34	
Riverdale Irrigation District.....		15,000 " " " "
Salt Water Barrier Association (For Contra Costa County Industrial Water Users)	2/ 7/34	44,000 " " " "
Tulare County and Irrigation Districts.....	1/23/34	350,000 " " " "
Tulare Lake Basin Water Storage District.....	1/23/34	300,000 " " " "

**APPLICATIONS FOR WATER AND ELECTRIC POWER FROM  
CENTRAL VALLEY PROJECT MADE TO WATER  
PROJECT AUTHORITY OF THE STATE  
OF CALIFORNIA**

*Electric Power*

Name of applicant	Date of application	Amount of electric energy in kwh. per year
City of Lodi.....	1/ 4/34	18,000,000
City of Redding.....	1/ 3/34	4,000,000
East Contra Costa Irrigation District.....	2/ 6/34	5,000,000
El Camino Irrigation District.....	1/13/34	1,500,000
Madera Irrigation District.....	1/16/34	7,000,000
Reclamation District 2068.....	1/ 4/34	1,200,000
Sacramento Municipal Utility District.....	2/ 1/34	120,000,000
Tulare Lake Basin Water Storage District.....	1/23/34	8,000,000



# AREAS ORGANIZED OR CONSIDERING ORGANIZATION FOR THE PURPOSE OF PURCHASING WATER FROM THE CENTRAL VALLEY PROJECT

District or area	County	Gross area in acres
<b>Organized</b>		
Arvin Edison Water Storage District.....	Kern.....	150,000
Contra Costa County Water District.....	Contra Costa.....	50,000
Madera Irrigation District.....	Madera.....	173,000
Orange Cove Irrigation District.....	Tulare and Fresno..	12,000
Exeter Irrigation District.....	Tulare.....	16,300
Lindmore Irrigation District.....	Tulare.....	31,800
Delano-Earlimart Irrigation District.....	Tulare and Kern.....	31,000
Saucelito Irrigation District.....	Tulare.....	9,000
South San Joaquin Municipal Utility District..	Kern.....	46,700
Shafter-Wasco Irrigation District.....	Kern.....	42,300
North Kern Water Storage District..	Kern.....	58,700
Sub-total organized..		620,800
<b>Unorganized</b>		
Navelencia Area.....	Fresno.....	12,000
East Orsi Area.....	Tulare.....	15,000
Woodlake Area.....	Tulare.....	9,000
Ivanhoe Area.....	Tulare.....	16,500
Tule-Deer Creek Area.....	Tulare.....	135,000
Sub-total unorganized.....		187,500
Totals.....		808,300

## FLOOD CONTROL POLICY OF THE CALIFORNIA STATE CHAMBER OF COMMERCE

### FOREWORD

In March, 1938, the California State Chamber of Commerce recognizing the paramount need for full coordination of flood control activity in this State and the full recognition of sound management principles in carrying out this activity, appointed a State-wide Flood Control Committee charged with the responsibility of drawing up a sound flood control policy upon which the board of directors might base its judgment in dealing with flood control problems that from time to time might be submitted for its consideration and action.

Outstanding leaders from all parts of the State having to do with water—its use and control, were selected for membership on this committee.

Early in its activity and throughout the time required to develop the policy, constant contact was maintained with all State and Federal agencies, dealing with the flood control problem, who willingly acted in

the capacity of technical advisors. Their names are given below and their wholehearted cooperation is hereby acknowledged:

S. B. Show, United States Regional Forester

Colonel Warren T. Hannum, United States Army Engineers

Harry E. Reddick, California Regional Conservator of the Soil Conservation Service

Edward Hyatt, State Engineer

E. I. Kotok, Director of the California Forest and Range Experiment Station

John H. Lawrence, Executive Secretary of the Flood Control Committee of the United States Department of Agriculture

Dean C. B. Hutchison, College of Agriculture, University of California

On December 2, 1938, the following declaration of principles was unanimously adopted by the directors of the California State Chamber of Commerce, as its State-wide Flood Control Policy for the coordination of flood control activity in this State.

In adopting this policy the State Chamber assumes no responsibility for sponsoring any specific flood control projects.

GEORGE G. POLLOCK, Chairman  
State-wide Flood Control Committee

#### STATE-WIDE FLOOD CONTROL COMMITTEE

GEORGE G. POLLOCK, Sacramento, Chairman

##### *Central Coast*

Oliver Bardin, Salinas

H. L. Hachl, San Francisco

Geo. C. Holberton, San Jose

Howard Jack, Cholame

Walter Wilkinson, Watsonville

##### *Central Valley*

Karl Brueck, Stockton

R. E. Hartley, Oakdale

Chas. Olinger, Modesto

##### *North Coast*

Everett Cox, Ukiah

Stanly Jones, Napa

Senator Irwin Quinn, Eureka

##### *Sacramento Valley*

C. W. Deterding, Jr., Sacramento

Stephen Downey, Sacramento

Jesse Poundstone, Grimes

A. T. Spencer, Gerber

##### *San Joaquin Valley*

Warren Brown, Clovis

Geo. L. Henderson, Bakersfield

L. W. Hesse, Merced

C. Kaupke, Fresno

##### *Southern California*

H. E. Hedger, Los Angeles

C. L. Preisker, Santa Maria

J. J. Prendergast, Redlands

Wm. A. Smith, Los Angeles

#### FLOOD CONTROL POLICY

1. All flood hazard areas in California should have definite flood control management.
2. Flood hazard areas are construed to include all areas from which floods may originate in such proportions as to threaten the destruction of human life, public and private property, productive lands and crops and those areas where such destruction may occur by reason of floods.
3. Flood control management is construed to mean the handling of a drainage area in such a manner as to control water run-off and the downstream movement of silt, gravel, and debris,

giving maximum protection against flood damage while serving the other purposes for which water conservation and control are vitally important in California.

4. The primary services to be performed by flood control in this State, listed in the order of their importance, are:
  - A. Protection of human life.
  - B. Protection of all public and private property.
  - C. The conservation of water and soil.
5. In determining the order in which the parts of a comprehensive state-wide flood control program shall be undertaken, full consideration should be given to the above purposes as outlined.
6. No flood control project should be undertaken unless supported by facts showing that its cost is clearly justified by resulting benefits.
7. Any long time flood control program to be undertaken in this State should include steps looking toward control of floods at their source, and or downstream works where needed for adequate protection.
8. In so far as practicable water conservation, because of its paramount importance to the State, should be recognized as an integral part of each project undertaken.
9. It must be recognized that effective flood control will, in many areas, necessitate cooperation between governmental agencies and cooperative agencies charged with flood control work on the one hand, and owners of sections of stream channels and other lands required to be used in flood control. Every effort should be made to promote such cooperation, but where necessary and economically feasible, natural channels and debris cones now in private ownership, should be placed in public or cooperative ownership and used for flood control and water spreading grounds.

To this end, a complete study of present ownerships and hazards should be undertaken by the proper governmental agencies for the purpose of guiding the nature of projects to be undertaken.
10. Intensive protection and/or rehabilitation of ground cover on drainages contributing water run-off to flood hazard areas should be effected wherever possible.
11. Where investigations have shown, or shall show that flood control works are, or will be necessary in any area, all necessary steps should be taken to insure that sites for such works shall not be incorporated into any other use or purpose, but shall remain available for use when and as needed for flood control.
12. Where it is found that public interest requires a form of management for flood control inconsistent with the free and unhampered use of privately owned lands existing on watersheds of high flood hazard, such privately owned lands should be acquired for public or cooperative ownership and management.

13. Any invasion of existing water rights or other property rights necessary in carrying forward needed flood control projects should in all cases be promptly and equitably adjusted in such a manner as to protect and compensate for all existing valid rights.
14. Flood control projects should be constructed for flood control benefits as a first consideration, but in so far as is practicable and not in conflict therewith, utilization of flood control projects for development of hydroelectric power, irrigation, water conservation, protection of wild life, and prevention of soil erosion should be considered.
15. Complete coordination of the flood control efforts of all official agencies dealing with projects in this State is essential.
16. In order to prevent piece-meal consideration of the flood control needs of any flood hazard areas the flood hazard area under consideration should be treated as a unit.
17. The Federal Government should, among other things, bear the cost of construction and maintenance of flood control projects in so far as they apply to protection of life, or property, or navigation and the cost of adequate bank protection.
18. Flood control projects should be constructed and operated at all times with full recognition of and in accordance with the laws of the State governing water rights.

W. E. STEWART, Secretary  
State-wide Flood Control Committee



## THE SACRAMENTO RIVER FLOOD CONTROL PROJECT

*Submitted by COLONEL A. M. BARKER, Chief Engineer and  
General Manager of the Reclamation Board*

The Sacramento and San Joaquin Drainage District is a super drainage district created by Act of the Legislature (Chap. 170, 1913). It contains approximately 1,515,300 acres, and lies within the borders of fourteen counties (Glenn, Butte, Colusa, Sutter, Yuba, Sacramento, Yolo, Solano, Contra Costa, San Joaquin, Stanislaus, Merced, Madera and Fresno), extending from Chico Landing on the Sacramento River, on the north, to opposite Kerman, Fresno County, on the south.

The Reclamation Board, which is the governing agency of the district, was created at an extra session of the Legislature in 1911, and as it at present exists, is organized pursuant to an amendment to the original act (Chap. 170, Statutes of 1913). The board consists of seven members, and is selected by each Governor to represent different parts of the area under its jurisdiction. This board is charged with carrying out the provisions of the Reclamation Board Act, the Sacramento and San Joaquin Drainage District Refunding Act, and the Reclamation Board Bond Act. It is the State body, designated by law, which collaborates with the Federal Government in the planning and execution of flood control plans for the Sacramento and San Joaquin River Valleys.

The California Debris Commission, the Federal agency cooperating with the Reclamation Board, consists of three officers of the Corps of Engineers, U. S. A., appointed by the President to control navigation, debris, and to deal with flood problems of the Sacramento and San Joaquin Rivers.

A former agreement between the State and the Federal Government provided that one-third of the estimated cost was to be paid by assessments on the landowners benefited, one-third by the State and one-third by the United States. Later the financing of the project was altered when the Federal Government assumed all construction costs and confined local or State cooperation to providing rights of way, incidental construction items, borrow material and flowage easements.

Construction expenditures to date on the Sacramento River Flood Control Project are distributed approximately as follows:

Landowners .....	\$30,000,000—41 per cent
State of California .....	19,300,000—26 per cent
Federal Government .....	27,700,000—33 per cent
	<hr/>
	\$77,000,000

The Sacramento Flood Control Project is the foundation upon which the control of floods affecting about one million acres in the floor of the Sacramento Valley is dependent. The project is designed to protect properties valued at over one billion dollars from flood waters. Completion of this project to protect the property and lives of the 300,000 inhabitants of the Great Valley of California from flood danger

has been a matter of urgent concern since this area was settled first. The loss by floods in the Sacramento Valley prior to 1937 is estimated at \$15,000,000. Subsequent estimated losses aggregate approximately \$19,700,000, making a total of \$34,700,000.

The purposes of the project are to restore navigation on the Sacramento River and its tributaries, which was practically ruined by debris from hydraulic gold mining in the early days; and control the floods of the Sacramento River system.

To accomplish these purposes, extensive studies were made by the Corps of Engineers, U. S. A., and the engineers of the Reclamation Board. These studies resulted in the Grant Report, which was adopted by both the Federal Government and the State of California as a project. A contract for carrying out the project construction was entered into by the United States and the State of California.

Briefly, the adopted plan contemplates that the river bed will be required to carry as much water as possible. This assists in scouring out the accumulation of mining debris and provides a maximum of water for navigation purposes. To this end river levees are raised to a standard grade; dredging of the river waterway at points is undertaken; and five weirs constructed to retain the water in the river channel as long as practical. When the waters reach a height that the river bed can no longer carry them, these excess waters are diverted over the weirs into by-passes, which are auxiliary river channels for use in emergencies.

Thus, the Butte, Colusa, Sutter, Tisdale, Yolo and Sacramento By-passes were created. Based on the floods of 1907, it is contemplated the flood control works will dispose of 600,000 second feet, of which 500,000 would be carried in the by-passes and 100,000 in the Sacramento River proper.

An outlet had then to be provided, to care adequately for the vast volume of water brought down by these by-passes. The Sacramento River below Rio Vista was as the neck of a bottle, and this bottle neck had to be removed. Accordingly, the plan provided that the Sacramento River at that point should be enlarged and widened.

Some idea of the magnitude of this river enlargement may be obtained when it is pointed out that the total amount of earth excavated for the Panama Canal only exceeds this excavation by 25 per cent. One hundred and seventy million cubic yards of material was moved by suction dredgers at a cost of \$12,000,000.

The project in brief, involves the construction of 122 miles of by-pass levees; 669 miles of river levees; the acquisition of over 200,000 acres of flowage rights and all levee and construction rights of way; the clearing of some 15,000 acres of timber and brush from by-pass and river channel and the construction of five weirs, together with numerous other smaller construction items.

The Sacramento River Flood Control Project is approximately 86 per cent completed structurally, but in view of the knowledge gained during the floods of record, it is apparent that areas such as Butte Basin should be afforded protection comparable to other parts of the Sacramento Valley. The Army Engineers are at present engaged in making an exhaustive flood control study and report of the entire Central Valley. Their work includes a resurvey of the Sacramento River

Flood Control Project for purposes of determining what changes and revisions are necessary in existing plans.

A study in which the solution to the seepage problems of the Sacramento Valley is being sought is now under way by both the United States Army Engineers and the Bureau of Reclamation, United States Department of the Interior.

With reference to the San Joaquin Valley: Plans for flood control of the San Joaquin River and its tributaries have been studied from time to time by the Corps of Engineers, United States Army, and the engineers of The Reclamation Board. The Army Engineers in their present comprehensive study of the entire Central Valley will develop remedial flood control measures for this area. Under existing State law (Section 12 of The Reclamation Board Act, as amended by Chapter 883, Statutes of 1939), The Reclamation Board is in a position to sponsor a coordinated and cooperative flood control program for this area when the Army's studies are completed.

The War Department has advised the Board that it plans to provide funds for the next fiscal year for strengthening, raising and widening approximately 100 miles of levee at various points throughout the project.

The State of California and particularly the Sacramento Valley occupies a most critical geographical position within and adjacent to a designated combat zone, in connection with the total war now being waged by the United States and its Allies against the Axis powers. Contained within the area protected by the levees of the Sacramento River Flood Control Project are numerous important military establishments, strategic communication and transportation facilities, war and other industries contributing directly or indirectly to National Defense.

The War Department considers the prosecution of this flood control program vital to the winning of the war, and does not anticipate any major curtailment of the construction program outlined in conjunction with The Reclamation Board for the next two years.

The yardstick of the past is the only method of anticipating what may occur in the future so far as floods are concerned. It is evident that serious consequence due to the destruction of lines of communication, interruption of railway and highway facilities and the production of farm crops that are of paramount importance to the war effort may again occur if vigorous steps are not taken for the continuous construction and maintenance of protective levees and other flood control works already completed.

#### WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1028

Senator Rich moved that Assembly Bill No. 1028 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1028**—An act to add Section 3656.5 to the Revenue and Taxation Code, relating to rental by State of tax-deeded property.

Bill read second time.

**Motion to Amend**

Senator Rich moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended in the Assembly, April 17, 1943, strike out "Any consideration"; and strike out lines 13, 14, and 15.

Amendment read and adopted.

Bill ordered printed, and referred to Committee on Revenue and Taxation.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1623**

Senator Fletcher moved that Assembly Bill No. 1623 be withdrawn from Committee on Natural Resources and referred to Committee on Finance.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**Consideration of Assembly Amendments**

**Senate Bill No. 750**—An act to repeal Section 3001 of the Revenue and Taxation Code, relating to real property taxes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 750?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended in the Senate on March 18, 1943, strike out "amend", and insert "repeal".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "amended to read:", and insert "hereby repealed."

**Amendment No. 3**

On page 1 of said bill, strike out lines 8, 9, and 10.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 750 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 341**—An act to amend Sections 4a and 23 of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on National banking associations, banks and financial corporations.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 341?

**Amendment No. 1**

On page 3 of the printed bill, as amended in the Senate on April 1, 1943, strike out all of line 35 after the comma; and strike out lines 36 and 37, both inclusive, and insert "of such National banking associations, banks and financial corporations, computed in the manner hereafter provided."

**Amendment No. 2**

On page 3, line 39, of said bill, after "or", insert "financial".



**Amendment No. 3**

On page 3, line 42, of said bill, strike out "that legally authorized," and insert "the rate set forth under subdivision (3) of Section 4 of this act."

**Amendment No. 4**

On page 3, line 43, of said bill, strike out "5", and insert "2".

**Amendment No. 5**

On page 4 of said bill, after line 22, insert

"Sec. 3. This act shall be applicable only to the computation of taxes for taxable years beginning after December 31, 1943. Sec. 4 (a), as it read prior to amendments thereto by this act, shall remain in effect for all taxable years beginning prior to January 1, 1944."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 341 by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hartfield, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—39

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 478**—An act to add a new section to the State Civil Service Act, to be numbered 57 1, relating to the officers and employees of the Railroad Commission of the State of California.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 478?

**Amendment No. 1**

On page 1, line 7, of the printed bill, immediately following "California", strike out the period, and insert ", except the photographer, reporters and transcribers of its proceedings. Persons who left the employment of the Commission, or who hereafter may leave to enter military service of the United States but who, had they remained in such employment, would have been entitled to permanent or probationary status under this act shall be accorded the full protection of Section 152.5 of this act."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 478 by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hartfield, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 646**—An act to add Section 887 to the Fish and Game Code, relating to nets.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 646?

**Amendment No. 1**

On page 1, line 27, of the printed bill, as amended, strike out "b", and insert "a".

**Amendment No. 2**

On page 2, line 3, of said bill, as amended, strike out "c", and insert "b".

**Amendment No. 3**

On page 2, line 6, of said bill, as amended, strike out "d", and insert "c".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 646 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tinkle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 859**—An act to add Section 9603.5 to the Revenue and Taxation Code, relating to the taxation of vehicles.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 859?

##### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after "\$600", insert ", and provided that such transportation shall constitute the sole transportation of persons or property for hire or compensation".

##### Amendment No. 2

On page 1, line 15, of the printed bill, as amended, after the period, strike out "If such person"; and strike out lines 16 to 18, inclusive, and insert "If during any month of a calendar year the sum of the gross receipts of any farmer derived from transportation operations defined in this section shall exceed six hundred dollars (\$600) for the calendar year, the farmer shall not be entitled to the exemption herein provided but shall be an operator as defined in Section 9603 (a) of this part. The entire sum of his gross receipts earned during that year shall be subject to the tax imposed in this part and the amount of the gross receipts earned in prior months of the year shall be added to the gross receipts of the month in which the sum of the gross receipts for the year exceeded six hundred dollars (\$600) and shall be deemed to be gross receipts of that month for the purpose of computing the amount of the tax due under this part."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 859 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, and Tenney—30.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 904**—An act to add Chapter 3.5, comprising Sections 4852.01 to 4852.2, inclusive, to Title 6 of Part 3 of the Penal Code, relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon; declaring the urgency of this act and providing that it shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 904?

##### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "release", and insert "released".

##### Amendment No. 2

On page 3, line 24, of said bill, after the comma, insert "to the district attorney of each county in which the petitioner was convicted of a felony,".

**Amendment No. 3**

On page 3, line 30, of said bill, after "petitioner", insert "may be represented by counsel of his own selection; if he has no such counsel he".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 904 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Donel, Dillingen, Donnelly, Dorsey, Eagle, Hatfield, Jaspersen, Judah, Luckey, Mayo, McBride, McCormack, Myster, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Above bill ordered enrolled.

**Senator Quinn Presiding**

At 12.04 p.m., Senator Quinn of the Third District, presiding.

**Consideration of Assembly Amendments**

**Senate Bill No. 985**—An act to amend Section 2500 of the Water Code, relating to statutory adjudication of water rights.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 985?

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "stream", insert "stream system."

**Amendment No. 2**

On page 1 of the printed bill, following line 7, insert:

"SEC. 2. The foregoing section stricken out the words 'and tributaries and contributory sources' solely for the reason that said words do not appear in Section 25 of the Water Commission Act from which Section 2500 of the Water Code is derived. Whatever the words 'stream, stream system, lake, or other body of water' include as used in Section 25 of the Water Commission Act they shall continue to include under the codification as made in Section 2500 of the Water Code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 985 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Donel, Dillingen, Donnelly, Dorsey, Eagle, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Myster, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—34.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Constitutional Amendment No. 10**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 3.5 to Article XX thereof, relating to public officers and employees, and authorizing the Legislature to provide for the rights of such officers and employees after service in the armed forces.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 10?

**Amendment No. 1**

In line 3 of the title of the printed measure, strike out "8.5", and insert "3.5".

**Amendment No. 2**

In the title of said measure, strike out lines 4 to 6, inclusive, and insert "Article XX thereof, relating to public officers and employees, and authorizing the Legislature to provide for the rights of such officers and employees after service in the armed forces."

**Amendment No. 3**

On page 1 of said measure, strike out lines 7 to 19, inclusive, and insert "be amended by adding Section 3.5 to Article XX thereof, to read:

Sec. 3.5. Notwithstanding any other provision of this Constitution, the Legislature by general law may provide for the reinstatement and reentry into public office within the terms for which they were elected, and the reinstatement in public employment, respectively, of public officers and employees who have resigned or who resign their offices or employments to serve or to continue to serve in the armed forces of the United States or in the armed forces of this State. The Legislature may determine the extent to which such provisions shall be given retroactive effect.

As used in this section, "public officers and employees" includes all of the following:

- (a) Members of the Senate and of the Assembly.
- (b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.
- (c) All other State officers and employees, whether or not within the State civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this State.
- (d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this State.

Every person elected or appointed to any public office or employment within this State holds such office or employment subject to the right of reentry or reinstatement which may be granted to a former holder of the office or employment pursuant to this section.

All laws enacted prior to the adoption of this section providing for the right of public officers and employees to reenter office or to be reinstated in employment after service in the armed forces of the United States or of this State shall have the same force and effect as if they had been enacted after the adoption of this section."

The roll was called, and the Senate concurred in Assembly amendments to Senate Constitutional Amendment No. 10 by the following vote:

**AYES**—Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Lucke, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 280**—An act to add Section 395.3 to the Military and Veterans Code, relating to public officers and employees, and providing for the rights of such officers and employees after service in the armed forces, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 280?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "68 to the Code of Civil Procedure", and insert "395.3 to the Military and Veterans Code".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "State officers, including judges of the superior court", and insert "public officers and employees".

**Amendment No. 3**

In line 3 of the title of said bill, after "officers", insert "and employees".

**Amendment No. 4**

On page 1 of said bill strike out lines 1 to 11, inclusive, and insert "SECTION 1. Section 395.3 is added to the Military and Veterans Code, to read: 395.3. In the event that any public officer or employee has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this State, he shall have a right to return to and reenter the office or employment prior to the time at which his term of office



or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces.

As used in this section, "public officers and employees" includes all of the following:

- (a) Members of the Senate and of the Assembly.
- (b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.
- (c) All other State officers and employees, whether or not within the State civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this State.
- (d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this State.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have had if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his right to restoration as provided for herein.

This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the armed forces has been granted by any other provision of law.

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

#### Amendment No. 5

On page 1 of said bill, strike out line 23, and insert "service. Many public officers and employees have resigned their offices and employments to serve".

#### Amendment No. 6

On page 2, line 2, of said bill, after "officers", insert "and employees".

#### Amendment No. 7

On page 2, line 3, of said bill, after "office", insert "or employment".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 280 by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judith, Keating, Larkins, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rife, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 799**—An act to amend Section 9608 of the Government Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 799?

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to amend Section 329 of the Political Code and".

#### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 9, inclusive.

#### Amendment No. 3

On page 1, line 11, of said bill, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 4**

On page 1 of said bill, strike out lines 21 to 25, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 799 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1059**—An act to add Section 9611 to the Government Code, relating to interpretation of statutes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1059?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "add Section 328.5 to the Political Code, and to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 11, inclusive.

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 4**

On page 1 of said bill, strike out lines 23 to 28, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1059 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 160**—An act to amend Sections 154, 159, 160, 161, 740, 741, 742, 743, 744, 745, 747, 749, 834, 835, 836, 869, 901, 903, 905, 906, 907, 908, 909, 910, 911, 1000, 1001, 1002, 1003, 1004, 1005, 1050, 1075, 1076, 1120, 1124, 1125, 1127, 1129, 1150, 1152, 1153, 1175, 1176, 1177, 1178, 1179, 1200, and 5252 of the Welfare and Institutions Code, to add Sections 1008, 1009, 1010, 1011, 1014, 1015, 1049, and 1077 thereto, to repeal Sections 1007 and 1202 thereof, to repeal Article 2 of Chapter 3 of Part 1 of Division 2 thereof, comprising Sections 1020, 1021, 1022, 1023, and 1024, and Article 5 of said chapter, comprising Sections 1100, 1101, and 1102, and to amend and renumber Section 155.5 of said code to be Section 1000.5, all relating to the Youth Authority, providing for commitments thereto by the juvenile courts, transferring thereto the correctional schools and forestry camps now subject to the jurisdiction of the State Department of Institutions, and specifying the powers and duties of the Youth Authority and its officers and employees in regard to the inmates of such institutions and to

other persons committed to the authority, and providing for the transfer of funds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 160?

**Amendment No. 1**

On page 1 of the printed bill, strike out line 7.

**Amendment No. 2**

On page 17 of the printed bill, strike out line 35, and insert "Any district attorney or probation officer".

**Amendment No. 3**

On page 17 of the printed bill, strike out line 37, and insert "Any person designated for that purpose by the court".

**Amendment No. 4**

In line 13 of the title of the printed bill, strike out "Correction".

**Amendment No. 5**

In line 18 of the title of said bill, strike out "Correction".

**Amendment No. 6**

In line 21 of the title of said bill, after "Authority", insert "; and providing for the transfer of funds".

**Amendment No. 7**

On page 3, line 32, of said bill, strike out "Correction".

**Amendment No. 8**

On page 3, line 48, of said bill, strike out "Correction".

**Amendment No. 9**

On page 4, line 8, of said bill, strike out "Correction".

**Amendment No. 10**

On page 4, line 22, of said bill, strike out "Correction".

**Amendment No. 11**

On page 4, line 28, of said bill, strike out "Correction".

**Amendment No. 12**

On page 5, line 12, of said bill, strike out "Correction".

**Amendment No. 13**

On page 5, line 18, of said bill, strike out "Correction".

**Amendment No. 14**

On page 5, line 35, of said bill, strike out "Correction".

**Amendment No. 15**

On page 6, line 27, of said bill, strike out "Correction".

**Amendment No. 16**

On page 7, line 4, of said bill, strike out "Correction".

**Amendment No. 17**

On page 7, line 17, of said bill, strike out "Correction".

**Amendment No. 18**

On page 7, line 44, of said bill, strike out "Correction".

**Amendment No. 19**

On page 7, line 49, of said bill, strike out "Correction".

**Amendment No. 20**

On page 8, lines 19 and 20, of said bill, strike out "Correction".

**Amendment No. 21**

On page 8, line 22, of said bill, strike out "Correction".

**Amendment No. 22**

On page 8, line 41, of said bill, strike out "Correction".

**Amendment No. 23**

On page 8, line 50, of said bill, strike out "Correction".

**Amendment No. 24**

On page 9, line 6, of said bill, strike out "Correction".

**Amendment No. 25**

On page 9, line 10, of said bill, strike out "Correction".

**Amendment No. 26**

On page 9, line 26, of said bill, strike out "Correction".

**Amendment No. 27**

On page 9, line 33, of said bill, strike out "Correction".

**Amendment No. 28**

On page 9, line 36, of said bill, strike out "Correction".

**Amendment No. 29**

On page 9, line 42, of said bill, strike out "Correction".

**Amendment No. 30**

On page 9, line 48, of said bill, strike out "Correction".

**Amendment No. 31**

On page 10, line 2, of said bill, strike out "Correction".

**Amendment No. 32**

On page 10, line 14, of said bill, strike out "Correction".

**Amendment No. 33**

On page 10, line 17, of said bill, strike out "Correction".

**Amendment No. 34**

On page 11, line 10, of said bill, strike out "Correction".

**Amendment No. 35**

On page 11, line 16, of said bill, strike out "Correction".

**Amendment No. 36**

On page 11, line 32, of said bill, strike out "Correction".

**Amendment No. 37**

On page 12, line 4, of said bill, strike out "Correction".

**Amendment No. 38**

On page 12, line 16, of said bill, strike out "Correction".

**Amendment No. 39**

On page 13, line 13, of said bill, strike out "Correction".

**Amendment No. 40**

On page 13, line 25, of said bill, strike out "Correction".

**Amendment No. 41**

On page 14, line 9, of said bill, strike out "Correction".

**Amendment No. 42**

On page 14, line 25, of said bill, strike out "Correction".

**Amendment No. 43**

On page 14, line 34, of said bill, strike out "Correction".

**Amendment No. 44**

On page 14, line 44, of said bill, strike out "Correction".

**Amendment No. 45**

On page 14, line 48, of said bill, strike out "Correction".

**Amendment No. 46**

On page 15, line 18, of said bill, strike out "Correction".

**Amendment No. 47**

On page 15, line 28, of said bill, strike out "Correction".

**Amendment No. 48**

On page 15, line 38, of said bill, strike out "Correction".

**Amendment No. 49**

On page 15, line 41, of said bill, strike out "Correction".



**Amendment No. 50**

On page 15, line 44, of said bill, strike out "Correction".

**Amendment No. 51**

On page 16, line 7, of said bill, strike out "Correction".

**Amendment No. 52**

On page 16, line 34, of said bill, strike out "Correction".

**Amendment No. 53**

On page 16, after line 39, of said bill, insert

"Sec. 63. The State Board of Control may, upon recommendation of the Youth Authority and the Director of Finance, authorize the transfer of unexpended funds appropriated for the support or construction, improvement or equipment for an institution within the jurisdiction of the Youth Authority to another institution within the jurisdiction of the Youth Authority."

**Amendment No. 54**

On page 16, line 32, of the printed bill, as amended, before "Any", insert "the".

**Amendment No. 55**

On page 16, line 34, of said bill, before "Any", insert "(d)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 160 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, Tickle, and Ward—35

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 497**—An act to add Sections 3e, 3f, 8d, 38f, 38g, 101b, 101e, 103a, and 114 to, and to amend Sections 8, 9, 28, 28a, 38e, 38c, 46, 47, 49, 51, 58b, 65a, 65b, 65e, 79, 83, 84, 85, 90, 92, 94, 100, 101 and 111 of, the State Employees' Retirement Act, relating to a retirement system for public officers and employees.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 497?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "3f," insert "8d."

**Amendment No. 2**

In line 3 of the title of said bill, after "58b," insert "65a, 65b, 65e, 79, 83."

**Amendment No. 3**

On page 2 of said bill, between lines 4 and 5, insert

"Sec. 3.5. Section 8d is added to said act, to read:

Sec. 8d. "Fire service" and "police service" shall mean service rendered as a city fireman or a city policeman, respectively, and for the purpose of this act, a member shall be considered as being in "fire service" or "police service," as the case may be, while he is receiving compensation from a city for such service, except as provided in Section 47."

**Amendment No. 4**

On page 3, line 36, of said bill, before the period, insert ", or by an ordinance adopted by a majority vote of the electorate of the city voting thereon".

**Amendment No. 5**

On page 3, line 40, of said bill, strike out "(2) Said", and insert

"(2) If the contract was approved by an ordinance adopted by the legislative body, said".

**Amendment No. 6**

On page 3, line 45, of said bill, after the period, insert "If the contract was approved by an ordinance adopted by a majority vote of the electorate voting thereon, the legislative body may terminate said contract in the manner provided

in this subdivision but only under authority granted by ordinance adopted by such a majority vote of the electorate of the contracting city."

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 7

On page 11 of said bill, between lines 30 and 31, insert

"SEC. 15.1. Section 65a of said act is amended to read:

Sec. 65a. The normal rates of contribution of each member, who is also a member of the California Highway Patrol, shall be based on his age at July 1, 1935, or at his later entrance into the retirement system, and his age when he entered Highway Patrol service, both ages being taken to the next lower completed quarter year. The age at entrance into the Highway Patrol service, if said entrance was prior to July 1, 1935, shall be determined by deducting the total of such service credited to the member at July 1, 1935, from his age at that date. The normal rates of contribution of each such member who entered Highway Patrol service at or below age 45 shall be such as, on the average, for such member, if his service on full salary be uninterrupted and when accumulated with regular interest, added to the equal accumulated contributions of the State and applied according to the tables adopted by the board will provide a retirement allowance upon retirement for service at the age of 60 years, or upon completion of 20 years of *Highway Patrol* service at an age higher than 60 years, equal to one-half of his final compensation, less that part of the retirement allowance set forth in Section 83a, which is to be provided by contributions of the State on account of *Highway Patrol* service rendered prior to January 1, 1932, if such member affirmatively exercises the option in Section 65d; otherwise, less a pension calculated in the same manner as the pension in Section 83a, but on the basis of Highway Patrol service rendered by him prior to July 1, 1935. If such member entered Highway Patrol service at an age greater than 45 years, then his normal rate of contribution shall be such as will provide an average annuity at age 65 equal to one-eighth of his final compensation, according to tables adopted by the board, for each year of *Highway Patrol* service after July 1, 1935, or after entrance into the retirement system if he affirmatively exercises the option in Section 65d. The normal rate of contribution of any member who received credit for service rendered as a member of the Highway Patrol of a county in California, shall be adjusted in such manner as may be necessary to comply with this section.

SEC. 15.2. Section 65b of said act is amended to read:

Sec. 65b. If a member ceases to be a member of the California Highway Patrol or a city fireman or city policeman and continues to be a member of the retirement system in a different employment status, or if the reverse be true, then the accumulated contributions standing to his credit or redeposited by him shall remain in his individual account, and the rate of his contribution thereafter shall be the normal rate provided herein for persons in his new group or class of employment and at his then attained age. [when he first became a member, subject to Section 76 hereof in the event he did not redeposit accumulated contributions withdrawn from the system.]

SEC. 15.3. Section 65e of said act is amended to read:

Sec. 65e. The normal rates of contribution of each member who is also a city fireman or city policeman shall be based on his age at his entrance into the retirement system and his age when he entered fire or police service, both ages being taken to the next lower completed quarter year. The age at entrance into fire or police service shall be determined by deducting the total of such service from his age at his entrance into the retirement system. The normal rates of contribution of each member who is a city policeman or city fireman and who entered the fire or police service of the city, or became a member of the retirement system, if no credit for prior service is granted, at or below age 45 shall be such as, on the average for such member, if his service on full salary be uninterrupted and when accumulated with regular interest, added to the annual accumulated contributions of the contracting city and applied according to the tables adopted by the board will provide a retirement allowance upon retirement for service under Section 79, at the minimum age at which said retirement is permitted, or upon completion of 20 years of service at an age higher than said minimum age, equal to one-half of his final compensation. If such member entered the fire or police service of the city, or became a member of the retirement system, if no credit for prior service is granted, at an age greater than 45 years, then his normal rate of contribution shall be such as will provide an average annuity at age 65 equal to one-eighth of his final compensation, according to tables adopted by the board, for each year of fire or police service as a member.

SEC. 15.4. Section 79 of said act is amended to read:

Sec. 79. Upon attaining the age of 60 or more years and completing 20 years of continuous State service credited under this act, among which must be included one year of service after becoming a member of the retirement system, any member, who is not a member of the California Highway Patrol, city fireman or city policeman, shall be retired upon his written application to the board.

A member who is also a member of the California Highway Patrol and who has completed 20 years of continuous State [Highway Patrol] service credited under this act and attained the age of 50 or more years shall be retired upon his written application to the board.

A city fireman or city policeman who has completed at least 20 years of continuous State service credited under this act, and who has attained at least the minimum optional retirement age, which shall be not less than 55 years or more than 60 years, specified in the contract provided by Section 38c in lieu of 60 years required of other members, shall be retired upon his written application to the board. Any member, other than members employed by a contracting city and members of the California Highway Patrol, who is separated from State service because of a detachment or such service or a change in the manner of performing such service, but not because of resignation or dismissal under charges, and who has attained the age of 50 years and is credited with 15 or more years of State service, shall be retired upon his written application to the board, provided, said board determines said separation to be of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or employed on a seasonal or intermittent basis.

SEC. 15.5. Section 83 of said act is amended to read:

Sec. 83. An additional pension, purchased by the contributions of the State, for members other than [members of the California Highway Patrol,] persons who are employees of the university at the time of becoming members, and members employed by a contracting city. Such additional pension shall be equal to one-sixtieth of the average annual compensation earnable by him during the three years ending December 31, 1934, multiplied by the number of years of prior service *other than Highway Patrol service* credited to him, except that if a member retires before attaining the age of 65 years, the additional pension shall be reduced to that amount which the value of the pension computed as provided in this paragraph as deferred to age 65, will purchase at the actual age of retirement."

#### Amendment No. 8

On page 7, line 37, of said bill, strike out the last "in", and insert "On ships operated by or for the United States Government".

#### Amendment No. 9

On page 7, line 38, of said bill, strike out "the Merchant Marine of the United States".

#### Amendment No. 10

On page 2, line 13, of the printed bill, after "47", insert "Firemen employed by fire protection districts shall be considered as city firemen."

#### Amendment No. 11

On page 13, line 29, of the printed bill, after "act", strike out "among which must be included one year of service".

#### Amendment No. 12

On page 13, line 30, of the printed bill, strike out "after becoming a member of the retirement system".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 497 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Above bill ordered enrolled.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and Section 4460 of the Political Code, relating to newspapers and general circulation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jes-

persen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Ward—32.

Noes—Senators Shelley and Tenney—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1258**—An act to amend Section 435 of the Political Code, relating to the reversion of unexpended balances of certain appropriations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

Noes—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.29 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### RECESS

At 12.30 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

#### REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.03 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

Senator Donnelly Presiding

At 2.08 p.m., Senator Donnelly of the Twenty-second District, presiding.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 154

Assembly Bill No. 12

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

BREED, Chairman

Above reported bills ordered to second reading.



**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred

Assembly Bill No. 409

Assembly Bill No. 1370

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and refer to the committee.

Committee membership 7; committee vote: Ayes 5; absent 2.

BIGGAR, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred

Assembly Bill No. 500

Assembly Bill No. 1323

Assembly Bill No. 1839

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred

Assembly Bill No. 653

Assembly Bill No. 839

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 5; absent 2.

BIGGAR, Chairman

Above reported bills ordered to second reading

**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1484

Assembly Bill No. 1514

Assembly Bill No. 1515

Assembly Bill No. 1516

Assembly Bill No. 1518

Assembly Bill No. 1519

Assembly Bill No. 1521

Assembly Bill No. 622

Assembly Bill No. 624

Assembly Bill No. 1943

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

**Committee on Business and Professions**

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1336

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 377

Assembly Bill No. 1348

Assembly Bill No. 1346

Assembly Bill No. 1485

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Joint Resolution No. 49

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

SHELLEY, Chairman

Above reported resolution ordered to third reading.

## Committee on Public Health and Safety

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 628

Assembly Bill No. 1824

Assembly Bill No. 1406

Assembly Bill No. 1983

Assembly Bill No. 1093

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 257

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

KEATING, Chairman

Above reported bill re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 296

Assembly Bill No. 1335

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

KEATING, Chairman

Above reported bills ordered to second reading.

## Committee on Welfare and Institutions

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1334

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1226

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1234

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1231

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 347

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1227

Assembly Bill No. 1232

Assembly Bill No. 1228

Assembly Bill No. 1431

Assembly Bill No. 1233

Assembly Bill No. 447

Assembly Bill No. 1235

Assembly Bill No. 448

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1522

Assembly Bill No. 1042

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bills ordered to second reading.

## Committee on Education

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1388

Assembly Bill No. 1907

Respectfully reports the same back without recommendation.

SLATER, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 798

Assembly Bill No. 684

Assembly Bill No. 1957

Assembly Bill No. 1020

Assembly Bill No. 1959

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1968

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1847

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 615

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 642

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

RICH, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 902

Assembly Bill No. 1296

Assembly Bill No. 903

Assembly Bill No. 1399

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Education

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 178

Assembly Bill No. 1259

Assembly Bill No. 561

Assembly Bill No. 1265

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9

SLATER, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1601

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9

SLATER, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 998

Assembly Bill No. 1140

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 363

Assembly Bill No. 1062

Assembly Bill No. 422

Assembly Bill No. 1848

Assembly Bill No. 586

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bills ordered to second reading.

## Committee on Revenue and Taxation

## SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 879

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

RICH, Chairman

Above reported bill ordered to second reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly requests the return of Assembly Bill No. 1033 for further consideration.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## MOTION TO RETURN BILL TO THE ASSEMBLY

Senator Seawell moved that Assembly Bill No. 1033 be returned to the Assembly, pursuant to their request.

Motion carried.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 155

Senate Bill No. 294

Senate Bill No. 62

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 113

Senate Bill No. 584

Senate Bill No. 156

Senate Bill No. 169

Senate Bill No. 159

Senate Bill No. 170

Senate Bill No. 658

Senate Bill No. 296

Senate Bill No. 323

Senate Bill No. 437

Senate Bill No. 458

Senate Bill No. 566

Senate Bill No. 723

Senate Bill No. 970

Senate Bill No. 744

Senate Bill No. 369

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1777**—An act to add Section 5418.5 to the Health and Safety Code, relating to sewerage.

Bill read third time.

## Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1777.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Dorsey, Salsman, Shelley, Swan, and Tenney—5.

NOES—Senators Bizzar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—27.

**Assembly Bill No. 208**—An act to amend Section 131.5 of the Civil Code, relating to the entry of an interlocutory decree of divorce nunc pro tunc.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Breed, Collier, Crittenden, Dorsey, Gordon, Judah, McBride, Parkman, Rich, Tenney, Tickle, and Ward—12.

NOES—Senators Biggar, Brown, Burns, Carter, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Keating, Mayo, Mixter, Powers, Seawell, Shelley, Swan, and Swing—19.

**Assembly Bill No. 829**—An act to add Section 79.03a to, and to amend Sections 79.03, 79.04 and 79.05 of the Civil Code, all relating to premarital examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1169**—An act to amend and renumber Section 1208 of the Code of Civil Procedure as added by Statutes of 1905, Chapter 472, and amended by Statutes of 1935, Chapter 104, to be Section 1208.5, relating to liens upon animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 2.58 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 421**—An act to add Section 6.744 to Article 1, Chapter 1, Part 3, Division 6 of the School Code, and to add Section 19405 to the Education Code, relating to the use of school property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 654**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read third time.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, after "State", insert "when away from their headquarters on State business and all members of the Legislature when attending regular, special or extraordinary session of the Legislature".

**Amendment No. 2**

On page 1, line 7, after "expenses", insert a period; and strike out the balance of said line, and all of lines 7 and 8.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 3:01 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 283**—An act to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for participation in religious exercises or for moral and religious instruction.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In the title of the printed bill, as amended, beginning in line 1, strike out "to add Article 3, comprising Section 3.56, to Chapter 4 of Part 1 of Division 3 of the School Code, and".

**Amendment No. 2**

In line 3 of the title of the printed bill, as amended, strike out "Section 8286", and insert "Sections 8286 and 8287".

**Amendment No. 3**

On page 1 of the printed bill, as amended, strike out all of lines 1 to 23, both inclusive; and on page 2, strike out all of lines 1 to 6, both inclusive.

**Amendment No. 4**

On page 2, line 8, of the printed bill, as amended, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 5**

On page 2, line 8, of the printed bill, as amended, strike out "Section 8286", and insert "Sections 8286 and 8287".

**Amendment No. 6**

On page 2 of the printed bill, as amended, following line 37, insert "8287. The provisions of this article shall become operative in a school district in the event a majority of the qualified electors of the school district voting at an election called, held and conducted for such purpose by the governing board of the district vote in favor thereof. Except as herein otherwise provided the election shall be called, held and conducted as are elections for the election of members of governing boards of elementary school districts and the votes and returns canvassed as in the case of such elections. The ballots used shall contain the words 'Shall the governing board of the \_\_\_\_\_ District permit the

(insert name)

pupils of such district to be excused from school to participate in religious exercises or to receive moral or religious instruction under the conditions set forth in Article 3



of Chapter 3 of Division 4 of the Education Code?" and the words 'yes' and 'no' so placed that the voters may clearly indicate their vote on such question."

#### Amendment No. 7

On page 2 of the printed bill, as amended, strike out all of lines 39 to 43, both inclusive.

Amendments read.

#### Motion to Table

Senator Shelley moved that the amendments offered by Senator Salsman to Assembly Bill No. 283 be laid on the table.

Senators Carter, Judah, and Shelley demanded a roll call.

The roll was called, and the amendments laid on the table by the following vote:

AYES—Senators Burns, Collier, Crittenden, DeLap, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Shelley, Slater, Swan, Tenney, Tickle, and Ward—23.

NOES—Senators Biggar, Breed, Carter, Cunningham, Deuel, Dorsey, Engle, Rich, Salsman, and Seawell—10.

#### Further Consideration of Assembly Bill No. 283

**Assembly Bill No. 283**—An act to add Article 3, comprising Section 3,56, to Chapter 4 of Part 1 of Division 3 of the School Code, and to add Article 3, comprising Section 8286, to Chapter 3 of Division 4 of the Education Code, relating to the absence of pupils from school for participation in religious exercises or for moral and religious instruction.

Bill read third time.

#### Previous Question

Senator Mayo moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 283.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Collier, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—Senators Biggar, Breed, Carter, Deuel, and Salsman—5.

Bill ordered transmitted to the Assembly.

#### Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Joint Resolution No. 32**—Relative to auditing the accounts of the Department of Employment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Jespersen, Judah, McBride, McCormack, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1569**—An act to amend Sections 46, 47, 85, 112, and 173 of and to add Section 116.5 to the State Civil Service Act, relating to the State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1956**—An act to add Article 5, comprising Sections 1970 to 1973, inclusive, to Chapter 4, Part 1, Division 6, of the Harbors and Navigation Code, relating to the power of the Board of State Harbor Commissioners for San Francisco Harbor to sell and lease to the United States of America or any of its departments, acting by and through any of its various agencies, property of the State of California under the control and jurisdiction of said board, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Shelley moved a call of the Senate.

Motion carried. Time, 3.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1796**—An act to amend Sections 1, 2 and 3 of, and add Section 7.5 to, an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 24, 1921, relating to the office of the public defender.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tenney, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 983**—An act to amend Section 4077 of the Political Code, relating to the allowance or rejection of claims against counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, and Tenney—21.

NOES—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 211**—An act to amend Section 3824 of the Elections Code, relating to ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dorsey, Fletcher, Jaspersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1541**—An act to add Section 37i to the Water Commission Act, and Chapter 9 to Part 4 of Division 2 of the Water Code, relating to methods and procedure to carry into effect decrees providing for the distribution of water and for the allocation and payment of the expenses thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Donnelly, Dorsey, Fletcher, Jaspersen, Judah, Keating, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 913**—An act to add Section 37b to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1299**—An act to add Section 24628.5 to the Water Code, relating to warrants of an irrigation district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1300**—An act to amend the title and Sections 3 and 4 and to repeal Sections 4c and 4d of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, and to add Article 6 to Chapter 5, Part 5, of Division 11 of the Water Code, relating to the government, operation, and functions of irrigation districts of an area of over 500,000 acres.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 974**—An act to amend Section 494 of the Civil Code, relating to the sale of property and franchises of railroad corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 20**—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Luckey, McCormack, Powers, Rich, Seawell, Shelley, Slater, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 538**—An act to amend Section 5196 of the Public Resources Code, relating to investment of funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Luckey, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 541**—An act to amend Section 1183.5 of the Civil Code, relating to the proof or acknowledgment of instruments, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 995**—An act to validate contracts between public utility districts and individuals, firms or corporations for the joint payment for or joint construction or joint use of sewers or sewer facilities or for the purchase of rights or capacity in any sewer or sewer facilities constructed by such districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1282**—An act to amend the Government Code by adding Section 9303 thereto, relating to expenses of Members of the Legislature.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 75**—An act to appropriate funds to the Division of Libraries for making micro-films of United States Census returns.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 865**—An act to add Section 459.3 to the Vehicle Code, relating to traffic on road approaches to private airports, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 148**—An act to amend Section 277 of the Vehicle Code, relating to chauffeurs' licenses, declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 169**—An act to add Section 515.6 to the Vehicle Code, relating to driving speed of motor vehicles, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, McCor-

mack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 600**—An act to add Section 471.5 to the Vehicle Code, relating to signs, declaring the urgency thereof, and providing this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deneil, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Deneil, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1005**—An act to add Section 17a to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges, and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereto," approved May 25, 1923, authorizing the refunding of existing indebtedness, whether bonded or otherwise, and for the issuance of bonds and other indebtedness in aid of the refunding of existing bonds, or the creation of a new bonded indebtedness.

Bill read third time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendments:

##### Amendment No. 1

On page 2, line 10, of the printed bill, as amended, strike out "Sections 15 and 16", and insert "Section 15".

##### Amendment No. 2

On page 1, line 14, of said bill, strike out "tion 15", and insert "tions 15 and 16".

Amendments read and adopted.

#### Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 1005 was amended.

**Consideration of Motion to Reconsider**

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1005 was amended.

Motion carried.

**Assembly Bill No. 1958**—An act to add Section 782 to the Vehicle Code, relating to the expenditure of money for crossing guards by the Department of Motor Vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 636**—An act to amend Section 34 of the Fish and Game Code, relating to cultural operations and scientific investigations in the waters of the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 657**—An act to add Section 486.5 to the Fish and Game Code, relating to the taking of fish for the taking of which a sporting fishing license is required.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1040**—An act to amend Section 39 of the Fish and Game Code, relating to migratory birds.

Bill read third time



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 1160**—An act to amend Section 842 of the Fish and Game Code, relating to the unlawful use of nets, traps, lines or appliances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 960**—An act to amend Section 2 of the Fish and Game Code, relating to definitions of terms used in said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1430**—An act to add Section 797.1 to the Fish and Game Code, relating to abalones, and declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Luckey, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOES**—Senator McBride—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Keating, Luckey, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—29.

**NOES**—Senators Judah and McBride—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1316**—An act to add Article 3.5 to Chapter 2 of the Education Code, relating to the dismissal of employees of State colleges not in State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOTES**—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 869**—An act to add Section 1630 to the Civil Code, relating to contracts for the sale of agricultural products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOTES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1461**—An act to amend Section 521 of the Agricultural Code, relating to butter.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

**NOTES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1508**—An act to amend Section 139 of the Agricultural Code, relating to newly discovered pests.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOTES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1511**—An act to amend Section 1260.15 of the Agricultural Code, relating to time of payment of grain warehouse registration fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOTES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1632**—An act to add Section 818.1 to the Agricultural Code, relating to potatoes for seed purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Keating, Luckey, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1947**—An act to add Section 343.5 to the Agricultural Code, relating to inspection of cattle.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jepsen, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1963**—An act to amend Sections 802.6, 803, 823, 828.15, 828.25, 828.4 and 829.2 of the Agricultural Code, relating to standard containers for acidulous fruits and grapes, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 847**—An act to add Sections 784.9 and 789.1 to the Agricultural Code, relating to fruits, nuts and vegetables.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jepsen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### Senator Hatfield Presiding

At 5.55 p.m., Senator Hatfield of the Twenty-fourth District, presiding.

**Assembly Bill No. 1594**—An act to amend Section 9912 of the Revenue and Taxation Code, relating to jeopardy determinations with respect to the motor vehicle transportation license tax, including the delinquency penalty and interest in connection therewith, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1593**—An act to amend Sections 6736, 6738, 6757 and 6796, and to repeal Sections 6360 and 6361 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 310**—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 545

Senator Brown moved that Assembly Bill No. 545 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Finance.

Motion carried.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 6.05 p.m., on motion of Senator Shelley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 1956 adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillenger, Donnelly, Dorsey, Eagle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillenger, Donnelly, Dorsey, Eagle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1849**—An act to add Sections 500.1, 502.1, 512.1, 513.1, 515.1, and 518.1 to the Military and Veterans Code, and to add Section 12011 to the Education Code, relating to high school cadets.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "and 518.1", and insert "518.1 and 520.1".

**Amendment No. 2**

On page 3, line 12, of said bill, insert

"SEC. 6.5. Section 520.1 is added to said code, to read:

520.1. The principal and governing board of any private school of high school or junior college grade otherwise meeting the qualifications prescribed by this chapter may apply to The Adjutant General for permission to establish a High School Cadet Company pursuant to this chapter. If The Adjutant General approves the petition, the principal and governing board of the private school shall have the same authority as similar officials of public high schools, and the High School Cadet Company shall in all respects be governed by the provisions of this chapter to the same extent as though it were a public high school."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 438**—An act to amend Section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Quinn moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 14, of the printed bill, as amended, after "dogs," insert "and destruction and control of predatory animals."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1394**—An act to add Parts 3 and 4, comprising Sections 7501 to 8557, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relating to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions.

Bill read third time.

#### Motion to Amend

Senator Ward moved the adoption of the following amendments:

##### Amendment No. 1

On page 30 of the printed bill, as amended, strike out lines 44 to 52, inclusive; strike out all of page 31; and on page 32, strike out lines 1, 2, and 3.

##### Amendment No. 2

On page 37 of said bill, strike out lines 1 to 52, inclusive.

##### Amendment No. 3

On page 38, line 33, of said bill, strike out "1935:640:1788".

##### Amendment No. 4

On page 39, line 14, of said bill, strike out "3571".

##### Amendment No. 5

On page 39, line 15, of said bill, strike out "3572".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Bill read third time.

#### Motion to Amend

Senator McBride moved the adoption of the following amendments:

##### Amendment No. 1

On page 1, line 15, of the printed bill, strike out lines 15 and 16, and insert "3. Each supervisor, three thousand dollars (\$3,000) per annum and his".

##### Amendment No. 2

On page 1, line 25, of the printed bill, strike out line 25, and insert "investigations, the sum of five dollars (\$5)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### COMMUNICATIONS

The following communication was received and read, and on motion of Senator Powers, ordered printed in the Journal:

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., April 27, 1943

Hon. J. A. Beek, Secretary of the Senate  
Sacramento, California

MY DEAR MR. BEEK: Referring further to your letter of April 6th, in re Senate Resolution No. 94, relating to foot-and-mouth disease in Argentina.

In the absence of Congressman Gearhart, who is taking advantage of the recess of Congress to visit his aging mother in Fresno, permit me to enclose herewith copy of a communication addressed to him by the Acting Director of the Bureau of Animal Industry, Department of Agriculture, which is self explanatory.

As a matter of information, the Congressman made formal request of Secretary Wickard on April 2nd for a copy of Dr. Williams' report upon the vaccination of the Honorable George J. Hatfield, but has not as yet received a reply thereto.

Respectfully,

ED. FLUGITT, Secretary

(B. A. I. Order 373)

Issued October 26, 1940

Effective October 26, 1940

# United States Department of Agriculture

DEPARTMENT OF AGRICULTURE

## ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT AND MOUTH DISEASE

Under authority vested in the Secretary of Agriculture by section 306 of the act of Congress approved June 17, 1930 (46 Stat. 689; 19 U. S. C. 1306) and by section 2 of the act of Congress approved February 2, 1926 (44 Stat. 792; 21 U. S. C. 111), Part 94, Chapter 1, Title 9 of the Code of Federal Regulations is amended to read as follows:

### Part 94—Rinderpest and Foot and Mouth Disease: Prohibited and Restricted Imports

**SEC. 94.1. Existence of rinderpest or foot and mouth disease; importations prohibited.**—Notice is hereby given that I, PAUL H. APPELBY, Acting Secretary of Agriculture, have determined that the contagious and communicable disease of rinderpest or of foot and mouth disease exists in the following foreign countries: Albania, Arabia, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Burma, Ceylon, Chile, China, Chosen (Korea), Czechoslovakia, Denmark, Ecuador, Federated Malay States, Finland, France, Germany, Great Britain, Greece, Hungary, India, Indo-China, Iran (Persia), Iraq, Ireland, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Norway, Palestine, Paraguay, Peru, Philippine Islands, Poland, Portugal, Rumania, Spain, Spanish Settlements, Sweden, Switzerland, China, Thailand, U. S. S. R., Turkey, Union of Soviet Socialist Republics (Russia), Uruguay, Yugoslavia, all countries of the Continent of Africa other than the Union of South Africa, the islands of the Malay Archipelago, and the various islands of the Mediterranean; and I have so officially notified the Secretary of the Treasury. Wherefore, the importation into the United States of cattle, sheep, or other domestic ruminants or swine (including the entry into any port of the United States of any vessel having on board as sea stores such animals from the above named countries) or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork, from the countries above named, is prohibited. (Sec. 306, 46 Stat. 689; 19 U. S. C. 1306.)

**SEC. 94.2. Meat or products derived from wild ruminants or swine.**—No fresh, chilled, or frozen meat or food product derived from wild ruminants or wild swine, originating in any country named in section 94.1, shall be entered into the United States. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

**SEC. 94.3. Organs, glands, excreta, or secretions of domestic ruminants or swine.**—No fresh, chilled, or frozen organs, glands, excreta, or secretions derived from domestic ruminants or swine, originating in any country named in section 94.1, shall be entered into the United States except for pharmaceutical purposes. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

**SEC. 94.4. Animals, meats, products, etc., that are retained entry.**—Any animals, meats, organs, glands, excreta, or secretions specified in sections 94.1, 94.2, and 94.3, offered for entry and refused admission into the United States, shall be exported by the consignee thereof within 10 days or shall be destroyed in accordance with the directions of the Chief of the Bureau of Animal Industry. (Sec. 306, 46 Stat. 689; 19 U. S. C. 1306; Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

**SEC. 94.5. Foreign cured meat or products from countries where rinderpest or foot and mouth disease exists.**—No cured meat or product derived from ruminants or swine, originating in any country named in section 94.1, shall be entered into the United States unless the following conditions or requirements shall have been fulfilled:

- (a) All bones shall have been completely removed in the country of origin.
- (b) The said meat or product shall have been thoroughly cured by the application of dry salt or by soaking in a solution of salt.
- (c) The said meat or product shall have been held in an unfrozen, fresh condition for at least 7 days immediately following the slaughter of the animals from which it was derived. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

**SEC. 94.6. Cured meats and products suitable for importation.**—Cured meats and products specified in section 94.5, offered for importation into the United States,

<sup>1</sup> This does not include any meat or product in hermetically sealed containers which has been sterilized by heat.

which do not meet the requirements of that section, shall be exported by the consignees thereof within 10 days or shall be destroyed in accordance with the directions of the Chief of the Bureau of Animal Industry. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

SEC. 94.7. *Garbage from foreign vessels or meat products.* No garbage derived from meats or meat products originating in any country named in section 94.1 shall be unloaded from any vessel in the United States or within the territorial waters thereof; *Provided, however,* That such garbage, when contained in tight receptacles, may be so unloaded for incineration or proper disposal otherwise as directed by the Chief of the Bureau of Animal Industry, or it may be so unloaded under the direction of an inspector of the Bureau of Animal Industry for transportation beyond said territorial waters for the purpose of dumping. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

SEC. 94.8. *Dressed poultry from countries where rinderpest or foot-and-mouth disease exists.* No dressed poultry offered for importation into the United States from any country named in section 94.1 shall be allowed entry unless the feet of such poultry have already been removed at a point above the spur or spur core, or are removed and destroyed or disinfected at the port of entry as directed by the Chief of the Bureau of Animal Industry. Such removal and destruction or disinfection shall be accomplished by the importer or his agent at his own expense. (Sec. 2, 32 Stat. 792; 21 U. S. C. 111.)

This order, which for the purpose of identification is designated B. A. I. Order 373, shall become effective on October 26, 1940, and shall supersede B. A. I. Order 370 and all amendments thereto.

Done at Washington this 26th day of October 1940.

Witness my hand and the seal of the Department of Agriculture.

PAUL H. APPELY,

Acting Secretary of Agriculture.

[SEAL]

## APPENDIX

### EXTRACTS OF LAWS UNDER WHICH THE FOREGOING ORDER IS ISSUED

AN ACT TO enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes. Approved February 2, 1903 (32 Stat. 791).

SEC. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

AN ACT TO provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes. Approved June 17, 1930 (46 Stat. 689).

SEC. 306 (a) *Rinderpest and Foot-and-Mouth Disease.*—If the Secretary of Agriculture determines that rinderpest or foot and mouth disease exists in any foreign country, he shall officially notify the Secretary of the Treasury and give public notice thereof, and thereafter, and until the Secretary of Agriculture gives notice in a similar manner that such disease no longer exists in such foreign country, the importation into the United States of cattle, sheep, or other domestic ruminants, or swine, or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork, from such foreign country, is prohibited.

(c) *Regulations.* The Secretary of Agriculture is authorized to make rules and regulations to carry out the purposes of this section, and in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all cattle, sheep, and other domestic ruminants, and swine, and of all meats, offered for entry and refused admission into the United States, unless such cattle, sheep, domestic ruminants, swine, or meats be exported by the consignee within the time fixed therefor in such rules and regulations.

April 26, 1943

Hon. Bertrand W. Gearhart  
House of Representatives

DEAR MR. GEARHART: This will acknowledge the receipt on April 23d of a copy of your letter of April 12th to the Hon. J. A. Beck, Secretary of the Senate, Sacramento, California, and the letter from Mr. Beck and Senate Resolution No. 94,



mentioned therein. The latter relates to the danger of the introduction of foot and mouth disease through the importation of cattle or meat from countries where that disease exists and mentions an inspection of the situation in Argentina at that respect made by Dr. Plummer of this Bureau a little more than a year ago.

The countries of the world in which foot and mouth disease or swine pest has been determined to exist, in harmony with the provisions of Section 306(a) of the Tariff Act, are listed in our B. A. I. Order 373, copies herewith, and the statute mentioned will be found in the appendix to that order. The importation from any of those countries, among which Argentina is included, of domestic ruminants or swine, or fresh, chilled or frozen meat derived from such animals, is prohibited. So far as we are aware there has been no proposal to import cattle or other live animals specified in the statute, from any infected country, but questions concerning the importation of fresh meat from Argentina have arisen from time to time.

It is undisputed that foot and mouth disease is enzootic in the central and northern regions of Argentina, which include all of the principal cattle producing areas. Argentine authorities claim only that the far southern territories, where only sheep and lambs are produced and slaughtered for export, are free from the disease. It is well established also that fresh, chilled or frozen carcasses of ruminants or swine from regions where the disease is prevalent are dangerous as possible carriers of the infection, as it has been determined that the virus can and does survive for long periods in certain tissues of such carcasses. This is not true of other than fresh, chilled or frozen meats and, as you probably know, large quantities of canned and cured meats were imported from Argentina and other South American countries before the war.

In respect to the investigation a year ago, which related primarily to conditions on the Island of Tierra del Fuego and the nearby mainland of Argentina and Chile, I have to state that decision as to the availability of the information gained rests with the secretary. It is understood that a representative of his office recently discussed this matter with members of the California delegation, in relation to Resolution No. 94 of the State Senate.

The enclosures with your communication are returned herewith as requested.

Sincerely yours,

A. W. MILLER, Acting Chief of Bureau

Senator McBride Presiding

At 6.15 p.m., Senator McBride of the Thirty-third District, presiding.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 267	Senate Bill No. 677
Senate Bill No. 364	Senate Bill No. 732
Senate Bill No. 398	Senate Bill No. 806
Senate Bill No. 480	Senate Bill No. 846
Senate Bill No. 498	Senate Bill No. 962
Senate Bill No. 527	Senate Bill No. 1102
Senate Bill No. 528	Senate Bill No. 460
Senate Bill No. 598	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 1, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 143	Senate Bill No. 838
Senate Bill No. 197	Senate Bill No. 845
Senate Bill No. 392	Senate Bill No. 873
Senate Bill No. 533	Senate Bill No. 1067
Senate Bill No. 565	Senate Bill No. 1079
Senate Bill No. 779	

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## REPORTS OF STANDING COMMITTEES

## Committee on Education

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Education, to which was referred,

Assembly Bill No. 1733

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and refer to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

SLATER, Chairman

Above reported bill ordered to second reading.

## Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Water Resources, to which were referred,

Assembly Bill No. 1127

Assembly Bill No. 1293

Assembly Bill No. 1795

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1031

Assembly Bill No. 301

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred,

Assembly Bill No. 378

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 8; absent 5.

DeLAP, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1033

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 2; absent 4.

DeLAP, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, MAY 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred

Assembly Bill No. 1825	Assembly Bill No. 800
Assembly Bill No. 441	Assembly Bill No. 900
Assembly Bill No. 549	Assembly Bill No. 719
Assembly Bill No. 302	Assembly Bill No. 625
Assembly Bill No. 671	Assembly Bill No. 941
Assembly Bill No. 672	Assembly Bill No. 942
Assembly Bill No. 1784	Assembly Bill No. 526
Assembly Bill No. 1078	Assembly Bill No. 1729
Assembly Bill No. 92	Assembly Bill No. 776

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

DE LAP, Chairman

Above reported bills ordered to second reading.

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1061

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, MAY 1, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1555

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

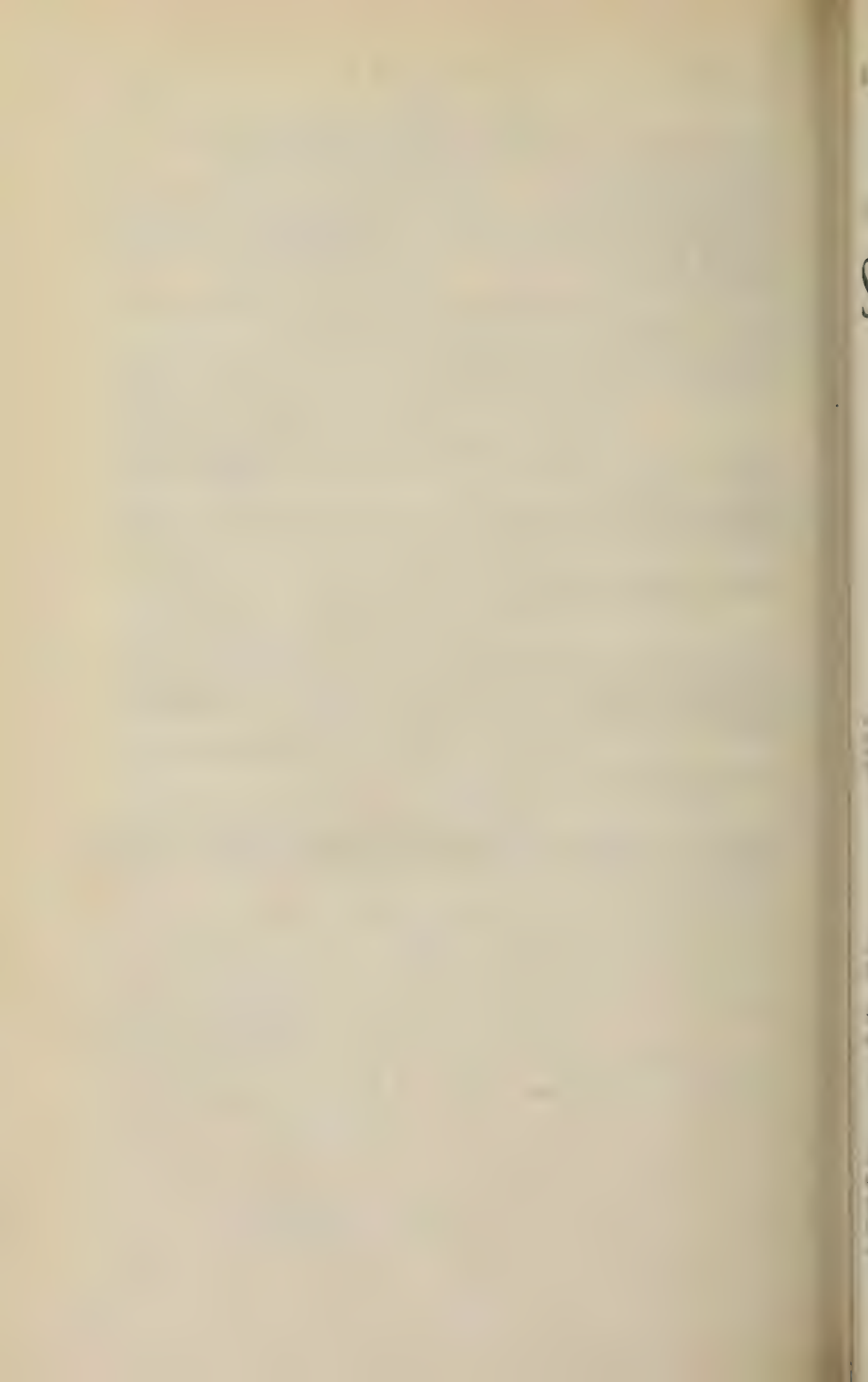
Committee membership 13; committee vote: Ayes 8; absent 5.

DE LAP, Chairman

Above reported bill ordered to second reading.

## ADJOURNMENT

At 6.17 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10 a.m., Sunday, May 2, 1943.





## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED NINETEENTH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Sunday, May 2, 1943

The Senate met at 10 a.m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormick, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. N. H. Harrison and Lucille Brown, all of Yreka.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lorayne and Joan Perrault, and also Alice and Patsy Strei, all of Sacramento.

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 224**—An act to add Sections 3211.2, 3211.4, 3211.6, and 3352.5 to, and Chapter 10, comprising Sections 4301 to 4439, inclusive, to Part 1 of Division 4, of the Labor Code, and to add Article 7, comprising Sections 1570 to 1573, inclusive, to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, includ-

ing the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the State Council of Defense to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

##### Amendment No. 1

On page 9, line 12, of the printed bill, as amended, after "Council", insert "in any material degree, the California State War Council".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 475** An act making an appropriation to The Adjutant General for the maintenance of the California High School Cadets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1783**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1650.5, 1651.5, 1661.5, 1662.5, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2005**—An act to add Section 429.5 to the Fish and Game Code, relating to special sporting fishing licenses for persons in the armed forces of the United States and the auxiliary branches thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1774** An act to amend Sections 3, 4, 12, 15.1, 15.2, 15.3, 15.4, and 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, to amend and renumber Sections 8, 23, 24, 24.5, and 25 thereof to be Sections 24.4, 23.1, 24.1, 8, and 28 respectively, and to add Sections 2.1, 21.3, 21.6, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 24.2, 24.3, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26, 26.1, and 27 thereto, all relating to credit unions, specifying the powers and duties thereof, providing procedures for merger and for dissolution thereof, transferring the supervision thereof and the admin-

istration of the act from the Commissioner of Corporations to a new Credit Union Commission established hereby, providing for the appointment, establishment, powers and duties of said commission, and making an appropriation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

On page 6, line 4, of the printed bill, as amended, strike out "unless more"; and strike out lines 2 and 3, and insert a period.

##### Amendment No. 2

On page 6, line 14, of said bill, after "union", and before "under", insert "of the community interest in membership."

##### Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 11 to 23, inclusive, and insert:

"Sec. 23.4. To defray the cost of administration of this act, including examinations and supervision, the Credit Union Commission shall impose a special credit union licensed by it or coming under its supervision to pay in advance the charges and assessments in accordance with the following schedule:

Total Assets of Credit Union		Amount of Assessment	Additional Assessment Per Each Member of Credit Union
Not more than \$2,500		\$5.00	\$0.01
Over \$2,500 but not over \$5,000	-----	10.00	.01
" \$5,000 but not over \$10,000	-----	15.00	.01
" \$10,000 but not over \$25,000	-----	25.00	.01
" \$25,000 but not over \$50,000	-----	37.50	.01
" \$50,000 but not over \$75,000	-----	62.50	.01
" \$75,000 but not over \$100,000	-----	87.50	.01
" \$100,000 but not over \$200,000	-----	100.00	.01
" \$200,000 but not over \$300,000	-----	115.00	.01
" \$300,000 but not over \$400,000	-----	125.00	.01
" \$400,000 but not over \$500,000	-----	135.00	.01
" \$500,000 but not over \$750,000	-----	140.00	.01
" \$750,000	-----	140.00 plus	.01
		\$0.25 of each	
		\$1,000 of assets	
		in excess of	
		\$750,000	

Such assessments and charges shall be based upon the latest annual or special reports of such credit unions to the Credit Union Commission, except that the first assessment or charge shall be based upon the annual report for the year ending December 31, 1942, on file with the Commissioner of Corporations."

##### Amendment No. 4

On page 8 of said bill, between lines 24 and 25, insert:

"Sec. 23.5. If the Credit Union Commission determines that the moneys received by it are in excess of or are insufficient to meet the expenses of administration under the act, it shall increase or decrease the assessments or charges as set forth in Section 23.4 of this act in the same ratio as such excess or insufficiency bears to the actual amount of money necessary for the proper administration of this act."

##### Amendment No. 5

On page 8 of said bill, strike out lines 25 to 29, inclusive, and insert:

"Sec. 19. Section 23.6 is added to said act, to read:

Sec. 23.6. All fees collected under this act shall be paid monthly into the State treasury to the credit of the Credit Union Commission Fund, which fund is hereby created. All money in said fund, together with twenty thousand dollars (\$20,000) out of any money in the State treasury not otherwise appropriated, is hereby appropriated to carry out the provisions of this act. The State Controller shall transfer such sum of twenty thousand dollars (\$20,000) to the credit of the Credit Union

Commission Fund. The money appropriated under the provisions of this act, payable from any money in the State treasury not otherwise appropriated, shall be repaid into the General Fund out of the Credit Union Commission Fund in four equal annual installments, the first of which installments shall be so paid on July 1, 1945. The commission may repay said loan in sums greater than equal installments at its discretion."

#### Amendment No. 6

On page 8 of said bill, strike out lines 30 to 47, inclusive, and insert

"SEC. 20. Section 23.7 is added to said act, to read:

"Sec. 23.7. On or before the thirtieth day of November in each year, the Credit Union Commission shall notify each credit union by mail of the assessments or charges levied against it and its members. Such charges or assessments shall be paid within 20 days after receipt of notice. Upon failure to pay within the time limit as prescribed by this section, the Credit Union Commission shall revoke the certificate authorizing such defaulting credit union to act as such on the thirty-first day of December of the year in which such default occurs, and from such day the credit union whose certificate has been revoked shall have no authority to engage in the business of a credit union as defined by this act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 154**—An act to amend Section 2571 and to repeal Section 2570 of the Elections Code, relating to statement of number of voters.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 12**—An act to amend Section 501 of the Elections Code, relating to election precincts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 409**—An act to add Section 1182.5 to the Labor Code, relating to wages for women.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "1182.5", and insert "1197.5".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "1182.5", and insert "1197.5".

##### Amendment No. 3

On page 1, line 3, of said bill, strike out "1182.5", and insert "1197.5".

##### Amendment No. 4

On page 1, lines 5 and 6, of the said bill, strike out "similar", and insert "equal".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**Assembly Bill No. 1370**—An act to amend Section 96 of the Labor Code, relating to assignments of claims.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

##### Amendment No. 1

On page 1 of the printed bill, as amended, after line 19, insert

"(j) Claims for exemption of wages from attachment or execution."



**Amendment No. 2**

On page 1 of said bill, strike out lines 18 and 19, and insert

"(i) Any claim for damages arising out of a contract for the rendition of personal services."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**Assembly Bill No. 500**—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation, including burial expenses and death benefits.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1323**—An act to amend Section 1532 of the Labor Code, relating to working hours for women.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1839**—An act to amend Section 1720 of the Labor Code, relating to public works.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 653**—An act to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Labor:

**Amendment No. 1**

On page 1, line 12, of the printed bill, strike out "exist", and insert "exit".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 839**—An act to amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353 to, the Labor Code, relating to tips and gratuities.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Labor:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353", and insert "add Section 353.5".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 24, inclusive; and strike out all of pages 2 and 3, and insert

"SECTION 1. Section 353.5 is added to the Labor Code, to read:

353.5. (a) Any employer of an employee serving or selling food or beverages, or any agent of such employer, who collects, takes, or receives any gratuity, or part thereof, paid, given to, or left for any such employee by a patron, or who deducts any amount from wages due such employee on account of any gratuity, or who requires such employee to erect the amount, or any part thereof, of the gratuity against and as part of the wages due the employee from the employer, is guilty of a violation of this article.

(b) No gratuity or any part thereof received by such employee shall be included as a part of the wages of the employee, and no gratuity or any part thereof received by any such employee who is a minor or a woman shall relieve any such employer

of the necessity for paying the minimum wage fixed for such employee by the Industrial Welfare Commission under Chapter 1 of Part 4 of this code.

(c) The Legislature also expressly declares that it is the purpose of this section to prevent the diversion of the gratuity from the person for whom it is intended, thus destroying the incentive for efficient, faithful and courteous service warranting the giving of the gratuity.

The Legislature hereby declares that any contract between employer and employee entered by this section permitting an employee to share in gratuities given to the employee violates the spirit, intention and terms of the obligation between the employee and the donor. Such a contract between employer and employee is in its nature unconscionable and fraudulent inasmuch as the employer is fully compensated for whatever he furnishes by the regular charges fixed, and the employer should not be permitted to take in whole or in part that which the donor intended for another.

SEC. 2. If any part of the provisions of subdivision (a) of Section 353.5 added to the Labor Code by this act is declared unconstitutional, this whole act shall be of no effect whatsoever.

SEC. 3. The Legislature hereby declares that if any provision of this act, except subdivision (a) of Section 353.5 of the Labor Code, or the application thereof, is held invalid, the remainder of the act and its application to other persons or circumstances shall not be affected thereby."

Amendments read and accepted.

Bill ordered printed, and is third reading.

**Assembly Bill No. 1484**—An act to amend Section 575 of the Welfare and Institutions Code of the State of California by providing that in counties of the second class the compensation of the Referee of the Juvenile Court shall be \$350 per month.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1514**—An act to add Section 64 and amend Section 101 of the Unemployment Insurance Act, relating to the recoupment of erroneous payments and the prevention of collusion.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1515**—An act to add Sections 56.6 and 56.7 to the Unemployment Insurance Act, relating to cooperation between States in the collection of contributions and obtaining of wage records.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1516**—An act to amend Section 52.1 of the Unemployment Insurance Act, relating to the filing of claims.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1518**—An act to amend Sections 45.2, 45.3, and 45.5 of the Unemployment Insurance Act, relating to wage records and the collection of contributions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1519**—An act to amend Sections 44, 45.6, 45.7, 45.11, and 46.1 of the Unemployment Insurance Act, relating to the collection of contributions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1521**—An act to amend Section 27 of the Unemployment Insurance Act, relating to the escheating of funds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 622**—An act to amend Section 222 of the Welfare and Institutions Code of the State of California, relating to the cancellation of county warrants for the giving of aid if not presented for payment within six months after issuance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 624**—An act to amend Section 4095 of the Political Code, relating to the cancellation of county warrants issued for aid where same are not presented for payment within six months after issuance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1043**—An act to repeal Sections 834 and 835 of, and to add Section 834.5 to, the Welfare and Institutions Code, relating to proceedings in the juvenile court with respect to persons over the age of 18 years and under the age of 21 years.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1336**—An act to amend Section 4212 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

##### Amendment No. 1

On page 1, line 15, of the printed bill, strike out "Agencies of the Federal Government", and insert "Federal court of competent jurisdiction".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 377**—An act to regulate vocational, trade or business schools, to provide for the licensing thereof and providing penalties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1346**—An act to amend Section 14427 of the Business and Professions Code, relating to the registration of container brands.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1348**—An act to amend Section 14483 of the Business and Professions Code, relating to the registration of laundry supply designations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1485**—An act to amend Section 412 of the Political Code, relating to the Secretary of State.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 628**—An act to amend Sections 8963 and 8982 of the Health and Safety Code, relating to public cemetery districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1406** An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7, and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of building, including the securing of building permits and the prescribing of fees therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1093** An act to amend Sections 18108 and 18201 of the Health and Safety Code, relating to auto courts and resorts and auto and trailer camps, to nuisances therein and to the abatement, prevention and punishment of such nuisances.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1824** An act to amend Sections 26825 and 26826 of the Health and Safety Code, relating to foods and drugs.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1933** An act to add Section 15159 to the Health and Safety Code, relating to application of the State Housing Act, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 296** An act to amend Sections 6486, 6560, 6782, 6783, and 6784, and to repeal Section 6785 of the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out ", and to repeal Section 6785".

##### Amendment No. 2

On page 1, line 24, of said bill, strike out "3", and insert "2".

##### Amendment No. 3

On page 2, line 6, of said bill, strike out "4", and insert "3".

##### Amendment No. 4

On page 2, line 14, of said bill, strike out "5", and insert "4".

##### Amendment No. 5

On page 2 of said bill, strike out line 23; and in line 24, strike out "Sec. 7", and insert "Sec. 5".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1335** An act to amend Sections 1, 4, 5 and 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Health and Safety:

**Amendment No. 1**

On page 3, line 42, of the printed bill as amended, strike out "Section 1061", and insert "Article 3 of Chapter 7 of Division 5"

**Amendment No. 2**

On page 3, line 52, of the printed bill as amended after "cyanide", insert "of potassium".

**Amendment No. 3**

On page 4, line 2, of the printed bill, as amended, after "generally," insert "when prepared, packaged, and sold in accordance with rules and regulations authorized by the provisions of said article of the Agricultural Code,".

Amendments read and adopted

Bill ordered printed, and to third reading.

**Assembly Bill No. 1334**—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "amend Section 7 of the "Unemployment Insurance Act,"" and insert "add Section 7.3 to the Unemployment Insurance Act,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 14, inclusive, and insert:

"Section 1. Section 7.3 is added to the Unemployment Insurance Act, to read: Sec. 7.3. Subdivision (g) of Section 7 includes service performed in the employ of a".

**Amendment No. 3**

On page 2 of said bill, strike out lines 25 to 52, inclusive; strike out all of page 3; and on page 4, strike out lines 1 to 30, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1226**—An act to amend Sections 66 to 72, inclusive, of the Unemployment Insurance Act, relating to claims for benefits.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 3 of the printed bill, between lines 5 and 6, insert:

"(d) An initial determination or an additional claim determination may for good cause be reconsidered by the commission whether or not a written objection has been filed as provided in Section 69 and any person to whom a notice is required to be mailed pursuant to this section shall be notified of any amended determinations resulting from such reconsideration."

**Amendment No. 2**

On page 3, line 15, of the printed bill, after "determination", insert "or a reconsidered initial determination,".

**Amendment No. 3**

On page 3, line 16, of the printed bill, after "determination", insert "or a reconsidered additional claim determination".

**Amendment No. 4**

On page 3, line 41, of the printed bill, as amended, strike out "Every", and insert "During such time as any of the members of the commission are designated specifically to represent either employers or employees, every".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1231** An act to amend Sections 55, 56, 57 and 57.5 and repeal Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended, strike out "56 58", and insert "55, 56, 57, 57.5 and 58".

**Amendment No. 2**

On page 1 of said bill, strike out lines 14 to 21, inclusive, and insert "(b) If without good cause an individual has refused to accept suitable employment when offered to him, or has failed to apply for suitable employment when notified so to do by the district public employment office, thereafter wages earned at any time prior to such refusal shall be excluded in determining the amount of benefits payable with respect to unemployment occurring after such refusal."

**Amendment No. 3**

On page 2, line 4, of said bill, strike out "most recent".

**Amendment No. 4**

On page 2 of said bill, strike out lines 6 to 10, inclusive, and insert "all wages earned at any time prior to such leaving shall be excluded in determining the amount of benefits payable with respect to unemployment occurring after such leaving."

**Amendment No. 5**

On page 2 of said bill, strike out lines 16 to 20, inclusive, and insert "all wages earned at any time prior to such discharge shall be excluded in determining the amount of benefits payable with respect to unemployment occurring after such discharge."

**Amendment No. 6**

On page 2 of said bill, after line 34, insert

"SEC. 3. Section 55 of said act is amended to read:

Sec. 55. Each eligible individual unemployed in any week shall be paid with respect to such week; provided, he is otherwise entitled thereto under this act, a benefit in an amount equal to his weekly benefit amount less the amount of wages, if any, payable to him for services rendered during such week. Such benefit if not a multiple of one dollar (\$1) shall be computed to the next higher multiple of one dollar (\$1). For the purposes of this section only "wages" shall be deemed to include any and all amounts payable as compensation for personal services, regardless of whether such personal services are or are not rendered in employment otherwise subject to this act.

SEC. 4. Section 57 of said act is amended to read:

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) He has filed a claim for benefits with respect to such week during the same or the next succeeding week; provided, however, that with respect to a claim for partial unemployment benefits if the commission deems it necessary or essential to the effective administration of the act it may waive the requirement of this paragraph in whole or in part; and

(b) During the week with respect to which he is claiming benefits or during the next succeeding week he has registered for work at a public employment office or such other place as the commission may approve and thereafter continued to report for work as frequently as required by the commission so to do; provided,

however, that with respect to a claim for partial unemployment benefits if the commission deems it necessary or essential to the effective administration of the act it may waive the requirement of this paragraph in whole or in part; and

(c) During all of such week he was able to work and was available for work; and for the purpose of this requirement no worker shall be deemed able to work unless he was both physically and mentally capable of performing any work of substantially the same kind or nature needed as physical or mental requirements are concerned as work performed by such individual during a period or periods totaling six months or more out of the 12 months immediately preceding the week with respect to which he is applying for benefits; and

(d) He has been unemployed for a waiting period of two weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purpose of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further, that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed, for the purposes of this subsection only, to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of this subsection (d); and

(e) He has during his base year earned wages for employment by employers of not less than three hundred dollars (\$300).

SEC. 5. Section 57.5 of said act is amended to read:

Sec. 57.5. (a) An individual shall not be eligible for benefits on account of unemployment for any week with respect to which or a part of which he has received or is seeking unemployment benefits under the Unemployment Compensation Law of any other State or of the United States; provided, that if the appropriate agency of such other State or of the United States finally determines that he is not entitled to unemployment benefits, the provisions of this subsection shall not apply.

(b) An individual shall not be eligible for benefits on account of unemployment during any week with respect to which he has received remuneration in the form of (1) wages in lieu of notice (2) severance pay (3) vacation allowance."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**Assembly Bill No. 347**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1234**—An act to amend Sections 41 and 61, and to repeal Section 41.3 of, and to add Section 41.6 to, the Unemployment Insurance Act, relative to contributions, funds and accounts under the act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1227**—An act to amend Sections 11 and 12 of the Unemployment Insurance Act, relating to the definitions of "wages" and "week" under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1228**—An act to repeal Sections 47 to 51, inclusive, of the Unemployment Insurance Act, relating to exemptions, guaranteed employment, and private employment plans under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1233**—An act to amend Section 15 of the Unemployment Insurance Act, relating to election to become an employer and to have services deemed employment under this act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1235**—An act to amend Sections 52.2, 53, and 54 of the Unemployment Insurance Act, relating to base periods and benefits under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1232**—An act to amend Sections 2, 45, 45.9, 45.10, 75, 91, 92, and 94 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1431**—An act to amend Section 740 of the Welfare and Institutions Code, relating to commitments by the juvenile court, and authorizing commitment of wards to the Youth Correction Authority.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 447**—An act to amend Section 6602 of the Welfare and Institutions Code, relating to the admission and detention of voluntary patients in State hospitals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 448**—An act to add Section 740.5 to the Welfare and Institutions Code, relating to minors believed to be mentally unsound, authorizing the juvenile court to order commitments for observation, and providing for subsequent proceedings in relation to such minors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1522**—An act to amend Section 9.7 of the Unemployment Insurance Act, relating to the termination of subject status.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1042**—An act to add Section 17.1 to the Welfare and Institutions Code, relating to the residence of minor persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1388**—An act to add Section 74 to "An act providing for a State Nautical School in the Port of San Francisco, creating a board to govern and manage the same, determining the power, duty and authority of the board, and its officers, providing for the appointment of the members of the board and its officers and employees, creating a fund for the support of the board and the school and equipment for the use thereof, and authorizing the Governor to secure a suitable vessel from the Federal Government for the use of the school, and making an appropriation therefor," relating to State Nautical School.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 1907**—An act to add Section 5.798-1 to the School Code and to add Section 14122.5 to the Education Code, relating to eligible lists and temporary appointments, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 798**—An act to amend Part 1 of Division 2 of the Revenue and Taxation Code, relating to the sales and use taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1957**—An act to add Chapter 9, consisting of Sections 3900 to 3919, inclusive, to Part 6, Division 1, of the Revenue and Taxation Code, relating to actions by purchasers of tax-deeded property to determine adverse claims to or clouds upon that property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1959**—An act to add Sections 2904.1, 2904.2, 2909.1, and 2910.1 to, and to amend Section 2906 of the Revenue and Taxation Code, relating to taxation and the collection of taxes on the unsecured roll.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 684**—An act to amend Sections 6011, 6012 and 6015 of the Revenue and Taxation Code, and to add Sections 6363 and 6364 to said code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property, and providing that this act shall take effect immediately.

Bill read second time.

#### Motion to Amend

Senator Tenney moved the adoption of the following amendments:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly April 3, 1943, after "Code", insert "and to add Section 6364 to said code".

##### Amendment No. 2

In line 4 of the title of said bill, after "property", insert "and to certain exemptions from said taxation".

##### Amendment No. 3

On page 2, line 4, of said bill, insert

"SEC. 2. A new section is added to said code to be numbered 6364, and to read: 6364. There are exempted from the taxes imposed by this part, the gross receipts from sales of and the storage, use, or other consumption in this State of:

(a) Nonreturnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container.

(b) Containers when sold with the contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by this part.

(c) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling.

As used herein the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers."

##### Amendment No. 4

On page 2, line 5, of said bill, strike out "2", and insert "3".

##### Amendment No. 5

On page 2, line 13, of said bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1020**—An act to amend Section 12003 of the Revenue and Taxation Code; to repeal Article 1 of Chapter 3, Part 7, Division 2 of said code; to add a new article, comprising Sections 12251 to 12264 inclusive, to Chapter 3, Part 7, Division 2 of said code, to be known as Article 1; to amend Sections 12402, 12403, 12404, 12405, 12431, 12434, 12438, 12461, 12462, 12464, 12622, 12623, 12801, 12978, 12996, 12997 and 12999 of said code; and providing that it shall take effect from and after December 31, 1943; all relating to the taxation of insurers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1968**—An act to add Section 209.5 to the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 5, of the printed bill, as amended in the Assembly April 17, 1943, following "emergency", insert "and for which no consideration is paid as rental".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1847**—An act to repeal and add Section 4101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 615**—An act to amend Section 3476 and to repeal Sections 3511.3, 3571, 3571.5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Assembly April 17, 1943, following "such", insert "tax-sold".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 642**—An act to repeal Part 4 of Division 2 of the Revenue and Taxation Code, relating to motor vehicle transportation license taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 902**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 903**—An act to amend Section 7 of the Corporation Income Tax Act, relating to corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1396**—An act to amend Section 4 of the Corporation Income Tax Act of 1937, relating to corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1399**—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 178**—An act to amend Sections 1 and 5 of an act entitled "An act relating to the safety of design and construction of public school buildings, providing for regulation, inspection and supervision of the construction, reconstruction, or alteration of or addition to public school buildings, and for the inspection of existing school buildings, defining the powers and duties of the State Division of Architecture in respect thereto, providing for the collection and disposition of fees, prescribing penalties for violation thereof and declaring the urgency of the act, to take effect immediately," approved April 10, 1933, and to amend Sections 18191 and 18202 of the Education Code, relating to the powers and duties of the State Division of Architecture with respect to protection from earthquake, fire and panic hazard.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 18191.5 and 18202.5", and insert "Section 18191.5".

##### Amendment No. 2

On page 1 of said bill, strike out lines 12 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 561**—An act to add Section 5.750-1 to the School Code and to add Section 1341.1 to the Education Code, relating to leaves of absence for persons employed by school districts in positions requiring certification qualifications.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

##### Amendment No. 1

On page 2, line 9, of the printed bill, as amended, strike out "60,000", and insert "50,000".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1259**—An act to amend Section 5.402 of the School Code, and to add Section 13003.1 to the Education Code, relating to persons employed by school districts in positions requiring certification qualifications.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Education:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "not".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, relating to the placing on involuntary leave of absence of permanent employees of school districts serving as teachers in junior colleges.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 7 of the printed bill, as amended, between lines 47 and 48, insert "Sec. 2.5. Section 2 of this act becomes operative on the effective date of the Education Code, as enacted by the Legislature at its Fifty-sixth Session, and at such time Article 9, as added to Chapter 7 of Part 3 of Division 5 of the School Code, by this act, is hereby repealed."

**Amendment No. 2**

On page 2 of the printed bill, strike out line 32, and insert "capacity in which service of a certificated employee is required by the district."

**Amendment No. 3**

On page 2 of the printed bill, strike out lines 40 to 49, inclusive.

**Amendment No. 4**

On page 5 of the printed bill, strike out line 38, and insert "capacity in which service of a certificated employee is required by the district."

**Amendment No. 5**

On page 5 of the printed bill, strike out lines 46 to 51, inclusive; and on page 6, strike out lines 1 to 4, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1601**—An act to amend Sections 4.52, 4.923, 4.930, 4.942, and 4.950 of the School Code and to amend Sections 5453, 7303, 7307, 7203 and 7226 of the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Sections 452, 4923, 4930, 4942 and 4950"; strike out line 2; and in line 3, strike out "7203 and 7226 of", and insert "add Sections 452.5, 4923.5, 4930.5, 4942.5, and 4950.5 to the School Code and to add Sections 5453.5, 7303.5, 7307.5, 7203.5 and 7226.5 to".

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert  
"SECTION 1. Section 452.5 is added to the School Code, to".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "452", and insert "452.5".

**Amendment No. 4**

On page 1 of said bill, strike out line 16, and insert  
"SEC. 2. Section 4923.5 is added to the School Code, to".

**Amendment No. 5**

On page 1, line 18, of said bill, strike out "4923", and insert "4923.5".

**Amendment No. 6**

On page 2 of said bill, strike out line 5, and insert  
"SEC. 3. Section 4930.5 is added to the School Code, to".

**Amendment No. 7**

On page 2, line 7, of said bill, strike out "4930", and insert "4930.5".

**Amendment No. 8**

On page 2 of said bill, strike out line 26, and insert  
"SEC. 4. Section 4942 is added to the School Code, to".

**Amendment No. 9**

On page 2, line 28, of said bill, strike out "4942", and insert "4942.5".

**Amendment No. 10**

On page 2 of said bill, strike out line 33, and insert  
"SEC. 5. Section 4950.5 is added to the School Code, to".

**Amendment No. 11**

On page 2, line 35, of said bill, strike out "4950", and insert "4950.5".

**Amendment No. 12**

On page 2 of said bill, strike out line 41, and insert  
"SEC. 6. Section 5453.5 is added to the Education Code".

**Amendment No. 13**

On page 2, line 43, of said bill, strike out "5453", and insert "5453.5".

**Amendment No. 14**

On page 3, line 5, of said bill, insert  
"This section shall remain in effect until July 1st next succeeding the cessation of hostilities in all wars in which the United States is now engaged. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 15**

On page 3 of said bill, strike out line 6, and insert  
"SEC. 7. Section 7303.5 is added to the Education Code".

**Amendment No. 16**

On page 3, line 8, of said bill, strike out "7303", and insert "7303.5".

**Amendment No. 17**

On page 3, line 17, of said bill, insert  
"This section shall remain in effect until July 1 next succeeding the cessation of hostilities in all wars in which the United States is now engaged. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this sec-

tion is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 18**

On page 3 of said bill, strike out line 18, and insert  
"SEC. 8. Section 7307.5 is added to the Education Code".

**Amendment No. 19**

On page 3, line 20, of said bill, strike out "7307", and insert "7307.5".

**Amendment No. 20**

On page 3, line 38, of said bill, insert

"This section shall remain in effect until July 1 next succeeding the cessation of hostilities in all wars in which the United States is now engaged. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 21**

On page 3 of said bill, strike out line 39, and insert  
"SEC. 9. Section 7203.5 is added to the Education Code".

**Amendment No. 22**

On page 3, line 41, of said bill, strike out "7203", and insert "7203.5".

**Amendment No. 23**

On page 3, line 45, of said bill, insert

"This section shall remain in effect until July 1 next succeeding the cessation of hostilities in all wars in which the United States is now engaged. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 24**

On page 3 of said bill, strike out line 46, and insert  
"SEC. 10. Section 7226.5 is added to the Education Code".

**Amendment No. 25**

On page 3, line 48, of said bill, strike out "7226", and insert "7226.5".

**Amendment No. 26**

On page 4, line 4, of said bill, insert

"This section shall remain in effect until July 1 next succeeding the cessation of hostilities in all wars in which the United States is now engaged. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

**Amendment No. 27**

On page 4 of said bill, strike out lines 5 to 9, inclusive, and insert

"SEC. 11. Sections 4.52-5, 4.923-5, 4.930-5, 4.942-5, and 4.950-5 of the School Code are operative only until the Education Code, enacted by the Legislature at its Fifty-fifth Regular Session, takes effect; at which time Sections 4.52-5, 4.923-5, 4.930-5, 4.942-5, and 4.950-5 of the School Code, added by".

**Amendments read and adopted.**

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 385**—An act to amend Section 5.409a of the School Code and to amend Section 13011 of the Education Code, relating to the absence of exchange teachers from duty because of illness, injury or quarantine.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 422**—An act to add Section 5.503-1 to the School Code and to add Section 13099.1 to the Education Code, relating to the classification of persons as permanent employees of school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 586**—An act to amend Section 3.760 of the School Code and to amend Section 10301 of the Education Code, relating to courses of study in elementary schools.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1062**—An act to amend Section 5.1112 of the School Code and to add Section 14752 to the Education Code, relating to members of district retirement systems, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1848**—An act to add Sections 2.246, 2.248, and 4.724 to the School Code relating to changes in boundaries of school districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 879**—An act to amend Part 1 of Division 2 of the Revenue and Taxation Code, relating to the sales and use taxes.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

##### Amendment No. 1

On page 1 of the printed bill, as amended, after line 11, insert

"After payment of refunds, one-fifth the proceeds of such tax which are deposited in the Retail Sales Tax Fund on and after July 1, 1943, and to and including June 30, 1945, shall be transferred by the Controller to the General Fund and set aside as a Postwar Employment Reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the Postwar Employment Reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the Postwar Employment Reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interest of the State in effectuating the purposes of this section. The increment from such investment shall accrue to the General Fund."

##### Amendment No. 2

On page 2 of said bill, after line 8, insert

"After payment of refunds, one-fifth the proceeds of such tax which are deposited in the Retail Sales Tax Fund on and after July 1, 1943, and to and including June 30, 1945, shall be transferred by the Controller to the General Fund and set aside as a Postwar Employment Reserve, which shall be available for expenditure only when appropriated by the Legislature for public projects and improvements that will provide postwar employment for citizens released from the armed forces and private enterprise following relaxation of the war effort.

The money in the Postwar Employment Reserve shall be excluded in determining surplus, excess, deficit or deficiency in the General Fund in any balance sheet or other statement of the financial condition of the State of California.

The money in the Postwar Employment Reserve may be invested and reinvested by the Director of Finance in bonds or other obligations of the United States, or for which the full faith and credit of the United States are pledged, and such securities may be sold or exchanged by the Director of Finance if, in his discretion, such sale or exchange appears to be in the best interests of the State in effectuating the purposes of this section. The increment from such investment shall accrue to the General Fund."

**Amendment No. 3**

On page 2 of said bill, strike out lines 16 to 24, inclusive, and insert

"The necessity of high taxation for war purposes requires that all nonessential taxes be abolished or reduced. With the high cost of living at the present time, it is essential that articles of necessity, such as those subject to the sales and use taxes, be relieved of so high a rate of taxation so that people will not be unduly curtailed in securing the necessities of life, by reason of their inability to meet the taxes thereon."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1733**—An act making an appropriation for child care centers, declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Education:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 22 to 25, inclusive; and on page 2, strike out lines 1 to 3, inclusive, and insert

"SECTION 1. In addition to any other sum appropriated, there is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of five hundred thousand dollars (\$500,000), or as much thereof as may be necessary, to the California State War Council, to be used by the War Council during the Ninety-fifth and Ninety-sixth Fiscal Years for supplemental support of child care centers created pursuant to Chapter 3 of Part 3 of Division 6 of the School Code and Chapter 11 of Division 9 of the Education Code.

SEC. 2. Of the sum hereby appropriated twenty-two thousand two hundred dollars (\$22,200) shall be expended by the State War Council only for the purpose of making allocations to the Director of Education for the purpose of supervising such child care centers.

SEC. 3. The remainder of the sum hereby appropriated shall be expended by the California State War Council only for the purpose of making allocations to local districts which have established such child care centers, for the purpose of supplementing support from the Federal Government, parents of children cared for, and industry where those sources are insufficient to meet the costs of operating the child care centers.

SEC. 4. In making this appropriation, the Legislature makes the following statement of its intent:

(a) That child care centers are intended as emergency institutions, to be conducted for the period of the war only, and are to be discontinued completely within six months after the cessation of hostilities.

(b) That the Legislature views the problem of caring for children whose parents are employed in essential war industries as essentially a part of the National defense effort, and that the obligation of supporting the child care centers is primarily a Federal responsibility.

(c) That since the parents of the children are employed in industry, they are able to contribute to the cost of their care, and are primarily liable for furnishing the necessities of life for the children.

(d) That participation by the State or locality in payment of the costs of the program should be of supplementary or emergency nature only, until the Federal Government, parents, and industry can maintain its full support.

(e) That limitation of the operation to care for children of day workers only should be encouraged, and industry, parents, and school districts should be encouraged to arrange for employment of mothers in daytime only.

(f) That employment of mothers of more than two children of very tender years appears inadvisable except in extreme cases.

(g) That the Legislature recognizes that the cost of maintenance of the child care centers should not be imposed against local real property, but must be paid for upon a broader tax basis.

SEC. 5. Before allocating the funds appropriated the California State War Council shall make every effort to arrange for support of the child care centers by the Federal Government, parents of the children, and industry. If sufficient funds for the purpose can not be secured from these sources, the War Council may allocate to the respective child care centers such sums as it deems necessary for supplemental use only.

SEC. 6. Before making any allocation to any district, the California State War Council shall determine that the district is operating efficiently. In making such



allocations the War Council shall not recognize costs based on elaborate organization or standards that are excessively high or extravagant.

SEC. 7. The California State War Council shall make a survey of the respective child care centers petitioning for allocation of funds, and after determining the necessity, costs, and support derived from the Federal Government, parents, and industry, shall allocate such sums to the respective child care centers as it deems necessary to insure their efficient operation.

SEC. 8. This act shall remain in effect until the one hundred eighty-first day after the cessation of hostilities in all wars in which the United States is now engaged, and the powers hereby conferred upon the California State War Council shall thereupon terminate."

#### Amendment No. 2

On page 2, line 4, of said bill, strike out "SEC. 2", and insert "SEC. 9".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 1127** An act to add Section 451 to the California Irrigation District Act, and Section 26232 to the Water Code, relating to the assessment and redemption of property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1293** An act to amend Section 20043 of the Water Code, relating to reports by the California Districts Securities Commission.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1795** An act to add Section 163 to the Los Angeles County Flood Control Act, relating to district liability.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1031** An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts causa mortis.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "causa mortis", and insert "in view of death".

##### Amendment No. 2

On page 1 of said bill, strike out line 4; and in line 5, strike out "blood to the donor", and insert "a gift in view of death, as defined in Section 1149 of the Civil Code."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 301**—An act to amend Section 79.07 of the Civil Code, relating to destruction of records by county clerks.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

##### Amendment No. 1

On page 1, line 3, of the printed bill, strike out "order", and insert "orders".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1825**—An act to add Section 2.5 to the Inheritance Tax Act of 1935, relating to inheritance taxes.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 441**—An act authorizing suit against the State of California to quiet title to lands in San Mateo County devised to the City and County of San Francisco, and to the State of California in the alternative, by the will of James M. Huddart, deceased, and regulating the procedure therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 549**—An act to add Section 1920b to the Code of Civil Procedure, relating to the preservation of documentary records by the preparation of photographic copies thereof and providing for the admissibility in evidence of such copies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 302**—An act to amend Section 925 of the Probate Code, relating to disposal of vouchers filed by executors or administrators.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 671**—An act to provide for dispensing with the giving of notice to persons who are enemies or allied with enemies of the United States as defined in the Trading With the Enemy Act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 672**—An act to add Section 375 to the Civil Code, relating to the award and assessment of expenses and attorneys' fees in actions or proceedings against directors, officers or employees of a corporation, brought by or on behalf of the corporation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1784**—An act to amend Section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to the Commission on Uniform State Laws.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1978**—An act to amend Section 901 of the Probate Code, relating to compensation for administration of estates.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 92**—An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justices' courts, and to add a new section to said code to be numbered Section 1425a, relating to justices of the peace acting as court commissioners of juvenile courts in misdemeanor cases involving traffic violations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 860**—An act to amend Sections 653.1, 653.3, 653.6, and 653.9 of the Civil Code, all relating to cooperative corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 900**—An act to amend Sections 224m and 226 of the Civil Code, relating to the adoption of children.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 719**—An act to amend Section 254 of the Probate Code, relating to succession by kindred of the half blood.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 625**—An act to amend Sections 197 and 200 of the Civil Code, relating to minors over the age of 18 years.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 941**—An act to amend Section 117p of the Code of Civil Procedure, relating to fees charged by public officers in connection with small claims actions.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 942**—An act to amend Section 1463 of the Penal Code, relating to the disposition of fines and forfeitures in municipal courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 526**—An act to amend Section 189 of the Code of Civil Procedure, relating to the destruction of records, files and exhibits in justice courts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1729**—An act to add Section 367f to the Penal Code, relating to physician examining person accused of intoxication.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 776**—An act to amend Sections 607 and 607f of the Civil Code, relating to the formation of corporations for the prevention of cruelty to animals and children and to the appointment of humane officers by the corporation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1661**—An act to add Section 885 to Article 11 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to appeals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1555**—An act to add Section 499e to the Penal Code, relating to theft of automobile tires, and fixing the time when the section shall no longer be effective.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

## Amendment No. 1

On page 1, line 4, of the printed bill, strike out "felony", and insert "public offense that shall be punished by imprisonment in the State prison for not exceeding five years, or by imprisonment in the county jail for not exceeding one year, or by a fine not to exceed five hundred dollars (\$500), or both."

Amendment read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO RE-REFER ASSEMBLY BILL NO. 475

Senator Quinn moved that Assembly Bill No. 475 be re-referred to Committee on Finance.

Motion carried.

## THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1247**—An act to amend Section 24950 of the Water Code, relating to bonds of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 514**—An act to amend Sections 679, 1400, 2604, 2631, 2700, 5557, 5565, 5809, 7967, and 11581 of the Elections Code, and to repeal Sections 19, 45, 46, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 180, 181, 182, 183, 184, 185, 186, 224, 225, 226, 227, 228, 229, 230, 291, 292, 293, 294, 295, 296, 297, 298, 330, 370, 371, 372, 373, 374, and 9000 of the Elections Code as contained in Chapter 26 of the Statutes of 1939, relating to elections and matters incidental thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1197**—An act to amend Sections 1516, 1535, 1550, 1154, and 1158 of the Probate Code, relating to guardianship matters of persons confined in State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah,



Keating, Luckey, McBride, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**Assembly Bill No. 1353**—An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Cunningham, Donnelly, Fletcher, Jespersen, McBride, Mixter, Salsman, Seawell, Slater, and Tenney—10.

NOES—Senators Biggar, Breed, Carter, Collier, DeLap, Deuel, Dillinger, Dorsey, Engle, Hatfield, Judah, Luckey, McCormack, Parkman, Rich, Swan, and Swing—17.

**Assembly Bill No. 666**—An act to amend Section 1 of an act entitled "An act relating to cold storage, regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the State Board of Health in relation thereto," approved June 13, 1913, relating to the cold storage of foods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Luckey Presiding**

At 11.15 a.m., Senator Luckey of the Thirty-ninth District, presiding.

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26243, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1161**—An act to add Section 39.6 to the Fish and Game Code, relating to the sale of certain properties, real or personal, no longer necessary, or useful to the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Keating, Luckey, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Sewell, Slater, Swing, Tenney, and Ward—25.

**NOTES**—Senator Hart—2.

Bill ordered transmitted to the Assembly.

**Assembly Constitutional Amendment No. 17**—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by adding a new section numbered 1c to Article XIII thereof, relating to taxation.

Resolution read.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Keating moved a call of the Senate.

Motion carried. Time, 11.35 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1531**—An act to amend the Building and Loan Association Act by adding thereto a new article to be numbered 16, relating to building and loan associations, the Building and Loan Commissioner, plans for the rehabilitation, readjustment, reorganization or liquidation of such an association or of all or of any part of the business, properties and assets of such association or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association and the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof; providing for the kinds of securities issuable in connection therewith and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to or dissent from a plan as defined in said Article 16, and to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such Article 16 or for property and to continue to hold as a legal investment any securities or properties so received, and exempting the proposer or proposers of a plan and the investors and creditors petitioning for withdrawal of assets from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating,

Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—29.

Noted—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 295** An act to add Section 226 to the Labor Code, relating to wages.

Bill read third time.

**Motion to Amend**

Senator Hatfield moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, lines 3 and 4, of the printed bill, strike out "semi-monthly or at the time of each payment of wages", and insert "at intervals not less frequent than monthly".

Amendment read.

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the adoption of the amendment offered by Senator Hatfield to Assembly Bill No. 295.

Senators Seawell, Dorsey, Jespersen, and Hatfield demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators Broad, Brown, Cunningham, Deuel, Dillinger, Hatfield, Jespersen, McBride, McCormack, Mixer, Parkman, Rich, Salsman, and Ward—14.

**NOES**—Senators Biggar, Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Engle, Judah, Keating, Luckey, Quinn, Seawell, Shelley, Slater, Swan, and Tenney—17.

**Motion to Amend**

Senator Jespersen moved the adoption of the following amendment to Assembly Bill No. 295:

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "employer", insert "who employs more than 25 employees."

Amendment read.

**Motion to Lay on Table**

Senator Swing moved that the amendment offered by Senator Jespersen to Assembly Bill No. 295 be laid on the table.

Motion carried.

**Further Consideration of Assembly Bill No. 295**

**Assembly Bill No. 295**—An act to add Section 226 to the Labor Code, relating to wages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Broad, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

Noted—None.

Bill ordered transmitted to the Assembly.

## President of the Senate Presiding

At 12.15 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 806**—An act to amend Section 300 of the Labor Code, relating to the assignment of wages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1049**—An act to add Section 100.5 to the Labor Code, relating to preferred claims for work performed or personal services rendered.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1073**—An act to amend Section 974 of the Labor Code, relating to penalties for violation of provisions concerning advertisements for employees during labor trouble.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1166**—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1048**—An act to amend and renumber the heading of Article 1 of Chapter 1 of Part 9 of Division 2 of the Labor Code, to add Article 1, comprising Sections 2200 and 2201, and Article 3.5, comprising Sections 2370 and 2371, to said chapter, and to repeal an



act entitled "An act to provide for the keeping of medical and surgical appliances in factories," approved May 19, 1913, and an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, all relating to the obligations of employers of labor to provide for the health and comfort of their employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 21**—Relative to memorializing the President and the Secretary of the Navy to name a Navy cruiser of the United States Fleet, for the City of Long Beach, California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12:27 p.m., on motion of Senator Keating, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 17 refused adoption by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Donnelly, Dorsey, Fletcher, Keating, Luckey, McBride, McCormack, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—20.

NOES—Senators Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Eagle, Hatfield, Jespersen, Judah, Mixer, Rich, and Salsman—13.

#### Motion to Reconsider

Senator Keating moved to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

#### Postponement of Reconsideration

On motion of Senator Keating, the further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption, was continued until the next legislative day.

#### MOTION TO RECONSIDER

Senator Mixer moved to reconsider the vote whereby Assembly Bill No. 1353 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Mixer, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1353 was refused passage, was continued until the next legislative day.

## RECESS

At 12:34 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

## REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 2008**—An act to add Section 7107 to the Agricultural Code, relating to citrus fruits.

Bill read third time.

## Motion to Amend

Senator Luckey moved the adoption of the following amendments:

## Amendment No. 1

On page 1 of the printed bill, strike out lines 7, 8, and 9; and in line 10, strike out "of said", and insert "The".

## Amendment No. 2

On page 1 of said bill, strike out lines 12 to 15, inclusive, and insert "is hereby designated as the Coachella Valley citrus district. The area comprising Imperial County is hereby designated as the Imperial citrus district. Whenever provided in any citrus district may be labeled with the name of the citrus district in which it is located."

## Amendment No. 3

On page 1, line 17, of said bill, strike out "county or geographical area", and insert "citrus district".

## Amendment No. 4

On page 1, line 18, of said bill, strike out "county or area", and insert "citrus district".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 654**—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Carter, Cunningham, DeLoe, Doolittle, Donnelly, Fletcher, Jorgensen, Judah, Luckey, McBride, McCormick, Moore, Parkman, Powers, Quinn, Rich, Seaman, Seawell, Shelby, Slater, Swan, Tamm, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1377**—An act to amend Section 786.5 of the Fish and Game Code, relating to lobsters and shellfish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2:26 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1460**—An act to amend Section 577 of the Agricultural Code, relating to oleomargarine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1524**—An act to add Parts 3 and 4, comprising Sections 7301 to 8757, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relative to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions.

Bill read third time.

**Motion to Amend**

Senator Ward moved the adoption of the following amendment:

**Amendment No. 1**

On page 10, line 5, of the printed bill, as amended, after "7973", insert "(or Section 3571 of the Political Code)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Joint Resolution No. 40**—Relative to memorializing Congress to enact legislation to establish a military and a naval academy on the Pacific Coast.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Judah, Luckey, McBride, McCormack, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 247**—An act to add Section 1428b to the Penal Code, relating to the destruction of old records in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 249**—An act to amend Section 28a of an act entitled, "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts in cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 531**—An act to amend Section 108 of the Civil Code, relating to divorce actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 738**—An act to authorize the State Board of Prison Directors to establish a prison farm and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1109**—An act to amend Section 142 of the Civil Code, relating to payment of alimony.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1917**—An act relating to review of decisions of administrative boards, commissions, and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto, and defining the powers and duties of the Judicial Council in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 675**—An act to add Section 1562 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 676**—An act to add Section 2507 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid and relief to indigents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 678**—An act to add Section 2190 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah,

Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1114**—An act to repeal Section 1600 of the Welfare and Institutions Code, relating to the publishing of names of children in orphan asylums.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1115**—An act to add Sections 2143, 3092, and 3463 to the Welfare and Institutions Code, relating to disputes between counties as to responsibility under the public assistance laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1113**—An act to add Sections 1521.5, 2166, 3047.5 and 3448 to the Welfare and Institutions Code, relating to the property of persons receiving public assistance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1916**—An act to add Section 1065 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 923**—An act authorizing municipal corporations to compromise litigation wherein the United States of America seeks to condemn tide or submerged lands heretofore granted such municipal corporation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1915**—An act to add Section 1066 to the Code of Civil Procedure, relating to the judicial review of administrative determinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1888**—An act to add Section 1714.5 to the Civil Code, relating to negligence as a matter of law, and defenses, for acts or omissions in complying with orders or proclamations of military authorities, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 677**—An act to add Section 3092 to the Welfare and Institutions Code, relating to the destruction of certain records in the county administration of aid to the needy blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Keating,

Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1291**—An act to add Section 3.223a to, and to amend Section 4.922 of, the School Code and to add Section 8703.1 to, and to amend Section 7302 of, the Education Code, relating to high schools and high school classes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1273**—An act to add Section 3.363 to, and to amend Section 4.930 of, the School Code and to add Section 8819.1 to, and to amend Section 7307 of, the Education Code, relating to junior colleges and junior college classes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1318**—An act to amend Sections 5.129, 5.344 and 5.534 of the School Code, and to add Sections 12009.1, 12894.1 and 13204.1 to the Education Code, relating to persons in the military service, including service in uniformed auxiliaries thereof or thereto, of the United States of America or of the State of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keat-



ing, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
 NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillingen, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 255**—An act to amend Section 6301 of the Business and Professions Code, relating to boards of trustees of law libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillingen, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 326**—An act to amend Section 2727 of, and to add Section 2727.5 to, the Business and Professions Code, relating to the practice of nursing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillingen, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 396**—An act to amend Section 4828 of the Business and Professions Code, relating to emergency veterinarians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillingen, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 706**—An act to amend Section 4045 of the Business and Professions Code, relating to economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillingen, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1083**—An act to amend Section 6854 of the Business and Professions Code, relating to exclusions from definition of "collection agency."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1455**—An act to amend Section 4256 of the Business and Professions Code, relating to pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1468**—An act to amend Section 1675 of the Business and Professions Code, relating to the powers of the Board of Dental Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, Mayo, Parkman, Powers, Quinn, Salsman, Slater, Swing, Tenney, and Ward—25.

NOES—Senators Carter, McBride, McCormack, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

#### Senator Carter Presiding

At 4 p.m., Senator Carter of the Fifth District, presiding.

**Assembly Bill No. 1903**—An act to amend Section 8805 of the Business and Professions Code, relating to the annual license fees of land surveyors, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1934**—An act to add Section 3056 to the Business and Professions Code, relating to the admission to practice optometry, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1904**—An act to amend Section 6799 of the Business and Professions Code, relating to fees under the Civil Engineers' Act, and providing that this act shall take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1937**—An act to amend Sections 7618, 7630, to add Section 7632 to and to amend Sections 7640, 7641, 7643, 7647, to add Section 7651 to and to amend Sections 7662, 7665, 7666, 7668, 7669, 7680, 7702, 7726 and 7729 of the Business and Professions Code, relating to funeral directors, embalmers and apprentice embalmers, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

On page 3 of the printed bill, as amended in the Senate on April 23, 1943, strike out lines 19 and 20, and insert

"(c) Hold a junior college diploma or have completed a full two years' college course or the equivalent of either, or instead he may furnish the board with evidence that".

Amendment read and refused adoption.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—31.

**NOES**—Senator Swan—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 4, line 23, of the printed bill, as amended in the Senate on April 23, 1943, strike out said line, and insert "(18) Signature and license number of embalmer; name and".

**Amendment No. 2**

On page 1 of said bill, after line 22, insert "The receipt of the funeral director or person acting as such shall be sufficient for any hospital or State institution turning the remains of a decedent over to said funeral director."

Amendments read.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Cunningham, Dorsey, Judah, McCormack, Rich, Seawell, Shelley, Swan, and Swing—12.

**NOES**—Senators Breed, Brown, Burns, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Mayo, McBride, Parkman, Powers, Quinn, Salsman, Slater, Tenney, Tickle, and Ward—20.

**Further Consideration of Assembly Bill No. 1950**

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

Bill read third time.



The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Breed, Burns, Crittenden, DeLap, Donel, Dillinger, Fletcher, Jespersen, Mayo, McBride, Salmon, Seawell, Slater, Swing, Tenney, and Ward—16.

**NOES**—Senators Bigger, Brown, Carter, Collier, Cunningham, Donnelly, Dorsey, Judah, Luckey, McCormack, Parkman, Powers, Quinn, Rich, Shelley, Swan, and Tickle—17.

#### Motion to Reconsider

Senator Tenney moved to reconsider the vote whereby Assembly Bill No. 1950 was refused passage.

#### Postponement of Reconsideration

On motion of Senator Tenney, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1950 was refused passage, was continued until the next legislative day.

**Assembly Bill No. 1465**—An act to amend the Dental Practice Act by amending Section 1674 of the Business and Professions Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Luckey, McCormack, Parkman, Powers, Quinn, Rich, Salmon, Seawell, Slater, Swing, Tenney, Tickle, and Ward—25.

**NOES**—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1943

**MR. PRESIDENT:** Your Committee on Rules recommends that the Senate advise and consent to the appointment of Lee O. Toor, Jr., to the Sonoma State Home Board of Trustees, as contained in the Governor's message addressed to the Senate April 28, 1943.

SEAWELL, Chairman

### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

#### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Lee O. Toor, Jr., of Monte Rio as a member of the Sonoma State Home Board of Trustees.

The President put the question, "Will the Senate confirm and consent to the appointment of Lee O. Toor, Jr.?"

The roll was called, with the following result:

**AYES**—Senators Bigger, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Lee O. Toor, Jr.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Rules recommends that the Senate advise and consent to the appointment of B. H. Crocheron to the State Soil Conservation Committee, as contained in the Governor's message addressed to the Senate April 28, 1943.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

## Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of B. H. Crocheron of Berkeley as a member of the State Soil Conservation Committee.

The President put the question, "Will the Senate confirm and consent to the appointment of B. H. Crocheron?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dousey, Eagle, Fletcher, Jepsen, Judah, Luckey, Mayo, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

## Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of B. H. Crocheron.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1943

MR. PRESIDENT: Your Committee on Rules recommends that the Senate advise and consent to the appointment of Ford Chatters as a member of the State Personnel Board, vice Harry Lutgens, as contained in the Governor's message addressed to the Senate April 28, 1943.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

## Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Ford Chatters of Lindsay as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Ford Chatters?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dousey, Eagle, Fletcher, Jepsen, Judah, Luckey, Mayo, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

NOES—None.

## Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ford Chatters.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1943.

MR. PRESIDENT: Your Committee on Rules recommends that the Senate advise and consent to the appointment of Archibald B. Tinning as a member of the State Personnel Board, vice Cornelius J. Haggerty, as contained in the Governor's message addressed to the Senate April 28, 1943.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

## Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Archibald B. Tinning of Martinez as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Archibald B. Tinning?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dossey, Engle, Fletcher, Jespersen, Judah, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

## Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Archibald B. Tinning.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 674**—An act to repeal Article 2, consisting of Sections 321 to 324, inclusive, of Chapter 1 of Division 3 of the Agricultural Code, relating to foreign cold storage meat.

Bill read third time.

## Motion to Amend

Senator Powers moved the adoption of the following amendment:

## Amendment No. 1

On page 1, line 7, of the printed bill, after "meat", insert "produced in the Dominion of Canada and".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1849**—An act to add Sections 520, 521, 522, 523, 524, 525 and 526 to the Military and Veterans Code, relating to High School Cadets.

Bill read third time.

## Motion to Amend

Senator Quinn moved the adoption of the following amendments:

## Amendment No. 1

On page 2 of the printed bill, as amended, strike out line 5.

## Amendment No. 2

On page 2, line 14, of said bill, strike out "and for service as such officers".

Amendments read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby the amendment to Assembly Bill No. 674 was adopted.

## Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby the amendment to Assembly Bill No. 674 was adopted.

Motion carried.

Amendment withdrawn upon request of Senator Powers.

## RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

## Senate Resolution No. 126

Relative to the creation of a Senate Committee to Investigate Building and Loan Association Affairs

WHEREAS, The property, business and assets of the Pacific States Savings and Loan Company were taken into possession of the Building and Loan Commissioner of the State of California more than four years ago; and

WHEREAS, The said Pacific States Savings and Loan Company had, at the date of the seizure of its assets by the commissioner, many thousands of investment certificate holders and depositors, many of them elderly people and widows, as well as guardians, trustees and other fiduciaries, and the great majority of said depositors and investment certificate holders were and now are residents of the State of California; and

WHEREAS, Constant and long continued litigation has resulted from the seizure as aforesaid, with attendant great expense for fees of attorneys, accountants, and other specialists, as well as court costs and expenses, to the great loss and disadvantage of the investment certificate holders of Pacific States Savings and Loan Company; and

WHEREAS, The Legislature at its last two regular sessions has had before it numerous proposed laws arising out of the problems presented by the seizure of said Pacific States Savings and Loan Company and the administration of its assets and affairs; and

WHEREAS, The Legislature is likely to be called upon at its next regular session to pass legislation amendatory of the present Building and Loan Association Act and in aid of the orderly administration of the affairs of the said Pacific States Savings and Loan Company by the commissioner; and

WHEREAS, It is necessary that the Legislature be fully and independently advised upon all of the details and facts surrounding the administration of the affairs of said Pacific States Savings and Loan Company and to be fully aware of the problems presented therein in order to prepare and advise the Legislature upon such legislation as may be necessary in the interests of the certificate holders and depositors; now, therefore, be it

*Resolved by the Senate of the State of California*, That a committee to be designated as the "Senate Interim Committee on Building and Loan Association Affairs" consisting of three (3) members to be appointed by the Committee on Rules of the Senate is hereby created, with which the Building and Loan Commissioner and the Attorney General shall cooperate. The committee is hereby authorized to gather, study, assemble and analyze facts relating to the matters specified in this resolution, with particular reference to the administration of the affairs of the said Pacific States Savings and Loan Company now in the hands of the said commissioner, with a view to preparing and submitting to the Legislature such legislation as may be deemed necessary by the committee.

To this end the committee is especially enjoined to investigate fully the possibility of repayment at an early date to the depositors and investment certificate holders the moneys due them, always keeping in mind the best interests of all such depositors and certificate holders.

Upon the appointment of its members the committee may organize, appoint a secretary, and employ such clerical and technical assistants and adopt such rules as in its discretion it deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein.

The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records, of every kind and description, and to take all necessary means to compel the attend-



ance of witnesses and to procure testimony. The members of the committee may each administer oaths, and all of the provisions of Article 8 of Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, and all of the provisions of the Joint Rules and the Rules of the Senate applicable to legislative committees, shall apply to the committee appointed under this resolution.

The committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects heretofore referred to and relating thereto, and to do any and all things necessary or convenient to enable it to exercise the powers and duties granted or imposed upon it.

The committee may create subcommittees from its membership, assigning to one subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to take or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the enabling or constituting act, the powers and duties of the committee, which powers may be withdrawn or terminated at any time by the committee.

The committee may hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee. The committee may also meet in executive session. The committee is hereby authorized to receiving members of the Legislature (including and receiving thereof, or after final adjournment, but in no event beyond the adjournment of the Fifty-sixth Legislature). The committee may report to any session of this Legislature or to the Regular Session of the Fifty-sixth Legislature, on or before March 15, 1945.

Every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district, or in this State shall furnish the committee and any subcommittee upon request, any and all assistance and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created. The Sergeant at Arms of the Senate, or other officers designated by him are hereby directed to see to it and to enforce orders, and other process issued by the committee, which directed so to do in the chairman or two-thirds majority of the membership of the committee.

The members of the committee shall receive without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05 1/2) per mile each way incurred in connection with their services upon the committee (and other travel) and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of ten dollars (\$10) per day for accommodations and meals.

The sum of five thousand dollars (\$5,000) is hereby made available from the Contingent Fund of the Senate for expenses of the committee hereby created and its members, and for any other charges, expenses or claims of any kind under this resolution to be disbursed after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

### Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 2, 1943

MR. SPEAKER: Your Committee on Agriculture, to which was referred

Assembly Bill No. 406

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bill re-referred to Committee on Finance

### Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 2, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Assembly Bill No. 1853

Assembly Bill No. 1854

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 4; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, MAY 1, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 125

Senate Resolution No. 52

Senate Resolution No. 122

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

Above reported resolutions ordered to second reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Resolutions Nos. 125, 52, and 122, at this time, for purpose of adopting the committee amendments.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Resolution No. 125** Relating to the creation of a Senate committee to investigate and determine a construction program to be embarked upon that will provide employment following the relaxation of the war effort and define its powers and purposes.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

## Amendment No. 1

That the last paragraph of said resolution, as it appears on page 2403 of the Senate Journal, be amended by striking out of line 1 of said paragraph the words "ten thousand dollars (\$10,000)", and inserting "fifteen thousand dollars (\$15,000)".

Amendment read and adopted.

**Senate Resolution No. 122**—Relative to appointment of a Senate Fact-Finding Committee on Japanese Resettlement.

Resolution read.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

## Amendment No. 1

In the first *Resolved* clause, on page 2272 of the Senate Journal for April 27, 1943, strike out "three", and insert "five".

## Amendment No. 2

In the first *Resolved* clause, on page 2273 of the Senate Journal for April 27, 1943, insert in the blanks "ten thousand dollars (\$10,000)".

Amendments read and adopted.

**Senate Resolution No. 52** Relative to Interim Committee on the Study of Public Education.

Resolution read.

## Consideration of Committee Amendments

The following amendments were prepared by the Committee on Rules:

## Amendment No. 1

Delete the last WHEREAS clause and the last paragraph of the first *Resolved* clause, and insert:

"WHEREAS, The Legislature can best secure information by means of interim committees; now, therefore, be it

*Resolved by the Senate of the State of California*: That a committee to be designated "The Senate Interim Committee on Public Education," consisting of five members to be appointed by the President on July 1 of the Senate is hereby created. The committee is hereby authorized to gather, receive, assemble and analyze facts relating to the status of education in this State (including finances, methods of teaching, selection and use of teaching material and type of personnel, type of curriculum, lack of facilities, type of schools, fundamental, organization and administration of the public school system and any other related subjects) with a view to formulating plans and presenting and submitting such legislative measures as will ensure the State is being placed and assure the best possible system of public education."

## Amendment No. 2

In the last *Resolved* clause, strike out "twenty thousand dollars (\$20,000)", and insert "ten thousand dollars (\$10,000)".

Amendments read and adopted.

## SENATE RESOLUTION NO. 125

By Senators Mayo and Luskay

## Senate Resolution No. 125, as Amended

Relating to the creation of a Senate committee to investigate and determine a construction program to be carried out upon and upon possible employment following the relaxation of the war effort and to fix its powers and purposes.

WHEREAS, The Legislature has determined to establish and provide a Postwar Construction Program that will furnish employment for citizens released from the armed forces and from peacetime occupations following the relaxation of the war effort, and has provided for a fund to carry on such construction and has authorized the preparation of necessary plans, specifications and for the doing of the preliminary work necessary to carry on such construction; and, now, therefore, be it

WHEREAS, It is deemed that the most effective specialization be made to determine the projects and the construction work, with due regard to the employment, and which will make available construction for employment in all parts of the State, and

WHEREAS, It is necessary that the various departments authorized to engage in the preparation of plans and specifications and the doing of the preliminary work heretofore referred to have made available the nature and location of the projects deemed by the Legislature to be best possible for carrying out; and, for the reference of the Legislature when authorizing such postwar program to be, therefore, be it

*Resolved by the Senate of the State of California*: That there be and is hereby created a committee of five members to investigate and ascertain facts and determine the nature and location of projects which, in the judgment of such committee, should be included in the Postwar Construction Program, and be it further

*Resolved*: That said committee shall consist of five Members of the Senate, at least seven of which shall be from the second class, which committee shall be appointed by the Rules Committee of the Senate, and be it further

*Resolved*: That the committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Article V, Chapter 2, Title 1, Part 3 of the California Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the

express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during the session of the Legislature, including any recess hereof, and after final adjournment hereof, until the adjournment of the Fifty-sixth Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, The committee may do anything which is necessary or desirable to represent the interests of the State or any local agency, district, area, group, or person in the State and to that end may correspond, confer, and cooperate with any agency, officer, or other representative of the United States and for that purpose the committee or any designated member or employee of it may travel either within or without the State; and be it further

*Resolved*, The committee shall from time to time consult, advise and cooperate with the Governor, the various State departments and agencies concerning projects to be included in the Postwar Construction Plan, and shall prepare and submit to the Fifty-sixth Session of the Legislature the report of its investigations, findings and recommendations concerning the projects, improvements and constructions which the committee deem suitable for such Postwar Construction Program; and be it further

*Resolved*, The Sergeants at Arms of the Senate and of the Assembly, and other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate for the expenses or claims it may incur under this resolution, to be paid equally from the contingent fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

#### SENATE RESOLUTION NO. 52

By Senator Biggar:

#### Senate Resolution No. 52, as Amended Relative to Interim Committee on the Study of Public Education

WHEREAS, The people of California have demonstrated their interest in education by establishing and supporting an excellent system of public schools; and



WHEREAS, It is in the best interest of the public welfare that representatives of the people examine from time to time the manner in which the public schools are discharging their obligations; and

WHEREAS, The Legislature can best secure information by means of Interim Committees; now, therefore, be it

*Resolved by the Senate of the State of California,* That a committee to be designated "The Senate Interim Committee on Public Education" consisting of five members to be appointed by the Committee on Rules of the Senate is hereby created. The committee is hereby authorized to gather, study, assemble and analyze facts relating to the system of public education in this State (including finances, methods of teaching, selection and use of textbooks, character and type of personnel, type of curriculum, lack of emphasis with respect to fundamentals, organization and administration of the public school system and any other related subjects) with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to bring about and assure the best possible system of public education.

To this end the committee should make a study, survey, or investigation of any phase of the subject of this resolution, including but not limited to the operation, effect, administration, and enforcement of laws bearing upon or relating to the subject of this resolution.

The committee may act during this session of the Legislature, including any recesses thereof and after final adjournment and may report its findings and recommendations to the Senate and to the people from time to time and at any time, and make its final report to the Senate at the Fifty-sixth Session of the Legislature on or before January 15, 1945; and be it further

*Resolved,* That the committee shall have and exercise all the powers, duties, and privileges conferred upon committees by Rule No. 35 of the Joint Rules of the Senate and Assembly for the Fifty-fifth Legislature (and the provisions of said rule as they exist on the adoption of this resolution are, to the extent not inconsistent with this resolution, hereby incorporated herein and made a part hereof as though set forth in full in this resolution); and be it further

*Resolved,* That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved,* That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved,* That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

#### SENATE RESOLUTION NO. 122

By Senator Donnelly:

#### Senate Resolution No. 122, as Amended

#### Relative to appointment of a Senate Fact-Finding Committee on Japanese Resettlement

WHEREAS, Japanese people resident in the State of California have proved to be a serious menace to the peace and safety of the people of the State and of the United States as a whole; and

WHEREAS, The Japanese people have been removed from the State, such removal appearing to be only temporary; and

WHEREAS, The return of Japanese people to the State after termination of the war may conceivably constitute a serious menace to the peace and safety of the people of the State in subsequent years; now, therefore, be it

*Resolved by the Senate of the State of California,* That there is hereby created a Senate Fact-Finding Committee on Japanese Resettlement, which shall investigate, ascertain and appraise all facts concerning the return of Japanese people to the State after termination of the war; and be it further

*Resolved,* That the committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws both Federal and State, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the committee may make such representations and recommendations to the Federal Government as it may deem advisable, on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and such representations and recommendations shall be representations and recommendations of the committee, and not of the Legislature or the Senate thereof; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate

for the expenses of the committee and its members; and for any charges, expenses or claims it may incur under this resolution, to be paid and disbursed, after authorization by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

## RECESS

At 5.06 p.m., on motion of Senator Seawell, the Senate recessed until 7.30 p.m.

## REASSEMBLED

At 7.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 7.30 p.m.

The President directed the sergeant-at-arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 78**—An act to amend Sections 4251 and 4261 of the Political Code, relating to compensation for public services in counties.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 78?

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 4261" and insert "Sections 4251 and 4261".

## Amendment No. 2

In lines 2 and 3 of the title of said bill, strike out "of the thirty-second class".

**PRINTER'S NOTE.**—There being no 7 point without type available, the material which should appear in *THICKER* type in the following amendment is indicated by being enclosed within brackets.

## Amendment No. 3

On page 1, line 1, of said bill, after "Section 1", insert "Section 4251 of the Political Code is amended to read:

4251. In counties of the twenty-second class the following shall receive, as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, four thousand five hundred dollars (\$4,500) per annum.

2. The district attorney, *five thousand dollars* (\$5,000) per annum. The district attorney shall devote his entire time to the duties of his office and shall not engage in private practice of the law during his term of office.

3. Each member of the board of supervisors, one hundred *(\$100) fifty (\$150)* per month, and *[six] eight cents* *[\$80.00] (\$8.68)* per mile (while traveling on official business from his residence to the county seat, or returning therefrom, and also mileage for his services as road commissioner at the rate of six cents, *(\$0.06)* per mile, for the distance actually traveled in the discharge of his duties as road commissioner; provided, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars *(\$300); for each mile necessarily and actually traveled in all such meetings of said board as in the discharge of county business within the county, and travel and necessary traveling expenses incurred in the discharge of official business outside of the said county; provided, however, that all claims for mileage thus incurred shall be under oath and shall itemize the places to which the travel was necessary and the nature of the business transacted.*



4. Members of the board of supervisors, the auditor, and the district attorney shall be allowed their actual and necessary expenses incurred while traveling to and from the annual convention of their respective associations, but in no event shall such expenses exceed the sum of fifty dollars (\$50) for each of said officers in any one year.

SEC. 2."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 78 by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—23.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 325**—An act to amend Section 8c of the State Employees' Retirement Act, relating to city firemen and the forestry and fire officers and employees of contracting public agencies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 325?

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "the title and Section 8c of, and to add Sections 3e and 38f to", and insert "Section 8c of".

##### Amendment No. 2

In the title of the printed bill, strike out lines 3 to 6, and insert "relating to city firemen and the forestry and fire officers and employees of contracting public agencies."

##### Amendment No. 3

On page 1 of said bill, strike out lines 1 to 23, inclusive; on page 2, strike out lines 1 to 14, inclusive; and in line 15, strike out "SEC. 3. Section 8c of said act", and insert

"SECTION 1. Section 8c of the act cited in the title".

##### Amendment No. 4

On page 2 of said bill, strike out lines 30 to 50, inclusive.

##### Amendment No. 5

In line 9 of the title of the printed bill, strike out "estry and county firewarden departments."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 325 by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Mayo, McBride, Mixter, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 400**—An act to add Section 689.7 to the Political Code, relating to Department of Finance membership in building management associations.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 400?

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 9, and insert "for expenditure by the department. Such membership".



The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 400 by the following vote:

**AYES**—Senators Buggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jaspersen, Judah, Keating, Mayo, McBride, Mixer, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 412**—An act to amend Section 11871 of the Insurance Code, relating to representation of State agencies by State Compensation Insurance Fund.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 412?

#### Amendment No. 1

On page 2, line 3, of the printed bill, as amended, after "file", insert "I, pursuant to Chapter 5, Part 1, Division 4 of the Labor Code."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 412 by the following vote:

**AYES**—Senators Buggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jaspersen, Judah, Keating, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 623**—An act to amend Sections 10036 and 10551 of the Health and Safety Code, relating to vital statistics certificates.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 623?

#### Amendment No. 1

On page 1, line 15, of the printed bill, after "copy", insert a comma.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 623 by the following vote:

**AYES**—Senators Buggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jaspersen, Judah, Keating, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—25.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 640**—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of, and to add Section 12700.1 to, the Business and Professions Code, relating to public weighmasters.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 640?

#### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "of", insert "I, and to add Section 12700.1 to,".

#### Amendment No. 2

On page 1 of said bill, strike out all of lines 6 to 12, inclusive, and insert "memorandum of the weight, measure, or count accepted as the accurate weight or measure or count upon which the purchase or sale of the commodity is based."

**Amendment No. 3**

On page 1, line 15, of said bill, insert

"Sec. 1.5. Section 12700.1 is added to the Business and Professions Code, to read:

12700.1. The following shall not be construed to be public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them at retail directly to consumers;

(b) Producers of agricultural commodities or live stock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based;

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation;

(d) Weighers licensed under the provisions of Section 676 of the Agricultural Code when performing the duties for which they are licensed;

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 of Division 5 of this code, when performing the duties authorized thereby."

**Amendment No. 4**

On page 2, line 27, of the printed bill, as amended, after "department", insert "after a hearing,".

**Amendment No. 5**

On page 2, line 28, of the printed bill, as amended, after "license", insert "issued".

**Amendment No. 6**

On page 2, line 30, of the printed bill, as amended, after "may", insert "after a hearing,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 640 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 60**—An act to add Section 258.1 to the Vehicle Code, relating to temporary chauffeurs' licenses for school bus drivers, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 60?

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 21 to 28, both inclusive.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 60 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 858**—An act to add Section 1.5 to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Com-

mission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 858?

**Amendment No. 1**

In line 11 of the title of the printed bill, as amended, strike out the period, and insert "; relating to highway carriers."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 858 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Sewall, Sheller, Slater, Swan, Swing, Tickle, and Ward—28.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 976**—An act to amend Section 647 of the Agricultural Code, relating to conveyances transporting milk or cream or containers therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 976?

**Amendment No. 1**

On page 1, line 29, of the printed bill, strike out the period, and insert "; provided, that such feeds, grains or hay shall be covered separately from the empty containers while in transit."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 976 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Sewall, Sheller, Slater, Swan, Swing, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1068**—An act to amend Section 841 of the Military and Veterans Code, relating to veterans' farm and home purchase funds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1068?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "and repeal Section 841a".

**Amendment No. 2**

On page 1 of said bill, strike out line 25.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1068 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keat-

ing, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1080**—An act to add Sections 3327 and 3330 to the Penal Code, relating to the California Institution for Women.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1080?

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "to amend Section 3324 of and".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 11, inclusive.

##### Amendment No. 3

On page 1, line 12, of said bill, strike out "SEC. 2", and insert "SECTION 1".

##### Amendment No. 4

On page 1, line 17, of said bill, strike out "SEC. 3", and insert "SEC. 2".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1080 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 155**—An act to add Section 255.5 to the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 155?

##### Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "Any person claiming the veteran's exemption shall file the affidavit with the assessor in duplicate."

##### Amendment No. 2

On page 1, line 15, of the printed bill, after "residence," insert "it shall be filed in duplicate and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 155 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Assembly Bill No. 294**—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 294?

**Amendment No. 1**

On page 1, line 41, of the printed bill, strike out "and plus an allowance of", and insert "and mileage at the rate of fifteen cents (\$0.15) per mile in traveling from his residence to attend regular meetings of the board, and in returning therefrom.

Each supervisor shall also be allowed"

**Amendment No. 2**

On page 1, line 12, of said bill, strike out the period; and strike out lines 13, 14, and 15, and insert "which allowance shall not exceed three hundred dollars (\$300), annually."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 294 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 698**—An act to add Chapter 4, consisting of Sections 28000 to 28003, inclusive, to Division 21 of the Health and Safety Code, relating to horse meat.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 698?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "28004", and insert "28003".

**Amendment No. 2**

On page 1, line 2, of said bill, strike out "28004", and insert "28003".

**Amendment No. 3**

On page 1 of said bill, strike out lines 15 to 19, inclusive.

**Amendment No. 4**

On page 1, line 21, of said bill, strike out "28003", and insert "28002".

**Amendment No. 5**

On page 1, line 25, of said bill, strike out "28004", and insert "28003".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 698 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 413**—An act amending Section 4300a of the Political Code, relating to fees of the county clerk.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 413?

**Amendment No. 1**

On page 2 of the printed bill, following line 20, insert

"For preparing an abstract of a judgment, twenty five cents (\$.25)."

"For issuing an abstract of a judgment, fifty-cents (\$.50)".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 413 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 120**—An act to amend Section 4951 of, and to add Sections 4959, 4965 and 4966 to, the Health and Safety Code, relating to the powers of sewer maintenance districts and districts formed under Chapter 2, Part 3, Division 5 of said code.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 120?

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "sewers", insert ", within a district".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 120 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 62**—An act to amend Section 253 of the Revenue and Taxation Code, relating to exemptions from taxes on real property, and to provide that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 62?

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended in the Senate April 8, 1943, strike out "real".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 62 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 238** An act to amend Section 4285 of the Political Code, relating to compensation for public services in counties of the fifty-sixth class.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 238?

## Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "services", insert "in counties of the fifty fifth class".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 238 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dwyer, Engle, Gordon, Hatfield, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—21.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 143** An act to amend Sections 582, 583, 584, 585, 587, 588, 589, 590, 591, 592, 593, 594, 596 of the Fish and Game Code, relating to kelp and other aquatic plants.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 143?

## Amendment No. 1

On page 1, line 3, of the printed bill, strike out "help", and insert "kelp".

## Amendment No. 2

On page 2, line 39, of the printed bill, strike out "ten cents (\$0.10)", and insert "five cents (\$0.05)".

## Amendment No. 3

On page 3, line 3, of the printed bill, strike out "15", and insert "5".

## Amendment No. 4

On page 3, line 28, of the printed bill, strike out "ten cents (\$0.10)", and insert "five cents (\$0.05)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 143 by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 197**—An act to add Section 2729 to the Penal Code, relating to prisons and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 197?

## Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "the employment of prisoners".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 197 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Carter, Keating, and Swan, as a Senate Committee on Conference concerning Senate Bill No. 197, to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 392**—An act to amend Section 4312 of and to add Section 4312.5 to the Political Code, relating to the location and office hours of certain county offices, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 392?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended on March 30, 1943, following "of", insert "and to add Section 4312.5 to".

##### Amendment No. 2

On page 2 of said bill, following line 4, insert "In any city or town containing a population of not less than 50,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than six miles distant from the county courthouse, sheriffs and clerks must open offices provided by the county through the board of supervisors and keep them open for the transaction of business continuously from 9 o'clock a.m. until 5 o'clock p.m. every day in the year except Sundays and holidays."

##### Amendment No. 3

On page 2 of said bill, strike out lines 31 through 38, inclusive.

##### Amendment No. 4

On page 2 of said bill, following line 41, insert

"Sec. 2. Section 4312.5 is hereby added to the Political Code, to read as follows: 4312.5. Notwithstanding any provisions of Section 4312 hereof, in those counties having a population in excess of 600,000, county officers shall keep their offices open for the transaction of business during such hours and on such days as the board of supervisors of each such county shall fix by ordinance."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 392 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.



**Consideration of Assembly Amendments**

**Senate Bill No. 533**—An act to amend Section 359c of the Political Code, relating to vacations of State officers and employees.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 533?

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out "from which he came," and insert "to which he is transferred unless the agency to which he transfers requires the officer or employee to take his accumulated vacation before the effective date of such transfer."

**Amendment No. 2**

On page 1 of the printed bill as amended, strike out lines 13 to 22, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 533 by the following vote:

**AYES:** Senators Baggart, Beaud, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McElrath, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES:** None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 565**—An act to add Section 1529 to the Welfare and Institutions Code, relating to public assistance, providing for payment of aid while in a public hospital.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 565?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend Section 2160 and to".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 26, inclusive, and on page 2, strike out lines 1 to 42, inclusive.

**Amendment No. 3**

On page 2, line 44, of said bill, strike out "Sec. 2", and insert "Section 1."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 565 by the following vote:

**AYES:** Senators Baggart, Beaud, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES:** None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 838**—An act to amend Section 511 of the Public Resources Code, relating to the Department of Natural Resources Printing Revolving Fund.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 838?

**Amendment No. 1**

On page 1, line 30, of the printed bill, strike out "fund from which the money was derived", and insert "General Fund".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 838 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 845**—An act to add Sections 12.5 and 12.6 to the Reclamation Board Act and Sections 8676 and 8677 to the Water Code, relating to the disposal of lands acquired by the Reclamation Board.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 845?

#### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Act", insert "and Sections 8676 and 8677 to the Water Code".

#### Amendment No. 2

On page 2 of said bill, after line 11, insert

"SEC. 3. Section 8676 is added to the Water Code, to read:

8676. Whenever the board has acquired or shall in the future acquire title in fee to any land in the name and in behalf of the district and whenever, in the judgment of the board, the purposes of the district will be satisfied by the retention of an easement or other interest in the land less than the title in fee thereto, the board shall take all steps necessary to sell said land reserving to said district the easement or other interest acquired for the purposes of the district. Conveyances of such land or interest therein owned by the district shall be executed by the officers of the board authorized by the board and shall be approved by the Director of Finance.

SEC. 4. Section 8677 is added to the Water Code, to read:

8677. All oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits in the land are reserved to the State and shall be reserved from sale except on a rental and royalty basis. A purchaser of any of the land shall acquire no right, title, or interest in or to such deposit. The right of such purchaser shall be subject to the reservation of all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, and to the conditions and limitations prescribed by law providing for the State and persons authorized by it to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom. The provisions of this section shall not apply to any compromise agreement entered into with respect to such land, nor to grants of such land to the United States when such grants are authorized by law.

SEC. 5. Sections 3 and 4 of this act become operative only if the Water Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time as said code takes effect; at which time Sections 12.5 and 12.6 of the Reclamation Board Act added by this act are hereby repealed."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 845 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 873**—An act to add Sections 13528.1, 13528.2, 13528.3, 13528.4, 13528.5, 13528.6, 13528.7, 13528.8, and 13528.9 to the Education Code, relating to permanent employees of school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 873?

## Amendment No. 1

On page 1, line 6, of the printed bill, after the period, insert "Notice of such action, including a copy of this section, shall be given to the employee as soon as possible. If the employee, within five days after such notice, and with the help of members of the governing board, a written objection is prepared, bearing in further proceedings shall be had with respect thereto. If no such objection is filed, the governing board may proceed as provided in Sections 13528.1 to 13528.8."

## Amendment No. 2

On page 2, line 29, of the printed bill, after the period, insert "At the request of the employee, the hearing shall be private; otherwise such hearing shall be open to the public."

## Amendment No. 3

On page 2, line 35, of the printed bill, after "hearing", insert ", unless the employee shall have filed objections, as provided in Section 13528.1."

## Amendment No. 4

On page 3, line 2, of the printed bill, after the first "board", insert ", but this shall not be construed to permit the introduction of hearsay evidence."

## Amendment No. 5

On page 3, line 13, of the printed bill, following the period, insert "Such copy shall not be deemed a public record, and no person other than members of the governing board and the administrative officers thereof shall be permitted to inspect same, without the consent of the employee."

## Amendment No. 6

On page 3, line 28, of the printed bill, after the period, insert "Neither the transcript of the proceedings, nor the findings nor recommendation of the board of review shall be admissible in evidence at any proceeding to court touching the question of the dismissal or suspension of the employee."

## Amendment No. 7

On page 3, line 36, of the printed bill, strike out ", 13525 and 13526", and insert "to 13556, inclusive,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 873 by the following vote:

**AYES**—Senators Bigger, Broad, Brown, Hays, Chase, Chaffin, Cunningham, DeLay, Deuel, Dullinger, Donnelly, Dwyer, Egan, Fletcher, Garton, Jantzen, Judah, Keating, Mayo, McKea, McCormack, Winter, Pirkman, Prosser, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 1067**—An act to amend Section 1203b of the Penal Code, relating to crimes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1067?

## Amendment No. 1

Strike out line 2 of the title of the printed bill, as amended, and insert "crimes".

## Amendment No. 2

On page 1, line 7, of said bill, strike out "case punishable by not more"; strike out line 8; and in line 9, strike out "dollars (\$500) or by both such imprisonment and fine", and insert "misdemeanor case".

**Amendment No. 3**

On page 1, lines 10 and 11, of said bill, strike out "two years", and insert "the maximum term of imprisonment for the offense involved."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1067 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

**Senator Burns Presiding**

At 9.03 p.m., Senator Burns of the Thirtieth District, presiding.

**Consideration of Assembly Amendments**

**Senate Bill No. 1079**—An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1079?

**Amendment No. 1**

On page 10, line 25, of said bill, after "a", insert "two-thirds".

**Amendment No. 2**

On page 15, line 24, of said bill, after "authority", insert "except that the vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the incurring of such indebtedness".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1079 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

Chief Assistant Secretary Harry A. Hammond at the Desk

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 956**—An act to authorize the creation of a branch of the University of California at Santa Barbara, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, including moneys appropriated and unexpended, or which may be appropriated, to grant to employees of Santa Barbara State College who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems.

Bill read third time.



## Motion to Amend

Senator Ward moved the adoption of the following amendment:

## Amendment No. 1

On page 2 of the printed bill, strike out lines 13 to 32, inclusive, and insert:

"Sec. 5. Every employee of the Santa Barbara State College, and every employee who is absent upon military service, at the time said State college becomes a branch of the University of California, shall thereafter continue in a like capacity as an employee of the University of California, in accordance with the terms of his contract with Santa Barbara State College heretofore entered upon. If the employee is a member of a State retirement or pension system, he shall remain a member of the retirement or pension system to which he belongs at such time, but thereafter, at his option, may withdraw therefrom to become a member of any other retirement or pension system to which he is or may become eligible; provided, he shall exercise the option hereby given within 90 days after said State college becomes a branch of the University of California. If at the time said State college becomes a branch of the University of California the employee is in the armed service of the United States, or of the State, he shall have 90 days after his separation therefrom under honorable conditions within which to exercise the option hereby given. If under said option, he elects to terminate membership in the State Employees' Retirement System and to be a member of the State Teachers' Retirement System, he shall be considered, solely for the purposes of Section 75 of the State Employees' Retirement Act, as permanently separated from State service.

The normal contribution required of each person affirmatively exercising said option to terminate membership in the State Teachers' Retirement System and to be a member of the State Employees' Retirement System, shall be based on said person's nearest age at the earliest date he became eligible for membership in the said State Employees' Retirement System prior to the time said State college becomes a branch of the University of California; and within one year after the time said State college becomes a branch of the University of California, or within one year of his return from military service, said person shall pay to the State Employees' Retirement System an amount sufficient to make the accumulated contributions credited to said person under said system equal to the amount which would have been credited had said person been a member of said system from and after the earliest date he became eligible for membership in the State Employees' Retirement System prior to the time said State college becomes a branch of the University of California. The State shall contribute to the State Employees' Retirement System on account of said person, amounts equal to contributions which would have been made had said person been a member of the State Employees' Retirement System from said first date of eligibility."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 568** An act to add Section 2780.1 to the Penal Code, relating to the prison camps, making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Riggart, Breed, Burns, Carter, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggart, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 690**—An act to amend Section 1171 and to add Section 1184 to the Military and Veterans Code, relating to exemption of memorial districts from the provisions of the District Investigation Act of 1933.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 62**—An act to make an appropriation for the cost of auditing and collecting unemployment relief restitutions, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Shelley Presiding**

At 9.20 p.m., Senator Shelley of the Fourteenth District, presiding.

**Assembly Bill No. 1011**—An act to add Sections 838.5, 1710, 1691.3, 1831.6, 1831.7, 1831.8, and 1831.9 to the Insurance Code, to add Article 18, comprising Sections 1110 to 1113, to Chapter 1, Part 2, Division 1, thereof, and to amend Sections 382, 733, 763, 1200, 1202, 1591, 1808 and 1831.5, and to repeal Section 1710 of the Insurance Code, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1014**—An act to add Sections 10176, 10206.5 and 10641.5 to, and to amend Sections 10202, 10203, 10206, 10270.5, 10270.55, 10270.9, 10270.93 and 10342 of, the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1016**—An act to add Chapter 6a to Part 2, Division 1, of the Insurance Code, relating to taxes on nonadmitted insurance.

Bill read third time.

**Motion to Amend**

Senator McBride moved the adoption of the following amendment:

**Amendment No. 1**

On page 3, line 12, of the printed bill, as amended, strike out "the total premium for the aggregate of": and strike out lines 13 and 14, and insert a period.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1017**—An act to add Sections 756.5 and 11730x to, and to amend Sections 11561 and 11715 of, the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1019**—An act to amend Sections 916 and 986 and repeal Section 10487 of, to add Sections 101501, 10478, 10479, 10488, 10489 and 10929 to, and to add Article 3a to Chapter 1 of, and Article 3a to Chapter 5 of, Part 2, Division 2 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—32.

**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 229**—An act to add Sections 30a to 30r to the Bank Act and to add Section 3081 to the Civil Code, relating to the disposal of unclaimed contents of safe deposit boxes rented by banks or other corporations and relating to unclaimed items of personal property left with a bank for safekeeping or storage.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

**NOES**—Senators Dorsey and Swan—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1542**—An act making an appropriation to the University of California to be expended for an investigation of the con-

trol of Pierce's disease of grapevines in California, declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 401**—An act to repeal Section 19 of the Bank Act, relating to the ratio of capital and surplus of banks to their deposit liabilities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1013**—An act to amend Section 108 of the Insurance Code, relating to liability insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1015**—An act to amend Sections 1493, 11502, 11505, 11507, 11510, 11512, 11513 and 11516.5 of, to add Sections 11512.1, 11512.2 and 11512.3 to, and to repeal Section 11497 of, the Insurance Code, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—34.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1425**—An act to add Section 763.3 to the Insurance Code, relating to commissions to employees of insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mexter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Todd, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 278**—An act to amend Sections 14726, 14727, 14728, 14730, 14776, and 14777 of the Education Code, relating to district and joint district retirement plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mexter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Todd, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 30**—Relative to an increase of pay for employees of the Department of Employment.

Bill read third time.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, McCormack, Mexter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 544**—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mexter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1389**—An act to amend Sections 10170 and 10171 of the Insurance Code, relating to life insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen,

Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—33.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1096**—An act authorizing a conveyance to the United States of America of the reversionary and possessory interest of the State of California in and to certain portions of tide and submerged lands heretofore conveyed in trust to the City of Long Beach by the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1362**—An act to amend Section 30 of the State Employees' Retirement Act, relating to the membership of the retirement system established thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1540**—An act to add Section 1005 to the Political Code and Section 1779 to the Government Code, relating to appointments by the Governor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Carter, Donnelly, and Swan—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1761**—An act to add Section 36c to the Alcoholic Beverage Control Act, relating to the destruction and use of emptied distilled spirits bottles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1865**—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1280**—An act relating to public officers, deputies, assistants, and employees, and their return to public service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 70**—An act to amend Section 215 of the Municipal Court Act of 1925, relating to mileage of judges of the municipal court in any city or city and county of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 197**—An act amending Section 4076 of the Political Code, relating to county government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 248**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating,

Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 254**—An act to amend Section 7c of the Municipal Court Act of 1925, relating to municipal courts in cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 387**—An act to authorize municipal and county governments to vacate certain easements and providing a procedure therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 400**—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 438**—An act to amend Section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
NOES—None.



The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dosses, Eagle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McBrade, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—36

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Eek at the Desk

**Assembly Bill No. 497**—An act to amend Sections 5, 6 and 12 of the "Automobile Parking District Act of 1941," relating to public parking districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dosses, Eagle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, McBrade, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS (RESUMED)

### CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Bill No. 779**—An act to increase production by providing for exemptions from various requirements, relating to employment and working conditions of minor employees essential to the war effort, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 779?

#### Amendment No. 1

On page 4 of the printed bill, as amended, strike out all of lines 11 to 13, both inclusive; and in line 14, strike out "to employers," and insert "issuance of permits to work to minors and permits to work to employees who come within the provisions of Chapters 1 and 2 of Part 1 of Division 1 of the School Code or of Chapters 4 and 5 of Division 8 of the Education Code or any of said chapters, by any one or more of the boards, officers or other agencies or other persons authorized to issue permits to work or permits to employ, acting within their respective jurisdictions as fixed by the School Code or the Education Code."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 779 by the following vote:

AYES—Senators Bigger, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dosses, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Mayo, McBrade, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Above bill ordered enrolled.

## RESOLUTIONS

The following resolution was offered:

By Senator Mayo:

#### Senate Resolution No. 127

Among the congratulations reaching former Governor C. C. Young upon his seventy-fourth birthday this twenty-eighth of April, none can be more heartily felt

than those of the Members of the Legislature of California, for but few of its former members have achieved so enduring a record of public service.

After having enjoyed a successful career as an educator and author of textbooks on English usage, he was for 10 years a Member of the Assembly of California where he was chosen Speaker during his last three terms. Elected twice as Lieutenant Governor of California, he served as presiding officer of this Senate from 1918 to 1926, when he was elected Governor. Now, therefore, be it

*Resolved by the Senate of the State of California, That by this resolution the Members of this Senate take particular pleasure and pride in commending former Governor C. C. Young upon his long years of public service and upon his continued interest and activity in public affairs, and send to him sincere felicitations upon his birthday.*

Resolution read and adopted.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 10.30 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**ADJOURNMENT**

At 10.30 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 10.30 a.m., Monday, May 3, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

ONE HUNDRED TWENTIETH CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 3, 1943

The Senate met at 10:30 a.m.

Hon. Frederick F. Homan, President of the Senate, presiding.  
Secretary J. A. Beck at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Rigger, Breed, Brown, Buros, Carter, Callan, Crutenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Dorse, Earle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Lusk, Mason, McBride, McCracken, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shadley, Slater, Swann, Swing, Tenney, Tinkle, and Ward—38.

Quorum present

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roland Maxwell of Pasadena.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Justice Jesse W. Carter of San Anselmo and Daniel S. Carlton of Redding.

On request of Senator Tinkle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Justice Douglas L. Edwards, Member of the Supreme Court, Mrs. Gertrude S. Forsyth of San Francisco, and Mrs. C. C. Baker of Salinas.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. H. Smith of Sacramento.

## Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 11:05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 740** An act to amend Section 2712 and to add Section 2716 to the Penal Code, relating to the payment of wages and workmen's compensation benefits to prisoners;

And appointed Messrs. Kellems, Fount, and Carey as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

### APPOINTMENT OF COMMITTEE ON CONFERENCE

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators McBride, Ward, and Collier as a Senate Committee on Conference concerning Assembly Bill No. 740 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 740** An act to amend Section 2712 and to add Section 2716 to the Penal Code, relating to the payment of wages and workmen's compensation benefits to prisoners;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on April 22, 1943, be further amended as follows:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "amended", and insert "added".

McBRIDE	FOUR
WARD	KELLEMS
COLLIER	CAREY
Senate Committee on Conference	Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—22.

NOES—None.

### REPORTS OF STANDING COMMITTEES

#### Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 427	Assembly Bill No. 343
Assembly Bill No. 428	Assembly Bill No. 1628

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SHELLEY, Chairman

Above reported bills ordered to second reading.



## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 952**—An act to add Sections 202, 203, 1050.5 and 1050.6 to, to amend Sections 228 and 275 of, and to repeal Article 5, of Chapter 1 of Part 2 of Division 2 of the Water Code, relating to the administration of the provisions of said code;

**Senate Bill No. 983**—An act to add Section 4028.5 to the Water Code, relating to distribution of water in water master service areas;

**Senate Bill No. 984**—An act to add Section 1252.5 to the Water Code, relating to appropriation of water;

**Senate Bill No. 1085**—An act to amend Section 40 of, and to add Section 19c to, the California Water Storage District Act, relating to water storage districts;

**Senate Concurrent Resolution No. 46**—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twentieth day of April, 1943;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 63**—An act to amend Section 7374k of the Political Code, relating to the salary of superior judges in and for the County of San Diego;

**Senate Bill No. 139**—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record;

**Senate Bill No. 179**—An act to amend Section 3070 of the Labor Code, relating to the Apprenticeship Council;

**Senate Bill No. 510**—An act to amend Section 737e of the Political Code, relating to salaries of judges of the superior court;

**Senate Bill No. 588**—An act to add Section 12.5 to the Water Conservation Act of 1929, relating to the offices of the directors of water conservation districts;

**Senate Bill No. 685**—An act to validate certain acts of counties, cities and counties and of their officers relating to taxation of property;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE

## SECOND READING OF ASSEMBLY BILLS

**Assembly Bill No. 1853**—An act to provide for the limiting or defining of electric service areas by the Railroad Commission of the State of California between utilities and irrigation districts engaged in the sale or distribution of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1854**—An act to provide for the limiting or defining of electric service areas by the California Districts Securities Commission between utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

## RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

## Senate Resolution No. 128

*Resolved*, That Frank N. Killam, Chief of the Bureau of Buildings and Grounds, be, and he is hereby directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Secretary of the Senate pursuant to adjournment of this session until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the Secretary; and be it further

*Resolved*, That the Secretary be and he is hereby made responsible for the safe keeping of Senate property after adjournment of this session until the Senate shall reconvene again; and be it further

*Resolved*, That the Secretary be directed to deliver a copy of this resolution to the Chief of the Bureau of Buildings and Grounds and a copy to the Director of Finance.

SEAWELL  
POWERS  
DEUEL  
BROWN  
TICKLE

Resolution read and unanimously adopted.

By the Committee on Rules:

## Senate Resolution No. 129

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of four thousand dollars (\$4,000) in favor of Joseph A. Beck, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, bills from State Department of Finance, H. S. Crocker Company, Newbert Hardware Company, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate, and performing any duties imposed by the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

SEAWELL  
POWERS  
DEUEL  
BROWN  
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

By the Committee on Rules:

## Senate Resolution No. 130

WHEREAS, The Members of the Senate will desire to have shipped to their various places of residence their bill files, books, stationery and other printed matter at the close of this session; therefore, be it

*Resolved*, That the Sergeant-at-Arms, Joseph F. Nolan, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping

the same, properly packed, and to pack and ship the same to said members; and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Senate in favor of said Joseph F. Nolan, in a sum not to exceed eight hundred fifty dollars (\$850), and the State Treasurer is hereby directed to pay the same; and it is further directed that said Joseph F. Nolan shall furnish to the Controller vouchers and receipts for all expenditures made by him.

SEAWELL  
POWERS  
DEUEL  
BROWN  
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Reed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Egan, Gordon, Hatfield, Judak, Keating, Loekey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30

NOES—None.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 1353**—An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

#### Postponement of Reconsideration

On motion of Senator Mixer, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1353 was refused passage, was continued until the next legislative day.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution adding a new section numbered 1c, relating to taxation.

#### Postponement of Reconsideration

On motion of Senator Keating, the further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption, was continued until the next legislative day.

#### CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

#### Postponement of Reconsideration

On motion of Senator Tenney, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1950 was refused passage, was continued until the next legislative day.

#### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1005**—An act to add Section 17a to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges, and

approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereto," approved May 25, 1923, authorizing the refunding of existing indebtedness, whether bonded or otherwise, and for the issuance of bonds and other indebtedness in aid of the refunding of existing bonds, or the creation of a new bonded indebtedness.

Bill read third time.

**Motion to Amend**

Senator Shelley moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "17a to an act entitled "An act to pro"; and strike out lines 2 to 10 of said title, and insert "27229".

**Amendment No. 2**

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 27229 is added to the Streets and Highways Code, to read: 27229. Whenever the board deems it necessary or advisable to refund any outstanding bonds, it may, by resolution, declare such necessity or advisability and outline a general plan of refunding, including the issuance of refunding bonds and the terms and conditions thereof.

Upon adopting a general plan of refunding, the board shall, by resolution, provide for submitting to the qualified electors of the district the proposition of whether the refunding bonds shall issue. The resolution shall provide for the manner of submitting the proposition to the electors, and shall state the purpose of the refunding, the terms and conditions of the bonds, and any other facts essential for the information of the electors. The election held on the proposition shall conform to the provisions of this article.

If the proposition is favorably voted upon, the board of directors has plenary power in the matter of executing the bonds and providing for their sale and disposition."

**Amendment No. 3**

On page 1 of said bill, strike out lines 2 to 11, inclusive; and strike out all of pages 2 and 3, thereof.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1392**—An act to amend Sections 6301, 6321, 6834, and 6502, to amend and renumber Section 6443 and 6444 of and to add Section 6443 to, the Public Resources Code, relating to leases or exchanges of land by the State Lands Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Senator Hatfield Presiding**

At 11.35 a.m., Senator Hatfield of the Twenty fourth District, presiding.

**Assembly Bill No. 652**—An act to amend Section 404 of the Fish and Game Code, relating to licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1394**—An act to add Parts 3 and 4, comprising Sections 7301 to 8557, inclusive, to Division 6 of the Public Resources Code, and to add Sections 10014, 10015, and 10016 to Division 10 thereof, thereby revising and consolidating the law relating to the natural resources of the State, including the sale and exchange of land, and granting and taking rights and interests therein, and regulating the use thereof, by the State and its political subdivisions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1313**—An act to amend Section 1023 of the Probate Code, relating to final distribution of estates in probate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**Assembly Bill No. 906**—An act to add Sections 19129 and 19130 to the Education Code, relating to school district libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 53**—An act to amend Section 7373 and to amend and renumber Section 7444 of the Business and Professions Code, relating to hairdressers, cosmeticians, cosmetologists and junior electrologists.

Bill read third time.

#### Motion to Amend

Senator Shelley moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 22, of the printed bill, after "experience", insert "in this State".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1016**—An act to add Chapter 6a to Part 2, Division 1, of the Insurance Code, relating to taxes on nonadmitted insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—28.

**NOES**—Senators Dorsey and Swan—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 987**—An act to amend Section 1043 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 989**—An act to add Section 13.20 to the Building and Loan Association Act, relating to employment of the commissioner or his employees by merged, liquidated or reorganized associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1433**—An act to add Section 21a to the Corporate Securities Act, relating to the commissioner or his employees accepting employment by corporations, the organization, reorganization, rehabilitation or merger of which they supervised.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 919**—An act to add Section 57 2 to, and to amend Sections 62, 93, 95, 96, 131, and 132 of, the County Employees Retirement Act of 1937, relating to retirement.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1097**—An act to amend Section 81 of the Metropolitan Water District Act, relating to district taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1035**—An act to provide for the formation of districts within municipalities for the acquisition, construction, maintenance, and operation of parking places, garages and other improvements for the parking of motor vehicles, levy and collection of assessments upon property in said districts, the issuance, sale and payment of bonds secured by such assessments, the collection of rentals, fees, and charges for the use of such parking places, garages or other improvements, the administration thereof, the levy of taxes, and the powers and duties of cities relating thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, McCormack, Mixer, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 835**—An act to amend Section 737d of the Political Code, relating to salary of the judge of the superior court in and for the County of Butte.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 890**—An act to amend Section 4240 of the Political Code, relating to compensation for public services in counties of the eleventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 433**—An act to amend Section 5658 of the Elections Code, relating to the residence of persons living in trailers or vehicles or at camping grounds or public camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1111**—An act to amend the heading of Article 11 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2453, 2455, 2831, 2832, 2839, 2840, 2841, 2842, and 2843 and to repeal Section 2450 of the Elections Code, relating to county central committees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Salsman, Swan, Swing, Tenney, and Tickle—22.

NOES—Senators Donnelly, McBride, and Shelley—3.

#### Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 1111 was passed.

#### Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1111 was passed, was continued until the next legislative day.



**Assembly Bill No. 88**—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 445**—An act to amend Section 4248 of the Political Code, relating to compensation of public officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**Assembly Bill No. 1590**—An act to add Section 2 to an act entitled "An act making an additional appropriation for construction, improvements, and equipment at the University of California," approved July 8, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1602**—An act to add Section 2 to an act entitled "An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor," approved July 9, 1941, relative to the period of time during which the moneys thereby appropriated are available for expenditure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1239**—An act to amend Section 25502 of the Water Code, relating to irrigation district assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 493**—An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this State, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California, November 2, 1920, as amended, by adding Section 7.5, relating to sales of real property by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 52**—Relative to the Joint Rules.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 62**—Relative to requesting the University of California to establish and equip a forest products laboratory.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Buggar, Breed, Brown, Carter, Collier, Crotenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hathfield, Jospensen, Judith, Keating, Luckey, McBride, McCormack, Master, Parmann, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swang, Tenney, Tiedie, and Ward—34.  
**NOES**—None.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.30 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**RECESS**

At 12.30 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.01 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE  
REPORTS OF STANDING COMMITTEES**

**Committee on Fish and Game**

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Assembly Bill No. 1452

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Assembly Bill No. 1560

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred,

Assembly Bill No. 1571

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 782	Assembly Bill No. 1653
Assembly Bill No. 1687	Assembly Bill No. 583
Assembly Bill No. 1697	Assembly Bill No. 1989
Assembly Bill No. 1684	Assembly Bill No. 873

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1672

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Governmental Efficiency.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill re-referred to Committee on Governmental Efficiency.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 111	Assembly Bill No. 698
Assembly Bill No. 224	Assembly Bill No. 1139
Assembly Bill No. 378	Assembly Bill No. 1601
Assembly Bill No. 475	Assembly Bill No. 1976
Assembly Bill No. 490	Assembly Bill No. 1999
Assembly Bill No. 545	Assembly Bill No. 2001

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 2001, at this time, for the purpose of adoption of amendment.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 2001**—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Bill read second time.



**Motion to Amend**

Senator Swing moved the adoption of the following amendment:

**Amendment No. 1**

On page 4, lines 43 and 44, of the printed bill, as amended, strike out "9, 10, 11, 12, 13, 14, N. & 15, N. & 16", and insert "11, 12, 13, 14".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**REPORTS OF STANDING COMMITTEES****Committee on Finance**

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 306

Assembly Bill No. 360

Assembly Bill No. 1023

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MINTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MINTER, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2020.01, 2020.05, 2021.01, 2142.5, 2163.1, 2163.2, 2163.7, 2181.01, 2181.1, 2182.1, 2183.1, 2187.01, 2222.7 and 2223.5 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read third time.

**Motion to Amend**

Senator Mayo moved the adoption of the following amendment:

**Amendment No. 1**

On page 12, line 19, of the printed bill, as amended, after "2181.", insert "This form shall be completed by the relative as a sworn statement."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 604**—An act to amend Section 5.751 of the School Code and to amend Section 13842 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Salsman moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 5.751", and insert "add Section 5.751-1".

**Amendment No. 2**

In line 2 of the title of the printed bill, as amended, strike out "amend Section 13842", and insert "add Section 13842.1".

**Amendment No. 3**

On page 1, line 1, of the printed bill, as amended, strike out "Section 5.751 of the School Code is amended", and insert "Section 5.751-1 is added to the School Code".

**Amendment No. 4**

On page 1, line 3, of the printed bill, as amended, strike out "5.751.", and insert "5.751-1."

**Amendment No. 5**

On page 2, line 18, of the printed bill, as amended, strike out "Section 13842 of the Education Code is amended", and insert "Section 13842.1 is added to the Education Code".

**Amendment No. 6**

On page 2, line 20, of the printed bill, as amended, strike out "13842.", and insert "13842.1."

**Amendment No. 7**

On page 3 of the printed bill, as amended, following line 2, insert "SEC. 4. This act shall remain in effect until June 30, 1945. While this act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted."

**Amendment No. 8**

On page 3, line 3, of the printed bill, as amended, strike out "Sec. 4.", and insert "Sec. 5."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Tenney moved that Assembly Bill No. 579 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 855** An act to amend Sections 452, 525, 528 and 596 of, and to add Sections 459.1 and 459.2 to, the Vehicle Code, relating to traffic regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, McCormack, Parkman, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1287** An act to amend Sections 16441, 16442, 16481, 16484, 16485 and 16461 of the Education Code, relating to supervision of the health of pupils in the public schools.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "12291," insert "13053."

## Amendment No. 2

In line 2 of the title of said bill, strike out "and 16461", and insert ", 16461 and 18221".

**PRINTER'S NOTE**—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

## Amendment No. 3

On page 1, line 19, of said bill, insert  
 "SEC. 1.1. Section 13053 of the Education Code is amended to read:  
 13053. The qualifications of [physical inspector] *supervisors of health* shall be as provided in Sections 13054 to 13059, inclusive."

## Amendment No. 4

On page 3, line 15, of said bill, insert  
 "SEC. 5.1. Section 18221 of the Education Code is amended to read:  
 18221. If the [physical inspector] *supervisor of health* of any school district notes any defect in plumbing, lighting, or heating, or any other defect in the school building which tends to make the building unfit for the proper housing of the children, he shall at once make a detailed report to the governing board of the school district.

If within 15 days after he has filed this report, he finds that the board has made no provision for the correction of the defect, he shall at once report the defect to the county superintendent of schools who shall under the provisions of Article 2 of Chapter 1 of this division, proceed to have the defect corrected."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 918**—An act to amend Section 5133 of the Streets and Highways Code of the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jepsen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Tenney, and Ward—26

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 599**—An act to add Section 403.5 to, and to amend Section 765 of, the Vehicle Code, relating to the effect of the war emergency and Federal and local regulations arising therefrom applicable to vehicles on the provisions of said code, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 222**—An act to add Section 511.4 to the Vehicle Code, relating to reduction of speed on State highways within cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up, at this time, his motion to reconsider the vote whereby Assembly Bill No. 1950 was refused passage.

#### Consideration of Motion to Reconsider

**Assembly Bill No. 1950**—An act to amend Sections 7100, 7101, 7103, 7104, 7105, 7110 of, and to add Sections 7025 and 7113 to, the Health and Safety Code, relating to the disposition and autopsy of human remains.

Pursuant to his motion previously made, Senator Tenney moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1950 was refused passage.

#### Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the motion to reconsider the vote whereby Assembly Bill No. 1950 was refused passage.

The roll was called, and Assembly Bill No. 1950 refused consideration by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, Cunningham, Dillinger, Hatfield, Judah, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Slater, Tenney, and Ward—17.

NOES—Senators Breed, Collier, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, Powers, Rich, Shelley, Swan, Swing, and Tickle—18.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1604**—An act to amend Section 258 of the Vehicle Code, relating to chauffeurs.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1058**—An act to amend Sections 7454, 7457, 7701, 7702, 7703 and 7704 of the Revenue and Taxation Code, relating to the collection of the motor vehicle fuel license tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**Assembly Bill No. 687**—An act to amend Sections 6011, 6012, 6015, 6353, 6358, 6381, 6486, 6487, 6702, 6711, 6776, 6811, and 6812 of the Revenue and Taxation Code, to amend and renumber Section 6245, to add Sections 6095, 6245, 6363, 6364 and 6385 to said code, to repeal Section 6456 of said code, and to amend Section 5.1 of the Retail Sales Tax Act of 1933, all relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 131**—An act to amend the chapter heading of Chapter 5.7, Part 6, Division 1, and Sections 3620, 3625, 3627, 3631, 3635 and 3637 of, and to add Section 3638 to, the Revenue and Taxation Code, relating to a taxpayer's action to contest the validity of a tax sale or tax deed, to take effect immediately.

Bill read third time.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Luckey,

Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 796**—An act to amend Part 5 of Division 2 of the Revenue and Taxation Code, relating to the vehicle license fee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—Senator Judah—1.

#### Motion to Amend Title

Senator Shelley moved the adoption of the following amendment to the title:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Part 5 of Division 2 of," and insert "Sections 10751 and 10758 of, and to add Section 10753.5 to,".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Assembly Bill No. 294**—An act to amend Section 16c of the Bank Act, relating to the deposit of checks in banks and the return of unpaid items.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1012**—An act to amend Sections 102 and 112 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Gordon, Jaspersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1021**—An act to amend Sections 10490, 10491, 10492, 10493, 10494, 10495, 10497, 10498, 10499 and 10500, and to add Section 10498.5 to, the Insurance Code, relating to insurance.

Bill read third time.

#### Motion to Amend

Senator McBride moved the adoption of the following amendments:

#### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "10498," insert "10499,"

**Amendment No. 2**

On page 5, line 23, of said bill, after "person", insert "or union".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 713**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax-delinquent property and providing for an alternative procedure for accomplishing said purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittendon, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1106**—An act to repeal Chapter 4.3 of Part 6, Division 1, and to amend Sections 3660 and 3661, and Sections 3662 and 3663 of, and to add Chapter 4.3 to Part 6, Division 1 of the Revenue and Taxation Code, relating to real property taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittendon, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1740**—An act to amend Sections 3656 and 3659 of and to add Sections 3659.3, 3659.5, 3659.6, 3659.7, 3659.9, 3791.5, and 4653.1 to the Revenue and Taxation Code, relating to the management of tax-deeded property, providing for the distribution of the proceeds therefrom to the taxing agencies and revenue districts having interests in such property, prescribing the powers and duties of the State Controller and of the taxing agencies, revenue districts, and the officers thereof in relation to such property, establishing a Redemption Tax Fund, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittendon, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1147**—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks and shark livers, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

## Senator Powers Presiding

At 3.59 p.m., Senator Powers of the First District, presiding.

**Assembly Bill No. 125**—An act to add Section 842.5 to the Fish and Game Code, relating to the use of nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

NOES—Senators Judah, McBride, and Ward—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1263**—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Judah, Keating, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1603**—An act to amend Sections 2350, 2351, 2353, and 2357 of the Welfare and Institutions Code, and to add Sections 2351.1, 2353.2, and 2354.1 thereto, relating to agreements for the care of aged persons, providing for regulation and supervision of organizations and persons entering into such agreements by the State Department of Social Welfare, and providing for the issuance of writs of attachment in actions for the enforcement thereof.

Bill read third time.

## Motion to Amend

Senator Shelley moved the adoption of the following amendments:

## Amendment No. 1

On page 2, line 26, of the printed bill, as amended, after "Corporation", insert "to the extent that such deposits are insured by such corporation".



**Amendment No. 2**

On page 2, line 27, of said bill, strike out "Deposits with", and insert "Investments in certificates issued by"

**Amendment No. 3**

On page 2, line 29, of said bill, after "poration", insert ", to the extent that such certificates are insured by such corporation"

**Amendment No. 4**

On page 3 of said bill, strike out lines 49 and 50, and insert "request the Department of Insurance to aid in the determina-".

Amendments read and adopted.

Bill ordered printed, and to third reading

**Assembly Bill No. 184**—An act to add Section 140 to the Welfare and Institutions Code, relating to public assistance, and providing a procedure for the issue and payment of duplicate warrants therefor, in case of the loss or destruction of the original warrants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 573**—An act to add Section 2497 to the Business and Professions Code, relating to drugless practitioners under the Board of Osteopathic Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, McBride, McCormick, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Secretary J. A. Beek at the Desk**

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 4:30 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 956**—An act to authorize the creation of a branch of the University of California at Santa Barbara, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, including moneys appropriated and unexpended, or which may be appropriated, to grant to employees of Santa Barbara State College

who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Freed, Brown, Crittenden, DeLap, Dillinger, Donnelly, Fletcher, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Salsman, Seawell, Shelley, Swan, Swing, and Ward—23.

**NOES**—Senators Burns, Collier, Cunningham, Deuel, Dorsey, Gordon, McCormack, Quinn, Rich, Slater, and Tickle—11.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 839**—An act to add Section 353.5 to, the Labor Code, relating to tips and gratuities.

Bill read third time.

#### Motion to Amend

Senator Tickle moved the adoption of the following amendments:

#### Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out the first comma.

#### Amendment No. 2

On page 2 of said bill, strike out lines 32 to 51, inclusive; and strike out page 3

Amendments read and adopted.

Bill ordered printed, and to third reading.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 3, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:

**Senate Bill No. 16**—An act to add Section 66a to the Code of Civil Procedure and to amend Section 737v of the Political Code, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Solano, providing for his compensation, and making an appropriation;

**Senate Bill No. 33**—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy;

**Senate Bill No. 75**—An act to add Section 555 to the Vehicle Code, relating to equestrian crossings;

**Senate Bill No. 239**—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the exclusion of territory; And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

**MR. PRESIDENT:** Your Committee on Rules has examined:

**Senate Bill No. 268**—An act to amend Section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation District No. 1500'; providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said Reclamation District No. 1500; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land district and reclamation district any land lying within the boundaries of said Reclamation District No. 1500," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to

the office and principal place of business of the said district, and relating to the management and control thereof;

**Senate Bill No. 320**—An act to add Section 2241 to the Public Resources Code, relating to the county mineralogist;

**Senate Bill No. 324**—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a civil service commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relative to circulation of petitions; And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 337**—An act to add Sections 5312 and 5875 to the Vehicle Code, relating to the operation and the parking of vehicles;

**Senate Bill No. 458**—An act to amend Section 6036 of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for collection of taxes or other moneys, the amount of which does not justify the cost of their collection or whose collection is improbable;

**Senate Bill No. 468**—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties approved May 20, 1921," by amending the title and Section 1 thereof to extend the provisions of the act to other public agencies including the Federal Government, the State, a county, city and county, city, public corporation, municipal corporation and public district, and defining public agencies;

**Senate Bill No. 478**—An act to add a new section to the State Civil Service Act, to be numbered 571, relating to the officers and employees of the Railroad Commission of the State of California;

**Senate Bill No. 481**—An act relating to bases for allocation of money to county and district agricultural fairs.

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 500**—An act to amend Section 6 of the Corporate Securities Act, to provide for renewal of licenses to brokers and agents;

**Senate Bill No. 590**—An act to amend Section 890 of the Military and Veterans Code, relating to veterans and their dependents, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 667**—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class;

**Senate Bill No. 745**—An act to add Section 595 to the State Civil Service Act, providing for the creation of a clerical pool to make available clerical services to all State appointing powers;

**Senate Bill No. 774**—An act to amend Section 92 of the Fish and Game Code, relating to districts;

**Senate Bill No. 799**—An act to amend Section 9608 of the Government Code, relating to the termination or suspension of a law and the effect thereof upon penalties for violations committed during the operative period of the law;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943 at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 945**—An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of and rights in streams, wells, pumping plants, and conduits, the establishment and operation of public districts relating to water, and to repeal certain acts and parts of acts specified herein;

**Senate Bill No. 946**—An act to add Division 5 and Section 150005 to the Water Code, relating to flood control by cities, counties, and the State, including provisions relating to the Reclamation Board, the Sacramento and San Joaquin Drainage District, and to repeal certain acts specified herein;

**Senate Bill No. 947**—An act to add Division 6 to the Water Code, relating to the conservation, development and utilization of the water resources of the State, including provisions relating to the State Water Plan, the Central Valley Project, the San Luis Rey Water Authority, the Colorado River Board, and to repeal certain acts specified herein;

**Senate Bill No. 1036**—An act to amend Section 64 of the Fish and Game Code, relating to fish and game district;

**Senate Constitutional Amendment No. 21**—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 5 of Article XIII thereof, relating to property taxation; And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 948**—An act to add Division 10 and Section 150010 to the Water Code, thereby revising and consolidating the law relating to the financial supervision of irrigation and other public districts, including provisions relating to the approval and certification of bonds of such districts as legal investments and as security for the deposit of public money, provisions relating to the obligations and finances of such districts, and provisions relating to the California Districts Securities Commission and other State agencies having powers similar to said commission, and to repeal certain acts specified herein;

**Senate Bill No. 949**—An act to add Division 11 to the Water Code, thereby revising and consolidating the law relating to irrigation districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein;

**Senate Bill No. 982**—An act to add Section 8710.5 to the Water Code, relating to approval of works of reclamation proposed by public districts within the Sacramento and San Joaquin Drainage District;

**Senate Bill No. 991**—An act to amend Section 1203 of the Penal Code, relating to granting probation;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1943, at 2 p.m.

SEAWELL, Chairman

#### Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1146

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

#### Messages From the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 65

Senate Bill No. 551

Senate Bill No. 356

Senate Bill No. 804

Senate Bill No. 463

Senate Bill No. 812

Senate Bill No. 464

Senate Bill No. 1088

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSS, Assistant Clerk

Above bills ordered to unfinished business file.



ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 94  
Senate Bill No. 116  
Senate Bill No. 148  
Senate Bill No. 249  
Senate Bill No. 273  
Senate Bill No. 318  
Senate Bill No. 357

Senate Bill No. 754  
Senate Bill No. 809  
Senate Bill No. 813  
Senate Bill No. 822  
Senate Bill No. 1023  
Senate Bill No. 1093  
Senate Bill No. 1100

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. KOEST, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 16  
Senate Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD E. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

# RECESS

At 4.35 p.m., on motion of Senator Seawell, the Senate recessed until 8.30 p.m.

# REASSEMBLED

At 8.30 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

# Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 8.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

# PROCEEDINGS UNDER CALL OF THE SENATE REPORTS OF STANDING COMMITTEES

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 76  
Assembly Bill No. 783

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 59      Assembly Concurrent Resolution No. 45

Assembly Concurrent Resolution No. 50      Assembly Concurrent Resolution No. 46

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

## MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 26, 1943; Tuesday, April 27, 1943; Wednesday, April 28, 1943; Thursday, April 29, 1943; Friday, April 30, 1943; Saturday, May 1, 1943; and Sunday, May 2, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 427**—An act to amend Sections 6304 and 6320 of the Business and Professions Code, relating to boards of law library trustees and law libraries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 428**—An act to add Section 6346.5 to the Business and Professions Code, relating to the retirement of officers and employees of county law libraries.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 343**—An act to add Section 7421 to the Business and Professions Code, relating to temporary licenses for hairdressers and cosmeticians or cosmetologists.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1628**—An act to add Section 108.5 to the Business and Professions Code, relating to fees and expenses of witnesses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1853**—An act to provide for the limiting or defining of electric service areas by the Railroad Commission of the State of California between utilities and irrigation districts engaged in the sale or distribution of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1854**—An act to provide for the limiting or defining of electric service areas by the California Districts Securities Commission between utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1452**—An act to add Section 26.5 to the Fish and Game Code, relating to stocking of waters of the State with fish and providing for the acquisition of public easements over private property for the purpose of taking fish from waters stocked by the State.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 18, of the printed bill, as amended, after the period, insert "The provisions of this section shall not apply to lakes with a shore line of more than five miles."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1560**—An act to amend Sections 658 and 658.1 of the Fish and Game Code, relating to the taking of salmon.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 4, of the printed bill, strike out "April", and insert "May".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1571**—An act to amend Section 1203.6 of, and to add Sections 1203.7, 1203.8, 1203.9, 1203.10, 1203.11, 1203.12, 1203.13, 1203.14, 1203.15 and 1203.16 to, the Fish and Game Code, relating to pheasants.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 782**—An act to amend Sections 1181, 1380, 1381, 1383, 1386, 1387, 1392, and 1416 of, and to add Sections 1384.5, 1385.5, 1387.5 and 1392.5 to, the Fish and Game Code, relating to fish and game.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1687**—An act to amend Section 956 and 957 of the Fish and Game Code, relating to drag nets.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1697**—An act to add Section 995.3 to the Fish and Game Code, relating to fish traps.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1684**—An act to amend Sections 717.5 and 868, of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1653**—An act to add Section 1340.7 to the Fish and Game Code, relating to the taking of bear.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 583**—An act to add Sections 102 and 611.7 to the Fish and Game Code, creating a new fish and game district and regulating the taking of trout therein.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1989**—An act to add Section 22.5 to the Fish and Game Code, to empower the State Fish and Game Commission to insure boats and personnel, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 873**—An act to add Sections 1324, 1325, 1326, 1327, 1328, 1329 to the Fish and Game Code, relating to fur dealers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 111**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled "An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System," approved July 12, 1941.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 224**—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, and 3352.5 to, and Chapter 10, comprising Sections 4301 to 4337, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 10.5 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the California State War Council to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 378**—An act providing for the preparation and publication of the California Administrative Register and the California Administrative Code, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 475**—An act making an appropriation to The Adjutant General for the maintenance of the California High School Cadets.

Bill read second time, and ordered to third reading.



**Assembly Bill No. 490**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of public officials of California and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 545**—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State and counties, cities and counties and counties and cities, and providing for their operation by licensed blind persons, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1139**—An act to add Sections 153.1, 153.2, and 153.3 to the Agricultural Code, relating to eradication of Oriental fruit moth and indemnification for lost plants removed and destroyed in connection therewith, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 698**—An act making an appropriation for the control and eradication of oriental fruit moth, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Motion to Amend

Senator Mixer moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 11, of the printed bill, as amended, after "are", insert "necessary".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1601**—An act to add Sections 452.5, 4923.5, 4930.5, 4942.5, and 4954.5 to the School Code and to add Sections 5453.5, 7303.5, 7307.5, 7203.5 and 7226.5 to the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1976**—An act to add Section 699.5 to the Military and Veterans Code, relating to assistance to veterans, prescribing the powers and duties of the Veterans' Welfare Board in aiding veterans in connection with veterans' rights, privileges, and preferences, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1999**—An act making an appropriation to the Reclamation Board for the purpose of acquiring by purchase, condemnation or other legal means, property, lands, rights of way and easements for the construction, completion and operation of the Yolo By-pass and for the construction of incidental works and for settlement

and payment of claims for damages done to property by the flood waters of the Yolo By-pass; and declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 306**—An act relating to the Postwar Employment Reserve; defining the powers and duties of State officers in connection therewith, making an appropriation for preparation of plans for a State Building Program, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 2, line 30, of the printed bill, as amended, strike out "accrued", and insert "accrue".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 360**—An act to amend Section 1711.5 of the Welfare and Institutions Code and to make an appropriation for the support of the Youth Authority, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

##### Amendment No. 1

On page 1, line 20, of the printed bill, as amended, after the period, insert "Revolving funds may be withdrawn from the appropriation herein made in accordance with the provisions of Section 4 of the "Budget Act of 1943" or Section 4 of the "Budget Act of 1941." "

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1623**—An act making an appropriation to the State Park Commission, for the acquisition of land in Orange County as part of the State Park System.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources".

##### Amendment No. 2

On page 1, lines 1 and 2, of said bill, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources".

##### Amendment No. 3

On page 1, line 2, of said bill, strike out "in", and insert "apportioned under paragraph (b) of Section 5014 of the Public Resources Code to".

**Amendment No. 4**

On page 1, line 15, of said bill, after the period, insert "Whenever sufficient money is available in said fund the State Controller shall transfer from said fund to the General Fund a sum equal to any money transferred from the General Fund under the provisions of this act."

Amendments read and adopted.  
Bill ordered printed, and to third reading.

**Assembly Bill No. 1146**—An act to add Section 799.1 to the Fish and Game Code, relating to abalones.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Fish and Game:

**Amendment No. 1**

On page 1, line 6, of the printed bill, as amended after "abalones", insert ", the shell of which is not less than eight inches measured in the greatest diameter,".

**Amendment No. 2**

On page 1, line 7, of said bill, after "10", insert "when the abalones are taken in water not less than 20 feet in depth".

**Amendment No. 3**

On page 1 of said bill, after line 11, insert

"This section shall remain in effect until the first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section, but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.  
Bill ordered printed, and to third reading.

**Assembly Bill No. 76**—An act to repeal Sections 9202, 9204, 9205, 9206, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215, 9217, of, and to amend Sections 9164, 9260, and 9221, of the Public Resources Code, and to add Section 10058 to the Elections Code, relating to the general district elections held in soil conservation districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 783**—An act to add Section 9112.5 to the Public Resources Code, relating to soil conservation districts.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2003**—An act to amend Sections 1701 and 1710 of, the heading of Chapter 1 of Division 2.5 of, and the headings of Articles 2, 3 and 4 of Chapter 1 of Division 2.5 of, and to repeal Section 1711.5 of, and to add Sections 1725 and 1742 to, the Welfare and Institutions Code, relating to the Youth Authority and the care, custody and rehabilitation of youths, providing for the costs of such care, custody and rehabilitation, and making an appropriation.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 2, line 47, of the printed bill, as amended, after "1742.", insert "(a)".

**Amendment No. 2**

On page 2 of said bill, strike out lines 50 and 51; and on page 3 of said bill, strike out lines 1 to 3, inclusive, and insert "the control of the Authority, to the extent and in the manner provided in this section.

(b) The Authority shall from time to time determine the monthly rate for the care of persons committed thereto, but in no case shall the rate exceed the rate of forty dollars (\$40) per month.

(c) The estate of the person committed, or the parents, guardian, or other person liable for the support of the person committed shall pay to the county the cost of the care of the person committed at the monthly rate therefor fixed by the Authority.

At the time of commitment of any person to the Authority the committing court shall inquire into the earnings, property, and estate of the person committed, and into the ability of his parents, guardian, or other person liable for his support and maintenance, to pay for the expense of his support and maintenance, in the manner provided in Section 863 for inquiry in respect to the support of wards of the juvenile court. The committing court shall make orders for the payment of the cost of the support of the committed person to the county, with the same powers and in the same manner as is provided for orders for the support of wards of the juvenile court. All of the provisions of Sections 863 to 868.10, inclusive, of this code, relating to the support of wards of the juvenile court and the reimbursement of the county therefor, shall apply to the support of persons committed to the Authority and the reimbursement of the county therefor, to the same extent and in the same manner as if said sections were set forth in this section, and all references in said sections to "ward or other minor person" and to the "juvenile court" shall be deemed to refer to "person committed to the Authority" and to the "committing court," respectively.

Upon request of the board of supervisors, the district attorney or other civil legal officer of the county shall, on behalf of the county, maintain an action in the superior court against the estate of the person committed, or the parents, guardian, or other person liable for his support, to recover for the county such portion of the cost of care of the person committed as the estate, parents, guardian, or other person liable for support is able to pay, and to secure an order requiring the payment to the county of any sums which may become due in the future for which the defendant may be liable.

(d) If the county collects from the estate of the person committed, or from the parents, guardian, or other person liable for the support of the person committed, the full amount of the cost of care of the person at the monthly rate therefor fixed by the Authority, the county shall pay to the State the full amount of the cost of the care of the person committed at the monthly rate therefor fixed by the Authority. If, however, the county can not collect from the estate, parents, guardian, or other person liable for the support of the person committed the full amount of the cost of the care of the person at the rate therefor fixed by the Authority, the county shall pay to the State any sums collected from said estate, parents, guardian, or other person, plus one half of the difference between the sum so collected and the full amount of the cost of the care of the person committed at the monthly rate therefor fixed by the Authority; but in no event shall the county pay to the State from the funds of the county and without receiving reimbursement therefor from the estate of the person committed, or from the parents, guardian, or other person liable for his support, any sum greater than twenty dollars (\$20) per month.

(e) Each county auditor shall include in his State settlement report, rendered to the Controller in the months of June and January, the amount due to the State under the provisions of this section, and the county treasurer, at the time of the settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

(f) This section shall not apply".

**Amendment No. 3**

On page 3, line 29, of the printed bill, as amended, following the period, insert "Revolving funds may be withdrawn from the appropriation herein made in accordance with the provisions of Section 4 of the "Budget Act of 1943.""

Amendments read and adopted.

Bill ordered printed, and to third reading.



**MOTION TO RECONSIDER**

Senator Salsman moved to reconsider the vote whereby Assembly Bill No. 956 was passed.

**Postponement of Reconsideration**

On motion of Senator Salsman, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 956 was passed, was continued until the next legislative day.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 576**—An act to amend Section 151 of the Business and Professions Code, relating to the salary of the Director of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1625**—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1626**—An act to amend Section 4013 of the Business and Professions Code, relating to the California State Board of Pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1627**—An act to amend Section 114 of the Business and Professions Code, relating to the renewal of licenses by boards or commissions of the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1659** An act to amend Section 21224 of the Business and Professions Code, relating to licensing of sellers of prophylactics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1173** An act to add Section 2369.5 to the Business and Professions Code, relating to the immunity of witnesses in disciplinary proceedings with respect to the practice of medicine.

Bill read third time.

#### Previous Question

Senator Hatfield moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1173.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Brown, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, McBride, McCormack, Parkman, and Ward—11.

**NOES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Kenting, Luckey, Mayo, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Tenney—23.

**Assembly Bill No. 1938** An act to amend Section 11010 of, and to add Section 11011.5 to, the Business and Professions Code, relating to real estate subdivision.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

**NOES**—None.

#### Motion to Amend Title

Senator Seawell moved the adoption of the following amendment to the title:

#### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out “, and to add Section 11011.5 to,”.

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Assembly Bill No. 1303**—An act to repeal Chapter 8, comprising Sections 6850 to 6955, inclusive, of Division 3 of the Business and Professions Code, and to add Chapter 8 comprising Sections 6850 to 6991, inclusive, to Division 3 of the Business and Professions Code, providing for the regulation, bonding, supervision and licensing of collection agencies and penalizing violations thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Duffin, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mason, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1591**—An act to add Parts 8 and 9, comprising Sections 14301 to 14532, inclusive, to Division 2 of the Revenue and Taxation Code, and to add Section 50014 thereto, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Inheritance Tax Act of 1935, the Gift Tax Act of 1939, and Section 445 of the Political Code, and repealing acts and parts of acts specified therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Duffin, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mason, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1592**—An act to add Part 10, comprising Sections 17001 to 19452, inclusive, to Division 2 of, and to add Section 50015 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Personal Income Tax Act, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mason, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1052**—An act making an additional appropriation for the support, operation, construction, improvements, and equipment at the State prisons of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Luckey, Mayo, McBrine, McCannock, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—31.  
 NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1294**—An act to repeal Sections 22900, 22901, 22902, 22903, 22904, 22905, and 22906 of the Water Code, relating to the distribution of water power in irrigation districts containing 500,000 acres or more.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Egan, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBrine, McCannock, Myster, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, and Tenney—31.  
 NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1295**—An act to amend Section 22950 of the Water Code, relating to assessments in irrigation districts containing 500,000 acres or more.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Egan, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McCannock, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—34.  
 NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1296**—An act to amend Sections 25035 and 25335 of the Water Code, relating to refunding bonds of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Egan, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Luckey, Mayo, McBrine, McCannock, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, and Tenney—27.

NOES—Senators Donnelly, Dorsey, Gordon, Keating, and Shelley—5.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 44**—Relative to the appointment of the Honorable Jesse Tapscott as Assistant to the Food Administrator of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Egan, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McCannock, Myster, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Ward—28.  
 NOES—Senator Deuel—1.

Resolution ordered transmitted to the Assembly.



**Assembly Joint Resolution No. 45**—Relative to facilitating the employment of Mexican citizens in agriculture

Resolution read

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Doolittle, Dillingham, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—42.

**NOES**—Senator Keating—1.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 46**—Relative to repair facilities and materials for agricultural machinery and implements.

Resolution read

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Doolittle, Dillingham, Donnelly, Engle, Fletcher, Gordon, Jepsen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—30.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 648**—An act to add Section 53.65 to the Alcoholic Beverage Control Act, relating to bottles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Doolittle, Dillingham, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31.

**NOES**—Senator Gordon—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1069**—An act to amend Section 359b of the Political Code, relating to the Governor's Council.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Doolittle, Dillingham, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1439**—An act to amend Section 456 of the Political Code, relating to the salaries of State officers and employees in the State Treasurer's office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillingham, Donnelly, Engle, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1881**—An act to amend Sections 202, 173 and 153.5 of the State Civil Service Act, relating to the State civil service, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1834**—An act to add Section 83.1 to the State Civil Service Act, relating to oral examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Parkman, Shelley, Slater, Swan, Tenney, and Ward—22.

**NOES**—Senators Collier, Cunningham, DeLap, Judah, Mayo, and Rich—6.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1940**—An act to amend Section 4247 of the Political Code, relating to salaries and expenses of officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 250**—An act to amend Section 4300f of the Political Code, relating to jurors' fees in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1032**—An act to amend Sections 28, 43.5 and 43.6 of the County Employees Retirement Act of 1937, relating to retirement.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Minter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1857**—An act to amend Section 6 of the Municipal Court Act of 1925, relating to municipal courts in cities of the first class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Minter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 729**—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 3, 4, 5, 6, 8 and 14, relating to county water districts; and by adding new Sections 12.16, relating to payment of expenses of organization of districts; 14.5, relating to liability of district directors, officers, agents and employees; 14.6, relating to claims against districts, their directors, officers, agents and employees and actions thereon; 14.7, relating to liability of districts, their directors, officers, agents and employees; 14.8, relating to judgments against district directors, officers, agents and employees; and 22d, relating to the use of various improvements acts in district improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 446**—An act to amend an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen,

Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 686**—An act to amend Sections 101, 102, 104, 106, 107, 110, 113 and to repeal Section 111 of, and to add Section 107.5 to the Health and Safety Code, relating to the State Department of Public Health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, DeLap, Fletcher, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Ward—21.

NOES—Senators Carter, Collier, Cunningham, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Mayo, Swan, and Tickle—13.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1967**—An act to repeal Sections 4239, 4239a, 4239b, 4239c, 4239d, 4239e, 4239f, 4239g, 4239h, 4239i, 4239j, 4239k, 4239l, 4239m, 4239n, 4239o, 4239p, 4239q, 4239r, 4239s, 4239t, 4239u, 4239v, and 4239w of, and to add Section 4239 to, the Political Code, relating to compensation for public services in counties of the tenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1420**—An act to amend Sections 3 and 626 of, and add a new Section 633 to the District Organization Act (Statutes of 1933, page 2280), relating to the improvement districts acts made applicable to the provisions for the dissolution of such districts in the manner provided in said District Organization Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1990**—An act to amend Section 4029 of the Political Code, relating to supervisorial districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Keating, Luckey, McBride, McCormack, Mixer,



Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Collier, Dorsey, Jepsersen, and Judah—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2013**—An act to repeal Section 5007 of the Government Code, relating to the reconversion of registered bonds into coupon bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Gordon, Jepsersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 89**—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 521**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Jepsersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 539**—An act to amend Section 8812 of the Education Code, relating to the establishment of junior colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1842**—An act to add Section 19311 to the Education Code, relating to cafeterias.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1132**—An act to amend Section 8406 of the Education Code, relating to kindergartens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1290**—An act to add Section 9034.1 to the Education Code, relating to continuation education classes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1503**—An act to amend Section 9176 of the Education Code, relating to the education of persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1444**—An act to amend Section 10301 of the Education Code, relating to the course of study for elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1445**—An act to amend Section 3.735-2 of the School Code and to amend Section 10126 of the Education Code, relating to exemption from physical education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1906**—An act to add Section 5806 to the Education Code, relating to the Vocational Rehabilitation Fund

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 699**—An act to amend Section 108.5 of the Agricultural Code, relative to host-free periods and host-free districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1238**—An act to add Section 1069.5 to the Agricultural Code, relating to the coloration of economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RECONSIDER

Senator McCormack moved to reconsider the vote whereby Assembly Bill No. 716 was passed.

#### Postponement of Reconsideration

On motion of Senator McCormack, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 716 was passed, was continued until the next legislative day.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1914**—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060b to, the Code of Civil Procedure, relating to declaratory relief.

Bill read third time.

## Motion to Amend

Senator Carter moved the adoption of the following amendment:

## Amendment No. 1

On page 2, line 32, of the printed bill, strike out the period, and insert ", and shall not render or enter a declaratory judgment or decree in any case involving the administration, interpretation or validity of tax laws."

Amendment read and adopted.

Bill ordered printed, and to third reading.

## MOTION TO REFER BILL TO INACTIVE FILE

Senator Engle moved that Assembly Bill No. 1534 be placed on the inactive file.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 11.44 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## REPORTS OF STANDING COMMITTEES

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1340

Assembly Bill No. 1342

Assembly Bill No. 1341

Assembly Bill No. 1343

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1186

Assembly Bill No. 308

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1205

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.



## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1231

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Joint Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported resolution ordered to third reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 602

Assembly Bill No. 603

Has had the same under consideration, and reports the same back without recommendation except that they be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bills re-referred to Committee on Finance.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1897

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MAYO, Chairman

Above reported bill ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 268

Assembly Bill No. 1776

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

MAYO, Chairman

Above reported bills ordered to second reading.

## SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 372

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1424

Assembly Bill No. 1581

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

DeLAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1322

Assembly Bill No. 1712

Assembly Bill No. 1582

Assembly Bill No. 1993

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

DeLAP, Chairman

Above reported bills ordered to second reading.

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 1102

Assembly Bill No. 1962

Assembly Bill No. 2007

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1772

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 963

Assembly Bill No. 962

Assembly Bill No. 1412

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1103

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1340**—An act to add Section 7501.5 to the Welfare and Institutions Code, relating to mentally ill persons and persons alleged to be mentally ill.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1341**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1342**—An act to amend Sections 5050.2 and 5050.6 of the Welfare and Institutions Code, relating to procedure for the commitment of mentally ill persons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1343**—An act to amend Section 6731 of the Welfare and Institutions Code, relating to the discharge of patients from State hospitals, and for their subsequent care and support.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1186**—An act to amend Sections 6650, 6651, 6655 and 6662, and to repeal Section 6657 of, and to add Section 6727.5 of the Welfare and Institutions Code, relating to the property and support of patients in State hospitals or patients on parole from such hospitals.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 308**—An act to amend Section 868.10 of, and to add Section 871 to, the Welfare and Institutions Code, relating to wards of the juvenile court.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1205**—An act to amend Section 1713 of the Welfare and Institutions Code, relating to the Advisory Panel created by the Youth Correction Authority Act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1231**—An act to amend Sections 55, 56, 57, 57.5 and 58 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1897**—An act to add Section 6722 to the Welfare and Institutions Code, and to repeal Section 6664 thereof, relating to State institutions, including the inmates thereof and persons committed thereto.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

## Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 6722 to", and insert "repeal Section 6664 of".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "and to repeal Section 6664 thereof,".

**Amendment No. 3**

On page 1, line 1, of said bill, strike out everything except "Section 1."; strike out lines 2 to 21, inclusive; and in line 22, strike out "Sec. 2."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 268**—An act to amend Sections 101, 102, and 103 of the Welfare and Institutions Code, to repeal Sections 105, 106, and 130 thereof, and to add Section 105 thereto, relating to the State Department of Social Welfare, abolishing the present Social Welfare Board in the department and transferring its powers, duties, responsibilities and jurisdiction to a Social Welfare Board created by this act, abolishing the office of Director of the Department of Social Welfare and transferring its powers, duties, responsibilities and jurisdiction to a new office of Director of Social Welfare, and providing for the appointment and tenure of office of the members of the board and of the director.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, lines 5 and 6, of the printed bill, strike out "to hold office at his pleasure".

**Amendment No. 2**

On page 1 of said bill, between lines 6 and 7, insert "Each member of the board except the members first appointed after the effective date of this act shall hold office for a term of four years, the terms to rotate in the order established by law. In the case of an appointment to fill a vacancy a member shall hold only for the remainder of that term."

**Amendment No. 3**

On page 2, line 47, of said bill, after "act.", insert "Of the members first appointed by the Governor when this act becomes effective two shall hold office for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years."

**Amendment No. 4**

On page 1, line 5, of said bill, after "Governor", insert "with the advice and consent of the Senate,".

**Amendment No. 5**

On page 2 of said bill, strike out line 34, and insert "by the Governor, with the advice and consent of the Senate. He shall hold office at the pleasure of the Governor, and shall".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1776**—An act to add Section 2013 to the Welfare and Institutions Code, relating to the filing of statements by persons or organizations promoting old age pensions.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, after "expenditures", insert " ; provided, however, that the provisions hereof shall not apply to religious, benevolent or fraternal organizations".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 372**—An act to add Section 222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 8 to 19, inclusive, and insert "and until evidence supporting the action is filed in the case record."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1424**—An act to add Section 1120.5 to the Probate Code, relating to the investment of trust funds.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1581**—An act to amend Section 12 of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this State and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, relating to the reinstatement of corporations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1322**—An act to amend Sections 799 and 800 of the Political Code, relating to qualification of notaries public.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "799 and 800 of the Political", and insert "8212 and 8213 of the Government".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1, 2, and 3, and insert "SECTION 1. Section 8212 of the Government Code is amended to read: 8212. Every person appointed a notary public shall execute".

**Amendment No. 3**

On page 1 of said bill, strike out lines 7 to 10, inclusive, and insert "Unless the bond is executed by an admitted surety insurer, it shall".

**Amendment No. 4**

On page 1 of said bill, strike out line 12, and insert "which the person is commissioned to act as notary public."

**Amendment No. 5**

On page 1 of said bill, strike out lines 14 and 15; and in line 16, strike out "800", and insert

"SEC. 2. Section 8213 of said code is amended to read: 8213."

**Amendment No. 6**

On page 1, line 17, of said bill, strike out "must", and insert "shall".

**Amendment No. 7**

On page 1, line 19, of said bill, strike out "must", and insert "shall".

**Amendment No. 8**

On page 1 of said bill, strike out line 24, and insert "of the county. Upon filing the oath and bond, the county".

**Amendment No. 9**

On page 2, line 2, of said bill, strike out "said", and insert "the".

**Amendment No. 10**

On page 2, line 3, of said bill, strike out "said", and insert "the".

**Amendment No. 11**

On page 2, line 4, of said bill, strike out "said", and insert "the".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1582**—An act to amend Sections 290 and 403c of the Civil Code, relating to corporations.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "and 403c", and insert ", 303, 403c and 604".

**Amendment No. 2**

On page 2 of the printed bill, strike out lines 27 to 31, inclusive, and insert "Sec. 2. Section 303 of the Civil Code is hereby amended to read: 303. What may be regulated in by-laws. The by-laws of a corporation may make provisions not in conflict with law or its articles for:

1. The time, place and manner of calling, conducting and giving notice of shareholders' and directors' meetings. The by-laws may dispense with notice of all regular and/or annual meetings of shareholders or directors, except as required under Section 312, Civil Code.

2. The requirements for a quorum for a shareholders' meeting, which shall be not less than a majority of the shares entitled to vote in case of a stock corporation.

3. The manner of execution, revocation and use of proxies.

4. The number, qualifications and duties of directors; the time of their annual election; the requirements of a quorum for a directors' meeting, in no case less than one-third of the authorized number of directors nor less than two. The authorized number of directors may be changed by amendment of the articles, or, unless the articles forbid, by a by-law duly adopted by the shareholders.

In any case in which it is proposed to reduce the authorized number of directors below five the votes or written consents of shareholders holding more than 80 per cent of the voting power shall be necessary for such reduction.

5. The appointment and authority of an executive committee and other committees of the board of directors.

6. The appointment, duties, compensation and tenure of office of officers other than directors, and the compensation of directors.

7. Special qualifications of persons who may be shareholders and reasonable restrictions upon the right to transfer or hypothecate shares.

8. The method of publication of notices of meetings of the shareholders or board of directors when publication is required; the mode of determination of shareholders of record; and the making of annual reports and financial statements to the shareholders or dispensing therewith.

9. The issue of certificates for shares prior to full payment.

10. The qualifications of members and different classes of memberships of non-stock corporations, and the property, voting and other rights, interests or privileges of each class.

11. The admission, election or appointment, suspension or expulsion of members.

12. The transfer, forfeiture and termination of membership, and whether the property interest of members shall cease at their death and the mode of ascertaining the property interest, if any, at death or termination of membership.

13. [The time and manner in which profits arising from the business may be divided or distributed among members of nonstock corporations for profit.] Cooperative corporations for profit may provide in their articles or by laws for the distribution of the profits arising from the business in whole or in part among certain classes of persons other than the members or shareholders, if any, and the persons to whom and the manner in which such distribution may be made.

14. The fees of admission, transfer fees, dues and assessments to be paid by members or different classes of members of nonstock corporations and the method of collection. Such dues or assessments or both may be authorized upon all classes of membership alike, or in different amounts or proportions or upon a different basis upon different classes of membership, and memberships of one or more classes may be made exempt from either dues or assessments or both.

The amount and method of collection of such dues or assessments or both may be fixed in the by laws or the by laws may authorize the board of directors to fix the amount thereof from time to time, and make them payable at such times or intervals, and upon such notice, and by such methods as the directors prescribe. They may be made enforceable by action or by forfeiture of membership, or both, upon reasonable notice.

15. The manner of voting by members of nonstock corporations and whether they have the right of cumulative voting.

16. Any other proper and lawful regulations."

#### Amendment No. 3

On page 2, line 38, of the printed bill, strike out "2", and insert "3".

#### Amendment No. 4

On page 3 of the printed bill, strike out lines 9 and 10

#### Amendment No. 5

On page 3, line 14, of the printed bill, strike out ". Thereupon", and insert "thereupon".

#### Amendment No. 6

On page 4 of the printed bill, after line 9, insert

"SEC. 4. Section 604 of the Civil Code is hereby amended to read:

604. [A nonprofit corporation, excepting a corporation meeting the requirements prescribed in Section 330.25, shall not issue shares of stock, but membership in such corporation.] *Membership in corporations formed under this title may be evidenced by certificates. Upon the face of such certificates there must be printed in clear type a statement that the corporation is not one for profit. [Nonprofit corporations meeting the requirements prescribed by Section 330.25 may issue either shares of stock, or membership in such corporation, which shares of stock or membership may be evidenced by certificates.]"*

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1712**—An act to amend Sections 752, 757, 763 and 771 of the Code of Civil Procedure, relating to partition of real and personal property.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

#### Amendment No. 1

On page 3, line 1, of the printed bill, as amended, strike out "this section", and insert "the action".

**Amendment No. 2**

On page 2, line 13, of the printed bill, as amended, after "may", insert "with the consent of the parties".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1993**—An act to amend Section 338 of the Code of Civil Procedure, relating to limitation of actions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1, line 14, of the printed bill, strike out the period after "official"; and strike out "The", and insert "except any".

**Amendment No. 2**

On page 1, line 15, of said bill, after "action", strike out "in such case", and insert "based on fraud or embezzlement is".

**Amendment No. 3**

On page 1, line 16, of said bill, between "party" and the comma, insert "or his agent".

**Amendment No. 4**

On page 1, line 17, of said bill, strike out "a", and insert "said".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1772**—An act making an appropriation from the State Parks Maintenance and Acquisition Fund to the State Park Commission to salvage and move cottages at Seacliff State Park, Santa Cruz County.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after "out", insert "of".

**Amendment No. 2**

On page 1, line 5, of said bill, strike out the second "of", and insert "to".

**Amendment No. 3**

On page 1, line 4, of said bill, strike out "allocated", and insert "apportioned".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

**Assembly Bill No. 963**—An act to add Sections 506.6 and 506.7 to the Public Resources Code, relating to the powers and duties of the State Park Commission respecting shore line protection, improvement and development of State or publicly owned ocean beaches, and to appointment of a Beach Erosion Control Engineer.

Bill read second time.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, after "report", insert "to the State Park Commission".

**Amendment No. 2**

On page 2, line 12, of the printed bill, as amended, strike out "plant", and insert "plan".

**Amendment No. 3**

On page 2, line 22, of the printed bill, as amended, strike out the comma, and insert a period, strike out the remainder of line 22; and strike out line 23.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 962**—An act to add Sections 5015, 5016, and 5017 to the Public Resources Code, relating to parks and beaches.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "and".

**Amendment No. 2**

In line 1 of the title of the printed bill, after "5017", insert ", and 5018".

**Amendment No. 3**

On page 3 of the printed bill, after line 26, insert

"Sec. 4 Section 5018 is added to the Public Resources Code, to read:

5018. Any State wide shoreline master plan shall take into consideration existing uses of shoreline property and no land shall be acquired under the authority of Section 5017 which is producing oil, gas or other hydrocarbons, or that is within a distance of six hundred and sixty (660) feet from a producing oil or gas well."

**Amendment No. 4**

On page 3, line 33, of the printed bill, strike out "4", and insert "5".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1412**—An act to add Division 8, comprising Sections 8001 to 8212, inclusive, to the Public Resources Code, relating to surveys and maps, creating a State Board of Maps and Surveys, and prescribing its powers and duties.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

On page 5, line 11, of the printed bill, as amended, strike out "Department of Natural Resources", and insert "State Lands Commission".

**Amendment No. 2**

On page 5, line 22, of said bill, strike out "Department of Natural Resources", and insert "State Lands Commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1103**—An act to amend Sections 4381 and 4382 of, and to add Section 4382.5 to, the Public Resources Code, relating to State forests and providing for the reimbursement of counties for the loss of tax revenues resulting from the acquisition of lands for State forest purposes.

Bill read second time, and ordered to third reading.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

**Assembly Joint Resolution No. 50**—Relative to decentralization of the steel industry.

Referred to Committee on Rules.

#### ADJOURNMENT

At 11.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 11 a.m., Tuesday, May 4, 1943.

## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

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**SENATE DAILY JOURNAL**

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SEVENTIETH LEGISLATIVE DAY

ONE HUNDRED TWENTY-FIRST CALENDAR DAY

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**IN SENATE**

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SENATE CHAMBER, SACRAMENTO

Tuesday, May 4, 1943

The Senate met at 11 a m.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Riggall, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Minter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward. 38.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Senator Grant McFarland, President of the Utah State Senate, of Salt Lake City, Utah.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to P. Errett Killion, Director, Adult Education, of National City.

On request of Senators Swan and Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Helen Johnson, teacher, High Nine Social Studies in Stanford Junior High School of Sacramento, and the following students: Bob Ackerman, Redonah Barton, Betty Batman, Patsy Burgess, Melvin Coster, Betty Jean Davis, Jean De Massey, Dorothy Duffek, Barbara Fleek, Elwood Frates, Jimmie Genasei, Virginia Havens, Bill Johnston, Frances Lawson, Dorothea Munz, Morris McClung, Georgia McMaster, Mildred

Nugent, Maryjo O'Neal, Dale Patton, Donald Pinkham, Charlotte Pruett, Gertha Schwagler, Gene Stodgill, Bonnie Schnererger, Barbara Thielbahr, Hallie Thorne, Lenora Weber, Emily Williams, Rita Wilson, and Robert Whitaker.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. P. Branley of Greenville, Plumas County, Mrs. Edward Morris of Sacramento, and Milton Newmark of San Francisco.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Julia Murphy of Oakland.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Platoon Sergeant John G. Ruth, United States Marine who received the Silver Star for Gallantry in Action, native of Philadelphia, Pennsylvania, and Corporal Joseph Kelleher, United States Marine of Wilmington, Delaware.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Arthur S. Crites and George Haberfelde, both of Bakersfield.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 84

Senate Bill No. 178

Senate Bill No. 246

Senate Bill No. 705

Senate Bill No. 898

Senate Bill No. 1090

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 876

Assembly Bill No. 883

Assembly Bill No. 884

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 48

Senate Bill No. 554

Senate Bill No. 679

Senate Bill No. 736

Senate Bill No. 741

Senate Bill No. 747

Senate Bill No. 964

Senate Bill No. 1044

Senate Bill No. 1098

Senate Bill No. 103

Senate Bill No. 1086

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.



## REPORTS OF STANDING COMMITTEES

## Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1191

Assembly Bill No. 1190

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MAYO, Chairman

Above reported bills ordered to second reading.

## Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 289

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 263

Assembly Bill No. 1266

Assembly Bill No. 265

Assembly Bill No. 1789

Assembly Bill No. 731

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 1386

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1823

Assembly Bill No. 2004

Assembly Bill No. 1979

Assembly Bill No. 736

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1370

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 4; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 226

Assembly Bill No. 520

Assembly Bill No. 990

Assembly Bill No. 1112

Assembly Bill No. 1463

Assembly Bill No. 1513

Assembly Bill No. 1570

Assembly Bill No. 1672

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 822

Assembly Bill No. 1480

Assembly Bill No. 1970

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1821

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 24

Assembly Bill No. 472

Assembly Bill No. 800

Assembly Bill No. 998

Assembly Bill No. 1045

Assembly Bill No. 1381

Assembly Bill No. 1995

Assembly Bill No. 2002

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 113**—An act to amend Section 3.324 of the School Code and to amend Section 8730 of the Education Code, relating to taxation in elementary school districts;

**Senate Bill No. 156**—An act to add Sections 261 and 262 to the Revenue and Taxation Code, relating to veterans' exemptions, and prescribing a penalty for filing false claims;

**Senate Bill No. 159**—An act to amend Section 737bb of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Napa;

**Senate Bill No. 160**—An act to amend Sections 154, 159, 160, 161, 740, 741, 742, 743, 744, 745, 747, 749, 834, 835, 836, 869, 901, 903, 905, 906, 907, 908, 909, 910, 911, 1000, 1001, 1002, 1003, 1004, 1005, 1050, 1075, 1076, 1120, 1124, 1125, 1127,

1129, 1150, 1152, 1153, 1175, 1176, 1177, 1178, 1179, 1200, and 5252 of the Welfare and Institutions Code, to add Sections 1008, 1009, 1010, 1011, 1014, 1015, 1049, and 1077 thereto, to repeal Sections 1007 and 1202 thereof, to repeal Article 2 of Chapter 3 of Part 1 of Division 2 thereof, comprising Sections 1020, 1021, 1022, 1023, and 1024, and Article 5 of said chapter, comprising Sections 1109, 1101, and 1102, and to amend and renumber Section 155.5 of said code to be Section 1000.5, all relating to the Youth Authority, providing for commitments thereto by the juvenile courts, transferring thereto the correctional schools and forestry camps now subject to the jurisdiction of the State Department of Institutions, and specifying the powers and duties of the Youth Authority and its officers and employees in regard to the inmates of such institutions and to other persons committed to the authority, and providing for the transfer of funds;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 169**—An act to amend Section 2613 of, and to add Section 5137.5 to, the Revenue and Taxation Code, relating to payment of taxes under protest;

**Senate Bill No. 170**—An act to amend Sections 3691, 3699, 3705 and 3707 and repeal Section 3707.5 of the Revenue and Taxation Code, relating to the sale of tax delinquent property;

**Senate Bill No. 251**—An act relating to claims against the liability of public officers and employees, and providing for insurance with respect thereto, amending Sections 1956 and 1981 of the Government Code, and repealing an act entitled "An act relating to the liability in damages of officers of municipalities, counties, cities and counties, school districts, and the State of California, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works of property, and alleged to be due to the negligence or carelessness of such officers and/or liability in damages of such officers in the case of injuries to persons or property resulting from the negligence or carelessness of such officers, prescribing the duties of claimants in such cases, and authorizing the State and such public or quasi public corporations to take out and pay for insurance to protect their officers against such liability," approved June 19, 1931;

**Senate Bill No. 267**—An act to amend Sections 21285 and 21286 of the Water Code, relating to the appointment or election of officers of an irrigation district; And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 280**—An act to add Section 395.3 to the Military and Veterans Code, relating to public officers and employees, and providing for the rights of such officers and employees after service in the armed forces, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 296**—An act to amend Section 737y of the Political Code, relating to the salary of the judge of the superior court in and for the County of Modoc;

**Senate Bill No. 323**—An act to add Section 78b to the State Employees' Retirement Act, relating to a retirement system for public officers and employees, providing for the employment of retired employees upon conditions specified therein, and declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 341**—An act to amend Sections 1a and 23 of the Bank and Corporation Franchise Tax Act, relating to the rate and method of determining the rate of tax on National banking associations, banks and financial corporations;

**Senate Bill No. 363**—An act to amend Sections 14½ and 15 of, and to add Section 13½ to, the Highway Carriers' Act, relating to the use of public highways for commercial purposes and the powers and duties of the Railroad Commission in respect thereto;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 364**—An act to add Sections 333.7 and 333.8 to the Agricultural Code, relating to cattle brands;

**Senate Bill No. 369**—An act to amend Section 2351 of the Welfare and Institutions Code, relating to organizations maintaining homes for the aged;



**Senate Bill No. 398**—An act to amend Section 1035 of the Fish and Game Code, relating to domesticated fish;

**Senate Bill No. 401**—An act to amend Section 8 of the County Civil Service Enabling Act, relating to dismissals, suspensions and reduction in pay or rank;

**Senate Constitutional Amendment No. 10**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 3.5 to Article XX thereof, relating to public officers and employees, and authorizing the Legislature to provide for the rights of such officers and employees after service in the armed forces;

**Senate Concurrent Resolution No. 48** Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twentieth day of April, 1943; And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 430**—An act to establish legislative standards in relation to the rehabilitation of agriculture and the regulation of producers, packers, distributors, shippers, marketers, handlers, processors and others dealing in agricultural, viticultural, and horticultural products; to provide for the issuance, administration and enforcement of State marketing agreements and marketing orders in connection therewith; to prescribe the powers, duties and jurisdiction of the State Director of Agriculture in relation thereto; to provide that State marketing agreements and marketing orders shall be and establish standards of fair competition in this State; to suspend all antitrust and unfair competition laws of this State in conflict herewith and therewith; to prescribe remedies, rights, duties and penalties with respect to violations hereof and thereof; to provide ways, means and moneys for the administration and enforcement of said State marketing agreements and marketing orders; to declare the urgency of this act and that this act shall take effect immediately;

**Senate Bill No. 437** An act to add Section 13099.2 to the Education Code, relating to classification of persons as permanent employees of school districts, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 438**—An act to amend Section 4242 of the Political Code, relating to salaries and compensation for public services in counties of the thirteenth class;

**Senate Bill No. 460** An act to amend Section 658.5 of, and to add Section 658.8 to, the Political Code, relating to refund of fees without approval of the Department of Finance;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 480** An act to repeal an act entitled "An act to regulate motor boats of less than 15 gross tons capacity, operating in California waters and carrying passengers for hire and providing a penalty for violation thereof," approved June 19, 1931, relating to motor boat regulation and the disposition of money in the Boat Fund;

**Senate Bill No. 497** An act to add Sections 3e, 3f, 3d, 38f, 38g, 101b, 101c, 103a, and 114 to, and to amend Sections 8, 9, 28, 28a, 38c, 38e, 46, 47, 49, 51, 58b, 65a, 65b, 65c, 79, 83, 84, 85, 90, 92, 94, 100, 101 and 111 of, the State Employees' Retirement Act, relating to a retirement system for public officers and employees;

**Senate Bill No. 498** An act to amend Sections 176, 304, 305, 366, 2863, 12291, 14326, 14411, 14433, 14439, 14503, 14523, 14526, 14528, 14529, 14532, 16731, 20005, and 20793 and the chapter heading of Chapter 15 of Division 3 and the chapter heading of Chapter 9 of Division 7 of, and to add Section 20794 and the chapter heading of Chapter 14 of Division 3 to, the Education Code, relating to the establishment, maintenance, government, and operation of schools and institutions of learning;

**Senate Bill No. 527**—An act to amend Section 101 of the State Employees' Retirement Act, relating to retirement benefits;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 528**—An act to amend Sections 4803 and 4804 of the Labor Code, relating to disability indemnities for members of the California Highway Patrol;

**Senate Bill No. 534**—An act to add Section 612.5 to the Fish and Game Code, relating to steelhead;

**Senate Bill No. 566**—An act to amend Sections 1500 and 1522 of, and to add Section 1552.3 to, the Welfare and Institutions Code, relating to and to needy children;

**Senate Bill No. 584**—An act to amend Sections 3, 9, and 9½ of the California Toll Bridge Authority Act, relating to the employment of legal counsel;

**Senate Bill No. 598**—An act to add Section 692.5 to the Political Code, relating to approval by the Director of Finance of leases and licenses to use real property executed by the Reclamation Board;

**Senate Bill No. 646**—An act to add Section 887 to the Fish and Game Code, relating to nets;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 658**—An act to amend Section 193 of the Penal Code and to repeal Section 500 of the Vehicle Code, relating to crimes involving the operation of vehicles;

**Senate Bill No. 677**—An act to amend Sections 1547 and 2762 of the Penal Code and to repeal Section 2783 of the Penal Code, relating to prisoners;

**Senate Bill No. 723**—An act to add Section 3515.5 to the Revenue and Taxation Code, relating to transfer to the Veterans' Welfare Board of tax-debted property;

**Senate Bill No. 732**—An act to amend Section 5010 of the Public Resources Code, relating to the State Park Maintenance Fund;

**Senate Bill No. 744**—An act to amend Section 2350 of the Welfare and Institutions Code, relating to life care contracts;

**Senate Bill No. 750**—An act to repeal Section 3001 of the Revenue and Taxation Code, relating to real property taxes;

**Senate Bill No. 806**—An act to add Section 661.2 to the Political Code, relating to appropriations and the expenditure thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 846**—An act to amend Sections 4356 and 4357 of the Water Code, relating to disbursements from the State Water Master Service Fund;

**Senate Bill No. 859**—An act to add Section 9603.5 to the Revenue and Taxation Code, relating to the taxation of vehicles;

**Senate Bill No. 904**—An act to add Chapter 3.5, comprising Sections 4852.01 to 4852.2, inclusive, to Title 6 of Part 3 of the Penal Code, relating to persons convicted of felony, providing a procedure whereby such persons may, after completion of their sentences, demonstrate their rehabilitation, obtain restoration of rights of citizenship, and apply for pardon; prohibiting the solicitation or acceptance of fees for representing such persons in such proceedings and in applications for pardon; declaring the urgency of this act and providing that it shall take effect immediately;

**Senate Bill No. 962**—An act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to common drunkards, Indians, insane or incompetent persons;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 970**—An act to add Section 17.5 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said dis-

tricts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, and to add Section 27229 to the Streets and Highways Code, relating to the refunding of debts, and to the issuance of bonds in connection therewith;

**Senate Bill No. 975**—An act to amend Section 142 of the Vehicle Code, relating to exemptions from registration;

**Senate Bill No. 978**—An act to amend Section 688 of the Political Code, relating to claims against the State of California in respect to damages inflicted by vehicles, and claims and actions therefor;

**Senate Bill No. 985**—An act to amend Section 2500 of the Water Code, relating to statutory adjudication of water rights;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 986**—An act to amend Section 11102 and to repeal Section 11660 of the Water Code, relating to the Central Valley Project;

**Senate Bill No. 1001**—An act to amend Section 67 of the Unemployment Insurance Act, relating to claims for benefits;

**Senate Bill No. 1027**—An act to add Section 103½ to the Code of Civil Procedure, relating to clerks in justices' courts of Class A;

**Senate Bill No. 1059**—An act to add Section 9611 to the Government Code, relating to interpretation of statutes;

**Senate Bill No. 1102**—An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

#### MOTION TO READ SECOND TIME

Senator Seawell moved that all Assembly bills reported from committees be given a second reading, and placed on the third reading file for passage.

Motion carried.

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 1191**—An act to amend Sections 5700, 5703, 5705, 5706, 5707, 5708, 5750, 5751, and 5753 of the Welfare and Institutions Code, and to add Sections 5699 and 5700.5 thereto, relating to private institutions.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "5750".

##### Amendment No. 2

On page 3 of said bill, strike out lines 34 to 47, inclusive.

##### Amendment No. 3

On page 3, line 49, of said bill, strike out "Sec. 8.", and insert "Sec. 7."

##### Amendment No. 4

On page 4, line 27, of said bill, strike out "Sec. 9.", and insert "Sec. 8."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1190**—An act to amend Sections 7500, 7501, 7505 and 7506 of the Welfare and Institutions Code, relating to the general powers and duties of the State Department of Institutions.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Welfare and Institutions:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, after "sanitarium," insert "boarding".

**Amendment No. 2**

On page 1, line 16, of said bill, after "hospitals," insert "boarding".

Amendments read and adopted

Bill ordered printed, and to third reading.

**Assembly Bill No. 289**—An act to amend Sections 4037, 4038, 4112, 4152 and 4178 of, to add Sections 4036<sup>1</sup> and 4152a to, and to repeal Sections 4039, 4040 and 4179 of, the Political Code; to amend Section 1052 of the Code of Civil Procedure; and to add Section 12073 to the Insurance Code, relating to duties of county officers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 263**—An act to amend Section 42360 of the Political Code, relating to the compensation of jurors.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 265**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to the investment of moneys in the sinking funds of or surplus moneys in the treasury of any county, city and county, incorporated city, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 731**—An act to amend Section 4287 and to repeal Section 4287a of the Political Code, relating to compensation for public services in counties of the fifty-eighth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1266**—An act to revise an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, fire-

wardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, firewardens and firemens pension system.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1789**—An act to amend Section 4265 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-sixth class.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1386**—An act to add Section 16 to "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to jurors' fees.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "16", and insert "18".

##### Amendment No. 2

On page 1, line 1, of said bill, strike out "16", and insert "18".

##### Amendment No. 3

On page 1, line 3, of said bill, strike out "16", and insert "18".

##### Amendment No. 4

On page 1, line 8, of said bill, strike out "from the"; and strike out lines 9 and 10, and insert "out of the city treasury."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1823**—An act to add Section 4090.2 to the Political Code, relating to county coroners.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1, line 18, of the printed bill, as amended, after "4290," insert "in cases where no private ambulance service other than that operated by a coroner is available,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1979**—An act to be known as the "Local Area Rehabilitation Act" to authorize cities, counties and cities and counties to reorganize, rehabilitate and reconstruct retrograde areas within the territories thereof; defining such retrograde areas and declaring the existence thereof; declaring the necessity of such reorganization, rehabilitation and reconstruction of such retrograde areas for the preservation



of the public peace, health and safety and that same constitutes a public use and purpose for which private property may be condemned and granting such cities, counties and cities and counties the right to exercise the power of eminent domain and to enter into contracts for such purposes and that for such purposes public moneys may be spent and other and given, establishing planning commissions in certain cases and conferring certain powers and duties upon such planning commissions and the legislative bodies of such communities for the purpose of carrying out the purposes of this act, empowering such legislative bodies to make contracts with property owners and others, to sell such properties in the manner prescribed in this act and to take and foreclose mortgages, and to take and enforce undertakings given in the performance of the terms of this act, to maintain actions for the enforcement of such contracts and prescribing procedure for the performance of the duties of such legislative bodies and planning commissions under this act, and establishing such commissions as State agencies and waiving the trust status of the properties bought and sold in pursuance of the purposes of this act and declaring that this act and the powers thereby conferred are for public use and purpose.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 4, line 14, of the printed bill, after "shall", insert "have power to"

##### Amendment No. 2

On page 4, line 18, of said bill, after "bids", insert "Such petition shall allege facts showing:

(a) A general description of the topographic, structural, health, safety and economic conditions relating to such alleged retrograde area within itself and its relation to other areas generally contiguous thereto and bearing on the facts concerning such retrograde area.

(b) A general description of the lands, rights of way, easements, streets, grades and property proposed by such petition to be reorganized and rehabilitated pursuant to any general improvement plan proposed thereon.

(c) An estimate of the cost of such reorganization, rehabilitation and reconstruction project, including an estimate of the values in such area at the time of the filing of such petition, including an estimate of the cost of such reorganization, rehabilitation and reconstruction work, including street work, grading, building costs and other expense in connection therewith, and including purchase price of properties, and payment of liabilities for existing mortgages, deeds of trust, unpaid taxes and assessments and other liens, and including legal, clerical, architectural, engineering, superintendent, inspection, printing and advertising costs involved in the averments set forth in such petition.

Such petition shall include recommendations by such petitioner for the manner and character of such proposed improvements, permissive uses of the properties of such area and proposed restrictive regulations concerning the improvements proposed to be constructed therein.

At the time of the filing of such petition, such petitioner shall deposit with the clerk of such legislative body the sum of two hundred and fifty dollars (\$250) to be used by such legislative body to pay the expenses involved in the proceedings provided for in this act up to and including any resolution of such legislative body establishing a local rehabilitation area as provided in this act. Such legislative body shall have power to require such petitioner to deposit additional sums of money to the aggregate of one thousand dollars (\$1,000) over and above such sum of two hundred and fifty dollars (\$250) to be used in the same manner and for the same purposes as prescribed herein with reference to said sum of two hundred and fifty dollars (\$250). In the event such moneys are not deposited as required by this act and the order of such legislative body, further proceedings with reference to such petition shall terminate and such moneys so deposited by such petitioner shall not be recoverable thereby. In the event such local rehabilitation area is established,

such legislative body shall include such moneys so deposited by such petitioner, or so much thereof as may be expended in the manner and for the purposes aforesaid, in the items of expense to be added to the selling price of properties acquired by such legislative body pursuant to the provisions of this act, or the payments made under any reconstruction contract, proportionately at the discretion of the legislative body, which such money shall be repaid such petitioner when recovered by such legislative body."

**Amendment No. 3**

On page 5, line 16, of said bill, after "clerical," insert "architectural".

**Amendment No. 4**

On page 6, line 40, of said bill, strike out "Legal", and insert "Local".

**Amendment No. 5**

On page 15 of said bill, after line 32, insert

"Sec. 25. The provisions of Chapter 3, Division 5, Title 1 of the Government Code, relating to contractors' bonds, and Section 1184e of the Code of Civil Procedure, relating to claims against public agencies, shall apply to all projects undertaken directly by a legislative body under this act."

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 2004**—An act to amend Sections 1, 2, 4.5, 9, 10, 11, and 13 and to add Sections 4.1, 9.1, and 9.2 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems and providing for the inclusion in such systems of county and district employees engaged in fire prevention and suppression work, including work related thereto.

**Bill read second time.**

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2, line 31, of the printed bill, following "county", insert ", and if the fund herein provided for be inadequate to pay such pensions, they shall be paid from and constitute a charge upon the general fund of the county".

**Amendment No. 2**

On page 3, line 38, of the printed bill, strike out "all", and insert "one-half of all".

**Amendment No. 3**

On page 5, line 38, of the printed bill, after "thereafter", insert ", or if there is no widow entitled to receive the same,".

**Amendments read and adopted.**

**Bill ordered printed, and to third reading.**

**Assembly Bill No. 736**—An act to amend the title of an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving such land," approved April 22, 1909, as amended; and to add two new sections thereto, to be numbered 1b and 1c, providing for the maintenance of improvements on such lands and for the establishment of assessment

districts and the assessment of property therein to pay the expenses of maintaining said improvements.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

##### Amendment No. 1

On page 1, line 19, of the printed bill, as amended, after the period, insert "If at the time of hearing protests against such maintenance proceedings, written protests against the work or against the levying of assessments to pay the cost thereof have been filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be assessed for such maintenance, then the proposed proceedings shall be forthwith abandoned, and the legislative body shall not for one year thereafter commence any proceedings for such maintenance under this act."

##### Amendment No. 2

On page 2, line 10, of the printed bill, as amended, after the period, insert "If at the time of hearing protests against such maintenance proceedings, written protests against the work or against the levying of assessments to pay the cost thereof have been filed with the clerk of the legislative body, by the owners of a majority of the frontage of the property fronting on the improvement in those cases where the cost in whole or part of the maintenance is to be assessed upon property fronting on the improvement, or by the owners of more than one-half of the area of the property to be assessed for such maintenance in those cases where the cost in whole or part of the maintenance is to be assessed on the property within a district, then the proposed proceedings shall be forthwith abandoned, and the legislative body shall not for one year thereafter commence any proceedings for such maintenance under said act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1370**—An act to amend Section 96 of the Labor Code, relating to assignments of claims.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 226**—An act to add Section 53.55 to the Alcoholic Beverage Control Act, relating to containers and cartons.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 520**—An act to add Section 87.5 to the State Civil Service Act, relating to promotions and promotional examinations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 990**—An act to amend Section 721 of the Political Code, relating to the filing of regulations of State agencies.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1112**—An act to amend Section 385 of the Political Code, relating to the appointment of secretaries, assistants and employees of the Governor, and to repeal Section 386 of the Political Code.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1463**—An act granting to the City and County of San Francisco certain tidelands and submerged lands belonging to the State of California and situated in the County of San Mateo for development and use in connection with the San Francisco Airport in San Mateo County and as a part of the public airport being used,



operated and maintained by the City and County of San Francisco, regulating the management, use and control thereof and authorizing the reclamation and improvement thereof all in conjunction with the use, operation and maintenance of the San Francisco Airport in San Mateo County.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1513**--An act providing for the acquisition of specified property by the Department of Employment.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1570**--An act to amend Sections 149 and 152.5 of and to add Sections 96.7 and 152.6 to the State Civil Service Act, relating to the State civil service, declaring the urgency thereof, and to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1672**--An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 822**--An act to add Sections 5501.5 and 5537.5 to, and to amend Section 5537 of, the Business and Professions Code, relating to architecture.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

##### Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 5536 and".

##### Amendment No. 2

On page 1 of said bill, between lines 9 and 10, insert

"Sec. 1.5. Section 5536 of the Business and Professions Code is amended to read:

5536. It is a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person, without a certificate, to practice architecture in this State or to advertise or put out any sign or card or other device which might indicate to the public that he is an architect or that he is qualified to engage in the practice of architecture.

*This section shall not apply to any licensed contractor representing or holding himself out that he is qualified to prepare plans, specifications, estimates or instruments of service for the types of buildings provided in Section 5537."*

##### Amendment No. 3

On page 2 of the printed bill, strike out line 20, and insert "any other buildings, except concrete, steel, brick, or hollow tile buildings, not over one".

##### Amendment No. 4

On page 2 of the printed bill, strike out line 20, and insert "any other buildings, except concrete, steel, brick, or hollow tile buildings, not over one".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1480**—An act to add Section 532 to the Alcoholic Beverage Control Act, relating to places where alcoholic beverages are received, kept, or bought for consumption.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, strike out "or other place".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1970**—An act to add Section 863 to, and to amend Section 173 of, the State Civil Service Act, relating to time limit for protesting examinations and holding hearings.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 2, line 29, of the printed bill, as amended, strike out "not exceeding 90 days,".

**Amendment No. 2**

On page 2, lines 30 and 31, of said bill, strike out "or after the effective date of this amendment, whichever is the later,".

**Amendment No. 3**

On page 2, line 36, of said bill, after the period, insert "Such hearing shall be held within 90 days after the filing of the answer or within 90 days of the effective date of this amendment, whichever is the later, but the failure to hold such hearing within said period shall not affect the validity of the proceedings or the jurisdiction of the board."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 24**—An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 472**—An act to amend Section 2943 of the Penal Code, relating to the discharge of prisoners and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 800**—An act to amend Section 776 of the Vehicle Code, and Section 11001 of the Revenue and Taxation Code, relating to the reporting and depositing of application and license fees received by the Department of Motor Vehicles, to take effect July 1, 1943.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 998**—An act to add Section 2264 to the Political Code and to add Section 20924 to the Education Code, relating to the employment of a field worker at the California School for the Blind.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1045**—An act making an appropriation to pay the claim of the City and County of San Francisco against the State of California, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1381**—An act to add Section 164.1 to the Military and Veterans Code, relating to the compensation of The Adjutant General.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1995**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 2002**—An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### CONSIDERATION OF DAILY FILE

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2020.01, 2020.05, 2021.01, 2142.5, 2163.1, 2163.2, 2163.7, 2181.01, 2181.1, 2182.1, 2183.1, 2187.01, 2222.7 and 2223.5 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read third time.

##### Motion to Amend

Senator Mayo moved the adoption of the following amendment:

##### Amendment No. 1

On page 7, line 7, of the printed bill, as amended, strike out "A.", insert "Net".

Amendment read and adopted.

Bill ordered printed, and to third reading.

##### MOTION TO SET SPECIAL ORDER

Senator Mayo moved that Assembly Bill No. 1994 be made a special order of business for Tuesday, May 4, 1943, at 9 p.m.

Motion carried.

##### RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

##### Senate Resolution No. 131

*Resolved*, That the Secretary of the Senate be and he is hereby directed to prepare files of all bills and other records of the Senate and to deposit such books, bills and other records with the Secretary of State as provided by law, to attend

to the correspondence of the Senate and to read to such of the public as may apply therefor copies of legislative communications as provided in the Joint Rules of the Senate and Assembly. The Secretary is further directed to index, correct, compare and proofread the Journal of the Senate and make the information therein contained readily available for use of Members of the Legislature, State officers and the general public, as a permanent record of the business transacted during the Fifty-fifth Session of the Legislature, and to complete the compilation of the Constitution and Statutes of the California Legislature and to attend to the distribution thereof. The Secretary is further directed to prepare and, at the expiration of the full session period, have published a Final Calendar of the business of the Fifty-fifth Session, with calendar to comprise the history of all bills introduced, their authors, the number that have become laws, those that shall have been read a second time, and any and all such other information as will provide a perfect history of the session. A second and a third copy for the information of subsequent sessions of the Legislature. When the Final Calendar is prepared, the Secretary is directed to forward one copy to each public library in the State and shall distribute others as by Joint Rule No. 13 provided.

All of the publications that are directed to be ordered by the Secretary pursuant to the provisions of Senate Rule No. 52 and Joint Rule No. 18 and paid for from the Legislative Printing Fund.

Resolution read and unanimously adopted.

By Senator Tickle:

#### Senate Resolution No. 132

WHEREAS, The Legislature of the State of California, will adjourn sine die at 3 p.m., on May 5, 1943, pursuant to the provision of Senate Concurrent Resolution No. 32; and

WHEREAS, It will be necessary for the Secretary of the Senate subsequent to such adjournment to compile the business of the Senate comprising the Fifty-fifth Session, and perform the duties prescribed by law, the Standing Rules of the Senate, Joint Rules and resolution adopted by the Senate and to employ certain necessary assistance incident thereto; therefore be it

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem as certified by the Secretary of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Riggert, Beed, Brown, Crenshaw, Cunningham, DeLap, Dillinger, Engle, Fletcher, Gordon, Jaspersen, Lacey, Mayo, Myster, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle. 24.

NOES—None.

By Senator Seawell:

#### Senate Resolution No. 133

Relating to the return of gold mines to partial production

WHEREAS, The complete stoppage of gold mining is resulting in the destruction in the economic life of the communities engaged primarily in this industry; and

WHEREAS, If the industry were permitted to continue on a limited scale during the war an income sufficient to defray taxes and maintain essential businesses could be produced; and

WHEREAS, Under such conditions of partial production the existence of the communities located in the gold mining areas could be continued to the benefit of their residents and of the State in general; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Congress and the President of the United States and the War Production Board are memorialized to make such laws, rules or order as may be necessary to provide for the return of the gold mines of this State to partial production during the continuance of the war; and be it further

*Resolved*, That the Secretary of the Senate is requested to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California, and to the Chairman of the War Production Board.

Resolution read and unanimously adopted.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

**Senate Concurrent Resolution No. 49:** By Senator Seawell—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the Members of the Senate and Assembly.

## Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 49, at this time, for consideration:

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 49

**Senate Concurrent Resolution No. 49**—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the Members of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Luckey, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—25.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 65**—An act to amend Section 7 of the Municipal Court Act of 1925, relating to municipal courts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 65?

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 7", and insert "Sections 7 and 10".

**PRINTER'S NOTE:**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

## Amendment No. 2

On page 1 of said bill, after line 22, insert

"SEC. 2. Section 10 of the said act is amended to read:

**Sec. 10.** The municipal court in a city or city and county of the second and one-half class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be five judges, each of whom shall receive [seven] *eight* thousand five hundred dollars (\$8,500) per annum, payable in equal monthly installments;

(b) There shall be one clerk who shall also be secretary to the court, to be appointed by the judges thereof, who shall receive four hundred *twenty* dollars (\$420) per month;

(c) The clerk shall appoint the following:

One chief deputy, who shall receive three hundred *twenty-five* dollars (\$325) per month; five deputy court clerks, who shall each receive two hundred [twenty-five]



fifty dollars (\$250) per month; one cashier/bookkeeper, who shall receive two hundred [fifty] *seventy-five* dollars (\$275) per month; one chief clerk of the civil department, who shall receive two hundred [fifty] *seventy-five* dollars (\$275) per month; one chief clerk of the criminal department, who shall receive two hundred [fifty] *seventy-five* dollars (\$275) per month; eight deputy clerks, who shall each receive two hundred *twenty-five* dollars (\$225) per month; one deputy judgment clerk, who shall receive two hundred *twenty-five* dollars (\$225) per month; one stenographic secretary, male, who shall receive [one] *two* hundred [seventy five] dollars (\$200) per month; two *one* *stenographers*, who shall each receive one hundred [thirty five] *seventy* dollars (\$170) per month; one *report*, who shall receive one hundred [twenty-five] *fifty* dollars (\$150) per month; two file index clerks, who shall each receive one hundred [twenty-five] *fifty* dollars (\$150) per month;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive four hundred *twenty* dollars (\$400) per month. The marshal shall appoint the following:

One assistant marshal, who shall receive three hundred *twenty-five* dollars (\$325) per month; one deputy, who shall also act as secretary, who shall receive one hundred [fifty] *seventy-five* dollars (\$175) per month; one chief deputy of the civil department who shall receive two hundred [fifty] *seventy-five* dollars (\$275) per month; one deputy, who shall act as assistant chief of the civil department, who shall receive two hundred [twenty-five] *fifty* dollars (\$250) per month; four deputies of the civil department, who shall each receive two hundred *twenty-five* dollars (\$225) per month; three deputies of the criminal department, who shall each receive [one] *two* hundred [seventy-five] dollars (\$200) per month; one deputy, who shall act as bookkeeper, who shall receive two hundred *twenty-five* dollars (\$225) per month; one deputy, who shall act as counter clerk and return clerk, who shall receive [one] *two* hundred [seventy-five] dollars (\$200) per month; one deputy who shall act as stenographer, who shall receive one hundred [thirty-five] *seventy* dollars (\$160) per month; one chief deputy of the criminal department, who shall receive two hundred [fifty] *seventy-five* dollars (\$275) per month; one deputy, who shall act as assistant chief of the criminal department, who shall receive two hundred [twenty-five] *fifty* dollars (\$250) per month; two deputies of the criminal department, who shall each receive two hundred [fifty] *seventy-five* dollars (\$275) per month; two deputies to act as bailiffs of the courts, who shall each receive [one] *two* hundred [seventy-five] dollars (\$200) per month; one deputy, who shall act as record clerk, who shall receive one hundred [fifty] *seventy-five* dollars (\$175) per month; five deputies, who shall act as custodians, who shall each receive five dollars (\$5) per day. The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under the legal process, and shall be paid out of the funds deposited by the parties to the action in which services are rendered. All marshals, assistants and deputies, excepting those designated herein as custodians, shall be allowed in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 65 by the following vote:

AYES—Senators Ragan, Reed, Celler, Costenden, Daniel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Judak, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Sewell, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.  
 NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 463**—An act to amend Section 692 of the Political Code, relating to the approval of land contracts by the Director of Finance.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 463?

#### Amendment No. 1

In line 2 of the title of the printed bill, strike out "land", and insert "real property."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 464 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 464**—An act to amend Section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 464?

##### Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 675b to,".

##### Amendment No. 2

On page 1 of the printed bill, after line 28, insert

"SEC. 2. Section 675b is added to the Political Code, to read:

675b. With reference to the contracts mentioned in Section 675a of this code, the Department of Finance may except from the operation of said section certain classes or types of contracts of any particular State officer, board, commission, department or bureau, and may thereupon authorize such State agency to enter into such contracts without submitting the same for approval by notifying such State agency and the State Controller in writing."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 464 by the following vote:

AYES—Senators Breed, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 551**—An act to add a new section to the Political Code, to be numbered 695.5, relating to services furnished by State agencies, and repealing Section 685 of the Political Code, as added by Chapter 925, Statutes of 1933.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 551?

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "a new section to the Political Code, to be numbered 695.5", and insert "Sections 695.4 and 695.5 to the Political Code".

##### Amendment No. 2

On page 1, line 2, of the printed bill, as amended, strike out "695.5", and insert "695.4".

##### Amendment No. 3

On page 1, line 3, of the printed bill, as amended, strike out "695.5", and insert "695.4".

##### Amendment No. 4

On page 1, line 8, of the printed bill, as amended, strike out "The", and insert

"SEC. 2. A new section is hereby added to the Political Code, to be numbered 695.5 and to read as follows:

695.5. The".

**Amendment No. 5**

On page 2, line 8, of the printed bill, as amended, after the period, insert:

"In determining such fair share, the Board of Control may take into consideration the approximate amount of interest earned on such special funds. The board may estimate such interest, and shall not be required to compute the same."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 551 by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gaudin, Hammond, Josiah, Lusk, McBrade, McCormick, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29  
 NOES—None

Above bill ordered enrolled

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution, adding a new section numbered 1e, relating to taxation.

Pursuant to his motion previously made, Senator Keating moved that the Senate, at this time, reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

**Motion to Postpone Consideration**

Senator Keating moved to postpone consideration of his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

Motion carried

**RECESS**

At 12:35 p.m., on motion of Senator Mayo, the Senate recessed to allow the President to introduce the Hon. Grant McFarland, President of the Senate, State of Utah, Salt Lake City, and to hear his remarks.

**REASSEMBLED**

At 12:40 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**RECESS**

At 12:40 p.m., on motion of Senator Seawell, the Senate recessed until 2 p.m.

**REASSEMBLED**

At 2 p.m., the Senate reconvened.

Frederick F. Houser, President of the Senate, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

**Call of the Senate**

Senator Collier moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 515

Assembly Bill No. 1962

Assembly Bill No. 1733

Assembly Bill No. 2007

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1140

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

MIXTER, Chairman.

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 1067

Assembly Bill No. 1953

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 929

Assembly Bill No. 1705

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 961

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 63

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.



SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 543

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5

McCORMACK, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1125

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 1

McCORMACK, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 513

Assembly Bill No. 1415

Assembly Bill No. 1065

Assembly Bill No. 1624

Assembly Bill No. 1066

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11

McCORMACK, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 856

Assembly Bill No. 1070

Assembly Bill No. 857

Assembly Bill No. 1529

Assembly Bill No. 908

Assembly Bill No. 1633

Assembly Bill No. 1055

Assembly Bill No. 1609

Assembly Bill No. 1063

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 515**—An act to provide for the establishment and maintenance of a School of Public Health in the University of California and making an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1733**—An act making an appropriation for child care centers, declaring the urgency thereof, to take effect immediately.

Bill read second time.

### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "making an appropriation for", and insert "to add Sections 6.781-5 and 6.793-5 to the School Code and Sections 19602.5 and 19614.5 to the Education Code, and making an appropriation, relating to".

#### Amendment No. 2

On page 1, line 8, of said bill, after "Section 1", insert "Section 6.781-5 is added to the School Code, to read:

6.781-5. Said governing board may accommodate in a child care center maintained by it children residing in another district, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

SEC. 1.1. Section 6.793-5 is added to the School Code, to read:

6.793-5. No standards relating to child care centers proposed to be established by the Superintendent of Public Instruction in accordance with the provisions of this chapter shall take effect unless and until such proposed standards have been reviewed and approved by the California State War Council.

SEC. 1.2. Section 19602.5 is added to the Education Code, to read:

19602.5. Said governing board may accommodate in a child care center maintained by it children residing in another district, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

SEC. 1.3. Section 19614.5 is added to the Education Code, to read:

19614.5. No standards relating to child care centers proposed to be established by the Superintendent of Public Instruction in accordance with the provisions of this chapter shall take effect unless and until such proposed standards have been reviewed and approved by the California State War Council.

SEC. 1.5."

#### Amendment No. 3

On page 1, line 17, of said bill, strike out the period, and insert ", where in the discretion of the War Council a demonstrated need for such supplemental support can be established. Any such allocations shall be made by the War Council directly to the governing board of the school district maintaining the child care center for which the allocation is made."

#### Amendment No. 4

On page 3 of said bill, strike out lines 15 to 17, inclusive, and insert ", it is necessary that State funds be made available for temporary or supplemental financial assistance to child care centers where a demonstrated need can be shown and for proper supervision of child care centers so that parents who are engaged or hereafter must engage in essential war work may have assurance of proper care for their minor children during the hours of their employment. It is, therefore, necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1962**—An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach.

Bill read second time.

### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

#### Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "expended", insert "subject to the provisions of Chapter 942, Statutes of 1941".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 2007**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for

the acquisition of land in Santa Barbara County as part of the State Park System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, line 3, of the printed bill, strike out "appropriated", and insert "apportioned".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1140**—An act to provide for the erection and equipment of a building or buildings on the Campus of the University of California at Los Angeles for use in connection with instruction in engineering, for the establishment and maintenance of a course in engineering on the Campus of the University of California at Los Angeles, and to make an appropriation therefor.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 3 and 4, of the printed bill, as amended, strike out "one million two hundred fifty thousand dollars (\$1,250,000)", and insert "six hundred fifty thousand dollars (\$650,000)".

**Amendment No. 2**

On page 2, line 3, of said bill, strike out "erection and".

**Amendment No. 3**

On page 2 of said bill, strike out lines 5 to 9, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1067**—An act to amend Sections 130, 142, 146, 154, 164.5, 164.7, 175, 217, 222, 225, 245.5, 371.5, 374, 378, 383, 384 and 776 of, and to add Sections 10.5, 56 and 372.5 to the Vehicle Code, relating to registration of vehicles and fees, and Section 11001 of the Revenue and Taxation Code, relating to the report and deposit of moneys.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Transportation:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after "Sections" and before "56", strike out "10.5".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 to 8, inclusive.

**Amendment No. 3**

On page 1, line 10, of the printed bill, as amended, strike out "Sec. 2", and insert "Sec. 1".

**Amendment No. 4**

On page 1, line 15, of the printed bill, as amended, strike out "Sec. 3", and insert "Sec. 2".

**Amendment No. 5**

On page 2, line 25, of the printed bill, as amended, strike out "Sec. 4", and insert "Sec. 3".

**Amendment No. 6**

On page 2, line 47, of the printed bill, as amended, strike out "Sec. 5", and insert "Sec. 4".

**Amendment No. 7**

On page 3, line 24, of the printed bill, as amended, strike out "Sec. 6", and insert "Sec. 5".

**Amendment No. 8**

On page 3, line 33, of the printed bill, as amended, strike out "Sec. 7", and insert "Sec. 6".

**Amendment No. 9**

On page 4, line 1, of the printed bill, as amended, strike out "Sec. 8", and insert "Sec. 7".

**Amendment No. 10**

On page 4, line 34, of the printed bill, as amended, strike out "Sec. 9", and insert "Sec. 8".

**Amendment No. 11**

On page 5, line 8, of the printed bill, as amended, strike out "Sec. 10", and insert "Sec. 9".

**Amendment No. 12**

On page 5, line 22, of the printed bill, as amended, strike out "Sec. 11", and insert "Sec. 10".

**Amendment No. 13**

On page 5, line 45, of the printed bill, as amended, strike out "Sec. 12. Section 2225", and insert "Sec. 11. Section 225".

**Amendment No. 14**

On page 6, line 7, of the printed bill, as amended, strike out "Sec. 13", and insert "Sec. 12".

**Amendment No. 15**

On page 6, line 21, of the printed bill, as amended, strike out "Sec. 14", and insert "Sec. 13".

**Amendment No. 16**

On page 6, line 32, of the printed bill, as amended, strike out "Sec. 15", and insert "Sec. 14".

**Amendment No. 17**

On page 6, line 48, of the printed bill, as amended, strike out "Sec. 16", and insert "Sec. 15".

**Amendment No. 18**

On page 7, line 31, of the printed bill, as amended, strike out "Sec. 17", and insert "Sec. 16".

**Amendment No. 19**

On page 8, line 1, of the printed bill, as amended, strike out "Sec. 18", and insert "Sec. 17".

**Amendment No. 20**

On page 8, line 19, of the printed bill, as amended, strike out "Sec. 19", and insert "Sec. 18".

**Amendment No. 21**

On page 8, line 38, of the printed bill, as amended, strike out "Sec. 20", and insert "Sec. 19".

**Amendment No. 22**

On page 9, line 9, of the printed bill, as amended, strike out "Sec. 21", and insert "Sec. 20".

Amendments read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1953**—An act to amend Section 672 of the Vehicle Code relating to escorts, declaring the urgency hereof, to take effect immediately.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 672 of", and insert "add Section 672.5 to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 6, inclusive, and in line 7, strike out "police", and insert:

"SECTION 1. Section 672.5 is added to the Vehicle Code, to read:  
672.5. Police".

##### Amendment No. 3

On page 1, line 8, of said bill, after "of", insert "an officer of".

##### Amendment No. 4

On page 1, line 9, of said bill, strike out ", escort or convoy", and insert "who has charge of".

##### Amendment No. 5

On page 1, line 12, of said bill, after the comma, insert "escort or convoy such vehicle".

##### Amendment No. 6

On page 1 of said bill, between lines 20 and 21, insert:

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 929**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 44 of", and insert "add Section 44.8 to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 24, inclusive; and on page 2, strike out lines 1 to 10, inclusive, and insert:

"SECTION 1. Section 44.8 is added to the Vehicle Code, to read:

44.8. A motor vehicle owned by the State or owned by a State officer or employee when authorized by the Chief of the California Highway Patrol after certification by the State Director of Civilian Defense and when used in the performance of duties imposed upon a State officer or employee by the California War Powers Act, is an authorized emergency vehicle.

This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

This section is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Because of conditions due to war conditions the enactment of this section is necessary to preserve the public health, safety and peace."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

##### Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "shall", insert ", with the advice and consent of the Senate,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 961**—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Bill read second time.

#### Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

##### Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 7, and insert "880. Where land not exceeding 300 feet in width intervenes between the right of way line of a State highway,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 63**—An act to add Section 132.5 to the Vehicle Code, relating to hearings conducted by the Department of Motor Vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 543**—An act to amend Sections 1 and 5a of an act entitled "The California Air Navigation Act," relating to air navigation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1125**—An act to amend Section 276 of the Vehicle Code, relating to operators' licenses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 513**—An act to add Section 60411 to the Vehicle Code, relating to ambulances.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1065**—An act to amend Sections 619, 625, 645, 646, 665, and 699 of, to add Section 6905 to and to repeal Section 707 of, the Vehicle Code, relating to lamps and devices on vehicles, elevated wheels and length of loads.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1066**—An act to amend Sections 251, 252, 257, 267, 271, 276, 302, 305, 307, 310, 331, 414, 415, 416, 417 and 418 of the Vehicle Code, relating to driver's licenses and proof of ability to respond in damages.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1415**—An act to add Section 25 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, and to add Section 27173 to the Streets and Highways Code to provide for the building of approach roads in cooperation with city, city and county, county, district, and State authorities.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1624**—An act to add Section 3565 to the Streets and Highways Code, relating to the powers of the California Highway Commission and Department of Public Works in respect to the abandonment of State highways, and declaring the urgency hereof to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 856**—An act to amend Section 186 of the Vehicle Code, relating to transfers of vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 857**—An act to amend Section 402 of the Vehicle Code, relating to financial responsibility.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 908**—An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1055**—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1063**—An act to amend Section 54 of the Vehicle Code and Section 1.91 of the School Code, relating to school busses.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1070**—An act to add Section 156.5 to the Vehicle Code, relating to the issuance of stickers in lieu of license plates to vehicles.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1529**—An act to add Section 512 to the Vehicle Code, relating to speed limits on highways under construction or repair.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1633**—An act to add Sections 195.5 and 1623.5 to the Streets and Highways Code, relating to expenditure of money allocated to counties, cities, and cities and counties.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1969**—An act to add Section 4 to an act entitled "An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor," approved July 11, 1941, relating to availability of any unexpended balance of the appropriation made therein, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 804**—An act to prevent any officer, employees or agencies of the State Government from assuming or performing any functions of counties, cities or other local governmental agencies, or interfering therein without the express approval of the Legislature.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 804?

##### Amendment No. 1

In lines 4 and 5 of the title of the printed bill, as amended, strike out "without the express approval of the Legislature.", and insert "except in such cases as are authorized by law."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 804 by the following vote:

AYES—Senators Brown, Burns, Collier, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.



## Consideration of Assembly Amendments

**Senate Bill No. 812**—An act to add Section 472.1 to the Political Code, relating to the Attorney General, his assistants and deputies, and counsel employed or appointed by the Superintendent of Banks, Building and Loan Commissioner, or the Insurance Commissioner.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 812?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "Section 472.1", and insert "Sections 472.1 and 472.2".

**Amendment No. 2**

On page 1, line 3, of the printed bill, strike out "Neither", and insert "Except as provided in Section 472.2, neither".

**Amendment No. 3**

On page 1, line 5, of the printed bill, strike out "trustee of a private trust", and insert "statutory liquidator or conservator of a bank, building and loan association, or insurer".

**Amendment No. 4**

On page 1, lines 8 and 9, of the printed bill, strike out "private trust and in maintaining and defending the integrity of such trust", and insert "statutory liquidation or conservation matters".

**Amendment No. 5**

On page 1 of the printed bill, after line 21, insert

"Sec. 2. Section 472.2 is added to the Political Code, to read:

472.2. The Attorney General shall have the power to appoint and employ such special counsel as may by him be deemed necessary to assist

- (a) the Superintendent of Banks
- (b) the Building and Loan Commissioner
- (c) the Insurance Commissioner

in the performance of their respective duties in the capacity of conservator, liquidator, trustee or receiver of any person subject to the jurisdiction of said officer.

The compensation of such special counsel shall be fixed by the Attorney General, and shall be paid out of the assets of the person against whom conservatorship or liquidation proceedings are taken under and in accordance with the provisions of the Bank Act, the Building and Loan Association Act, or under the Insurance Code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 812 by the following vote:

**AYES**—Senators Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 1088**—An act to amend the Bank Act by adding a new section to be numbered 123.1, relating to travel expenses by the Superintendent of Banks office.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1088?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "amend the Bank Act by adding a new section to be"; and strike out lines 2 and 3, and insert "add Section 123.1 to the Bank Act, relating to travel expense of the State Banking Department."

**Amendment No. 2**

On page 1, line 9, of said bill, strike out "among other purposes", and insert ", among other purposes,".

**Amendment No. 3**

On page 1, line 13, of said bill, strike out the period, and insert a colon.

**Amendment No. 4**

On page 1, line 17, of said bill, strike out the semicolon, and insert "or".

**Amendment No. 5**

On page 1, line 18, of said bill, strike out "or administration," and insert "of administration,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1088 by the following vote:

AYES—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

**CONSIDERATION OF MOTION TO RECONSIDER**

**Assembly Bill No. 1111**—An act to amend the heading of Article 2 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2454, 2455, 2831, 2832, 2840, 2841, 2842, and 2843 and to repeal Section 2450 of the Elections Code, relating to county central committees.

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1111 was passed.

The roll was called, and Assembly Bill No. 1111 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

**Further Consideration of Assembly Bill No. 1111**

**Assembly Bill No. 1111**—An act to amend the heading of Article 11 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2453, 2455, 2831, 2832, 2839, 2840, 2841, 2842, and 2843 and to repeal Section 2450 of the Elections Code, relating to county central committees.

Bill read third time.

**Motion to Amend**

Senator Tickle moved the adoption of the following amendments:

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after "2843", insert " , to add Sections 3881 and 3882 to,".

**Amendment No. 2**

On page 2, line 8, of said bill, after the period, insert "The sections in this article which prescribe the form of the separate county central committee election ballot shall apply only to those counties in which the board of supervisors determines that a separate ballot shall be used."

**Amendment No. 3**

On page 3 of said bill, after line 12, insert

"SEC. 14. Section 3881 is added to said code, to read:

3881. In those counties in which it is determined by the board of supervisors that a separate county central committee election ballot shall not be used, the names of candidates for the county central committee shall appear upon the presidential primary election ballot.

Sec. 15. Section 3882 is added to said code, to read:

3882 The names of the candidates for the county central committee shall appear immediately below the names of the candidates for the office of Delegates to the National Convention, and that portion of the ballot shall be in substantially the following form:

MEMBERS OF THE COUNTY CENTRAL COMMITTEE

Member of County Central Committee	Vote for Seven
John T. Hunt School Teacher	
Joseph T. Johnson Paving Contractor	
H. L. Maynard Broker	
E. S. Minor Real Estate Agent	
H. D. Robinson Doctor	
Edward F. Stevens Dentist	
N. Mallard Lawyer	
D. G. Elton Baker	

Amendments read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 716**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax delinquent property and providing for an alternative procedure for accomplishing said purposes.

Pursuant to his motion previously made, Senator McCormack moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 716 was passed.

The roll was called, and Assembly Bill No. 716 reconsidered by the following vote:

**AYES**—Senators Brown, Burns, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Further Consideration of Assembly Bill No. 716

**Assembly Bill No. 716**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and

sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax delinquent property and providing for an alternative procedure for accomplishing said purposes.

Bill read third time.

#### **Motion to Amend**

Senator Collier moved the adoption of the following amendment:

#### **Amendment No. 1**

On page 4, line 14, of the printed bill, as amended, strike out the period, and insert a semicolon and "provided, however, that where any such agency has bonds outstanding and assessment calls are being made therein to service such bonds, then the proportion for that agency shall be computed based upon the total tax and assessment liens for the first year of delinquency in the payment of assessments during which assessments were called for the payment of both principal and interest maturing on such bonds."

Amendment read and adopted.

Bill ordered printed, and to third reading.

#### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill No. 579**—An act to amend Section 23 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the deposit of fees in the General Fund and support from the General Fund.

Bill read second time, and ordered to third reading.

**Secretary J. A. Beek at the Desk**

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH**

At 2.45 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **FURTHER CONSIDERATION OF MOTION TO RECONSIDER (RESUMED)**

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution, adding a new section numbered 1c, relating to taxation.

Pursuant to his motion previously made, Senator Keating moved that the Senate, at this time, reconsider the vote whereby Assembly Constitutional Amendment No. 17 was refused adoption.

The roll was called.

#### **Call of the Senate**

Pending the announcement of the vote, Senator Keating moved a call of the Senate.

Motion carried. Time, 2.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.



## PROCEEDINGS UNDER CALL OF THE SENATE

## PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

## Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill the title of which is as follows:

An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing of use of such properties during the war and six months thereafter; declaring the urgency hereof; to take effect immediately.

Respectfully submitted.

SENATOR CRITTENDEN

## Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 4, 1943

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SEAWELL, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Baggot, Brown, Barnes, Collier, Crittenden, Cunningham, Delap, Dend, Donnelly, Dorsey, Engle, Fletcher, Gibson, Jepsen, Judah, Keating, Lacey, Mayo, McBride, McCreck, Moore, Palfman, Reel, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

## INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

**Senate Bill No. 1116:** By Senator Crittenden—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter; declaring the urgency hereof; to take effect immediately.

Referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 1116

Has had the same under consideration, and reports the same back with the recommendation. Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

## RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Senate Bill No. 1116 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time, engrossed, and placed upon third reading.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

#### CONSIDERATION OF SENATE BILL NO. 1116

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1005**—An act to add Section 17a to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges, and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts, and for the annexation of additional territory thereto," approved May 25, 1923, authorizing the refunding of existing indebtedness, whether bonded or otherwise, and for the issuance of bonds and other indebtedness in aid of the refunding of existing bonds, or the creation of a new bonded indebtedness.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1601**—An act to add Sections 4.52-5, 4.923-5, 4.930-5, 4.942-5, and 4.950-5 to the School Code and to add Sections 5453.5, 7303.5, 7307.5, 7203.5 and 7226.5 to the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Parkman moved the adoption of the following amendment:

#### Amendment No. 1

On page 2, line 27, of the printed bill, as amended, strike out "4.942", and insert "4.942-5".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1071**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

**Motion to Amend**

Senators Tenney and Shelley moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, lines 5 and 6, of the printed bill, as amended, strike out "by a police or fire department or traffic law enforcement officer", and insert "in the performance of his duty, by a member of any police or fire department, city sheriff, constable, or deputy sheriff, or traffic law enforcement officer, who is regularly employed by the State, or any city, or any city and county, or any county".

**Amendment No. 2**

On page 1, line 21, of said bill, after "constructed", insert "and maintained exclusively".

**Amendment No. 3**

On page 2 of said bill, between lines 35 and 36, insert

"(1) A motor vehicle operated by the director of plant protection of any factory, building or plant engaged solely in producing equipment for the armed forces of the United States."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 800**—An act to amend Section 776 of the Vehicle Code, and Section 11001 of the Revenue and Taxation Code, relating to the reporting and depositing of application and license fees received by the Department of Motor Vehicles, to take effect July 1, 1943

Bill read second time.

**Motion to Amend**

Senator Mixer moved the adoption of the following amendments:

**Amendment No. 1**

In lines 6 and 7 of the title of the printed bill, as amended, strike out "July 1, 1943", and insert "immediately".

**Amendment No. 2**

On page 2, line 12, of said bill, after "effect", insert "immediately, and shall become operative".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Joint Resolution No. 19**—Relative to memorializing and petitioning Congress to enact legislation giving to draftees and others entering the military and naval services of the United States adequate insurance protection for themselves in the form of permanent total disability insurance as well as life insurance protection.

Bill read third time.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Riggall, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo.

McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 53**—An act to amend Section 7373 and to amend and renumber Section 7444 of the Business and Professions Code, relating to hairdressers, cosmeticians, cosmetologists and junior electrolgists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Brown Presiding

At 3.26 p.m., Senator Brown of the Twenty-eighth District, presiding.

**Assembly Bill No. 988**—An act to add Section 135g to the Bank Act, relating to conservators Superintendent of Banks or their employees accepting employment by merged, liquidated or reorganized banks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1701**—An act to amend Section 4 of the "Municipal Water District Act of 1911," relating to elections therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 566**—An act to amend Section 4 of an act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, relating to funds of the system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield,



Jespersen, Luckey, Mayo, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Todd, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1849**—An act to add Sections 500.1, 502.1, 512.1, 513.1, 515.1, 518.1 and 520.1 to the Military and Veterans Code, and to add Section 12011 to the Education Code, relating to high school cadets.

Bill read third time.

#### Motion to Amend

Senator Engle moved the adoption of the following amendments:

#### Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "502.1," insert "509.1, 510.1."

#### Amendment No. 2

On page 2 of the printed bill, as amended, following line 16, insert

"Sec. 3. Section 509.1 is added to said code, to read:

509.1 The Adjutant General shall provide suitable and necessary equipment, drill regulations, books of instruction, and the necessary blank forms for reports of each of the high school cadet companies.

Sec. 4. Section 510.1 is added to said code, to read:

510.1 High school cadets shall wear such uniforms as The Adjutant General prescribes and furnishes. The Adjutant General may issue to the high school cadets necessary cap and collar ornaments and buttons. A regulation uniform for cadets shall be kept in The Adjutant General's Office to be used as sample from which the uniforms for the high school cadets shall be made."

#### Amendment No. 3

On page 2, line 18, of the printed bill, as amended, strike out "3", and insert "5".

#### Amendment No. 4

On page 2, line 33, of the printed bill, as amended, strike out "4", and insert "6".

#### Amendment No. 5

On page 2, line 43, of the printed bill, as amended, strike out "5", and insert "7".

#### Amendment No. 6

On page 3, line 8, of the printed bill, as amended, strike out "6", and insert "8".

#### Amendment No. 7

On page 3, line 13, of the printed bill, as amended, strike out "7", and insert "9".

#### Amendment No. 8

On page 3, line 36, of the printed bill, as amended, strike out "8", and insert "10".

Amendments read.

#### Previous Question

Senator Fletcher moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Engle to Assembly Bill No. 1849.

Senators Fletcher, Engle, and Quinn demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Biggar, Broed, Brown, Carter, Collier, Dorsey, Engle, Gordon, Jespersen, Judah, Salsman, Shelley, and Todd—13.

**NOES**—Senators Burns, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Hatfield, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tenney, and Ward—23.

## Further Consideration of Assembly Bill No. 1849

**Assembly Bill No. 1849**—An act to add Sections 500.1, 502.1, 512.1, 513.1, 515.1, 518.1 and 520.1 to the Military and Veterans Code, and to add Section 12011 to the Education Code, relating to high school cadets.

Bill read third time.

## Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1849.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, and Ward—28.

**NOES**—Senators Dillinger, Donnelly, Jespersen, Judah, Shelley, Swan, and Tickle—7.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 467**—An act to add Article 3, comprising Sections 2400 to 2404, inclusive, to Chapter 2 of Title 1 of Part 3 of the Penal Code, relating to parole.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 4.15 p.m., on motion of Senator Keating, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 17 reconsidered by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—Senators Collier, Cunningham, DeLap, Deuel, Dillinger, Engle, Jespersen, Judah, Rich, and Tickle—10.

## Further Consideration of Assembly Constitutional Amendment No. 17

**Assembly Constitutional Amendment No. 17**—Proposed amendment to Article XIII of the Constitution, adding a new section numbered 1c, relating to taxation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—Senators Collier, DeLap, Deuel, Dillinger, Engle, Judah, Rich, and Tickle—7.

Resolution ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1359**—An act to amend the chapter heading of Chapter 2 of Division 4 of the Welfare and Institutions Code, to amend Sections 124, 2500, 2503, 2505, 2506, 2555, and 2556 of said code, to repeal Sections 2501, 2502, 2504, and 2600 thereof, to add Sections 2501, 2502, and 2507 thereto, to add Article 2.5, comprising Sections 2560 to 2565, inclusive, Article 6, comprising Sections 2625 to 2630, inclusive, Article 7, comprising Sections 2650 to 2660, inclusive, and Article 8, comprising Sections 2675 to 2683, inclusive, to Chapter 2 of Division 4 of said code, and to repeal certain laws and parts of laws therein specified, relating to the relief of hardship and destitution; establishing an integrated program of State and county administration of relief, defining the scope of the powers and duties of the State and the counties in regard thereto, apportioning funds for the direct and administrative costs thereof, determining eligibility for relief, prohibiting political activities, penalizing persons violating its provisions, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administrator to the State Department of Social Welfare, abolishing the State Relief Commission and the office of State Relief Administrator, and transferring certain records and other properties thereof to the State Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Broad, Brown, Burns, Collier, Crittenden, Cunningham, DeJap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Judah, Mayo, McRide, Mixer, Parkinson, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—Senators Shelley and Swan—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1544**—An act to add Section 7.6 to the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 7.6", and insert "Sections 7.6 and 7.7".

**Amendment No. 2**

On page 4 of the printed bill, as amended, in lieu of the material stricken out in lines 19 to 26, inclusive, insert

"SEC. 2. Section 7.7 is added to the act cited in the title hereof, to read:

Sec. 7.7. The term "employment" does not include services performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such services performed by such individual for such persons are performed for remuneration solely by commission."

Amendments read and adopted.

Bill ordered printed, and to third reading.

## RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

## Senate Resolution No. 134

Relative to Senate Fact Finding Committee on Homes and Institutions for the Aged

*Resolved by the Senate of the State of California*, That the Senate Fact Finding Committee on Homes and Institutions for the Aged, created under Senate Resolution No. 49, is hereby authorized to exercise all of the powers granted to it by Senate Resolution No. 49 after the final adjournment of this (the Fifty-fifth) Session of the Legislature, and to file its report with the Senate of the Fifty-sixth Regular Session of the Legislature during January, 1945; and be it further

*Resolved*, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available to the committee from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution and Senate Resolution No. 49, to be paid from the Contingent Fund of the Senate and disbursed, after certification of the chairman of the committee, on warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

## EXPLANATION OF VOTE

Senator Quinn asked for, and was granted, unanimous consent to have the following explanation of his vote printed in the Journal:

May 4, 1943

MR. PRESIDENT: When the final roll call on Assembly Constitutional Amendment No. 17 was called I was temporarily off the floor. I did not know that the call had been lifted to bring about the final vote, and if I had been on the floor would have voted "Aye."

SENATOR IRWIN T. QUINN

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1538

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1772

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1699

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.



**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred

Assembly Bill No. 1018

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Amended and do pass as amended.*

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred

Assembly Bill No. 1504

Has had the same under consideration, and reports the same back with the recommendation: *Do pass.*

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

QUINN, Chairman

Above reported bill ordered to second reading.

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 3, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 126

Has had the same under consideration, and reports the same back with the recommendation: *Be adopted as amended.*

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolution ordered to second reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately.

Bill read third time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 1, lines 1 and 5, of the printed bill, strike out "\$674,818.97", and insert "\$681,539.74".

**Amendment No. 2**

On page 1, line 7, of said bill, strike out "\$559,075.70", and insert "\$560,573.35".

**Amendment No. 3**

On page 1, line 12, of said bill, strike out "1,733.87", and insert "1,953.18".

**Amendment No. 4**

On page 2, line 29, of said bill, strike out "\$7,777.20", and insert "\$62,781.01".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1772**—An act making an appropriation from the State Parks Maintenance and Acquisition Fund to the State Park Commission to salvage and move cottages at Seacliff State Park, Santa Cruz County.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

In lines 2 and 3 of the title of the printed bill, as amended, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources,".

**Amendment No. 2**

On page 1, lines 6 and 7, of said bill, strike out "State Park Commission", and insert "Division of Beaches and Parks, Department of Natural Resources".

**Amendment No. 3**

On page 1, line 7, of said bill, strike out "used", and insert "expended during the Ninety-fifth and Ninety-sixth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1699**—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence to employees who enter war industries.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Governmental Efficiency:

**Amendment No. 1**

On page 1, line 8, of the printed bill, as amended, strike out "at the request of or".

**Amendment No. 2**

On page 1 of said bill, after line 19, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1018**—An act to amend Sections 11561 and 11699 of the Insurance Code, relating to insurance.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Financial Institutions:

**Amendment No. 1**

In line 4 of the title of the printed bill, as amended, strike out "and 11699", and insert "11699 and 11715".

**Amendment No. 2**

On page 2, line 10, of said bill, strike out "reserved", and insert "reserve".

PRINTER'S NOTE: There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 3**

On page 2 of said bill, after line 51, insert

"SEC. 3. Section 11715 of said code is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690, deposit with the commissioner

cash, or approved interest-bearing securities readily convertible into cash. Such deposit shall be made from time to time as demanded by the commissioner. He shall forthwith redempt such cash and securities as a separate deposit with the State Treasurer. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars (\$25,000), nor less than the prepaid reserves at the time of deposit, for outstanding loans and reserves as such reserves to be maintained under any of the provisions of Article I, Chapter 1, Part 3, Division 2 of this code, relating to loan reserves on workmen's compensation business of the insurer in this State."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1504**—An act relating to the National Flag and the Flag of the State of California, and other flags.

Bill read second time, and ordered to third reading.

## SECOND READING OF SENATE BILLS (OUT OF ORDER)

**Senate Resolution No. 126**—Relative to the creation of a Senate Committee to Investigate Building and Loan Associations Affairs.

Resolution read.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

### Amendment No. 1

In the seventh paragraph of the resolution, at the same appears on page 2320 of the Senate Daily Journal for May 2, 1943, line 3 of said seventh paragraph, after "of", strike out "3", and insert "5".

Amendment read and adopted, and ordered to third reading.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Carlson, Johnson, and Fort as a Committee on Conference concerning:

**Senate Bill No. 197**—An act to add Section 2725 to the Penal Code relating to prisons and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 381**—An act to amend Section 6000 of the Government Code and to add Section 6007 thereto, relating to newspapers of general circulation; And appointed Messrs. Baschone, Clarke, and Holldrough as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271, and to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto; And appointed Messrs. Potter, Sheridan, and Doyle as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 6  
Senate Bill No. 100  
Senate Bill No. 105  
Senate Bill No. 108  
Senate Bill No. 111

Senate Bill No. 248  
Senate Bill No. 433  
Senate Bill No. 570  
Senate Bill No. 706  
Senate Bill No. 801

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above resolution ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 669

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 237  
Senate Bill No. 272  
Senate Bill No. 322

Senate Bill No. 423  
Senate Bill No. 461  
Senate Bill No. 1000

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered to unfinished business file.

## MOTION TO PRINT IN THE JOURNAL

Senator Shelley moved that the following report of the Senate Fact-Finding Committee on Homes and Institutions for the Aged be printed in the Journal:

Motion carried.

Report of Senate Fact-Finding Committee on Homes and  
Institutions for the Aged

Created by Senate Resolution No. 49 (1943)

## MEMBERS OF COMMITTEE

Senator John F. Shelley, Chairman

Senator Charles Brown  
Senator Charles H. Deuel

Senator Frank L. Gordon  
Senator Jesse M. Mayo

Senator James F. McBride

ATTORNEY FOR COMMITTEE  
Murray M. Chotiner

## Care of Aged in California

## Senate Resolution No. 49

WHEREAS, The subject of proper care for the aged in boarding homes, rest homes, sanitariums and other institutions is of great importance to the people of the State,



and the laws governing the operation, financing, and supervision of such institutions have not recently been reviewed by the Legislature to determine their adequacy under the conditions prevalent at the present time; and

WHEREAS, The laws concerning the number and types of homes and institutions, the competency of the persons operating them, the care furnished to the aged, and the adequacy of the present laws governing the subject can best be ascertained by the establishment of a legislative committee to investigate all phases of the subject and report thereon to the Legislature, and the establishment of such a committee has been recommended by the Senate and Joint Legislative Committee created by Senate Resolution No. 156 of the Fifty-fourth Regular Session of the Legislature in its Report on Care of Children and Aged in California, printed in the Senate Journal for January 20, 1943, beginning at page 152; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a committee to be known as The Senate and Joint Legislative Committee on Homes and Institutions for the Aged, to consist of six Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study, and analyze such facts relating to the number and types of boarding home, rest homes, sanitariums, and other institutions for the aged, the competency of the persons operating them, the care furnished to the aged, and the financing and supervision of such institutions, with a view to reporting such facts to the Legislature, and formulating and recommending the enactment of any needed legislation relating thereto; and to that end the committee shall have (1) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, (2) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are amended and amended from time to time and such rules are hereby incorporated herein, and have a part thereof the same as if they were set forth in this resolution in full, where powers specified in such rules may be exercised by the committee, (3) the full complement of this session, and (4) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert, and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or report which the chairman itself has authority to undertake or make, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers and duties may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its complement and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, notes, claims, or documents showing the receipts and disbursements of any agency of government and to contract with private firms of auditors for that purpose;

(5) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(7) To make a complete study, survey, and investigation of every phase of the subjects of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to boarding homes, rest homes, sanitariums, and other institutions for the aged, and the method, adequacy and efficiency of the functioning of any and all governmental agencies, State or local, in any way charged or concerned with the administration or enforcement of any such laws or any part of any thereof, and the competency and efficiency of the personnel of any such agency;

(8) To meet at any and all places in this State, in public or executive session;

(9) To act until final adjournment of this session of the Legislature;

(10) To file a report with the Senate during the regular session of the Fifty-fifth Legislature;

(11) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee heretofore authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officer designated by him is hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of twenty-five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

### Importance of Subject

In 1942, at one of the hearings of the Senate Fact-Finding Committee, created by Senate Resolution No. 156 (1941), evidence was submitted pointing to the fact that there were improper conditions in boarding homes, sanitariums and rest homes, where many aged people resided. Accordingly, the Senate of California, at the Fifty-fifth Session of the State Legislature, appointed a Fact-Finding Committee on Homes and Institutions for the Aged for the purpose of investigating conditions in boarding homes, rest homes, sanitariums and other institutions for the aged, as well as the competency of the persons operating them, the care furnished to the aged, and the licensing and supervision of such institutions.

Miss Martha A. Chickering, Director of the State Department of Social Welfare, furnished the following factual information at the hearings of the committee held on March 1st and 2d in Los Angeles, California:

	City and County of		Alameda County	San Diego County
	Los Angeles County	San Francisco		
Number of aged receiving aid-----	65,423	11,372	7,629	7,395
Number of licensed boarding homes-----	793	130	66	79
Number of licensed boarding homes caring for 15 or more aged-----	28	11	8	3
Statistics furnished by local officials:				
Licensed sanitariums	Approximately			
and nursing homes-----	350	47	--	32

Lawrence C. Schreiber, Executive Director, Department of Public Assistance of Los Angeles County, testified that of the aged receiving aid in Los Angeles County, there are approximately 3,300 living in boarding homes, 1,700 in rest homes, and 1,400 in psychopathic rest homes; that almost 10 per cent of the aged receiving aid in Los Angeles County live in boarding homes, sanitariums and rest homes, according to the figures available in his department.

In addition to the number of licensed boarding homes, sanitariums and rest homes, it is estimated that the number of unlicensed places runs into the hundreds, according to the opinion rendered by Morris S. Siegel, Director of Sanitation and Housing of the Los Angeles City Health Department.

Sections 2300 to 2350, inclusive, of the Welfare and Institutions Code, sets forth the State laws pertaining to boarding homes for the aged. The State Department of Social Welfare has adopted minimum requirements for private homes for aged persons.

The City and County of San Francisco has adopted the following laws and regulations: (Chapter 5, Article 3, Part 2, Municipal Code.)

#### SEC. 157. ESTABLISHMENT AND MAINTENANCE OF HOSPITALS.

No person, firm, corporation or association shall hereafter erect, establish or maintain any hospital or health institution without first obtaining a permit from the Department of Public Health as in this section provided.

(a) DEFINITIONS. For the purpose of this section a hospital or health institution is hereby defined to be a building or structure having accommodations for more than three sick, invalid, infirm, aged, convalescent, mentally ill, feeble-minded, incompetent, decrepit, disabled, injured, or chronically ill persons, where a charge is made for the care of said persons, and whether or not, in

the care or treatment of any person, use is made of drugs, medicines, surgical, electrical or physiotherapeutical procedures. BUT SHALL NOT INCLUDE NURSING HOMES, AS SUCH ARE DEFINED IN SECTION 158 OF THIS CHAPTER.

(b) PERMITS. The Department of Public Health shall have power to and shall issue permits for hospitals and health institutions hereafter established. The Department of Public Health shall issue a permit to each hospital and health institution existing at the time this section becomes effective, provided such hospital or health institution is erected in compliance with existing fire, health and safety laws, and if not so erected, if compliance is had therewith within thirty (30) days after written notice by the Department of Public Health of the particulars wherein non-compliance exists. Every permit shall specify the name and address of the licensed person, firm, association or corporation, the location of the structure and the number of persons permitted to be housed or cared for therein. Any person shall be revocable for cause by the said Department of Public Health, after hearing before said Department upon service upon the holder of the permit, not less than ten (10) days before the hearing, of a written notice of time and place of hearing and written statement of the charges, in any case where the provisions of this section, or of any fire, health or safety law has been violated and such violation has continued for more than ten (10) days after service upon the holder of said permit of a written statement by the Department of Public Health of the particulars wherein said violation exists.

(c) TYPES OF BUILDINGS. No hospital or health institution hereafter established shall be housed in a structure of frame construction, if said structure is designed to have accommodations for more than five (5) inmates. Any such hospital or health institution hereafter constructed and having accommodations for not more than five (5) inmates, may be of frame construction if the same complies with all of the regulations and laws of the Bureau of Building Inspection, Department of Public Works, the Bureau of Fire Prevention and Public Safety and the regulations of the Department of Public Health, as of the date of application for a permit. No inmate shall be housed or cared for in any attic, basement or cellar.

(d) REGISTERS. The holder of a permit shall keep a register, in form approved by the Department of Public Health, wherein shall be entered the names and addresses, date of entry and date of discharge of all inmates.

(e) TRANSFER OF PERMITS. No permit issued pursuant to this section shall be sold, assigned or transferred without written permission of the Department of Public Health.

(f) INSPECTION. The Department of Public Health, its officers and representatives, and all duly appointed or elected Health Officers, shall at all reasonable times have the right to enter and inspect the said hospitals and health institutions, to inspect the permit and register thereof and to require compliance with this section.

SEC. 158. ESTABLISHMENT AND MAINTENANCE OF NURSING HOMES. No person, firm, corporation or association shall hereafter erect, establish or maintain any nursing home without first obtaining a permit from the Department of Public Health as in this section provided.

(a) DEFINITIONS. For the purpose of this section, a nursing home is hereby defined to be a building or structure having accommodations for one or more but not more than eight (8) invalid, infirm, aged, senile, injured or convalescent inmates, where a charge is made for the care of said inmates, and whether or not, in the care or treatment of said inmates, use is made of drugs, medicines, electrical or physiotherapeutical procedures.

(b) PERMITS. The Department of Public Health shall have power to and shall issue annual permits for nursing homes hereafter established; and as to original applications for permits, subject to the prior approval of the City Planning Commission as to conformity with ordinances administered by the City Planning Commission, the Department of Public Health shall follow the provisions of Sections 22 and 27, Article 4, Part 3 of this code, and in addition thereto the property owners of all property within 200 feet of the exterior boundary lines of the applicant's property shall be notified by the Department of Public Health, in writing, of the nature of the application and the time and place of hearing, and the applicant shall furnish the Department of Public Health with a verified list of the names and addresses of said property owners, and in passing upon the application the Department of Public Health is empowered to give consideration to the possible adverse effect of the proposed use upon adjoining property and approval or disapproval of the application may be predicated upon such grounds. The Department of Public Health shall issue a permit to each nursing home existing at the time this section becomes effective, provided such nursing home is erected in compliance with existing fire, health and safety laws, and if not so erected, if compliance is had therewith



within thirty (30) days after written notice by the Department of Public Health of the particulars wherein non-compliance exists. Every permit shall specify the name and residence of the licensed person, firm, association, or corporation, the location of the structure and the number of persons permitted to be housed or cared for therein. Any permit shall be revocable for cause by the said Department of Public Health, after hearing before said Department upon service upon the holder of the permit, not less than ten (10) days before the hearing, of a written notice of time and place of hearing and written statement of the charges, in any case where the provisions of this section, or of any fire, health or safety law has been violated and said violation has continued for more than ten (10) days after service upon the holder of said permit of a written statement by the Department of Public Health of the particulars wherein said violation exists.

The Department of Public Health shall have the authority to establish health and sanitation requirements for permittees after thirty (30) days notice to all existing permittees and a hearing upon the subject.

(c) **TYPES OF BUILDINGS.** No nursing home hereafter established shall be housed in a structure of frame construction, if said structure is designed to have accommodations for more than five (5) inmates. Any such nursing home hereafter established, and having accommodations for not more than five (5) inmates, may be of frame construction if the same complies with all of the regulations and laws of the Bureau of Building Inspection, Department of Public Works, and Bureau of Fire Prevention and Public Safety and of the Department of Public Health, as of the date of application for a permit. No inmate shall be housed or cared for in any attic, basement or cellar. Where more than five (5) inmates are housed in a nursing home the building shall be of Class A or B construction.

(d) **REGISTERS.** The holder of a permit shall keep a register, in form approved by the Department of Public Health, wherein shall be entered the names and addresses, date of entry and date of discharge of all inmates.

(e) **TRANSFER OF PERMITS.** No permit issued pursuant to this section shall be sold, assigned or transferred without written permission of the Department of Public Health.

(f) **INSPECTION.** The Department of Public Health, its officers and representatives, and all duly appointed or elected health officers, shall at all reasonable times have the right to enter and inspect the said nursing homes and to inspect the permit and register thereof and to require compliance with this section.

The City and County of San Francisco has adopted the following minimum health and sanitation requirements for nursing homes:

#### *Definitions*

For the purpose of this section, a nursing home is hereby defined to be a building or structure having accommodations for one or more but not more than eight (8) invalid, infirm, aged, senile, injured or convalescent inmates, where a charge is made for the care of said inmates and whether or not, in the care or treatment of said inmates, use is made of drugs, medicines, electrical or physiotherapeutical procedures. (Section 158)

#### *Types of Buildings*

No nursing home hereafter established shall be housed in a structure of frame construction, if said structure is designed to have accommodations for more than five (5) inmates. Any such nursing home hereafter established, and having accommodations for not more than five (5) inmates, may be of frame construction if the same complies with all of the regulations and laws of the Bureau of Building Inspection, Department of Public Works, and Bureau of Fire Prevention and Public Safety and of the Department of Public Health, as of the date of application for a permit. No inmate shall be housed or cared for in any attic, basement or cellar. Where more than five (5) inmates are housed in a nursing home the building shall be of Class A or B construction. (Section 158)

#### *Inspection*

The Department of Public Health, its officers and representatives, and all duly appointed or elected Health Officers, shall at all reasonable times have the right to enter and inspect the said nursing homes and to inspect the permit and register thereof and to require compliance with this section. (Section 158.)

#### *Administration and Staff*

1. It must be shown that there are sufficient funds to properly finance the establishment and maintenance of the nursing home. The net income from all sources must be regular and sufficient to maintain a comfortable standard of care in the nursing home including abundance and variety of food, warm rooms, clean linen and necessary attendance.



2. The person in charge shall be of suitable age, character and condition of health and temperament to provide care and comfort for incapacitated or aged persons. Experience and nursing skill are also required of the staff and the person in charge in homes maintaining accommodations for bed-patients.

3. The applicant or the management may be required to submit a certificate of good health signed by a licensed physician for any member of the staff.

4. There must be sufficient staff employed to insure adequate care of patients, night and day, and maintaining a good standard of upkeep, cleanliness and housekeeping.

5. There should be a registered graduate nurse on the staff. If the services of a registered graduate nurse are not available, admission to the home should be limited to patients not requiring skilled nursing care or treatments.

6. It is the responsibility of the nursing home to see that patients are under medical care.

7. There should be no small children or adolescents in the family but exceptions may be made. The normal activities of children disturb ill, aged and incapacitated persons to the disadvantage of both children and patients.

8. The premises shall be maintained in a clean and sanitary condition.

#### *Zoning*

1. The building should be situated in a second residential district with easily accessible outdoor space.

2. No sign, advertising matter or other device of any character shall be displayed on any portion of the exterior of such building or premises which will give any outward indication of the character of its occupancy.

3. External premises must be kept in an orderly manner so as not to detract from the neighborhood appearance.

#### *Housing*

1. The building or structure must meet all the requirements of the State Housing Act of the State Health and Safety Code and of the San Francisco Municipal Code and comply with sanitary regulations of the Department of Public Health.

2. The operation of nursing homes in multiple family dwellings is not approved, though under exceptional circumstances to be determined by the San Francisco Department of Public Health they may be permitted.

3. It is required that patients be housed only on the first and second floors in a frame building.

4. Sleeping rooms must provide a minimum of 500 cubic feet of air space for each occupant and the San Francisco Department of Public Health may require as much as 800 cubic feet of air space for occupant.

5. The use of a bedroom for a patient opening on an inner court may be prohibited by the San Francisco Department of Public Health.

6. Ventilation must be adequate. Window area shall measure at least one-eighth of the floor area. Half of window area shall open to outer air.

7. Single rooms (one bed) or double rooms (two beds) should be provided for inmates in preference to wards.

8. Room arrangements must provide a comfortable, well lighted, well ventilated room or suitable area set up as a living room for the use of inmates, guests, family, and as a place for the proper conduct of business. This living room if otherwise meeting requirements and if approved by the San Francisco Department of Public Health may be used as a sleeping room for members of the staff or family.

9. It is recommended that part of the nursing home be set aside for the exclusive use of the household and/or staff.

10. Alteration and structural changes may be done only after necessary or required permits for same have been secured from the Central Permit Bureau, City Hall, with the approval of the Department of Public Health and Bureau of Fire Prevention and Public Safety.

#### *Fire Prevention*

1. Fire prevention features must comply with the requirements of the State Housing Act, City and County ordinances and the local fire prevention authorities. Where special fire or safety hazards exist, the San Francisco Bureau of Fire Prevention and Public Safety and/or the San Francisco Department of Public Health may make special requirements in any home to ensure the safety of an individual or group of inmates.

2. No inmate may be housed above the second floor of a nonfireproof building under any circumstances.

3. Each floor of any building must have at least two widely separated means of exit leading to the level of floor next below and leading to street or alley, or yard. Means of egress from yard must be approved by the San Francisco Bureau of Fire Prevention and Public Safety. The Bureau of Fire Prevention and Public Safety may require a fireproof passage to street from yard. Additional

exits may be required by local fire prevention authority. A window is not an exit unless it gives easy access to a ramp, slide, stairway or fire escape.

4. Fire fighting equipment or increased facilities for water supply and pressure shall be provided and maintained as required by the city laws and regulations.

5. Heat equipment must be adequate to provide warmth as needed by the inmates. Gas heaters must be vented according to city laws and regulations. Kerosene heaters shall not be used. Fireplaces must have screens. Installation of oil, gas, or similar appliances, must be approved by the Bureau of Fire Prevention and Public Safety. Attention is called to the danger of electrocution in bathrooms unless electric heaters are properly placed and guarded.

6. A night nurse, orderly, watchman, signal system or fire alarm may be required if special hazards exist. The staff must at all times of the day or night be adequate to safeguard the guests or patients in an emergency.

7. No inmate shall be locked into his bedroom by day or night. A lightly attached hook to prevent single guests from wandering out of the room may be used if it is so attached that the door can be readily pulled open from either side in case of emergency. The master key to all rooms locked on the inside by guests should be kept where any staff member can readily find it in emergency. Windows shall not be barred or closed by any screen heavier than ordinary fly screening. Patients needing protection from escape belong in a home supervised by the Department of Institutions.

### *Sanitary Facilities*

1. There must be a minimum of one toilet and one wash basin for every five patients or fraction of that number.

2. It is recommended that separate sanitary facilities be provided for staff or family.

3. A slop-sink or other adequate and approved facility for emptying and proper cleansing of bedpans, which facility may be a toilet with easily accessible running water, must be provided on each floor used for patients if accommodations for bed patients are maintained. Bedpans under no circumstances may be washed, rinsed, stored or carried through the kitchen.

4. Whenever specifically required by the San Francisco Department of Public Health floor surfaces of bathroom and toilet compartments shall be waterproof with nonabsorbent material, such as tile, concrete, composition or similar waterproof material.

5. Hand railings at the side of toilets and bathtubs are recommended as a safeguard to incapacitated and aged persons.

6. Adequate refrigeration for the storage of food shall be supplied.

7. Satisfactory provision must be made for the sanitary storage and cleaning of soiled laundry.

8. Approved garbage containers and service shall be provided.

### *Heating*

1. The home must be adequately and safely heated.

2. The heating plant must be approved by the Housing Division of the San Francisco Department of Public Health and by the Bureau of Fire Prevention and Public Safety.

3. Hot water heaters with sufficient capacity to serve patients and for sterilizing dishes and kitchen equipment should be provided.

### *Yard*

1. An easily accessible outside space shall be available for ambulatory patients.

2. This space should be dry, sheltered and sunny.

### *Equipment*

1. Patients' rooms must be completely furnished with provision for the personal belongings of patients.

2. There must be good beds and a good quality of bedding in sufficient quantity. Hospital beds are recommended.

3. Mattresses should be of good quality and should be protected with rubber sheets when necessary.

4. Linens and utensils must be provided in sufficient quantity to insure a good type of personal hygiene for patients.

5. There must be adequate facilities for the storage, preparation and serving of food.

### *Admission Requirements*

1. The Department of Public Health will specify by permit the number and type of patients to be housed in the nursing home at any one time. Admissions and accommodations must be limited to this number.

2. Care must be taken not to admit mental cases. A special license from the State Department of Institutions is necessary in order to care for mental cases.

#### *Medical Supervision*

1. Nursing homes should have a physician on the staff in the capacity of a medical adviser.

2. Every patient must be under the care of a licensed physician. On admission of a patient the nursing home operator shall secure from him or her or persons responsible for said patient the name of physician to be called for medical care.

3. New admissions to nursing homes must be seen by the physician within the first 24 hours after admission unless oral or written orders from physician or clinic accompany patient. Oral orders must be confirmed in writing within a period of 48 hours.

4. Every nursing home should have adequate facilities for isolation for cases of acute illness occurring in the nursing home.

5. Adequate nursing care must be available at all times, night and day, and a good type of routine care for patients must be maintained.

6. A call system is recommended.

7. Staff members should have routine periodic physical examinations.

#### *Dietary*

1. Particular attention must be given to special diets and to the dietary needs of incapacitated and aged persons.

2. Food served must be ample and of good quality, variety, well prepared and attractively served.

3. Trays, dishes and silverware must be of suitable material, easily cleaned and kept in good condition.

4. Whenever specifically requested by the San Francisco Department of Public Health means shall be on fire and posted preferably in the kitchen.

5. Adequate refrigeration must be maintained for the storage of food.

6. The preparation, care and serving of food, and the care of dishes and silverware are subject to inspection at any time.

#### *Recreation*

1. Living rooms provided for the accommodation of patients should be comfortable, have natural light, well lighted, well ventilated, and equipped with recreational facilities.

#### *Records*

1. A register must be kept in which are recorded the name, age, creighton if obtainable, date of admission, date of discharge, the name and address of the nearest relative or responsible friend, the name of the patient's physician and his admission diagnosis, his condition on discharge and the address to which the patient is discharged.

2. The register must be kept up to date and is subject to inspection at any reasonable time.

3. A record separate from the register shall be kept of the amounts paid for patients' care. This record shall be subject to inspection by the San Francisco Department of Public Health when necessary.

#### **Conclusion as to Sufficiency of Present Laws and Regulations**

Boarding homes for the aged are governed by Sections 2300 to 2310 of the Welfare and Institutions Code, and the rules and regulations adopted by the Department, which, in substance, require a written license or permit from the State Department of Social Welfare or from one of its local accredited agencies in order for any person to receive or care for one or more persons over the age of 65 years, who is not a relative of the operator of the boarding home.

Sanitariums and rest homes are not required to obtain a license or permit under State law or regulations.

The City and County of San Francisco has adopted an ordinance which, in substance, provides that all hospitals, health institutions, sanitariums and nursing homes shall be under the jurisdiction of the Department of Health, which shall issue licenses or permits to those which qualify. Rules and regulations have been set up governing the conduct and operation of such institutions.

The City Council of San Diego has passed an ordinance requiring persons conducting rest homes, nursing homes, sanitariums, etc., to submit to inspection and to operate under a permit issued by the Department of Public Health. There are no rules and regulations in operation pertaining to sanitariums and rest homes, as the new city ordinance covering the institutions is not yet in operation, according to J. H. Rainwater, Director of the Public Welfare Department of San Diego County.



The City of Los Angeles and the County of Los Angeles, while having ordinances regarding construction, zoning, and general matters pertaining to hospitals, sanitariums and rest homes, do not have any ordinances, rules or regulations pertaining to the type of food, diet, medical facilities, qualification of nurses, type of operator, or other pertinent phases concerned in the operation of sanitariums and nursing or rest homes.

It should be noted that there are no written rules and regulations pertaining to sanitariums and rest homes in the County of Los Angeles, according to Mrs. Irma D. Graham, Secretary of the Los Angeles County Public Welfare Commission.

MORRIS S. SHELLE, Director of Sanitation and Housing of the Los Angeles City Health Department, testified as follows:

We have no ordinances that amount to anything that we can enforce... the State Housing Act is merely a cold blooded act that deals with nothing but strains and stresses and ventilation and the number of toilets and bathing facilities and everything that you would have to provide in a hotel or apartment house.

### Conditions in Places Used for Care of the Aged

Evidence was introduced before your committee on March 1 and 2, 1943, and many communications were received, which disclose that many boarding homes for aged, sanitariums and rest homes were improper in the following particulars:

1. Lack of sanitation and cleanliness.
2. Meager food and malnutrition.
3. Lack of linen and medical supplies.
4. Proper medical attention was not given to the aged in many instances.
5. Insufficient number of nurses and attendants.
6. Improper type of persons operating homes.
7. Physical violence to patients.
8. Lack of attention to patients who were left in a filthy condition on many occasions.
9. There are instances where there is not proper segregation of mentally and physically ill patients.

The following are excerpts from the testimony introduced before the committee. The names and addresses of the homes are omitted from this report but are contained in the transcript of the proceedings before the committee, as well as the exhibits introduced therein. For the purpose of this report, the homes will be referred to by number.

FRANCES ZIEGLER testified as follows:

I am a practical nurse and have been engaged in that type of work in Los Angeles for six years. I spent two nights in Rest Home No. 1. Mr. A, the operator, was visibly intoxicated both nights. The moral character of the people running the so-called sanitariums and rest homes is a most important factor. I will tell the good things first. The place was spotlessly clean; there wasn't even dust in evidence. But the lack of linen is a big factor in a nursing home. The patients were not segregated. The patients have to be dried and cleaned constantly, at least every hour; that goes with senile old people. Mr. A had a poor little old lady who was very ill; she had cancer of the stomach to such an extent that she vomited almost constantly. There were no linens; there was nothing there to keep that woman clean. She was shut in a little butler's pantry with a small window opening onto a dark court. There was a building up against this window just two feet away. There are generally 18 to 25 patients in these rest homes or sanitariums. One nurse is usually in attendance at night. In Rest Home No. 1 the lack of food was one of the main things; the people were mostly hungry. One person can not feed a great many of these patients who have to be fed by hand. The operators of the homes do not care to provide the necessary number of nurses. I asked Mr. A why there were no sedatives provided; there was absolutely no medical equipment for these people that could not sleep and that had to be watched. Mr. A said "Tell them to go to hell if they can't sleep." There was another woman who was in a private room; she was paralyzed but could talk. Both nights that I was there, she was hungry. The first thing she asked me for was a glass of milk. There was nothing in the icebox and nothing on the shelves. I couldn't even find a can of milk to open. Mr. A considered this woman troublesome. She was a woman that they had been tying to the bed because when she became uncomfortable from lack of care, she would do her best to strip her bed and herself. There was no reason to tie up a woman in that condition. I told Mr. A that it was wrong to tie her, and did he have anything that he could possibly give her to get her to sleep, so he gave her two little pellets out of his pocket.

Q. By Mr. Chotimer: "You say 'out of his pocket'; were they in a bottle or some other container?"

A. "No."





were not at all violent were physically mistreated by the attendants to make them behave as they thought they should behave.

AGNES MCKENNA testified as follows:

I am a practical nurse and have been employed in that work for 12 years. I am familiar with Rest Home No. 5. Mrs. E., the operator of the rest home, underfed the people. I have heard the testimony that has been given here by other witnesses, and would say from my experience in working in various rest homes and sanitariums, that the conditions described are just about the same system from one place to the other.

### Enforcement

While the provisions of the Welfare and Institutions Code, together with the rules and regulations of the State Social Welfare Department, require the licensing and inspection of any place that cares for a person over the age of sixty-five, nevertheless no attempt has been made to require a license for a place that operates as a sanitarium or rest home, even though it cares for a person over the age of sixty-five, according to the testimony given by Col. Archibald B. Young, Chairman of the State Social Welfare Board.

### Placement Agencies

LAWRENCE C. SCHREIBER, Executive Director of Public Assistance of Los Angeles County, testified as follows:

There are placement agencies in Los Angeles County that operate commercially for the purpose of placing individuals in boarding homes for aged, sanitariums and rest homes. Generally they set themselves up as placement agencies for recipients of old age assistance, and in making such placements it is quite apparent that they are not interested in whether or not the boarding homes, rest homes, or sanitariums have a proper license; they are merely interested, apparently, in making the placement for the fee that they will receive for having rendered that service. The fee is 25 per cent of the first two months' pay that is given to the operator. In some cases there is even a follow-up on that where the placement agency requires in the contract that 25 per cent of each succeeding seven months' pay will go to the agency.

"Q. Is there any service that the recipient of old age assistance gets from a placement agency that that person could not get by going to your department and getting a list of licensed places within the territory in which they wish to live?"

"A. None whatsoever. If the recipient, in fact, were to use the Department of Public Assistance as the agency to find a boarding home for him, he would be much better served."

We find frequently that through the services of one of these agencies the recipient of old age assistance is found to be in an unlicensed home. There is no licensing provision in the law as to any of these placement agencies.

Q. by Senator Deuel: "Can you conceive that any hardship would accrue to these old age recipients if the Legislature should ban entirely the placement bureaus?"

"A. No, I believe that no hardship would accrue to the recipient, because of the fact that the Public Welfare Department is in a position to afford the recipient sufficient information whereby he can make his own choice. On the other hand, it might not be necessary to enact such legislation to bar this private industry from operating if sufficient regulation through the law might be thrown around him so as to fix the fee that he would be permitted to charge, and also require that he refer no recipient to any except a licensed home. That would be in the judgment of the Legislature."

"Q. Why should any private agency be entitled to charge a fee for placement when you have all the facilities, with the organized setup of a State agency?"

"A. As I said, Senator, the Public Welfare Department is in a position to afford this service to the clients."

"Q. Well, then, there is no reason for the placement agency?"

"A. No real reason for it at all, that's correct."

"Q. Well, then, if the Legislature should ban the private placement agency, no hardship would accrue to the individual?"

"A. That is what I stated."

Q. by Mr. Chotiner: "If the operators of these homes didn't have to pay 25 per cent of the fee to a placement agency, they could use that money for the purpose of purchasing food and proper medication and furnishing attention to the recipients of old age assistance?"

"A. That's the root of the whole thing because it is only logical to assume that having paid that fee to the placement agency, the operator of the boarding home is going to attempt to recover it some way or another, and the only

method by which the operator has the opportunity of recovery is by reducing the service that is given to the recipient.

"Q. In other words, can you give any explanation that would justify why money that was supposed to be going to the benefit of the elderly people should find its way into the pockets of private individuals who are receiving a fee for receiving them there?"

"A. I cannot."

**LEO J. WHEATON, Sanitarium and Rest Home Investigator, Department of Public Assistance, County of Los Angeles, testified as follows:**

"To my knowledge, there are four placement agencies in the County of Los Angeles. One operator of a placement agency also operates a sanitarium in connection with her placement agency. She takes her cases into the sanitarium, and if she is full or doesn't have the vacancies, then she sends them to another sanitarium and collects her fee for that."

"Q. But in all cases the recipient of old age assistance pays the fee?"

"A. Not personally. It is paid to the operator of the home who pays the placement agency."

"Q. But it comes out of the pocket of the old age pensioner?"

"A. It comes out of the fund that the recipient pays for her or his care. There is no city or county ordinance that covers the supervision or regulation or licensing of any of the placement agencies."

"Q. by Senator Deuel: "How long have these placement bureaus been operating here?"

"A. Approximately three years ago when we first heard of them."

"Q. You would be in a position to recommend to these pensioners suitable homes?"

"A. Yes, we do that now upon their application."

"Q. Well, then, it necessarily follows that there is no real need for these placement bureaus?"

"A. Well, not insofar as old age assistance is concerned."

#### Conference of State, County and City Officials

On March 23, 1943, a conference was held by Murray M. Chotiner, Attorney for the Committee, with State, county and city health and social welfare officials. Those attending the conference were: Mr. Archibald B. Young, Chairman State Social Welfare Board; Dr. Edward Kujala, representing Dr. Wilton L. Halverson, Director State Department of Health; Dr. H. O. Swartout, Acting Health Officer, Los Angeles County; Dr. George M. Ell, Los Angeles City Health Officer; Lawrence C. Schrader, Executive Director Department of Sanitation and Housing of Los Angeles County; Morris S. Siegel, Director of Sanitation and Housing of Los Angeles City Health Department; Eugene J. Bamiller, Chief of Los Angeles County Sanitation, Housing and Institution Inspection Division of the Department of Health; Mrs. Irma D. Graham, Secretary Los Angeles County Public Welfare Commission; and J. M. Kennick, representing Herbert C. Legg, City Manager of Long Beach.

The consensus of the conference was as follows:

1. There should be State legislation covering the subject of boarding homes for aged, hospitals, sanitariums and rest homes.

2. There should be State supervision of the licensing and regulation of them, with authority being delegated to city and county officials.

3. There should be a uniformity of minimum rules and regulations throughout the State.

4. The State Department of Health is the proper State agency to maintain the supervision.

5. The County and City Departments of Health are the proper local agencies that should be charged with the responsibility of supervising and regulating boarding homes for the aged, hospitals, sanitariums, and nursing and rest homes.

6. The local health officer charged with the responsibility for supervising and regulating these places should call on the local social welfare agency for reports on the competency of persons operating them insofar as social welfare standards are concerned.

The opinion was also expressed that places which are strictly boarding homes for the aged could be handled by local social welfare agencies under a delegation of authority from the local health department.

#### Recommendations of the Committee

Based on the foregoing facts, your committee makes the following recommendations:

1. Sections 2300 to 2310 of the Welfare and Institutions Code which provide for the supervision and regulation of boarding homes for the aged under



the jurisdiction of the State Social Welfare Department, or its accredited agencies, should be repealed.

2. Every county, city and county, and city should be charged by a State law with the responsibility and authority to pass and enact such ordinances, laws, rules and regulations as may be necessary for the licensing and proper supervision, regulation and inspection of all hospitals, health institutions, boarding homes for the aged, sanitariums, and nursing or rest homes, within their respective jurisdictions.

3. The health officer of each county, city and county, and city should be charged with the responsibility of enforcing such ordinances, laws, rules and regulations as may be adopted by the respective local governments, and shall also be empowered to adopt such rules and regulations as may be necessary and proper for the proper supervision and regulation of all hospitals, health institutions, boarding homes for the aged, sanitariums, and nursing or rest homes.

4. The local health officer should be authorized to call on local social welfare agencies for such assistance as may be required of them in determining the competency of persons who operate hospitals, health institutions, boarding homes for the aged, sanitariums, and nursing or rest homes.

5. The local health officer should be authorized to delegate to a local social welfare agency the responsibility of supervising and regulating boarding homes for the aged as distinguished from hospitals, health institutions, sanitariums, or nursing or rest homes.

6. It should be unlawful for any person or persons, firm, corporation, or association to collect a fee, directly or indirectly, from any hospital, health institution, boarding home for the aged, sanitarium, or nursing or rest home, or from any person who shall use the services of any of said places, or reside in any of said places, in return for the furnishing of the name of any of said places to any specific person who shall use or reside in any of said places; or in return for the recommendation of any of said places. It is the intention of the committee to ban the commercial operation of placement agencies for hospitals, health institutions, boarding homes for the aged, sanitariums, and nursing or rest homes.

7. It should be a misdemeanor for any person or persons, firm, corporation, or association to operate or conduct or maintain a hospital, health institution, boarding home for the aged, sanitarium, or nursing or rest home without first obtaining a permit or license from the local health department or its accredited agency. A violation of any of the laws, rules or regulations that may be adopted pertaining to the operation, conducting and maintenance of a hospital, health institution, boarding home for the aged, sanitarium, or nursing or rest home, should be grounds for suspension or revocation of the license.

8. The State Department of Health should collect from and distribute to the various counties, city and county, and cities of the State any information which will assist them in the adoption and enforcement of ordinances, laws, rules, and regulations pertaining to hospitals, health institutions, boarding homes for the aged, sanitariums, and nursing and rest homes. Each county, city and county, and city should furnish to the State Department of Health full information concerning the ordinances, laws, rules and regulations, standards, and minimum requirements adopted by it, and such other information as is necessary to enable the department to maintain records of the licenses issued, suspended or revoked.

9. These recommendations shall not be considered to be in conflict with Sections 480 to 486 of the Health and Safety Code, dealing with contracts for local health administration by cities and counties; nor with Sections 491 to 493 of the Health and Safety Code, providing for county health administration for unincorporated towns; nor with Sections 500 to 509 of the Health and Safety Code, dealing with city health ordinances, boards and officers.

10. A State law should set forth the definition of a boarding home for the aged, hospital, health institution, sanitarium, and nursing or rest home.

Inasmuch as the Legislature is now in the process of completing its business and seeking to finally adjourn, it does not appear feasible to your committee to enact legislation at this time incorporating the foregoing recommendations. Such legislation would, under the circumstances, be hurried and ill-considered. It is absolutely essential that any legislation presented be thoroughly considered, carefully thought out, and all parties given an opportunity to be heard. The committee therefore recommends that it be empowered to conduct further investigations and be authorized to prepare necessary legislation during the interim between the final adjournment of this session of the Legislature and the convening of the Fifty-sixth Session of the Legislature. During this interim the committee will seek to have its recom-



mendations put into effect by administrative action of the State departments and counties involved.

Respectfully submitted.

JOHN F. SHUFFLEY, Chairman  
CHARLES BROWN  
CHARLES H. DEUEL

FRANK L. GORDON  
JESSIE M. MAYO  
JAMES J. MCBRIDE

#### RECESS

At 4:30 p.m., on motion of Senator Seawell, the Senate recessed until 8 p.m.

#### REASSEMBLED

At 8 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beck at the desk.

#### Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried. Time, 8 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### CONSIDERATION OF MOTION TO RECONSIDER (RESUMED)

**Assembly Bill No. 956**—An act to authorize the creation of a branch of the University of California at Santa Barbara, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, including moneys appropriated and unexpended, or which may be appropriated, to grant to employees of Santa Barbara State College who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems.

#### Withdrawal of Motion

Senator Salsman moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 956 was passed.

Motion carried.

Assembly Bill No. 956 ordered transmitted to the Assembly.

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 33**—An act to amend Sections 511, 511.1, 511.2, 512.1, and 515.5 of the Vehicle Code, relating to the regulation of speeds on public streets and highways, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judith, Mayo, McBride, McCormack, Mixer, Packman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1221**—An act to amend Section 5362 of the Streets and Highways Code, relating to notices of filing of and hearings on assessment under the Improvement Act of 1911.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 8.45 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1935**—An act to amend Section 107 of the Revenue and Taxation Code, relating to the taxation of real and personal property, including the taxing of possessory interests and mining rights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Burns, Crittenden, DeLap, Deuel, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Swan, Swing, Tenney, and Ward—22.

NOES—Senators Breed, Carter, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Keating, Rich, Shelley, Slater, and Tickle—13.

##### Motion to Reconsider

Senator Dorsey moved to reconsider the vote whereby Assembly Bill No. 1935 was passed.

##### Withdrawal of Motion to Reconsider

Senator Dorsey moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1935 was passed.

Motion carried.

Assembly Bill No. 1935 ordered transmitted to the Assembly.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, May 4, 1943

*To the Senate of the State of California*

I have the honor to inform you that I have made the following appointments, and respectfully request your confirmation thereof and consent thereto:

RALPH T. FISHER, resident of the City of Oakland, bank executive and civic leader, to the State Board of Education, vice Mrs. Lois E. Souther, term expired, for the term prescribed by law.

GILBERT H. JERTBERG, resident of the City of Fresno, attorney and member of the Advisory Board of Fresno State College, to the State Board of Education, vice Dr. Herman L. Linder, term expired, for the term prescribed by law.

FRANK W. SMITH, resident of the City of Ojai, farmer and member of the Board of Trustees of Claremont Colleges, to the State Board of Education, vice Curtis E. Warren, appointment withdrawn, for the term prescribed by law.

EUGENE T. BROOKS, resident of the City of San Francisco, business executive, to the State Board of Education, vice self, for the term prescribed by law, the said Eugene T. Brooks, having been nominated appointed on February 9, 1942, during the recess of the Legislature as a member of the State Board of Education and now serving as a member of the State board.

JOSEPH P. LOEB, resident of the City of Los Angeles, attorney, to the State Board of Education vice R. C. I. Shambaugh, term expired, for the term prescribed by law.

WILLIAM L. HAIR, resident of the City of Pasadena, newspaper editor, and member of the Pasadena Board of Education, to the State Board of Education, vice Clyde Doyle, appointment withdrawn, for the term prescribed by law.

MRS. E. T. HALE, resident of the City of San Diego, president of the California Congress of Parents and Teachers and member of the San Diego Board of Education, to the State Board of Education, vice A. J. Sutherland, appointment withdrawn, for the term prescribed by law.

THOMAS COAKLEY, resident of Walnut Creek, Contra Costa County, San Francisco attorney, former Deputy Attorney General of California, to the Board of State Harbor Commissioners, vice George Schluenger, resigned, for the term prescribed by law.

WADE MAHLEND, resident of San Francisco, businessman and former president of the San Francisco Chamber of Commerce, to the Board of State Harbor Commissioners for San Francisco Harbor, vice J. F. Martin, term expired, for the term prescribed by law.

W. G. WELT, resident of San Francisco, legislative representative of the Order of Railway Conductors on the Board of State Harbor Commissioners of San Francisco Harbor, vice Harry See, resigned, for the term prescribed by law.

L. F. MEYER, resident of the City of Stockton, businessman, to the Board of Managers of the Stockton State Hospital, vice Flora Klenger, appointment withdrawn, for the term prescribed by law.

JOHN D. TURNER, resident of the City of Stockton, businessman, to the Board of Managers of Stockton State Hospital, vice Earl E. Twine, appointment withdrawn, for the term prescribed by law.

WILLIAM J. HANON, resident of the City of Stockton, realtor, to the Board of Managers of the Stockton State Hospital, vice Barry G. McBurnett, appointment withdrawn, for the term prescribed by law.

ROBERT H. RINK, resident of the City of Lodi, attorney, to the Board of Managers of the Stockton State Hospital, vice L. A. Mills, appointment withdrawn, for the term prescribed by law.

HARVEY F. MAYERHEIM, resident of the City of Tracy, newspaper publisher, to the Board of Managers of the Stockton State Hospital, vice S. Traville, appointment withdrawn, for the term prescribed by law.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

### REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to have the following statement regarding Assembly Bill No. 1994 printed in the Journal:

#### Analysis of Assembly Bill No. 1994 Re: Changes From Existing Law

Section 2005: This provides for the payment of aid to an applicant in a home of his own choosing in preference to placing him in an institution. The three words added to this section are "his own choosing." This follows the general practice.

Section 2008.5: This adds a new section, making it a misdemeanor for any person to accept compensation or remuneration for making an application for any person for Old Age Security or for assisting the aged person in getting his aid.

Section 2014: This is a new section added to the law. It provides that in cases of dispute, the application and supporting documents pertaining to any case shall be open to the applicant or his designated agent.

Section 2015: This is a new section added to the law and provides that copies of all laws and rules and regulations shall be made available to the public. This follows the present regulations.

Section 2016: This is a new section added to the law. It provides that upon request every applicant shall be given an itemized report, setting forth the amount of aid granted to him and any deductions.

Section 202.01: This is a new section added to the law. It provides for grant of aid to \$50 per month after deducting all income excepting such income as may be designated as casual. This section remains in effect until the closing of the next regular session of the Legislature.

Section 2020.05: This is a new section added to the law. This provides that if and when amendments to the Federal statutes or rules and regulations of the Federal Security Board permit the State to allow earnings of an applicant to be retained by the applicant without deduction from his grant, the same shall be applicable in California.

Section 2021.01: This is a new section added to the law. It appropriates \$500 per annum for each aged person by the State. This gives effect to a ratio of sharing between the counties and the State of five-sixths State and one-sixth county. This section remains in effect until the end of the next regular session of the Legislature.

Section 2142.5: This is a new section added to the code. It provides that every person administering the aid shall do so with courtesy, consideration and respect to the applicant, and prohibits the person administering the aid from attempting to elicit any information not necessary to the establishment of eligibility.

Section 2160: This is amended on page 4, line 45, changing the time in which applicants may be in a hospital and receive old age security from 60 days to two calendar months. This amendment was made for clarity and technical purposes. Again, on page 5, line 10, the same law reads providing that the same aid and benefit furnished the applicant as a gift shall not be grounds for refusing aid.

Section 2163: This is amended to provide that personal property may be received by the applicant in the amount of \$600 after deducting all encumbrances of record and further provides that the premiums on insurance policies shall not be deemed income of the applicant and no deduction therefor shall be made to the amount of the grant.

Section 2163.1: This is a new section added to the law providing that an heir, legatee or devisee shall not be considered the owner of the property until the property is available to him. It further provides that a beneficiary of a trust shall not be considered the owner of a trust until it is made available to him.

Section 2163.2: This is a new section added to the law and provides that personal property does not include personal effects such as furniture, clothing and household equipment, etc., but does include jewelry and other items of similar character.

Section 2163.7: This provides that any place of abode such as a boat or trailer shall be considered real property in determining eligibility.

Section 2164: This is amended to provide that the applicant may own real property of an assessed value of \$3,000 less all encumbrances of record. Heretofore we were not permitted to deduct the encumbrances.

Section 2180: This is amended to provide that if the applicant is physically unable to apply, another may apply in his behalf; however, it does provide that every application after being reduced to writing shall be signed under oath by the applicant.

Section 2181: This first provides that the investigation shall be completed within 60 days, and second, modifies the degree of relatives' responsibility. On page 7 there is a scale which sets forth the amount of contributions which shall be made by the responsible relatives in accordance with their income, such income to be determined upon the net income.

Section 2181.01: This is a new section added to the law and provides that aid shall not be withheld pending the financial condition of the responsible relatives, providing that the applicant can establish the fact that he is not receiving support.

Section 2181.1: This provides that the board of supervisors shall immediately notify the applicant of its decision on each case. The applicant has 30 days in which to apply to the board of supervisors for a rehearing on such decision; that a hearing shall be set within the following 30 days and the board of supervisors must render its decision within 15 days thereafter. This is an alternative method for the applicant to follow if he does not appeal directly to the State Social Welfare Board. However, the applicant, if dissatisfied with the decision of the board of supervisors, may then appeal to the State board.

Section 2182: This is amended to provide that an applicant can apply any time after he has been denied aid if the conditions which made him ineligible have been removed.

Section 2182.1: This is a new section added to the law providing that an applicant can appeal to the courts; that no filing fee shall be required and that if the applicant is successful shall be entitled to a reasonable attorney fee and costs to be paid by the State.

Section 2183: This has been amended to provide a 60-day investigation period and the aid to begin not later than the first day of the month following the end of the 60-day period.



Section 2182.1: This is a new section added to the law. It provides that if a warrant is lost or destroyed, the applicant may obtain a duplicate warrant without the necessity of filing a bond. It further provides that if the applicant has not received the warrant within 20 days after mailing, it shall be deemed lost or destroyed.

Section 2187.01. This is a new section added to the code and is a technical section which deals with the method of advancing State and Federal moneys to the counties on the basis of 5/6 and 1/6. This section is effective until the end of the next regular session of the Legislature.

Section 2222. This is amended. These are merely technical amendments for clarification of language and make no substantial change.

Section 2222.7. This is a new section added to the law and relates to the return by the county, State and Federal Government of any collections made which later prove to be erroneously collected and in fact there was no debt due from the recipient of aid to the county, State or Federal Government.

Section 2223.5. This provides that if an applicant has received aid in good faith during a period when he was not entitled thereto, the amount that shall be collected from him shall only be the amount equal to the amount of excess property which he may have possessed at the time.

Section 2224. This has been amended to provide that the county shall use a brief form to determine if the responsible relatives are in fact contributing and will continue to contribute to the support of the applicant in accordance with the scale set forth on page 7 of the bill.

The bill is set up to provide that this act shall go into effect July 1, 1943.

#### CONSIDERATION OF SPECIAL ORDER

The hour of 9 p.m. having arrived, Assembly Bill No. 1994 was taken up.

**Assembly Bill No. 1994**—An act to amend Sections 2005, 2160, 2163, 2164, 2165, 2180, 2181, 2182, 2183, 2222, and 2224 of the Welfare and Institutions Code, and to add Sections 2008.5, 2014, 2015, 2016, 2020.01, 2020.05, 2021.01, 2142.5, 2163.1, 2163.2, 2163.7, 2181.01, 2181.1, 2182.1, 2183.1, 2187.01, 2222.7 and 2223.5 thereto, relating to aid to the aged, to take effect immediately, and to become operative as therein provided.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1150**—An act to amend Sections 8603 and 8632 of the Revenue and Taxation Code, relating to the use fuel tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah,

Keating, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1021**—An act to amend Sections 10490, 10492, 10493, 10494, 10495, 10497, 10498, 10499, 10500 and 10501 and to add Sections 10494.5 and 10498.5 to, the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 261**—An act to amend Sections 19484 and 19562 of the Business and Professions Code, relating to horse racing meetings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Keating, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### Senator Engle Presiding

At 10.45 p.m., Senator Engle of the Eighth District, presiding.

**Assembly Bill No. 1603**—An act to amend Sections 2350, 2351, 2353, and 2357 of the Welfare and Institutions Code, and to add Sections 2350.5, 2353.1, 2353.2, and 2354.1 thereto, relating to agreements for the care of aged persons, providing for regulation and supervision of organizations and persons entering into such agreements by the State Department of Social Welfare, and providing for the issuance of writs of attachment in actions for the enforcement thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1331**—An act to amend Section 22103 of the Business and Professions Code, relating to the marking of precious metals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators, Breed, Brown, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating,

McCormack, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 1114

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSS, Assistant Clerk

Above bill ordered to unfinished business file.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS

**Senate Bill No. 1114**—An act making an appropriation for the contingent expenses of the Senate for the Fifty-fifth Session of the Legislature including committee expenses, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1114?

##### Amendment No. 1

On page 1, line 1, of the printed bill, strike out "fifty thousand dollars (\$50,000)", and insert "one hundred thousand dollars (\$100,000)".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1114 by the following vote:

AYES—Senators Reed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2014

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

**Assembly Bill No. 2014**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

##### Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 2014, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY BILL NO. 2014

## Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bill No. 2014 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 2014**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read second time.

**Assembly Bill No. 2014**—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

## CONSIDERATION OF DAILY FILE (RESUMED)

## CONSIDERATION OF MOTION TO RECONSIDER

**Assembly Bill No. 1353**—An act defining, prohibiting, and prescribing the penalties for the commission of certain fraudulent and unfair trade practices in connection with the sale of merchandise.

Pursuant to his motion previously made, Senator Mixer moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1353 was refused passage.

The roll was called, and Assembly Bill No. 1353 refused reconsideration by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Gordon, Hatfield, Jepsen, Keating, McBride, McCormack, Mixer, Parkman, Seawell, Slater, Swing, Tickle, and Ward—20.

NOES—Senators Carter, DeLap, Denel, Donnelly, Engle, Judah, Mayo, Rich, Swan, and Tenney—10.



## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT, The Committee on Conference concerning:

**Senate Bill No. 197**—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to persons, the employment of prisoners and the sale of prison-made products, and declaring the urgency thereof and that this act shall go into immediate effect.

Consisting of the undersigned members has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in.

CARTER  
SWAN  
KEATING

CARLSON  
FOURT  
JOHNSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—28

**NOES**—None

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT, I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Joint Resolution No. 52**—Relative to a sponsorship of the 13th Armored Division of the United States Armed Forces.

## Request for Unanimous Consent

Senator Brown asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 52, at this time, for consideration.

## CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 52

**Assembly Joint Resolution No. 52**—Relative to a sponsorship of the 13th Armored Division of the United States Armed Forces.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Rich, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1604  
Assembly Bill No. 1746  
Assembly Bill No. 796

Assembly Bill No. 648  
Assembly Bill No. 1308  
Assembly Bill No. 1988

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 88  
Assembly Bill No. 148  
Assembly Bill No. 421  
Assembly Bill No. 445  
Assembly Bill No. 295  
Assembly Bill No. 983  
Assembly Bill No. 1282  
Assembly Bill No. 1541  
Assembly Bill No. 1593  
Assembly Bill No. 1796  
Assembly Bill No. 541  
Assembly Bill No. 1958  
Assembly Bill No. 847  
Assembly Bill No. 960  
Assembly Bill No. 1316  
Assembly Bill No. 1430  
Assembly Bill No. 531

Assembly Bill No. 654  
Assembly Bill No. 677  
Assembly Bill No. 923  
Assembly Bill No. 1113  
Assembly Bill No. 1197  
Assembly Bill No. 1888  
Assembly Bill No. 1048  
Assembly Bill No. 1915  
Assembly Bill No. 1916  
Assembly Bill No. 1937  
Assembly Bill No. 438  
Assembly Bill No. 1011  
Assembly Bill No. 1013  
Assembly Bill No. 1014  
Assembly Bill No. 1016  
Assembly Bill No. 1017  
Assembly Bill No. 1019

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 229  
Assembly Bill No. 278  
Assembly Bill No. 1280  
Assembly Bill No. 1016  
Assembly Bill No. 1392

Assembly Bill No. 1394  
Assembly Bill No. 599  
Assembly Bill No. 687  
Assembly Bill No. 1058

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 994

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 568—An act to add Section 2780.1 to the Penal Code, relating to the Prison Camps, making an appropriation, declaring the urgency thereof, to take effect immediately;  
And appointed Messrs. Fourn, Thomas, and McMillan as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1094—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code;  
And appointed Messrs. Carey, Rosenthal, and Watson as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 257

Assembly Bill No. 805

Assembly Bill No. 406

Assembly Bill No. 1222

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1975

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1306

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

## Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 582

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

## Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 590

Assembly Bill No. 894

Assembly Bill No. 1028

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

RICH, Chairman

Above reported bills ordered to second reading.

## Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1107

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 257**—An act to add Section 252.5 to the Health and Safety Code, relating to children with an impaired sense of hearing, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 406**—An act making an appropriation to the Department of Agriculture for the purpose of establishing, equipping, and operating a poultry disease diagnostic and testing laboratory in San Diego County.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 805**—An act making an appropriation for the destruction of beet leaf hoppers.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1222**—An act to add Section 2.1364-2 to the School Code and to add Article 2.1 to Chapter 15 of Division 2 of the Education Code, relating to the powers and duties of the Director of Education, and making an appropriation.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1975**—An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain any otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Bill read second time.

## Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

**Amendment No. 1**

On page 4 of the printed bill, strike out line 25, and insert "sum of one hundred fifty thousand dollars (\$150,000)."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1306**—An act making an appropriation of two thousand dollars (\$2,000) for the purchase of the files of "American Flag."

Bill read second time, and ordered to third reading.

**Assembly Bill No. 582**—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Bill read second time.



**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Elections:

**Amendment No. 1**

On page 2, line 12, of the printed bill, as amended, strike out "has previously qualified in a", and insert "qualified in the previous".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 590**—An act to add Section 9606.7 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 894**—An act to amend Sections 9605, 9779, 9877.5, 10251, 10255 and 10454 of, and to add Sections 9654, 9914 and 10251.5 to, and to repeal Section 9901.5 of Part 4, Division 2 of the Revenue and Taxation Code, relating to the taxation of the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1028**—An act to add Section 3656.5 to the Revenue and Taxation Code, relating to rental by State of tax-deeded property.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1107**—An act to amend Education Code Sections 14265, 14268, 14272, 14274, 14325, 14326, 14327, 14361, 14363, 14427, 14431, 14432, 14433, 14434, 14435, 14436, 14440, 14441, 14442, 14444, 14445, 14446, 14447, 14450, 14452, 14458, 14491, 14492, 14494, 14496, 14523, 14526, 14534, and to add Education Code Sections 14274.1, 14274.2, 14274.3, 14274.4, 14274.5, 14437, 14438, 14458.1, 14458.2, 14458.3, 14469, 14523.1, 14523.2, 14523.3, 14526.1, and 14542, and to repeal Education Code Sections 14365, 14437, 14438, 14439, and 14456, relating to the California State Teachers' Retirement System.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Finance:

**Amendment No. 1**

On page 19, line 40, of the printed bill, as amended, after "interest", insert a comma.

**Amendment No. 2**

On page 19, of the printed bill, as amended, beginning in line 42, strike out "in the determination of the actuarial equivalent."

**Amendment No. 3**

On page 20 of the printed bill, as amended, beginning in line 11, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 4**

On page 20, line 26, of the printed bill, as amended, strike out "14438", and insert "14436".

**Amendment No. 5**

On page 21 of the printed bill, as amended, beginning in line 15, strike out "retirement system", and insert "Retirement System".

**Amendment No. 6**

On page 21, line 16, of the printed bill, as amended, after "and", insert "in".

**Amendment No. 7**

On page 21, line 25, of the printed bill, as amended, after the first "of", insert "the second".

**Amendment No. 8**

On page 21, line 25, of the printed bill, as amended, strike out "next".

**Amendment No. 9**

On page 21, line 31, of the printed bill, as amended, after "of", insert "any or all of".

**Amendment No. 10**

On page 21, line 36, of the printed bill, as amended, strike out "or", and insert "of".

**Amendment No. 11**

On page 21, line 46, of the printed bill, as amended, after "separately", insert "at least in members' individual accounts".

**Amendment No. 12**

On page 22, line 2, of the printed bill, as amended, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 13**

On page 22, line 15, of the printed bill, as amended, after "14436", insert "and 14438".

**Amendment No. 14**

On page 22, line 18, of the printed bill, as amended, after "in", insert "Section 14469".

**Amendment No. 15**

On page 22, line 18, of the printed bill, as amended, strike out "Education Code Article 8.5 of this chapter".

**Amendment No. 16**

On page 22, line 32, of the printed bill, as amended, after the first "Fund", insert a comma.

**Amendment No. 17**

On page 22, line 52, of the printed bill, as amended, after "1944", insert a comma.

**Amendment No. 18**

On page 23, line 2, of the printed bill, as amended, after "1935", insert a comma.

**Amendment No. 19**

On page 23, line 3, of the printed bill, as amended, strike out the first "of".

**Amendment No. 20**

On page 23, line 4, of the printed bill, as amended, after "1914", insert a comma.

**Amendment No. 21**

On page 23, line 8, of the printed bill, as amended, after "person", insert "as rendered".

**Amendment No. 22**

On page 23, line 33, of the printed bill, as amended, strike out "by", and insert "to".

**Amendment No. 23**

On page 23, line 33, of the printed bill, as amended, strike out "is".

**Amendment No. 24**

On page 23, line 34, of the printed bill, as amended, strike out "shall be", and insert "is".

**Amendment No. 25**

On page 24, line 28, of the printed bill, as amended, strike out "such".

**Amendment No. 26**

On page 24, line 29, of the printed bill, as amended, after "persons", insert "so retired".

**Amendment No. 27**

On page 27, line 42, of the printed bill, as amended, after the second "Fund", insert a comma.

**Amendment No. 28**

On page 27, line 51, of the printed bill, as amended, strike out "act", and insert "chapter".

**Amendment No. 29**

On page 28, line 6, of the printed bill, as amended, strike out "act", and insert "chapter".

**Amendment No. 30**

On page 30, line 8, of the printed bill, as amended, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 31**

On page 30, line 17, of the printed bill, as amended, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 32**

On page 31, line 11, of the printed bill, as amended, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 33**

On page 31, line 44, of the printed bill, as amended, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 34**

On page 32 of the printed bill, as amended, beginning in line 33, strike out "pension fund", and insert "Pension Fund".

**Amendment No. 35**

On page 32, line 40, of the printed bill, as amended, strike out "the".

**Amendment No. 36**

On page 33, line 4, of the printed bill, as amended, after "be", insert "the".

**Amendment No. 37**

On page 33, line 22, of the printed bill, as amended, strike out "this".

**Amendment No. 38**

On page 33, line 22, of the printed bill, as amended, strike out "section", and insert "Section 14523.2".

**Amendment No. 39**

On page 33, line 29, of the printed bill, as amended, after "the", insert "accumulated".

**Amendment No. 40**

On page 33, line 38, of the printed bill, as amended, strike out "such".

**Amendment No. 41**

On page 33 of the printed bill, as amended, strike out lines 39, 40 and 41, inclusive; and in line 42, strike out "and", and insert "hers".

**Amendment No. 42**

On page 33, line 43, of the printed bill, as amended, after the comma following "retirement", insert "sixty dollars (\$60) per month plus two dollars and fifty cents (\$2.50) per month for each year credited to them, respectively, during which they were required to make normal contributions, but not to exceed".

**Amendment No. 43**

On page 33 of the printed bill, as amended, strike out line 44; and in line 45, strike out "1,1944, and", and insert "members".

**Amendment No. 44**

On page 33, line 48, of the printed bill, as amended, after "years", strike out the period, and insert ", but not to exceed the minimum retirement allowance to which they would be entitled if they were 60 years of age."

**Amendment No. 45**

On page 34, line 3, of the printed bill, as amended, strike out "section", and insert "article".

**Amendment No. 46**

On page 34, line 29, of the printed bill, as amended, strike out "ration", and insert "ratio".

**Amendment No. 47**

On page 34, line 44, of the printed bill, as amended, after "amount", insert ", not to exceed the retirement allowance to which the member would be entitled if he were credited with thirty (30) years of service, but otherwise".

**Amendment No. 48**

On page 35, line 1, of the printed bill, as amended, after "the", insert "accumulated".

**Amendment No. 49**

On page 35, of the printed bill, as amended, strike out lines 3 to 8, inclusive.

**Amendment No. 50**

On page 35 of the printed bill, as amended, following line 27, insert  
"SEC. 55. Sections 10 and 11 of this act shall take effect 90 days after the adjournment of the Fifty fifth Session of the Legislature and all other sections of this act shall take effect July 1, 1944."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 962**—An act to add Sections 5015, 5016, 5017, and 5018 to the Public Resources Code, relating to parks and beaches.  
Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendment:

**Amendment No. 1**

On page 2, line 28, of the printed bill, as amended, after the period, insert "All construction work performed by the State in carrying out any of the plans or projects contemplated by this section shall be performed under the State Contract Act."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 671**—An act to add Section 1020.5 to Chapter 5, Title 14, Part 2 of the Code of Civil Procedure, relating to dispensing with the giving of notice to persons who are enemies or allied with enemies of the United States as defined in the Trading With the Enemy Act, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Carter moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after "statute", insert "of this State".

**Amendment No. 2**

On page 2, line 16, of said bill, strike out "by registered mail".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1047**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, after the period, insert "This section is not applicable in counties having a population of less than 300,000."

Amendment read and adopted.



**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "and justice's court clerks who have civil service status,".

**Amendment No. 2**

On page 1, line 9, of said bill, after "such", insert ", and clerks of justice's courts are prohibited from practicing law in justice's courts in the counties where they hold office".

**Amendments read and adopted.**

Bill ordered printed, and to third reading.

**ADJOURNMENT**

At 11.31 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9.30 a.m., Wednesday, May 5, 1943.



## CALIFORNIA LEGISLATURE

FIFTY-FIFTH SESSION

## SENATE DAILY JOURNAL

SEVENTY-FIRST LEGISLATIVE DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

## IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 5, 1943

The Senate met at 9.30 a.m.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beck at the desk.

## ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dittlinger, Donnelly, Dorsey, Eingle, Fletcher, Gordon, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward. 38.

Quorum present.

## PRAYER

Prayer was offered by the Chaplain, Rev. Father Richard C. Dwyer.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Governor Victor A. Meyers from the State of Washington, and Lulu Jones and Aurora Springer, both of the District Attorney's Office in Los Angeles.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. Ben Herring, Secretary-Manager, El Centro Chamber of Commerce, of El Centro.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to K. G. Bitter and Robert E. Noonan, both of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Nicholas Ricciardi, President of the Sacramento Junior College of Sacramento, and Washington J. McCormick, former member of Montana State Legislature and Member of Congress from the State of Montana, now of San Francisco.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Hula Chrisholm and Delbert Keith Harter, instructors, and the following students of the Grant Union Junior College: Miss Gloria Barneivitz, Miss Marguerite Mendousa, Frances Schiedel, Mr. George Mojica, Clarence Rainey, Sergeant Stanley Lewis, and Private Wallez.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Ben Sanguinetti of Jackson.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert W. Mixer of Exeter, Mr. and Mrs. Stanley F. Curry of Sacramento, Mr. J. R. Fanner of Exeter, Mr. and Mrs. Bert Ware and William Francis Ware of Lindsay.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gerald Adrian Mokman of Tia Juana, Mexico; and Esteban Ferro of Ensenada, Mexico.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl Dills, Seaman Second Class, United States Navy, of Gardena.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margaret Clark of Napa.

#### Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried. Time, 9.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### President of the Senate Presiding

At 9.40 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

#### CONSIDERATION OF DAILY FILE

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill No. 1914** An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060b to, the Code of Civil Procedure, relating to declaratory relief.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Judah, Keating, McCormack, Mixer, Parkman, Rich, Salzman, Seawell, Slater, Swan, Swang, Tenney, and Tickle—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1243**—An act to amend Section 6 of an act entitled "An act to provide for the replacement and/or the reconstruction in whole or in part of all city, county, school district, or other special district buildings wholly or partially destroyed by earthquakes since January, 1933, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 26, 1933, relating to the payment, disposition and expenditure of rentals payable under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO WITHDRAW FROM ASSEMBLY

Senator Swing moved that Senate Concurrent Resolution No. 45 be withdrawn from the Assembly for further consideration by the Senate.

Motion carried.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 9.50 a.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 634**—An act to amend Section 2804 of the Streets and Highways Code and Section 23 of the District Investigation Act of 1933, relating to mosquito abatement districts.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Dillinger, Mayo, and Tenney—3.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tickle—24.

**Assembly Bill No. 1270**—An act to amend Section 160 and to add Sections 55.5 and 154 to the County Employees Retirement Act of 1937, relating to retirement.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1385**—An act to amend Section 12 of "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to imprisonment of persons convicted in the courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1242**—An act to amend Section 4.5 of an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### **MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 45**

Senator Swing moved that Senate Concurrent Resolution No. 45 be re-referred to Committee on Rules.

Motion carried.

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

##### **THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 604**—An act to amend Section 5.751 of the School Code and to amend Section 13842 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### **Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Chief Assistant Secretary Harry A. Hammond at the Desk**

**Assembly Bill No. 1287**—An act to amend Sections 1.110, 1.111, 1.120, 1.122, 1.123, and 1.125 of the School Code, relating to supervision of the health of pupils in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1207**—An act to repeal Section 2.2012 of the School Code and to repeal Section 1643 of the Education Code, relating to the annexation of school districts to unified school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1319**—An act to repeal Sections 2244 and 2259 of the Political Code and to repeal Sections 20773 and 20923 of the Education Code, relating to the qualifications of certain teachers appointed or employed by the State Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1931**—An act authorizing any city, county, or city and county to acquire property and to construct, operate and maintain parking facilities in connection with any stadium or coliseum maintained by such city, county, or city and county, and to make such parking facilities available to the use of the public and to make a charge therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1964**—An act to amend Section 4310 of the Political Code, relating to sheriff's special funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, Mixer, Parkman, Rich, Seawell, Slater, Swing, and Tenney—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1414**—An act to add Section 471.5 to the Agricultural Code, relating to cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Keating, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 939**—An act to add Section 737.6-2 to the Agricultural Code, relating to testing and sampling of fluid milk delivered to distributors in accordance with stabilization and marketing plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 701**—An act to add Section 281.5 to the Agricultural Code, relating to licensed wax-salvage plants, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.



## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Carter, Keating, and Ward as a Senate Committee on Conference concerning Assembly Bill No. 508 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Breed, Judah, and Donnelly as a Senate Committee on Conference concerning Assembly Bill No. 1094 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Deuel, and Shelley as a Senate Committee on Conference concerning Assembly Bill No. 381 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1954**—An act making an appropriation to the Division of Benches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 763**—An act making an appropriation for the care and education of pupils of the California School for the Blind who are both deaf and blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 57**—An act making an appropriation to meet the deficiency in the appropriation for workmen's compensation benefits of State officers and employees and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride,

McCormack, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tenney—27.  
NOES—None.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swan, Biggar, and Jespersen as a Senate Committee on Conference concerning Assembly Bill No. 521 to meet a like committee of the Assembly.

#### SENATE COMMITTEE ON RULES

SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators McBride, Brown, and Gordon, as a Senate Committee on Conference concerning Assembly Bill No. 667 to meet a like committee of the Assembly.

#### SENATE COMMITTEE ON RULES

SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1091**—An act making an appropriation to pay the claim of the County of Sacramento against the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1984**—An act making an appropriation for the support of the California State Guard.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1991**—An act making an appropriation for the support of the California Commission on Interstate Cooperation, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

## RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

## Senate Resolution No. 135

*Resolved by the Senate of the State of California,* That a leave of absence is hereby granted to each Member of this Senate who enters the military service of the United States, for the period of such service; and be it further

*Resolved,* That except as otherwise expressly required by law, such entry into the military service and continuance therein shall not deprive a Member of the Senate of any of his rights and privileges as a Member of the Senate.

Resolution read and unanimously adopted.

## RECESS

At 9.55 a.m., on motion of Senator Seawell, the Senate recessed until 10 a.m.

## REASSEMBLED

At 10 a.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

## Call of the Senate

Senator Collier moved a call of the Senate.

Motion carried. Time, 10.45 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1033

Assembly Bill No. 2015

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 65

Assembly Joint Resolution No. 51

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

**Assembly Bill No. 1033**—An act to add Section 261b to the Code of Civil Procedure, relating to phonographic reporters for superior courts in counties, or cities and counties, having a population of 900,000 or more, providing for the compensation and fees of such reporters, requiring the payment to the county clerk of such counties, or cities and counties of certain filing and appearance fees, in addition to any other fees

now required by law, requiring that such fees be deposited in the salary fund of such counties, or cities and counties.

Ordered placed on file.

**Assembly Bill No. 2015**—An act to add Section 1117.5 to the Welfare and Institutions Code, relating to amendments to the Youth Authority.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 51**—Relating to requesting the Government to set aside November 11, 1943, as a day to pay homage to the heroes of the last war and as a day of prayer for early and successful termination of the present war.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 65**—Relating to the Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered passage of—

Senate Bill No. 34  
Senate Bill No. 84

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed—

Senate Bill No. 71  
Senate Bill No. 72  
Senate Bill No. 77  
Senate Bill No. 106  
Senate Bill No. 107  
Senate Bill No. 445

Senate Bill No. 470  
Senate Bill No. 615  
Senate Bill No. 714  
Senate Bill No. 825  
Senate Bill No. 916  
Senate Bill No. 1071

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day ordered the report of the Committee on Conference agreeing—

**Assembly Bill No. 740**—An act to amend Section 2772 and to add Section 2774 to the Penal Code, relating to the payment of wages and permanent compensation benefits to prisoners.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted—

Senate Concurrent Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled



Assembly Chamber, Sacramento, May 4, 1943

Mr. President: I am directed to inform your honorable body that the Assembly announced and on this day agreed to the following:

Senate Bill No. 37	Senate Bill No. 676
Senate Bill No. 146	Senate Bill No. 676
Senate Bill No. 147	Senate Bill No. 676
Senate Bill No. 34	Senate Bill No. 676
Senate Bill No. 148	Senate Bill No. 676
Senate Bill No. 149	Senate Bill No. 676
Senate Bill No. 150	Senate Bill No. 676
Senate Bill No. 151	Senate Bill No. 676
Senate Bill No. 152	Senate Bill No. 676
Senate Bill No. 153	Senate Bill No. 676

And respectfully request your honorable body to concur in said amendments.

SATURN A. CHAMBER, Chief Clerk of the Assembly  
By James F. Connelley, Assistant Clerk

Above bills ordered to unfinished business file.

Assembly Chamber, Sacramento, May 5, 1943

Mr. President: I am directed to inform your honorable body that the Assembly on this day unanimously adopted the following amendments:

Assembly Bill No. 343—Amend to amend Section 10753 and 10754 of the Political Code, relating to the State Board of Education.

And respectfully request your honorable body to concur in said amendments.

SATURN A. CHAMBER, Chief Clerk of the Assembly  
By James F. Connelley, Assistant Clerk

Assembly Chamber, Sacramento, May 7, 1943

Mr. President: I am directed to inform your honorable body that the Assembly announced and on this day agreed to the following:

Senate Bill No. 343—Amend to amend Section 10753

And respectfully request your honorable body to concur in said amendments.

SATURN A. CHAMBER, Chief Clerk of the Assembly  
By James F. Connelley, Assistant Clerk

Above resolution ordered to unfinished business file.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Assembly Chamber, Sacramento, May 5, 1943

Mr. President: A sub-committee on Rules has reported:

Senate Bill No. 54—Amend to amend Sections 10673 and 10675 of the Fish and Game Code, relating to the management of game animals.

Senate Bill No. 318—Amend to amend Section 10011 of the Political Code, relating to the powers of the State Board of Education.

Senate Bill No. 120—Amend to amend Sections 10510 and to add Sections 10510, 10511 and 10512 of the Political Code, relating to the powers of the State Board of Education.

Senate Bill No. 143—Amend to amend Sections 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 148—Amend to amend Section 7770 of the Political Code, relating to the powers of the State Board of Education.

Senate Bill No. 155—Amend to amend Section 2515 of the Revenue and Taxation Code, relating to the veterans' exemption from taxation.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 238**—An act to amend Section 4284 of the Political Code, relating to compensation for public services in counties of the fifty-fifth class;

**Senate Bill No. 249**—An act to amend Section 1 of an act entitled "An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of Congress entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' approved March 4, 1911, as amended," approved by the Governor September 20, 1934, relating to the acquisition of land in the State by the United States;

**Senate Bill No. 273**—An act relating to the publication and disposal of newspapers printed in foreign languages;

**Senate Bill No. 294**—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class;

**Senate Bill No. 318**—An act to amend Section 2,1431 of the School Code and to amend Section 14062 of the Education Code, relating to the State Curriculum Commission;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 357**—An act to add Section 4014 to the Public Resources Code, relating to the acceptance by the State of the provisions of the Clarke McNary Act;

**Senate Bill No. 392**—An act to amend Section 4312 of and to add Section 4312.5 to the Political Code, relating to the location and office hours of certain county offices, to take effect immediately;

**Senate Bill No. 400**—An act to add Section 689.7 to the Political Code, relating to Department of Finance membership in building management associations;

**Senate Bill No. 412**—An act to amend Section 11871 of the Insurance Code, relating to representation of State agencies by State Compensation Insurance Fund;

**Senate Bill No. 413**—An act amending Section 4300a of the Political Code, relating to fees of the county clerk;

**Senate Bill No. 533**—An act to amend Section 359c of the Political Code, relating to vacations of State officers and employees;

**Senate Bill No. 640**—An act to amend Sections 12700, 12701, 12703, 12704, 12706 and 12709 of, and to add Section 12700.1 to, the Business and Professions Code, relating to public weighmasters;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 698**—An act to add Chapter 4, consisting of Sections 28000 to 28003, inclusive, to Division 21 of the Health and Safety Code, relating to horse meat;

**Senate Bill No. 754**—An act to amend Section 955e of the Code of Civil Procedure, relating to appeals in civil actions and proceedings;

**Senate Bill No. 779**—An act to increase production by providing for exemptions from various requirements, relating to employment and working conditions of minor employees essential to the war effort, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 809**—An act providing for the transfer of all lands owned by the State on Sherman Island to the State Lands Commission and providing for the sale thereof;

**Senate Bill No. 813**—An act to amend Section 1030 of the Political Code, relating to hours of employment of State employees;

**Senate Bill No. 822**—An act to amend Section 356a of the Political Code, relating to contracts between State agencies;

**Senate Bill No. 838**—An act to amend Section 511 of the Public Resources Code, relating to the Department of Natural Resources Printing Revolving Fund; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 845**—An act to add Sections 125 and 126 to the Reclamation Board Act and Sections 8676 and 8677 to the Water Code, relating to the disposal of lands acquired by the Reclamation Board;

**Senate Bill No. 858**—An act to add Section 15 to an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relating to highway carriers;

**Senate Bill No. 976**—An act to amend Section 647 of the Agricultural Code, relating to conveyances transporting milk or cream or containers therefor;

**Senate Bill No. 1067**—An act to amend Section 12036 of the Penal Code, relating to crimes;

**Senate Bill No. 1068**—An act to amend Section 841 of the Military and Veterans Code, relating to veterans' farm and home purchase funds;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1079**—An act to provide for the organization, incorporation and government of county water authorities, authorizing and empowering such authorities to acquire water and water rights, and to acquire, construct, operate and manage works and property, to incur bonded indebtedness therefor, to provide for the taxation of property therein, and the performance of certain functions relating thereto by officers of county within which any such authority may be located, to provide for addition of areas thereto, and the exclusion of areas therefrom;

**Senate Bill No. 1100**—An act to add Sections 285, 286, 287, and 288 to the California Water District Act, relating to the liability of districts organized under said act and the liability of officers, agents, and employees of said districts, and providing that such districts may insure against such liabilities;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 103**—An act to amend Section 6051 and Section 6201 of the Revenue and Taxation Code, relating to the rates of the sales and use taxes, providing for the use of part of the proceeds of said taxes, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 1086**—An act to add Section 2021.001 to, and to amend Section 2187 of the Welfare and Institutions Code, relating to aid to the aged, providing for the respective participation of the State and the counties in the cost thereof, and making an appropriation;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 9 a.m.

SEAWELL, Chairman

#### Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 136

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

## SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 136**—An act to amend Section 9 of the Municipal Court Act 1925, relating to the constitution of the court and to compensation of officials.

Bill read second time.

## Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

## Amendment No. 1

On page 1, line 17, of the printed bill, as amended, strike out "dollars (\$300)", and insert "twenty-five dollars (\$325)".

## Amendment No. 2

On page 2, line 27, of said bill, strike out "dollars (\$300)", and insert "twenty-five dollars (\$325)".

## Amendment No. 3

On page 3, lines 28 and 29, of the printed bill, as amended, strike out ", books, furniture and suitable quarters, for carrying out their duties, including supplies".

Amendments read and adopted.

Bill ordered printed, and to third reading.

## President of the Senate Presiding

At 10.48 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1962**—An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach.

Bill read third time.

## Motion to Amend

Senator Tenney moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "Division of", insert "Beaches and".

## Amendment No. 2

On page 1, lines 6 and 7, of said bill, strike out "subject to the provisions of Chapter 942, Statutes of 1941", and insert "by said city on behalf of and in the public interest of the State".

## Amendment No. 3

On page 1, line 8, of said bill, after the period, insert "No portion of this appropriation shall be expended unless moneys equal to or in excess of the amount to be expended from this appropriation for that purpose shall have been made available (by any person, municipal corporation, political subdivision, public district or public agency other than the State) for expenditure for that purpose, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State."

Amendments read and adopted.

Bill ordered printed, and to third reading.



## UNFINISHED BUSINESS

## Consideration of Assembly Amendments

**Senate Bill No. 84**—An act to amend Sections 552 and 562 of the Agricultural Code, relating to skim milk and milk drinks.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 84?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "643 and 644", and insert "552 and 562".

**Amendment No. 2**

In line 2 of the title of the printed bill, as amended, strike out "sanitation of dairy farms and dairy prod.", and insert "skim milk and milk drinks."

**Amendment No. 3**

Strike out all of line 3 of the title of the printed bill, as amended.

**Amendment No. 4**

On page 1, line 1, of the printed bill, as amended, strike out "643", and insert "552".

PRINTER'S NOTE: There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 5**

On page 1 of the printed bill, as amended, strike out all of lines 3 to 27, inclusive, and insert

"552. Skim milk is milk from which a part of the milk fat has been removed and which contains less than 3 per cent of milk fat and not less than 8.8 per cent of milk solids not fat. All fluid skim milk sold for human consumption as such [and or skim milk which is used in the manufacture of buttermilk, cultured buttermilk, or any mixed milk drinks,] shall be derived from market milk. All containers in which skim milk is sold for human consumption in fluid form shall be labeled with the words skim milk together with the name and address of the distributor.

SEC. 2. Section 562 of the Agricultural Code is hereby amended to read:

562. [Pasteurized] *Market milk* or [pasteurized] or skim milk *derived from market milk* combined with fruit or fruit juices, chocolate, chocolate syrups, or other harmless syrups, with or without the addition of harmless coloring material, [may] *shall* be used in the manufacture and sale of soft drinks under a trade name [ ] *or any mixed milk drink*. Such product shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance and other characteristics."

**Amendment No. 6**

On page 2 of the printed bill, as amended, strike out all of lines 1 to 52, inclusive.

**Amendment No. 7**

On page 3 of the printed bill, as amended, strike out all of lines 1 to 39, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 84 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dorsey, Fletcher, Gordon, Hathfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—27.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 178**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 178?

**Amendment No. 1**

On page 1, line 8, of the printed bill, as amended, after "service", insert "for the termination of the war, as proclaimed by the President of the United States, which ever is the earlier; provided, however, that any such officer or employee whose service shall be terminated in a foreign country and who shall leave the foreign country to return to the United States within 90 days after termination of service shall have 90 days after return to the United States within which to make application".

**Amendment No. 2**

On page 1, line 25, of said bill, strike out "on or", and insert "by or on".

**Amendment No. 3**

On page 2 of said bill, strike out lines 1 to 5, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 178 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dorsey, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Tenney—25.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 246**—An act to amend Section 3000 of, and to add Sections 3000.5, 3000.7, and 3005.5 to, the Penal Code, relating to membership on the Board of Prison Terms and Paroles.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 246?

**Amendment No. 1**

On page 2, line 23, of the printed bill, strike out the period, and insert "unless the work of the board for the current and all past months has been completed."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 246 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Quinn, Seawell, Shelley, and Tenney—24.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 705**—An act to add Section 9603.6 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 705?

**Amendment No. 1**

On page 1, lines 9 and 10, of the printed bill, strike out "a pooling agreement for the use of his motor vehicle or into".

**Amendment No. 2**

On page 1, line 11, of the printed bill, strike out "others", and insert "an operator licensed under this part".

**Amendment No. 3**

On page 1, line 12, of the printed bill, after "driver", insert a period; and strike out the remainder of said line, and all of lines 13 to 16, inclusive.

**Amendment No. 4**

On page 1 of the printed bill, as amended, strike out lines 10 to 12, inclusive, and insert "a pooling agreement for the use of his motor vehicle or into an agreement to lease his motor vehicle to others, either with or without a driver, or who because of directives received from such Federal agencies or military or naval authorities transports his own property in a motor vehicle owned or operated by him under such conditions as would otherwise include him within the term "operator"".

**Amendment No. 5**

On page 1, line 11, of the printed bill, as amended, strike out "for"; and strike out all of lines 12 to 18, inclusive, and insert "with another person or persons not included in the term "operator" for the joint use of their motor vehicles for the transportation of their own property, or enters into an agreement to lease his motor vehicle with or without a driver to a person subject to license under this part."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 705 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Salsman, Seawell, Shelley, Slater, and Tenney—27.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 898**—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 898?

**Amendment No. 1**

On page 1, lines 10, 11, and 12, of the printed bill, restore all of the final sentence which had been stricken out.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 898 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tucke—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 237**—An act to add Section 7518 to the Business and Professions Code, relating to night watchmen in unincorporated areas, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 237?

**Amendment No. 1**

On page 1, line 4, of the printed bill, after "areas", strike out the comma, and insert "who are deputized by the sheriff of the county in which such territory is located and".

**Amendment No. 2**

In line 2 of the title of the printed bill, before the period, insert "; declaring the urgency hereof, to take effect immediately".

**Amendment No. 3**

On page 1 of said bill, after line 5, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning

of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Due to the shortage of manpower many employers have to cooperate in the employment and sharing of night watchmen. Under the present law these men technically would be required to comply with the laws governing private detectives, run the gamut of a complicated license procedure and file a surety bond. When other employment is so readily available most persons will not make the effort to meet these difficulties. As a consequence, businesses and residences in unincorporated areas which are surely in need of protection are unable to obtain it."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 237 by the following vote:

**AYES.**—Senators Biggart, Breed, Brown, Collier, Cunningham, DeLap, Dendel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Harfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkinson, Quinn, Rich, Salsman, Sawwell, Shelley, Slater, Swan, Tenney, and Tickle—30.

**NOES.**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 272.**—An act validating grants by municipal corporations or any State agency to the United States of America for military or naval purposes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 272?

##### Amendment No. 1

In line 1 of the title of the printed bill, after "corporation", insert "or any State agency".

##### Amendment No. 2

On page 1, line 6, of the printed bill, before the word "insert", provided that such grant or lease contains a reservation to the State of deposits of oil and gas and other hydrocarbon and mineral deposits and of rights of way for access to all such deposits as prescribed in Section 6402 of the Public Resources Code, except in the case where any such areas have been granted to such municipal corporation without reserving such deposits to the State."

##### Amendment No. 3

On page 1 of the printed bill, after line 6, insert  
"SEC. 2. Every grant and lease of real property of the State executed by any State agency to the United States of America for military or naval purposes, is hereby ratified and validated if it was approved by the State prior and if it reserved to the State the mineral deposits and right of way as described in Section 14000."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 272 by the following vote:

**AYES.**—Senators Biggart, Breed, Brown, Collier, Cunningham, DeLap, Dendel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Harfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkinson, Rich, Salsman, Sawwell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES.**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 461.**—An act to add Section 77 to the Agricultural Code and Section 2911b to the Political Code, relating to agricultural fairs and prescribing the powers of the State Agricultural Society and counties in relation thereto.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 461?

##### Amendment No. 1

On page 1, line 3, of the printed bill, strike out "join and by such".



**Amendment No. 2**

On page 1, line 4, of the printed bill, strike out "representation as it chooses," and insert "pay membership fees, join, and".

**Amendment No. 3**

In line 1 of the title of the printed bill, as amended, after "Code", insert "and Section 4041i to the Political Code".

**Amendment No. 4**

Strike out line 2 in the title of said bill, and insert "agricultural fairs and prescribing the powers of the State Agricultural Society and counties in relation thereto."

**Amendment No. 5**

On page 1 of said bill, after line 11, insert

"SEC. 2. Section 4041i is added to the Political Code, to read:

4041i. The board of supervisors may join and participate in the affairs of associations having for their purpose the interchange of information relating to live stock, poultry, and other agricultural animals and products, the conduct and management of agricultural fairs, and similar associations dealing with subjects related to agricultural fairs; and may expend for these purposes any money allocated to the county by the State for agricultural fair purposes."

**Amendment No. 6**

In line 2 of the title of the printed bill, as amended, strike out "4041 i", and insert "4041h".

**Amendment No. 7**

On page 1, line 12, of said bill, strike out "4041 i", and insert "4041h".

**Amendment No. 8**

On page 1, line 14, of said bill, strike out "4041 i", and insert "4041h".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 461 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS**

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter; declaring the urgency hereof; to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator Swan—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 1090**—An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1090?

**Amendment No. 1**

On page 1, line 17, of the printed bill, as amended, strike out "equipment, operation and maintenance", and insert "and equipment".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1090 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 1000**—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to contributions and refunds thereunder.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1000?

**Amendment No. 1**

On page 1, line 24, of the printed bill, strike out "two years", and insert "six months".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1000 by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Judah, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 322**—An act to amend Section 38c of the State Employees' Retirement Act, relating to a retirement system for public officers and employees

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 322?

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 34 to 52, inclusive; and on page 3, strike out lines 1 and 2, and insert:

"Upon the termination of said contract, the accumulated contributions of the employees who are members under said contract, shall remain in the State Employees' Retirement Fund until July 1, 1946, provided, that should any such employee cease to be employed by said contracting city, or should he die, his accumulated contributions shall be paid to him, or to his beneficiary, estate or next of kin, as the case may be, and as provided in this act for the refund of accumulated contributions and the payment of death benefits.

The right to a retirement allowance, of a person who has retired prior to the effective date of the termination of said contract, or who has qualified and applied for retirement by written document received at the board's office in Sacramento, California, prior to said effective date, even though the board shall not approve said application until a later date, and the right of any person to a benefit on account of a death which occurred prior to said effective date, shall not be affected by said termination of said contract, except as herein provided in the event the contracting city shall fail to make contributions required of it because of the participation of its employees in the system."

**Amendment No. 2**

On page 3 of said bill, strike out line 16, and insert "Administration shall hold for said contracting city until July 1, 1946, such por-".

**Amendment No. 3**

On page 3, line 41, of said bill, after the period, strike out "The Board of Administration may"; and strike out lines 42 to 52, inclusive.

**Amendment No. 4**

On page 2, line 7, of the printed bill, as amended, strike out the period, and insert ", or by an ordinance adopted by a majority of the electorate of the city voting thereon."

**Amendment No. 5**

On page 2 of said bill, strike out lines 11 to 16, inclusive, and insert:

"(2) If the contract was approved by an ordinance adopted by the legislative body, said legislative body may terminate said contract by the adoption of a resolution giving notice of intention to terminate, and by the adoption, not less than one year after the adoption of said resolution and by the affirmative vote of two-thirds of the members of said legislative body, of an ordinance terminating said contract. If the contract was approved by an ordinance adopted by a majority vote of the electorate voting thereon, the legislative body may terminate said contract in the manner provided in this subdivision but only under authority granted by ordinance adopted by such a majority vote of the electorate of the contracting city."

**Amendment No. 6**

On page 2, line 45, of the printed bill, as amended, before "Upon", insert "(4)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 322 by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—26.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 423**—An act to amend Sections 26457, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562,

26566, 26567, 26581, 26584, 26586, 26587, 26588, 26600, 26617, 26621, and 26622 of," and to add Section 26463 to, the Health and Safety Code, relating to adulterating, misbranding, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 423?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "26547", and insert "26457".

**Amendment No. 2**

On page 1 of said bill, strike out all of lines 12, 13, and 14, and insert "tions or any representation disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or which".

**Amendment No. 3**

On page 2 of the printed bill, as amended, strike out lines 46 to 48, inclusive, and insert "If it be chopped or ground beef, or hamburger containing any substance other than the striated muscle of cattle; and the total fat content (determined by either extract method of analysis) derived from cattle is in excess of 25 per cent."

**Amendment No. 4**

On page 2 of the printed bill, as amended, strike out lines 41 and 42, and insert "(f)".

**Amendment No. 5**

On page 2 of said bill, between lines 49 and 50, insert "(g) Nothing in this article shall be deemed to prohibit the introduction into meat or the addition to meat of common salt."

**Amendment No. 6**

In line 1 of the title of the printed bill, as amended, strike out "the title of, to amend".

**Amendment No. 7**

In the title of said bill, strike out lines 6 to 12, inclusive, and insert "26622 of," and to add Section 26463 to, the Health and Safety Code, relating to adulterating, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto."

**Amendment No. 8**

On page 1 of said bill, strike out lines 1 to 9, inclusive, and insert "SECTION 1. Section 26457 of the Health and Safety Code is".

**Amendment No. 9**

On page 2 of said bill, strike out line 1, and insert "SEC. 2. Section 26463 is added to said code, to read".

**Amendment No. 10**

On page 2 of said bill, strike out line 7, and insert "SEC. 3. Section 26472 of said code is amended to read".

**Amendment No. 11**

On page 3 of said bill, strike out line 12, and insert "SEC. 5. Section 26490 of said code is amended to read".

**Amendment No. 12**

On page 3 of said bill, strike out line 21, and insert "SEC. 5. Section 26491 of said code is amended to".

**Amendment No. 13**

On page 3 of said bill, strike out line 35, and insert "SEC. 6. Section 26492 of said code is amended to".

**Amendment No. 14**

On page 3 of said bill, strike out line 46, and insert "SEC. 7. Section 26493 of said code is amended to".

**Amendment No. 15**

On page 4 of said bill, strike out line 6, and insert "SEC. 8. Section 26494 of said code is amended to".



**Amendment No. 16**

On page 4 of said bill, strike out line 22, and insert  
"SEC. 9. Section 26495 of said code is amended to".

**Amendment No. 17**

On page 4 of said bill, strike out line 43, and insert  
"SEC. 10. Section 26496 of said code is amended to".

**Amendment No. 18**

On page 5 of said bill, strike out line 10, and insert  
"SEC. 11. Section 26510 of said code is amended to".

**Amendment No. 19**

On page 5 of said bill, strike out line 20, and insert  
"SEC. 12. Section 26511 of said code is amended to".

**Amendment No. 20**

On page 5 of said bill, strike out line 33, and insert  
"SEC. 13. Section 26512 of said code is amended to".

**Amendment No. 21**

On page 5 of said bill, strike out line 48, and insert  
"SEC. 14. Section 26518 of said code is amended to".

**Amendment No. 22**

On page 6 of said bill, strike out line 5, and insert  
"SEC. 15. Section 26520 of said code is amended to".

**Amendment No. 23**

On page 6 of said bill, strike out line 26, and insert  
"SEC. 16. Section 26522 of said code is amended to".

**Amendment No. 24**

On page 6 of said bill, strike out line 34, and insert  
"SEC. 17. Section 26526 of said code is amended to".

**Amendment No. 25**

On page 6 of said bill, strike out line 43, and insert  
"SEC. 18. Section 26527 of said code is amended to".

**Amendment No. 26**

On page 7 of said bill, strike out line 1, and insert  
"SEC. 19. Section 26541 of said code is amended to".

**Amendment No. 27**

On page 7 of said bill, strike out line 19, and insert  
"SEC. 20. Section 26548 of said code is amended to".

**Amendment No. 28**

On page 7 of said bill, strike out line 26, and insert  
"SEC. 21. Section 26549 of said code is amended to".

**Amendment No. 29**

On page 7 of said bill, strike out line 34, and insert  
"SEC. 22. Section 26560 of said code is amended to".

**Amendment No. 30**

On page 7 of said bill, strike out line 41, and insert  
"SEC. 23. Section 26561 of said code is amended to".

**Amendment No. 31**

On page 8 of said bill, strike out line 1, and insert  
"SEC. 24. Section 26562 of said code is amended to".

**Amendment No. 32**

On page 8 of said bill, strike out line 9, and insert  
"SEC. 25. Section 26566 of said code is amended to".

**Amendment No. 33**

On page 8 of said bill, strike out line 19, and insert  
"SEC. 26. Section 26567 of said code is amended to".

**Amendment No. 34**

On page 8 of said bill, strike out line 31, and insert  
"SEC. 27. Section 26581 of said code is amended to".

**Amendment No. 35**

On page 8 of said bill, strike out line 39, and insert "SEC. 28. Section 26584 of said code is amended to".

**Amendment No. 36**

On page 8 of said bill, strike out line 46, and insert "SEC. 29. Section 26586 of said code is amended to".

**Amendment No. 37**

On page 9 of said bill, strike out line 4, and insert "SEC. 30. Section 26587 of said code is amended to".

**Amendment No. 38**

On page 9 of said bill, strike out line 13, and insert "SEC. 31. Section 26588 of said code is amended to".

**Amendment No. 39**

On page 9 of said bill, strike out line 25, and insert "SEC. 32. Section 26600 of said code is amended to".

**Amendment No. 40**

On page 9 of said bill, strike out line 38, and insert "SEC. 33. Section 26617 of said code is amended to".

**Amendment No. 41**

On page 9 of said bill, strike out line 46, and insert "SEC. 34. Section 26621 of said code is amended to".

**Amendment No. 42**

On page 10 of said bill, strike out line 5, and insert "SEC. 35. Section 26622 of said code is amended to".

**Amendment No. 43**

On page 10 of said bill, strike out lines 17 and 18.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 423 by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 716**—An act to add Chapter 9 to Part 6, Division 1, of the Revenue and Taxation Code, relating to the rental and sale of tax-deeded property, the disposal thereof, the assessments, the levy of taxes, the collection of taxes, the redemption of tax delinquent property and providing for an alternative procedure for accomplishing said purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 356**—An act to add Section 4015 to the Public Resources Code, relating to money received by this State pursuant to

the Clarke-McNary Act and other cooperative agreements with the Federal Government.

**Motion to Refer Bill to Inactive File**

Senator Tickle moved that Senate Bill No. 356 be placed on the inactive file.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1185**—An act to add Section 6564 to the Welfare and Institutions Code, relating to nonprofit stores on the grounds of State institutions

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swain, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1179**—An act to add Section 6726.1 to, and to amend Section 6727 of, the Welfare and Institutions Code, relating to payment for family care and other needs of patients on parole from State hospitals, and declaring the urgency thereof.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1184**—An act to amend Section 7302 of, and to add Section 7310 to, the Welfare and Institutions Code, relating to the Langley Porter Clinic.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 680**—An act to amend Section 3473 of the Welfare and Institutions Code, and to repeal Section 3474 thereof, relating to aid to partially self-supporting blind residents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 746**—An act to amend Section 3083.5 of the Welfare and Institutions Code, relating to aid to the blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 359**—An act to add Section 1752.6 to the Welfare and Institutions Code, relating to the powers of the Youth Correction Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—Senators Donnelly and Dorsey—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 361**—An act to amend Sections 860 and 862 of the Welfare and Institutions Code, relating to expenditures by the counties for the support of wards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—26.

NOES—Senators Donnelly, Dorsey, and Judah—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1544**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Tenney, Tickle, and Ward—27.

NOES—Senators Shelley and Swan—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1180**—An act to amend Sections 5355 and 5356 of and to add Sections 5355.1, 5356.1 and 5356.2 to the Welfare and Institutions Code, relating to the commitment, support, parole, and discharge of narcotic addicts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senators Donnelly, Engle, and Swan—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1187**—An act to amend Sections 5701 and 5701.5 of the Welfare and Institutions Code, relating to licensing of private institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1188**—An act to amend Section 162 of the Welfare and Institutions Code, relating to the expenses of deporting non-resident persons who were committed to State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1189**—An act to amend Sections 165, 6656.5, 6660.5 and 6661 of the Welfare and Institutions Code, relating to funds and personal property belonging to patients in State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1194**—An act to amend Sections 6720 and 6721 of the Welfare and Institutions Code, relating to escapes and return from parole of patients under the jurisdiction of a State hospital.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

#### Motion to Amend Title

Senator Collier moved the adoption of the following amendments to the title:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "6721", insert "and to repeal Section 6726.5".

##### Amendment No. 2

In line 6 of the title of said bill, strike out "State", and insert "Public".

Amendments read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Assembly Bill No. 1195**—An act to amend Sections 7051, 7058, 7069 and to add Section 7058.1 and to repeal Section 7051.5 of the Welfare and Institutions Code, relating to defective and psychopathic delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

#### Senator Collier Presiding

At 10.10 a.m., Senator Collier of the Second District, presiding.

**Assembly Bill No. 1196**—An act to amend Section 5050.7 of the Welfare and Institutions Code, relating to the apprehension of mentally ill or insane persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 849**—An act to amend Sections 761, 762, 762.5 and 763 of, and to add Sections 761.1, 762.6, 762.7, 762.8, 762.9, 763.1, 763.2, and 763.3 to, the Agricultural Code, relating to tomato standards, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32

NOES—None

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—33

NOES—None

Bill ordered transmitted to the Assembly

**Assembly Bill No. 851**—An act to amend Section 1106.2 of the Agricultural Code, relating to eggs

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swing, Tickle, and Ward—31.

NOES—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 867**—An act to amend Section 453 of, and to add Section 453.1 to, the Agricultural Code, relating to milk and cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 968**—An act to add Section 487a to the Penal Code, and to add Section 278.5 to the Agricultural Code, relating to theft of animals or carcasses thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1983**—An act to add Section 15159 to the Health and Safety Code, relating to application of the State Housing Act, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Motion to Amend

Senator Gordon moved the adoption of the following amendments:

## Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "add Section 15150 to the Health and Safety Code,"; and strike out line 2 of said title, and insert "authorize the Director of Finance to make the Napa State Farm available for the purposes of the California Food and Fiber Production Act and the Emergency Farm Production Act, declaring".

## Amendment No. 2

On page 1 of said bill, strike out lines 1 to 16, inclusive, and insert "SECTION 1. Any other provision of law to the contrary notwithstanding, the Director of Finance may make all or any portion of the Napa State Farm available, by lease or otherwise, for the housing of farm labor or for any of the purposes set forth in either of the acts cited in the title hereof."

## Amendment No. 3

On page 1 of said bill, strike out lines 23 to 27, inclusive; and on page 2, strike out lines 1 to 8, inclusive, and insert

"The wartime emergency has depleted the farm labor supply and increased the need for food and fiber to such an extent that it is necessary to utilize every available source of farm labor and to house such labor in the areas in which it is needed. With the harvest season rapidly approaching, it is necessary that authority be conferred upon the Director of Finance to permit the use of the Napa State Farm at once."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 929** - An act to add Section 44.8 to the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

## Motion to Amend

Senator McCormack moved the adoption of the following amendments:

## Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "vehicles", insert ", declaring the urgency thereof, to take effect immediately".

## Amendment No. 2

On page 2, line 37, of said bill, strike out "This section", and insert "SEC. 2. This act".

## Amendment No. 3

On page 2, line 44, of said bill, strike out "section", and insert "act".

Amendments read and adopted.

Bill ordered printed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 10.30 a.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

**Assembly Bill No. 1145** - An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Bill read third time.

## Motion to Amend

Senator Shelley moved the adoption of the following amendments:

## Amendment No. 1

On page 1, line 4, of the printed bill, strike out "future", and insert "the board of directors of 1A District Agricultural Association shall consist of 11 members. Future".



**Amendment No. 2**

On page 1, line 6, of said bill, strike out "eight", and insert "eleven".

**Amendment No. 3**

On page 1 of said bill, after line 16, insert

"Sec. 2. On or after the effective date of this act the Governor shall appoint the three additional directors for 1A District Agricultural Association and shall so fix their terms that one shall expire on the fifteenth day of January next succeeding his appointment, one on the fifteenth day of January in the second year succeeding his appointment, and the other on the fifteenth day of January in the third year succeeding his appointment."

Amendments read

Senators Swan, Powers, and Mayo demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Carter, DeLap, Jespersen, Shelley, and Swan—5.

NOES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—30.

**Further Consideration of Assembly Bill No. 1145**

**Assembly Bill No. 1145** An act to add Section 83.6 to the Agricultural Code, relating to the board of directors of 1A District Agricultural Association.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Lucke, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—34.

NOES—Senators DeLap, Shelley, and Swan—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1488** An act to amend Section 469 of the Agricultural Code and to repeal Section 472, relating to milk and cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—29.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1492** An act to amend Sections 736.2 and 736.15 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream provisions of said code and to control boards thereunder, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duval, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1507**—An act to amend Section 1300.1 of the Agricultural Code, relating to processors of farm products.

Bill read third time. •

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Gordon, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Shelley, Luckey, and Cunningham as a Senate Committee on Conference concerning Assembly Bill No. 1263 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES

SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1509**—An act to amend Sections 122 and 123 of, and to add Sections 123.55, 123.56, 123.57, and 123.58 to, the Agricultural Code, relating to inspection and certification of nursery stock.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1510**—An act to add Section 1152.5 to the Agricultural Code, relating to cooperative agreements to effectuate the purposes of marketing laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Bill No. 1512**—An act to amend Sections 1261, 1268, 1269, 1271 and 1273, and to repeal Sections 1268.5 and 1270 of the Agricultural Code, relating to produce dealers and brokers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 7**—Relative to memorializing Congress to give a larger part in the war effort to the small businesses of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1301**—An act to amend Sections 22116 and 22120 of the Water Code and Sections 1 and 3 of an act entitled "An act to provide for the acquisition, development, and disposal of electrical power by irrigation districts," approved May 21, 1919, relating to the application of the California Irrigation District Act and acts amendatory thereof and supplemental to the California Irrigation District Act and to the borrowing of funds and issuance of warrants and securities by irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1621**—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and the district courts of appeal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 49**—Relative to memorializing Congress to appropriate additional funds to provide for payment to student

nurses during their training to become trained nurses a monthly wage in keeping with the high and noble nature of their profession.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1783**—An act to amend Sections 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1668, and 1669 of the Probate Code, to repeal Sections 1664 and 1665 thereof, and to add Sections 1650.5, 1651.5, 1661.5, 1662.5, and 1665 thereto, relating to the guardianship of incompetent veterans and other incompetent and minor beneficiaries of the Veterans Administration, providing for commitment to the Veterans Administration or other agency of the United States of persons eligible for care or treatment, and to make uniform the law with reference thereto.

**Bill read third time.**

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Gordon, Jespersen, Judah, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2005**—An act to add Section 429.5 to the Fish and Game Code, relating to special sporting fishing licenses for persons in the armed forces of the United States and the auxiliary branches thereof, declaring the urgency of this act, to take effect immediately.

**Bill read third time.**

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1774**—An act to amend Sections 3, 4, 12, 15.1, 15.2, 15.3, 15.4, and 15.5 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, to amend and renumber Sections 8, 23, 24, 24.5, and 25 thereof to be Sections 24.4, 23.1, 24.1, 8,



and 28 respectively, and to add Sections 2.1, 21.3, 21.6, 23.2, 23.3, 23.4, 23.5, 23.6, 23.7, 24.2, 24.3, 25.1, 25.2, 25.3, 25.4, 25.5, 25.6, 25.7, 25.8, 25.9, 26, 26.1, and 27 thereto, all relating to credit unions, specifying the powers and duties thereof, providing procedures for merger and for dissolution thereof, transferring the supervision thereof and the administration of the act from the Commissioner of Corporations to a new Credit Union Commission established hereby, providing for the appointment, establishment, powers and duties of said commission, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2008**—An act to add Section 797 to the Agricultural Code, relating to citrus fruits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 154**—An act to amend Section 2571 and to repeal Section 2570 of the Elections Code, relating to statement of number of voters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 500**—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation, including burial expenses and death benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1323**—An act to amend Section 1352 of the Labor Code, relating to working hours for women.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1839**—An act to add Section 1944.1 to the Labor Code, relating to the employment of certain aliens and declaring the urgency of this act, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 653**—An act to amend Section 2351 of the Labor Code, relating to conditions in places of employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1463**—An act granting to the City and County of San Francisco certain tide lands and submerged lands belonging to the State of California and situated in the County of San Mateo for development and use in connection with the San Francisco Airport in San Mateo County and as a part of the public airport being used, operated and maintained by the City and County of San Francisco, regulating the management, use and control thereof and authorizing the reclamation and improvement thereof all in conjunction with the use, operation and maintenance of the San Francisco Airport in San Mateo County.

Bill read third time.

**Motion to Amend**

Senator Parkman moved the adoption of the following amendment:

**Amendment No. 1**

On page 2 of the printed bill, as amended, after line 33, insert

"SEC. 5. Upon the cessation by the City and County of San Francisco of use of the property herein granted, under the terms and conditions outlined in Section 2 hereof, or upon use of the property for purposes other than for which the property is herein granted, unless such other use is merely incidental to the use for which the property is herein granted, the properties herein granted shall immediately revert to the State, and control of the same by the City and County of San Francisco shall cease."

Amendment read and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Resolution No. 122** Relative to appointment of a Senate Fact-Finding Committee on Japanese Resettlement.

Resolution read.

**Motion to Amend**

Senator McBride moved the adoption of the following amendments:

**Amendment No. 1**

In the relating clause of said resolution, as it appears on page 2625 of the Senate Journal for May 2, 1943, strike out "Resettlement", and insert "Problems".

**Amendment No. 2**

Between the second and third WHEREAS clauses of said resolution, insert

"WHEREAS, On May 19, 1913, and on November 2, 1920, the people of the State of California adopted an Alien Land Law; and

WHEREAS, The Alien Land Laws were designed to prevent aliens ineligible to citizenship from directly or indirectly acquiring any interest in or dominion over land used or to be used for agricultural purposes; and

WHEREAS, The reason for the passage of the laws was: The clash of two races and two civilizations, socially and economically incompatible, no question of the inferiority or superiority of either race being involved; and

WHEREAS, By subterfuge and device the Alien Land Law has been circumvented until it has become a virtual nullity; American born Japanese have been substituted for their alien parents as owners or lessors, American citizens have been induced to do the same thing, while all the time the land purchased or leased was acquired with the intent that it be used by aliens forbidden to own or lease the land; and

WHEREAS, Great areas of land over which such aliens exercise all of the rights of ownership are situated along the shore lines of this State and in many other places vital to the military, political, and economic welfare of this State; and

WHEREAS, Such a condition existing under a State law designed to protect the American farmer from deleterious economic competition in the growing and marketing of farm produce constitutes a menace to National defense, to the citizens of this State and Nation, and to the American grower and dealer; and

WHEREAS, The problem presented is not one primarily of Federal jurisdiction but is one of a State concern which nevertheless endangers the National security; and".

**Amendment No. 3**

Strike out the paragraph of said resolution beginning "*Resolved by the Senate of the State of California,*" and insert

"*Resolved by the Senate of the State of California,* That there is hereby created a Senate Fact-Finding Committee on Japanese Problems which shall investigate, ascertain and appraise all facts concerning the return of the Japanese people to this State after termination of the war, and all matters relating to evasions of the Alien Land Laws, to recommend amendments to those laws or additional laws to prevent such evasions and to consider any and all phases of the social, economic, political and National problems arising out of the present war between Japan and the United States of America; and be it further".

Amendments read and adopted.

Resolution ordered amended, and to third reading.

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1504**—An act relating to the National Flag and the Flag of the State of California, and other flags.

Bill read third time.

**Motion to Amend**

Senator Tenney moved the adoption of the following amendments:

**Amendment No. 1**

On page 2 of the printed bill, as amended, strike out lines 32 to 36, inclusive.

**Amendment No. 2**

On page 2, line 40, of said bill, strike out "4", and insert "3".

**Amendment No. 3**

On page 2, line 46, of said bill, strike out "5", and insert "4".

**Amendment No. 4**

On page 3, line 1, of said bill, strike out "6", and insert "5".

**Amendment No. 5**

On page 3, line 16, of said bill, strike out "7", and insert "6".

**Amendment No. 6**

On page 3, line 21, of said bill, strike out "8", and insert "7".

**Amendment No. 7**

On page 3, line 27, of said bill, strike out "8.5", and insert "8".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1381**—An act to add Section 164.1 to the Military and Veterans Code, relating to the compensation of The Adjutant General.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 7 to 14, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1047**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after "deputies," insert "and justice's court clerks in counties having a population of more than 300,000 who have civil service status,".

**Amendment No. 2**

On page 1, line 9, of said bill, strike out "and clerks of justices courts are pro-"; and strike out all of lines 10 to 12, inclusive, and insert a period.

Amendments read and adopted.

Bill ordered printed, and to third reading.



## MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby the amendments to Assembly Bill No. 1381 were adopted.

## Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby the amendments to Assembly Bill No. 1381 were adopted.

Motion carried.

Amendments ordered held at the desk.

## RECESS

At 11 a.m., on motion of Senator Seawell, the Senate recessed until 11.05 a.m.

## REASSEMBLED

At 11.05 a.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

## Call of the Senate

Senator Biggar moved a call of the Senate.

Motion carried. Time, 11.05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE  
RESOLUTIONS

The following resolution was offered:

By Senators Dorsey and McBride:

## Senate Resolution No. 136

WHEREAS, It has come to the attention of the Legislature that Honorable George W. Wear who represented the Counties of Kern and Ventura in the Assembly of the California Legislature in the Twenty-eighth Session (1889-1891) recently celebrated his ninety first birthday, having been born on February 28, 1852, and we believe is the oldest living former Member of the Legislature of this State in point of first service, and

WHEREAS, Mr. Wear has, ever since his service in the Legislature resided in and does now reside in the portion of the district so represented by him, namely, at Oildale near Bakersfield, Kern County; that he has resided in California for more than 68 years, coming here from Mississippi, in which latter State he was born; that shortly after arriving in California he became engaged in newspaper work, culminating in his establishing the "Kern County Gazette" at Bakersfield, of which newspaper he was editor and publisher for many years and during which time it was his privilege to have seen the great advancement of this State, its abundant resources developed, small villages grown into large and attractive cities, the great stretches of sagebrush covered land now comprise orchards and vineyards second to none in the world, the jungles and wild growth of the mountains reclaimed into the magnificent playgrounds visited by people from over the entire world; all this, and more, having been accomplished by the people of this great State during the period of residence in California of this sturdy pioneer. Mentally, Mr. Wear is extremely alert, taking a keen interest in civic matters and frequently expresses himself very clearly on political questions, evincing at all times, by word and deed, a sincere desire to assist the people of his community and of the county, State and Nation in matters affecting their welfare and prosperity; now, therefore be it

Resolved by the Senate of the State of California, That by this resolution the Members of this Senate of the California Legislature in the Fifty-fifth Session, deem

it their especial privilege to commend the Honorable George W. Wear for his long service to the people and his continued interest and activity in public affairs and that it is with extreme pleasure we express to him our sincere felicitations upon his ninety-first birthday; be it further

*Resolved*, That an engrossed copy of this resolution signed by the President and Secretary of the Senate be immediately forwarded to the Honorable George W. Wear, 229 Lincoln Avenue, Oildale, California.

Resolution read and unanimously adopted.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 60**—An act to add Section 258.1 to the Vehicle Code, relating to temporary chauffeurs' licenses for school bus drivers, declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 62**—An act to amend Section 253 of the Revenue and Taxation Code, relating to exemptions from taxes on property, and to provide that this act shall take effect immediately;

**Senate Bill No. 65**—An act to amend Sections 7 and 10 of the Municipal Court Act of 1925, relating to municipal courts;

**Senate Bill No. 78**—An act to amend Sections 4251 and 4261 of the Political Code, relating to compensation for public services in counties;

**Senate Bill No. 248**—An act to add Section 1325.5 to the Streets and Highways Code, relating to county bridges and subways;

**Senate Bill No. 325**—An act to amend Section 8c of the State Employees' Retirement Act, relating to city firemen and the forestry and fire officers and employees of contracting public agencies; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 565**—An act to add Section 1529 to the Welfare and Institutions Code, relating to public assistance, providing for payment of aid while in a public hospital;

**Senate Bill No. 623**—An act to amend Sections 10036 and 10551 of the Health and Safety Code, relating to vital statistics certificates;

**Senate Bill No. 804**—An act to prevent any officers, employees or agencies of the State Government from assuming or performing any functions of counties, cities or other local governmental agencies, or interfering therein except in such cases as are authorized by law;

**Senate Bill No. 873**—An act to add Sections 13528.1, 13528.2, 13528.3, 13528.4, 13528.5, 13528.6, 13528.7, 13528.8, and 13528.9 to the Education Code, relating to permanent employees of school districts;

**Senate Bill No. 1023**—An act to add Section 337g to the Penal Code, relating to the possession, use, and transportation of drugs at race tracks;

**Senate Bill No. 1080**—An act to add Section 3327 and 3330 to the Penal Code, relating to the California Institution for Women; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1093**—An act to add Section 5015 to Article 1 of Chapter 1 of Division 5 of the Public Resources Code, relating to investigations, reports, plans and cooperative projects for the acquisition, development, improvement and maintenance of ocean beaches for public use and the control and correction of beach and cliff erosion;

**Senate Bill No. 1098**—An act to add Section 1195.5 to the Labor Code, relating to wages of women and minors;

**Senate Joint Resolution No. 16**—Relating to the production of synthetic rubber;

**Senate Joint Resolution No. 24**—Relative to memorializing the Congress of the United States to act favorably on H. R. 1398 to provide the mining and mineral leasing laws of the United States be extended to include the area within the boundaries of Death Valley National Monument;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

#### Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 388

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

#### SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

**Assembly Bill No. 388**—An act to amend Section 5005 of the Elections Code, relating to the writing and circulation of publications intended to injure or defeat a candidate for public office.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

##### Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "who", insert "intentionally".

##### Amendment No. 2

On page 1, line 9, of said bill, strike out the period and "Every such per-"; and strike out lines 10 to 12, inclusive, and insert "unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place".

Amendments read and adopted.

Bill ordered printed, and to third reading.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1263**—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged;

And appointed Messrs. Wollenberg, Knight, T. Fenton; and Bennett, as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 266  
Senate Bill No. 335  
Senate Bill No. 490  
Senate Bill No. 603  
Senate Bill No. 660  
Senate Bill No. 601

Senate Bill No. 690  
Senate Bill No. 691  
Senate Bill No. 886  
Senate Bill No. 1039  
Senate Bill No. 1076

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 539  
 Assembly Bill No. 686  
 Assembly Bill No. 149  
 Assembly Bill No. 421  
 Assembly Bill No. 699  
 Assembly Bill No. 53  
 Assembly Bill No. 956  
 Assembly Bill No. 1967

Assembly Bill No. 1849  
 Assembly Bill No. 1994  
 Assembly Bill No. 1005  
 Assembly Bill No. 1603  
 Assembly Bill No. 1021  
 Assembly Bill No. 1935  
 Assembly Bill No. 1954  
 Assembly Bill No. 1842

Assembly Constitutional Amendment No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 231  
 Senate Bill No. 448  
 Senate Bill No. 601  
 Senate Bill No. 630

Senate Bill No. 672  
 Senate Bill No. 731  
 Senate Bill No. 866  
 Senate Bill No. 1108

Senate Concurrent Resolution No. 10

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 1  
 Senate Joint Resolution No. 3

Senate Joint Resolution No. 21  
 Senate Concurrent Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
 By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## RESOLUTIONS

The following resolutions were offered:

By Senator Salsman:

## Senate Resolution No. 137

Relating to creation of a Senate Committee on Governmental Efficiency and Economy, defining its powers and duties and making an appropriation for its expenses.

WHEREAS, Hundreds of changes in the organization and administration of the State Government are proposed at each session of the Legislature. The complicated machinery of State Government erected to serve the citizens of this State, can function only under law. New circumstances constantly arise which previous statutes did not contemplate. It is necessary for the Legislature to study these circumstances carefully, with a view to revising and amending the law relating thereto, in order that the most efficient, economical, and equitable administration of the laws may be fostered.

During the interim between sessions it is desirable to ascertain and collate the facts upon which legislation may be based. The Legislature can best function as a fact-finding agency through legislative committees; therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a Senate Committee on Governmental Efficiency and Economy, which committee shall study and investigate, accurately and in detail, the organization, functions, and administration of the State Government and of any department, agency, or subdivision thereof and of the governments of the cities and counties of this State, for the purpose of recommending changes and proposing legislation in order to promote efficiency, to reduce and eliminate costs, to provide for the consolidation of functions and removal of duplication, and to do all other things necessary and proper to increase the efficiency and effectiveness of the State and local governments and the agencies and subdivisions thereof.



The committee shall consist of five members appointed by the Rules Committee. Vacancies on the committee shall be filled by appointment by the Rules Committee.

Upon the appointment of its members the committee may organize, appoint a secretary, and employ such clerical and technical assistants and adopt such rules as in its discretion it deems necessary and proper to enable it to carry out the full force and effect the powers granted and the duties imposed herein.

The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records, of every kind and description, and to take all necessary means to compel the attendance of witnesses and to procure testimony. The members of the committee may each administer oaths, and all of the provisions of Article 8 of Chapter 2, Title 1, Part 3 of the Political Code, and of Sections 9400 and 9412 of the Government Code, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution.

The committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects hereinbefore referred to and relating thereto, and to do any and all things necessary or convenient to enable it to exercise the powers and duties granted to and imposed upon it.

The committee may create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to take or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter, defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The committee may hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee. The committee may also meet in executive session. The committee is hereby authorized to act during sessions of the Legislature, including any recess thereof, or after final adjournment, but in no event beyond the convening of the Fifty-sixth Legislature. The committee may report to any session of this Legislature or to the Regular Session of the Fifty-sixth Legislature, on or before March 15, 1945.

Every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee upon request, any and all assistance and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created. The Sergeant at Arms of the Senate, or other officers designated by him are hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of ten dollars (\$10) per day for accommodations and meals.

The sum of five thousand dollars (\$5,000) is hereby made available from the Contingent Fund of the Senate, for expenses of the committee hereby created and its members, and for any other charges, expenses or claims it may incur under this resolution to be disbursed after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Swing:

#### Senate Resolution No. 138

#### Relative to the creation of a Joint Committee to Investigate the Water Situation at Needles and Vicinity

WHEREAS, The channel of the Colorado River has gradually risen since the construction of Parker Dam, and the flood waters of said river have recently and are now over-running, inundating and damaging public and private property in the vicinity of Needles, California, and has created a condition at and near Needles, which is dangerous to the public health and to the public safety and convenience; and

WHEREAS, The boundary line of the State of California, as described in the Constitution, extends to the Colorado River "thence down the middle of the channel of said river to the boundary line between the United States and Mexico"; and

WHEREAS, Said river has at various times and will continue to meander back and forth, widening and changing said channel and causing great uncertainty as

to the actual location of said boundary line between the said States, which meanderings and changing of such channel has resulted in great uncertainty as to the duty and obligations of the respective officers of said States concerning the abatement of the nuisance hereinbefore referred to, and the responsibility for protecting the public health and safety; and

WHEREAS, The responsibility for and the extent of said flood condition is uncertain and yet undetermined; and

WHEREAS, The aforesaid situation requires immediate and prompt action by the State of California in order to prevent irreparable damage and injury to the property and property rights of citizens of this State and of the State itself, and to afford proper protection for the public health and safety; and

WHEREAS, The Legislature requires complete and adequate information as to all phases of this situation in order that appropriate legislation may be presented to and considered by it; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a joint committee to investigate the said situation at Needles, and along said channel of said river, which committee shall investigate, ascertain, and appraise all facts and matters relating to the location of boundary lines to the encroachment of the waters of the Colorado River upon lands adjacent to said river in the vicinity of Needles and along said river both upstream and downstream from Needles where overflow conditions exist, and ascertain and determine, if possible, a plan for the immediate alleviation of said condition and determine the responsibility therefor; and be it further

*Resolved*, That said committee shall consist of three members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To make a complete study, survey and investigation of all matters connected with any phase of the subject of this resolution;

(2) To meet at any place within the State in public or executive session;

(3) To adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To employ such clerical, technical, engineering or professional assistants as may be necessary to carry out its purposes;

(6) To hold public hearings at any place in California;

(7) To meet at any time during sessions of the Legislature or any recess thereof;

(8) To contact and cooperate with the City of Needles, the Federal Reclamation Bureau, the Santa Fe Company, the Metropolitan Water District, the Department of Public Works, and any other agency interested in the solution of the problems resulting from the flood conditions with the purpose and object of seeking cooperation for immediate and prompt action to alleviate such condition;

(9) To report its findings to the Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Assembly, the Sergeant-at-Arms of the Senate, or other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That the Department of Public Works, Attorney General, the State Engineer and every other department, commission, board, agency, officer and employee of the State Government and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That it is the intention of the Legislature that the provisions of Senate Bill No. 727 be deemed to be sufficiently comprehensive to permit the Department of Public Works to expend money from the appropriation set forth in said bill, upon the terms and under the conditions set out in said bill, to assist in alleviating the flood conditions at Needles, if said department determines that such flood conditions justify such expenditures, and the Department of Public Works is requested to cooperate with said committee in determining whether the flood conditions herein referred to justify any such expenditure; and be it further

*Resolved*, That all departments and agencies of the United States having jurisdiction over any matter relating to the waters of the Colorado River are requested to assist said committee in performing its duties under this resolution; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of one thousand five hundred dollars (\$1,500) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; provided, however, that no member of said committee shall be entitled to receive expenses or mileage during the sessions of the Legislature, except such expenses and mileage as shall be incurred during the constitutional recess.

Resolution read, and referred to Committee on Rules.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 296**—An act to amend Sections 6486, 6560, 6782, 6783, and 6784, and to repeal Section 6785 of the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

##### Motion to Strike From File

Senator Keating moved that Assembly Bill No. 296 be stricken from the file.

Motion carried.

##### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Resolution No. 126**—Relative to creation of Senate Committee to Investigate Building and Loan Association Affairs.

##### Motion to Strike From File

Senator Salsman moved that Senate Resolution No. 126 be stricken from the file.

Motion carried.

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1484**—An act to amend Section 575 of the Welfare and Institutions Code of the State of California by providing that in counties of the second class the compensation of the Referee of the Juvenile Court shall be three hundred fifty dollars (\$350) per month.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1514**—An act to add Section 64 and amend Section 101 of the Unemployment Insurance Act, relating to the recoupment of erroneous payments and the prevention of collusion.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Harry A. Hammond at the Desk

**Assembly Bill No. 1515**—An act to add Sections 56.6 and 56.7 to the Unemployment Insurance Act, relating to cooperation between States in the collection of contributions and obtaining of wage records.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, Luckey, Mayo, McBride, McCormack, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1516**—An act to amend Section 52.1 of the Unemployment Insurance Act, relating to the filing of claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1518**—An act to amend Sections 45.2, 45.3, and 45.5 of the Unemployment Insurance Act, relating to wage records and the collection of contributions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1519**—An act to amend Sections 44, 45.6, 45.7, 45.11, and 46.1 of the Unemployment Insurance Act, relating to the collection of contributions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1521**—An act to amend Section 27 of the Unemployment Insurance Act, relating to the escheating of funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 622**—An act to amend Section 222 of the Welfare and Institutions Code of the State of California, relating to the cancellation of county warrants for the giving of and if not presented for payment within six months after issuance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 624**—An act to amend Section 4095 of the Political Code, relating to the cancellation of county warrants issued for aid where same are not presented for payment within six months after issuance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1043**—An act to repeal Sections 834 and 835 of, and to add Section 833.5 to, the Welfare and Institutions Code, relating to proceedings in the juvenile court with respect to persons over the age of 18 years and under the age of 21 years.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1336**—An act to amend Section 4212 of the Business and Professions Code, relating to pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 628**—An act to amend Sections 8963 and 8982 of the Health and Safety Code, relating to public cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1406**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7, and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of building, including the securing of building permits and the prescribing of the fees therefor.

#### MOTION TO RE-REFER ASSEMBLY BILL NO. 1406

Senator Swing moved that Assembly Bill No. 1406 be re-referred to Committee on Public Health and Safety.

Motion carried.

**Assembly Bill No. 1093**—An act to amend Sections 18108 and 18201 of the Health and Safety Code, relating to auto courts and resorts and auto and trailer camps, to nuisances therein and to the abatement, prevention and punishment of such nuisances.

#### MOTION TO RE-REFER ASSEMBLY BILL NO. 1093

Senator Tickle moved that Assembly Bill No. 1093 be re-referred to Committee on Public Health and Safety.

Motion carried.

**Assembly Bill No. 1335**—An act to amend Sections 1, 4, 5 and 5a of an act entitled "An act to regulate the sale and use of poisons in the

State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11 15 a.m., on motion of Senator Biggar, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 347**—An act to amend Section 7 of the Unemployment Insurance Act, relating to excluded employments under said act.

Bill read third time.

##### Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 347.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Deuel, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—28.

**NOES**—Senators Carter, DeLap, Dillinger, Dorsey, Keating, Powers, Shelley, Swan, and Tenney—9.

Bill ordered transmitted to the Assembly.

##### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 447**—An act to amend Section 6602 of the Welfare and Institutions Code, relating to the admission and detention of voluntary patients in State hospitals.

Bill read third time.

The bill was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Luckey,

McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

**Assembly Bill No. 1431**—An act to amend Section 740 of the Welfare and Institutions Code, relating to commitments by the juvenile court, and authorizing commitment of wards to the Youth Correction Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Judah, Keating, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 448**—An act to add Section 740.5 to the Welfare and Institutions Code, relating to minors believed to be mentally unsound, authorizing the juvenile court to order commitments for observation, and providing for subsequent proceedings in relation to such minors.

Bill read third time.

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 448.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Swing, and Ward—25.

NOES—Senators Gordon, Jespersen, Quinn, Slater, Swan, and Tickle—6.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1522**—An act to amend Section 9.7 of the Unemployment Insurance Act, relating to the termination of subject status.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1042**—An act to add Section 17.1 to the Welfare and Institutions Code, relating to the residence of minor persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah,



Kenting, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1388**—An act to add Section 21155.1 to the Education Code, relating to the State Nautical School.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1907**—An act to add Section 5.798-1 to the School Code and to add Section 14122.5 to the Education Code, relating to eligible lists and temporary appointments, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1226**—An act to amend Sections 66 to 72, inclusive, of the Unemployment Insurance Act, relating to claims for benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1227**—An act to amend Sections 11 and 12 of the Unemployment Insurance Act, relating to the definitions of "wages" and "week" under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah,

Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1228**—An act to repeal Sections 47 to 51, inclusive, of the Unemployment Insurance Act, relating to exemptions, guaranteed employment, and private employment plans under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1233**—An act to amend Section 15 of the Unemployment Insurance Act, relating to election to become an employer and to have services deemed employment under this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1235**—An act to amend Sections 52.2, 53, and 54 of the Unemployment Insurance Act, relating to base periods and benefits under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1232**—An act to amend Sections 2, 45, 45.9, 45.10, 75, 91, 92, and 94 of the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 798**—An act to amend Part 1 of Division 2 of the Revenue and Taxation Code, relating to the sales and use taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1957**—An act to add Chapter 9, consisting of Sections 3900 to 3919, inclusive, to Part 6, Division 1, of the Revenue and Taxation Code, relating to actions by purchasers of tax-deeded property to determine adverse claims to or clouds upon that property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1959**—An act to add Sections 134, 1651, 2902, 2909.1, and 2910.1 to, and to amend Sections 2901, 2903, 2904, 2905, 2906, 2908 and 2914 of the Revenue and Taxation Code, relating to the assessment and collection of taxes which are not a lien on real property sufficient to secure payment of such taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 684**—An act to amend Sections 6011, 6012 and 6015 of the Revenue and Taxation Code, and to add Sections 6363 and 6364 to said code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1020**—An act to amend Section 12003 of the Revenue and Taxation Code; to repeal Article 1 of Chapter 3, Part 7, Division 2 of said code; to add a new article, comprising Sections 12251 to 12264 inclusive, to Chapter 3, Part 7, Division 2 of said code, to be





Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 615**—An act to amend Section 3476 and to repeal Sections 3511 3, 3571, 3571 5, 3572, 3573, 3574, 3575, 3576, 3577 and 3578 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Rules recommends that the Senate advise and consent to the following appointments made by the Governor and transmitted to the Senate in his letter dated May 4, 1943:

RALPH T. FISHER, vice Mrs. Lois E. Souther, State Board of Education.

GILBERT H. JERNBERG, vice Dr. Herman L. Leader, State Board of Education.

EUGENE T. BRODERICK, vice self, State Board of Education.

JOSEPH P. LOER, vice Rae L. Shoemaker, State Board of Education.

WILLIAM L. BLAIR, vice Clyde Doyle, State Board of Education.

MRS. E. T. HALE, vice A. J. Sutherland, State Board of Education.

THOMAS COAKLEY, vice George Schlmeier, Board of State Harbor Commissioners for San Francisco Harbor.

WARD MAILLARD, vice J. F. Marias, Board of State Harbor Commissioners for San Francisco Harbor.

W. G. WELT, vice Harry See, Board of Harbor Commissioners for San Francisco Harbor.

L. E. MEYERS, vice Floyd Klinger, Board of Managers of the Stockton State Hospital.

JOHN D. TURNER, vice Earl E. Erwin, Board of Managers of the Stockton State Hospital.

WILLIAM J. HOBIN, vice Barry G. McDermott, Board of Managers of the Stockton State Hospital.

ROBERT H. RINN, vice L. A. Mills, Board of Managers of the Stockton State Hospital.

HARVEY F. MATHEWS, vice S. Travaille, Board of Managers of the Stockton State Hospital.

SEAWELL, Chairman

## CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

### Motion to Confirm Appointments by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Thomas Coakley, Ward Maillard, and W. G. Welt as members of the State Board of Harbor Commissioners.

The President put the question, "Will the Senate confirm and consent to the appointment of Thomas Coakley, Ward Maillard, and W. G. Welt?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Thomas Coakley, Ward Maillard, and W. G. Welt.

### CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

#### Motion to Confirm Appointments by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of L. E. Meyers, John D. Turner, William J. Hobin, Robert H. Rinn, and Harvey F. Mathews as members of Board of Managers, Stockton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of L. E. Meyers, John D. Turner, William J. Hobin, Robert H. Rinn and Harvey F. Mathews?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of L. E. Meyers, John D. Turner, William J. Hobin, Robert H. Rinn, and Harvey F. Mathews.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Rules recommends that the Senate do advise and consent to the appointment of Julian Alco, vice W. Earl Smith, to the State Board of Prison Directors, as contained in the Governor's letter to the Senate dated April 28, 1943.

SEAWELL, Chairman

### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

#### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Julian Alco as a member of the State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Julian Alco?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter.

Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—38.

NOES—None.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Julian Alco.

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Rules recommends that the Senate do advise and consent to the appointment of Dr. W. Earl Smith, vice Julian Alco, to the State Board of Prison Directors, as contained in the Governor's letter to the Senate dated April 28, 1943.

SEAWELL, Chairman

### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

#### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Dr. W. Earl Smith as a member of the State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Dr. W. Earl Smith?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Judah, Keating, Luckey, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tickle, and Ward—27.

NOES—Senators Jespersen and Swan—2.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Dr. W. Earl Smith.

### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

#### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Ralph T. Fisher, Gilbert H. Jertberg, Eugene T. Broderick, Joseph L. Loeb, William L. Blair, and Mrs. E. T. Hale as members of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Ralph T. Fisher, Gilbert H. Jertberg, Eugene T. Broderick, Joseph L. Loeb, William L. Blair, and Mrs. E. T. Hale?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

#### Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ralph T. Fisher, Gilbert H. Jertberg, Eugene T. Broderick, Joseph L. Loeb, William L. Blair, and Mrs. E. T. Hale.

### REQUEST FOR UNANIMOUS CONSENT

Senator McCormack asked for, and was granted, unanimous consent to have the following report of the Senate Interim Committee on Building, printed in the Journal:

**Report of the Senate Interim Committee on Building to the Senate,  
California Legislature, Fifty-fifth Session, 1943  
(Senate Resolution No. 151)**

**MEMBERS OF COMMITTEE**

Senator Thomas McCormack, Chairman  
Senator George M. Biggar, Vice Chairman

**Senators**

Randolph Collier    Harry L. Parkman    James J. McBride

**OUTLINE OF THE REPORT OF THE SENATE COMMITTEE ON BUILDING**

The report of the Senate Building Committee will follow the following form:

1. Title Page
2. Table of Contents and Outline of Report
3. Explanation of Form of Report
4. Conclusions and Recommendations
 

This is to cover the general recommendations, including the following items:

  - a. Land and Water to Be Purchased During the Coming Biennium
  - b. Current Repairs to Be Made and General Repairs at the Termination of Hostilities
  - c. Capital Outlay Program to Be Undertaken at Termination of Hostilities (Approximately 33 Million Dollars)
  - d. Plans and Specifications With Actual Working Drawings to Be Prepared During the Coming Biennium for the Building Program Provided in "c"
5. Resolution Creating the Committee
- 5a. Resolution Continuing the Committee
6. Explanatory Statement of Report
7. Recommendations With Detailed Explanation of Section 4
  - a. Land and Water
  - b. Repairs
  - c. Capital Outlay—33 Million
 

(Each Department and Institution to Be Covered Specifically as in Table I.)
8. Supporting Data for Each Agency Scheduled and on File in the Office of the Legislative Auditor.

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**REPORT OF THE SENATE INTERIM COMMITTEE ON BUILDING TO THE HONORABLE  
FREDERICK F. HOUSER, PRESIDENT, AND TO THE MEMBERS OF THE SENATE**

**Organization of the Committee**

Pursuant to Senate Resolution No. 151, adopted June 14, 1941, page 2783 of the Senate Journal, and continued and expanded by Senate Resolution No. 31, adopted January 20, 1943, page 145 of the Senate Journal, copies included in this report, the Senate Interim Committee on Building, consisting of five members, was appointed by the Senate Committee on Rules, page 2850 of the Senate Journal, on June 14, 1941.

The members appointed were Senators Thomas McCormack, Chairman; George M. Biggar, Randolph Collier, James J. McBride, and Harry L. Parkman.

The committee met in Room 406 of the State Capitol, Sacramento, on October 14, 1941, for the purposes of organization and the planning of its work and inspection of the State buildings. Senator Biggar was elected to serve as vice chairman and Wanda Durkee was appointed to serve as secretary.

**Explanation of Form of Report**

The Senate Building Committee is departing somewhat from the general practice in its style of report. This, we believe, will be an improvement by presenting to the Members of the Senate our conclusions and recommendations immediately following this explanation. These will be in concise form. By this means the members will know exactly what we are discussing in the supporting data which follows.



If some of the members, under pressure of legislative business, do not have an opportunity to read the entire report they can readily follow the conclusions and recommendations and can refer to supporting data for any items under discussion at any time or for any items in which they have a particular interest.

The supporting data with the recommendations will be found in detail in a separate section of the report. Further supporting data, including the entire request of each department and agency will be listed in another section which, because of its volume and size, will remain on file in the office of the Legislative Auditor where it will be open to use by Members of the Legislature.

### **Conclusions and Recommendations**

The committee made six field trips and investigated on the ground as many of the State buildings and institutions as possible. Then, after hearing testimony from representatives of the several State departments and agencies having building needs, and after advising with the State Architect and with the Director of Finance, the committee arrived at the following general conclusions:

#### **State Institutions**

The State institutions as a whole are overcrowded. Many of the buildings at the institutions are obsolete. A considerable number present fire and health hazards. Many of these buildings should be replaced. The overcrowding which is generally prevalent should be relieved at the same time.

It was observed that the buildings of the State institutions in Northern California are generally older and more antiquated than those of the institutions of Southern California. At the same time it was noted that the largest increase in population is in Southern California. Both of these factors have been taken into account in the specific recommendations for buildings at the several institutions.

#### **State Colleges**

In considering the State colleges a similar situation geographically was noted in that the buildings at San Diego and at Fresno are more modern than in the more northerly schools. Both the Santa Barbara State College and San Francisco are scheduled to move to new sites. Both of them have prepared partially for these moves. It is apparent that in providing for them it is necessary to build enough buildings so that they can move as institutions, for it is impractical to conduct such schools on two separate campuses.

#### **Special Schools**

In the case of the special schools, that is, the School for the Deaf and the School for the Blind in Berkeley, consideration has been given to replacing antiquated buildings, some of which have long been condemned, and also increasing the capacity to take care of waiting lists at both schools and to increase these services so they will be more in line with the needs of the State which have grown with added population.

#### **Maritime Academy**

An examination of the present location of the Maritime Academy at the Ferry Building demonstrates that this is entirely unsatisfactory. A survey of the new site at Morro Cove and an inspection of the temporary quarters indicates that this will be a desirable location for the school and for the safe anchorage of its boat, "The Golden State."

The housing facilities here are temporary structures of a barracks type. They will be satisfactory for the duration of the war but are not satisfactory for a permanent institution.

No recommendations for buildings are included in the schedule for postwar construction at the Maritime Academy for the reason that recently a special appropriation, Assembly Bill No. 587, of \$474,300 was approved for the purpose of completing the temporary buildings for the academy at Morro Cove. This will provide a satisfactory plant for the operation of the academy during the war and for the preparation of a site for the placing of such permanent buildings as can be built.

The Maritime Academy can probably secure priorities, and consideration should be given to starting construction of the permanent buildings as soon as possible. A bill is before the Legislature which will be amended to appropriate \$1,100,000 in addition to that already appropriated for this purpose. This should result in a saving of approximately \$50,000 through eliminating the construction of additional temporary buildings which will have to be replaced. Whatever is constructed should be built with the idea of holding operation and maintenance to the minimum.

In addition, there is a bill in the Legislature, Senate Bill No. 431, asking for an appropriation of \$1,100,000 for the Maritime Academy to begin immediately the construction of a permanent plant. If this bill is passed, provision for this will not be required in this program. The data prepared by the Maritime Academy in support of these bills are included in this report as part of the supporting material.

### *University of California*

Many of the buildings at the University of California at Berkeley are antiquated and do not conform to modern educational needs. Replacement of the buildings here has not conformed to obsolescence and the growth of the institution. On the other hand, the buildings at the University of California at Los Angeles are relatively new and built to meet educational needs. The growth of this university has been such that additional buildings will be necessary to complete the necessary facilities for the broad educational offerings now being made. Since the University of California is largely supported from endowments and is the beneficiary of many gifts from the public and many of these for buildings, it is felt that possibly half of the building requests of the university may be financed from other than State funds.

### *Penal Institutions*

The penal institutions now have a reduced population and are not overcrowded. Their building requirements are limited to replacement and to providing for a service to house the insane criminals. This was approved by the 1939 Legislature but no appropriation has been made. It is recommended that a building at San Quentin to meet this requirement be constructed as soon as possible, using as much prison labor as is practical.

The committee has been informed that priorities can be secured for much of the needed material. The cost of this building has been estimated at approximately \$735,000. Senate Bill No. 82 for \$735,000 has been approved by the Senate Finance Committee. Since this may be constructed during the coming biennium it is not included in the recommended building reserve fund.

### *Institution for Men*

The Institution for Men at Chino requires more housing space in order to build up its inmate population so it may be operated more economically and make full use of the some 2,000 acres of fine agricultural land which it has. A barracks building of cheap construction will suffice until after the war.

It is recommended that this matter be given serious consideration by the present session of the Legislature so that additional men, as available, can be moved to this institution for the reasons stated.

### *Institution for Women*

The Women's Institution at Tehachapi presents a distinct problem because of the small population, its isolation and the limited production which is possible. Since these inmates should be taught useful occupations and given something to do to keep them busy despite the difficulties of this institution, recognition is given to this need. However, the matter of moving the institution to a more favorable location should be made the subject of study.

### *Youth Authority*

No building program has been considered for the Youth Authority for the reason that a program for this new activity on the part of the State in the opinion of the committee is not definite enough for the State to embark on an extensive building program for this activity at this time. Data are included subsequently in this report indicating that this program will require a capital outlay of approximately \$10,000,000 when the Youth Authority Act gets into full operation.

### *Correctional Schools*

It is contemplated that the three correctional schools will be placed under the Youth Authority and that future expansion in them will be made to coordinate with the purposes of the Youth Authority. A moderate expansion is therefore recommended.

### *Office Buildings*

Office buildings at Sacramento, San Francisco and Los Angeles to house agencies of the State now renting space are recommended in addition to the general building reserve fund for the reason that the savings in rent will amortize the cost of these buildings in approximately 20 years. In addition, the departments of the State will have better housing and will be more conveniently located in relation to other State offices, thus expediting State business. This will also provide for additional space for legislative offices, covering all legislative functions, so that the Legislature can better conduct its work.

A plan for Capitol extension to provide separate office space for each member of the Legislature and adequate offices for secretaries, attaches, the Legislative Counsel, the Legislative Auditor, the Bill Room and other legislative services with a garage in the basement adequate for all cars of the legislators, was proposed in 1939. The estimated cost of construction, including the necessary equipment and landscaping, was then \$1,500,000. A copy of this proposal, with pictures, drawings and plot plans is included in the supporting data.

It is further recommended by the committee that this plan be modified sufficiently to include adequate space for the State Archives. This space should be fireproof and it should be located above ground at sufficient elevation to be free of all danger from flooding. This space should be designed specifically to house the State Archives which are now located in the basement of the State Capitol and constantly subject to the danger of flood. The committee feels that it would be a great loss to the State if these were destroyed, and believes that reasonable and adequate protection through fireproofing and otherwise satisfactory housing should be provided.

#### *San Diego State Building*

A State building is recommended for San Diego on a site donated by the city to cost approximately \$500,000, for the reason that San Diego is at the far southern end of the State, farthest removed from the State Capitol, and to a degree isolated. The rented office space in San Diego is scattered throughout the city, and although the saving in rent will not amortize this building it will go far toward paying operating costs. At the same time provision will be made for future expansion of State offices in San Diego for many years to come.

#### *State Fair*

The building program of the State Agricultural Society (State Fair) has been held to one item, the Livestock Coliseum (Horse Show Arena), costing approximately \$500,000. A larger part of their request is not included for the reason that the State Fair will be accumulating money from the pari-mutuel horse racing during the time of hostilities wherever racing is allowed. Since the State Fair will be closed, this accumulation might very well be used for rehabilitation and capital outlay at the end of the war. By constructing the Horse Show Arena, receipts will be greatly increased from this activity. This will assist materially in financing additional capital outlay.

#### *Veterans' Home*

While the Veterans' Home shows a reduced population at the present time, it is believed that there will be an increase with any change downward in economic conditions. It is apparent also that the increasing age of the veterans requires more hospitalization. Recommendation has therefore been confined largely to providing these services and for the replacement of a long overdue administration building.

#### *Women's Relief Corps Home*

No additional building is recommended for this institution for the reason that its limited population should show a decline in the very near future. Recommendation has been made only for repairs and replacements.

#### *Governor's Residence*

Recommendation is included for a new Governor's residence. A recommendation is made for future provision for a Governor's residence without reference to who may be Governor when the building plan is completed. This is with the thought that a new residence is needed for the Governor of the State, no matter who may be Governor.

The committee is of the opinion that a satisfactory residence for the Governor should be secured and furnished for considerably less than the \$150,000 which has been generally recommended. They believe that a building in keeping with the office and the dignity of the State should not be a monumental building but an adequate residence of the Chief Executive.

#### *General Recommendations*

The following general recommendations are made:

##### *Building Sites to Be Purchased*

First, before buildings can be constructed where they are required in a number of cases, sites must be secured. Also, at several of the institutions, land and water are required either to meet normal needs or for expansion. Since building can not be carried out during the war but should begin immediately after the cessation of hostilities, it is recommended that land and water, where necessary for the operation of the present institutions or for expansion, or necessary for the construction of new institutions and buildings, be secured during the coming biennium.

The necessary money should be appropriated at this session of the Legislature for that purpose. It is recommended that appropriations be made for the following purchases in the aggregate sum of \$1,723,630, as per the following schedule of sites to be purchased for the postwar building program.

Sites are to be purchased during the current biennium. Estimates of prices are the best available but have not been submitted for appraisal, so the amounts should be considered as a guide and a proper competent commission authorized to bargain on behalf of the State.



**Lands for Immediate Purchase to Provide Building Sites and Expansion of  
State Institutions, Schools, Colleges and Other Agencies**

<i>Agencies</i>	<i>Schedule</i>	<i>Replacement, expansion or new</i>	<i>Cost of site</i>
Department of Institutions			
Institution for Defective and Psychopathic Delinquents -----	1	New	\$400,000
Stockton Farm Land -----	1	Expansion SB 881	53,550
Agnews, agricultural land -----	1	Expansion SB 692	75,000
Sonoma State Home, railroad right of way -----	1	Expansion	980
Workshop for Blind Los Angeles \$15,000			
San Diego \$10,000 -----	1	Replacement	25,000
Total, Institutions -----			\$554,530
Youth Correction Authority (no new buildings)			
Correctional Schools			
Preston—33 acres -----	2	Expansion SB 1081	\$7,200
Department of Education			
State Colleges			
Fresno—3 parcels: 15 acres, 40 acres and 2 blocks -----	5	Expansion SB 240	\$114,500
Humboldt State—various parcels -----	5	Expansion SB 270	39,000
—one parcel -----	5	Expansion SB 724	200
San Francisco—2.2 acres (see following map) (The 4 4/10 acres indicated to be acquired will be donated by the Metro- politan Life Insurance Company as soon as permanent construction begins)	5	Expansion SB 620	13,200
Santa Barbara—approximately 18 acres -----	5	Expansion SB 647	25,000
Total, Education -----			\$191,900
Governor's residence -----	8	Replacement	\$20,000
Office Buildings—Sacramento, San Fran- cisco, and Los Angeles (San Diego site donated) -----	9	Expansion	950,000
Total, Finance -----			\$970,000
Grand total of sites -----			\$1,723,630

The above recommended program for building sites and for expansion of institutions in general rounds out the need in this respect for many years to come. In the case of the State Colleges, the campuses for these institutions will be sufficient as long as they carry on their present educational program.

This will leave all of the State institutions and schools in a better condition as far as land is concerned than they have been in the history of the State.



*San Jose College Site*

After a full consideration of the San Jose State College situation, the committee concluded not to make a recommendation for any expansion of the institution through the purchase of additional lands beyond the present campus. This is for the reason that there are three conflicting views concerning the institution.

One view, which is supported by President Macquarrie of the college, is that it should remain at the present site and that additional lands adjacent to the college should be acquired for expansion. The cost of the land for such expansion would be approximately \$1,500,000.

The second opinion is that the entire college should be moved outside the congested area and a large and adequate site be secured and a new plant built. The cost of the land would be approximately \$500,000, and it would cost from \$2,500,000 to \$3,000,000 to replace the present plant.

The third view, which was supported by several members of the committee, is that the institution should confine itself to educational activities already established in its program and which will compete to the smallest degree with the several other universities and colleges which are in close proximity to the same area; and that the San Jose State College should not seek to expand so as to be in competition with these other institutions. The college should confine itself to its present program and use its present facilities to the largest degree.

The committee recommends that no additional lands, therefore, be purchased for this institution until after a full study of the situation is made to determine just what the program of this institution is to be and whether or not any additional land is needed, and if so, whether the institution should be moved or remain at its present site.

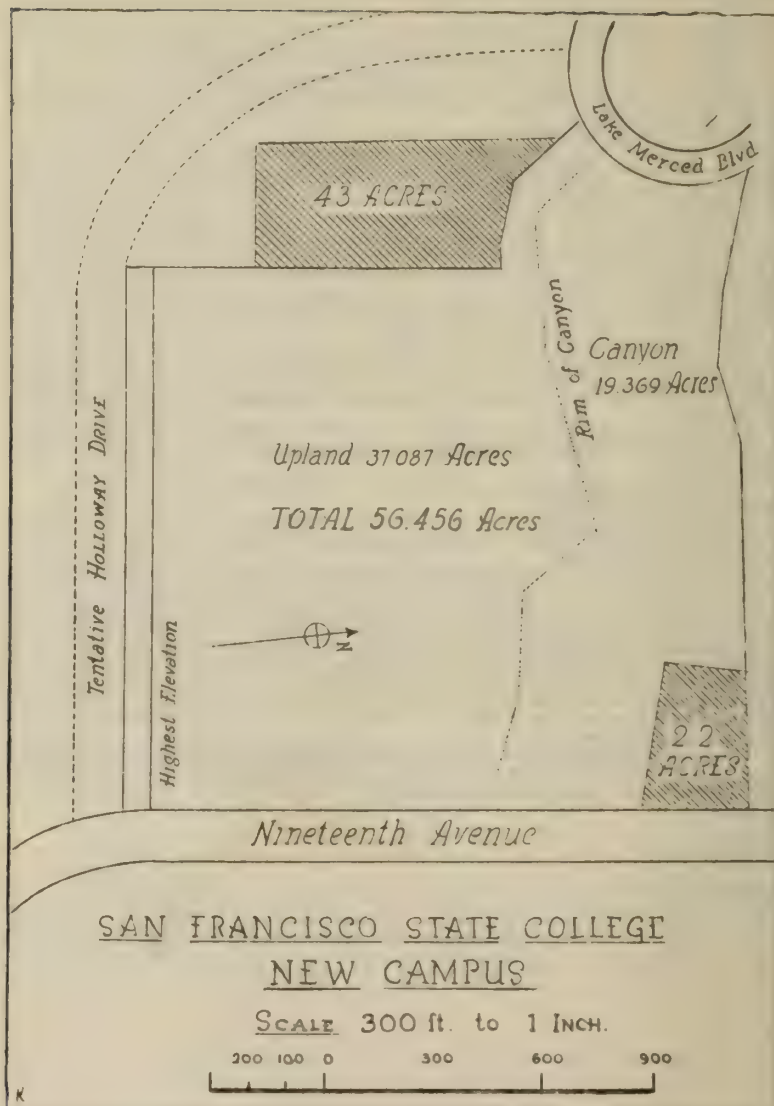
For these reasons the committee does not approve of the bill now in the Legislature, Senate Bill No. 234, for \$500,000 for the purchase of additional land at the present site.

There are two parcels of land included in the campus which are owned or controlled by other agencies.

One of them is the old library site which was purchased by the San Jose College Foundation for \$55,000 and which eventually must be acquired by the college if it remains in this location.

The other comprises approximately two acres. This land did belong to the State College and was given by the State of California to the City of San Jose for public purposes. They, in turn, transferred it to the high school and now it appears that in order to get it back and add it to the campus where it is required it will be necessary eventually to come to some agreement with the high school district. At the present time it appears that it may be necessary for the State to buy it. It seems that out of equity this property should be transferred back to the State without cost. The high school building is antiquated and will not be serviceable very long. This matter might very well be considered in relation to moving the institution outside of the congested area.

It should be recognized that San Jose State College is in essence a city institution, that many of the students work in town. It also is operated in connection with the junior college, which is in part supported by local taxes.



***Santa Barbara College Site***

Additional land must be secured at the Santa Barbara State College site of approximately 18 acres before a master plan can be prepared and before that institution can be completed.

***San Francisco College Site***

At the new San Francisco State College site two small parcels of land should be acquired at once.

One of these parcels, four and four tenths acres, will be deeded to the State for the college under the terms of an agreement with the Metropolitan Life Insurance Company as soon as actual building on the new site begins. The other parcel, two and two tenths acres at the northeast corner, should be purchased. It will cost \$600 per acre, or a total of \$13,200. This is provided in Senate Bill No. 620. (See map preceding and also see letter of April 23, 1943, from the Department of Education, subject, additional land needed by the California State Colleges.)

These two institutions are moving to new sites. Their present sites should be disposed of as soon as the move is completed.

***Fresno College Lands***

Fresno State College desires three parcels of land. These are covered in Senate Bill No. 240 in the sum of \$114,500. One parcel consists of 15 acres four blocks east of the present campus and adjacent to the college stadium. It is owned by the College Foundation. It has cost them \$34,500. This is considerably less than the present appraisal. The foundation will turn it over to the State at cost.

In order to take care of their agricultural courses, the college wishes to secure approximately 80 acres of land at an estimated price of \$40,000.

The third parcel of land consists of two blocks immediately east of the college campus available at an appraised value of \$40,000. This is for future expansion and is not needed immediately.

The purchase of this land would round out the college program and provide a plant which should be adequate for many years.

**Repair Program for State Buildings****Current Repairs to Be Made and General Repairs at the Termination of Hostilities**

The current costs of repairs to keep the State buildings in satisfactory condition should be met during the coming biennium. Some adjustments have been made in the budgets for 1943-45 by adding to the maintenance functions at the different State institutions to assist in this program.

This will provide for the hiring of a small additional maintenance force, plumbers, painters and carpenters if they can be secured. It will not provide a complete maintenance program. It has been suggested that a special fund be set up biennially to take care of repair and maintenance to be spent under the supervision of the State Architect. This appears to be a desirable procedure.

Since the State has not carried on a comprehensive repair program, this small step up does not bring the State buildings up to the condition in which they should be maintained. There is an accumulated cost of repairs which should be made as soon as possible after the war. The State Architect estimates that such a program will cost approximately \$3,000,000. It is felt that this sum should be appropriated for this purpose and made available either by the current session of the Legislature or at some subsequent date, so that a proper comprehensive repair program can be undertaken as soon as sufficient manpower is released to make this possible.

It is recommended that in the future the State Architect carry on a continual survey of all State buildings and recommend at each biennium as to what repairs should be made to keep the buildings in proper condition. The biennial appropriations necessary to do this should be made. The practice which has been prevalent in the past of using money appropriated for making repairs for minor construction should be discontinued.

**Capital Outlay Program to Be Undertaken at the Termination of Hostilities**

The total sum recommended for this purpose of \$36,551,767, \$6,990,000 of which will be self-liquidating, leaving \$29,561,767 net outlay.

This is presented on the following summary sheet and supported by details for each institution and agency. The various State agencies request buildings and land which would cost approximately \$116,000,000, covering a 10-year program. Of this amount some \$112,000,000 is for sites and actual construction and approximately \$4,000,000 for repairs. The long-term program is not well considered but the program of preferred projects of immediate necessity totalling \$68,826,853 is pretty well considered. (See sheet following, summary of recommendations.) Out of these requests for \$68,000,000 the committee has selected in the order of priority for the

different agencies some \$29,561,767 in net capital outlay and an additional \$6,990,000 for office space in Sacramento, San Francisco, Los Angeles and San Diego which can be paid for by the savings in rent. A consolidated schedule showing the agency, the building and estimated cost follows:

**State of California Summary of Building Projects Which in Agency Opinion  
Should Be Undertaken as Soon as Possible**

<i>Agency</i>	<i>General Fund</i>	<i>"Preferred" projects of immediate necessity</i>	<i>Tentative 10-year building program</i>
Agriculture, Department of-----		\$706,799	\$1,020,483
Education, Department of—			
State colleges-----	\$7,890,279		\$20,330,880
Special schools-----	3,958,440		5,773,855
Totals, Education-----	\$11,848,719		\$26,104,735
Finance, Department of—			
State Agricultural Society-----	\$1,618,480		\$3,459,800
Replacement of rented office and storage space-----	9,561,000		9,561,000
Extension and repair of State Capitol-----	1,900,000		1,900,000
Governor's mansion-----	150,000		150,000
Totals, Finance-----	\$13,229,480		\$15,070,800
Institutions, Department of—			
Mental hospitals-----	\$16,210,893		\$27,783,330
Homes for feeble-minded-----	5,087,220		7,964,932
CYA correctional schools-----	1,092,922		2,517,437
Workshops for blind-----			
Subtotals, existing institutions-----	\$22,391,035		\$38,265,699
New institution for defective and psychopathic delinquents (proposed)-----	3,800,000		3,800,000
New neuropsychiatric hospital and clinic in Los Angeles (proposed)-----	750,000		750,000
Four mental hygiene clinics (proposed)-----	140,000		140,000
New institution for feeble-minded (proposed)-----			7,475,000
Totals, Institutions-----	\$27,081,035		\$50,430,699
Military and Veterans' Affairs, Department of—			
Adjutant General and National Guard-----	none		incomplete
Veterans' Home-----	\$712,500		\$3,837,900
Woman's Relief Corps Home-----	173,350		173,350
Totals, Military and Veterans' Affairs-----	\$885,850		\$4,011,250
Natural Resources, Department of—			
Division of Forestry-----	incomplete		incomplete
Penology, Department of—			
Folsom Prison-----	\$844,000		\$1,261,000
San Quentin Prison-----	1,279,980		2,106,130
Institution for Men at Chino-----	none		722,520
Institution for Women at Tehachapi-----	104,650		560,540
Totals, Penology-----	\$2,228,630		\$4,650,190
Poultry Improvement Commission-----	\$16,340		\$16,340
University of California-----	12,000,000		56,976,000
Youth Correction Authority-----	830,000		7,858,000
Totals-----	\$68,826,853		\$166,138,497



TENTATIVE POSTWAR BUILDING PROGRAM  
LANDS TO BE SECURED AT ONCE  
TO MEET THE IMMEDIATE NEEDS OF THE STATE

## SUMMARY

Agencies	Site and land expan.	Estimated Cost Construction*	Total
<i>Department of Institutions—Schedule 1</i>			
Mental hospitals .....	\$128,550	\$9,953,635	\$10,082,185
Homes for feeble minded .....	980	1,931,300	1,932,280
Institution for defective and psychopathic delinquents .....	400,000	2,750,000	3,150,000
Workshops for blind .....	25,000	300,000	325,000
Total, Department of Institutions .....	\$554,530	\$14,934,935	\$15,489,465
<i>Youth Correction Authority—Schedule 2</i>			
Correctional schools .....	\$7,200	\$748,326	\$755,526
Total, Youth Correction Authority .....	\$7,200	\$748,326	\$755,526
<i>Department of Penology—Schedule 3</i>			
Prisons for men .....		\$565,550	\$565,550
Institutions for women .....		116,200	116,200
Total, Department of Penology .....		\$681,750	\$681,750
<i>Department of Military and Veterans' Affairs—Schedule 4</i>			
Veterans' Home .....		\$585,000	\$585,000
Woman's Relief Corps Home .....		22,950	22,950
Total, Department of Military and Vet- erans' Affairs .....		\$607,950	\$607,950
<i>Department of Education—Schedule 5</i>			
Special schools .....		\$1,311,600	\$1,311,600
State colleges .....	\$191,900	5,512,986	5,704,886
Total, Department of Education .....	\$191,900	\$6,824,586	\$7,016,486
<i>University of California—Schedule 6</i>			
		\$5,000,000	\$5,000,000
<i>Department of Agriculture—Schedule 7</i>			
Plant quarantine and standardization sta- tions .....		\$104,220	\$104,220
<i>Department of Finance—Schedule 8</i>			
State Agricultural Society .....		\$530,000	\$530,000
**Governor's residence .....	\$20,000	130,000	150,000
Total, Department of Finance .....	\$20,000	\$660,000	\$680,000
<i>Office Buildings—Schedule 9</i>			
Capitol building extension .....		\$1,500,000	\$1,500,000
Buildings in Sacramento, San Francisco, Los Angeles and San Diego to replace rented space .....	\$950,000	5,490,000	6,440,000
Total, Office Buildings .....	\$950,000	\$6,990,000	\$7,940,000
Grand Total—Building Program .....	\$1,723,630	\$36,551,767	\$38,275,397
Total to be appropriated during 95th and 96th fiscal years:			
Land expansion and sites .....			\$1,723,630
Architectural planning .....			1,644,830
Total .....			\$3,368,460
Total remaining to be appropriated for postwar building program .....			
			\$34,906,937
Total to be appropriated for postwar repair—approximately .....			
			3,000,000
Total .....			\$37,906,937

\* Includes, in addition to construction outlays, costs of surveys, plans, supervision, and equipment.

\*\* It is believed that a satisfactory residence for the Governor in keeping with the dignity of the office can be secured and furnished for considerably less than \$150,000. This should be a residence and not a monumental building.

TENTATIVE POSTWAR BUILDING PROGRAM  
LANDS TO BE SECURED AT ONCE  
SCHEDULE 1—DEPARTMENT OF INSTITUTIONS

**Mental Hospitals**

Order of priority	Project	New or replace	Estimated cost	Capacity Replace	New
<b>AGNEWS STATE HOSPITAL:</b>					
13	Ward Building, Unit No. 4, at Annex.....	N & R	\$449,160	188	212
16	Farm Colony Ward Building.....	N & R	210,750	24	101
26	Laundry at Annex.....	New	137,000		
27	Fire House and Fire Employees' Quarters	New	24,396		
59	Poultry Ranch Buildings (old one torn down two years ago).....	New	24,187		
60	Fruit and Vegetable Refrigeration Unit....	New	14,217		
61	Shoe and Mattress Shop.....	Repl.	15,900		
	Site .....		75,000		
			<hr/> \$950,610	<hr/> 212	<hr/> 313
<b>CAMARILLO STATE HOSPITAL:</b>					
4	Complete Receiving, Treatment and Hospi- tal Group, including Administration Unit and Service Facilities.....	New	\$1,100,000		300
5	Steam Boiler .....	New	30,000		
6	Domestic Water System Extensions.....	New	20,000		
7	Sewer Plant Additions.....	New	78,500		
8	Backwash Water Softener Disposal System .....	New	40,000		
20	Bakery and Extension of Commissary.....	New	121,500		
21	Cold Storage Unit Additions (bakery now in this unit) .....	New	22,400		
30	Attendants' Quarters, Unit No. 4.....	New	115,000		
31	Water Softeners .....	New	22,260		
41	Assembly Hall .....	New	100,000		
44	Crematory and Chapel.....	New	40,000		
56	Hog Plant .....	New	50,000		
62	Dairy Additions and Improvements.....	New	45,000		
63	Poultry Plant .....	New	30,000		
64	Physicians' Apartments.....	New	37,800		
			<hr/> \$1,852,460		<hr/> 300
<b>MENDOCINO STATE HOSPITAL:</b>					
10	Criminal Insane Ward—Male. (Total cost of unit for 800 patients \$1,076,660. Only portion thereof proposed above.).....	New	\$450,000		250
11	Remodel and Extend Electrical System. (Present needs only.) .....	Repl.	13,000		
19	Kitchen, Commissary and General Feeding Unit .....	Repl.	378,000		
69	Renovate Ward 8 and Main Building.....	Repl.	25,000		
			<hr/> \$866,000		<hr/> 250
<b>NAPA STATE HOSPITAL:</b>					
12	Complete Receiving and Treatment Unit..	New	\$900,000		325
25	Addition to Laundry.....	New	84,450		
33	Sewage Disposal Plant.....	New	140,000		
34	Sewer System Lines.....	Repl.	15,100		
47	*Ward Building. (To receive patients from main building to be demolished.) .....	Repl.	954,300	901	59
48	*New Boiler .....	Repl.	35,000		
53	*Ward Building and General Kitchen, Din- ing Room and Commissary.....	Repl.	1,168,800		750
54	Administration Building .....	Repl.	125,000		
65	Rebuild Male Disturbed Building.....	Repl.	31,535		
			<hr/> \$3,454,185	<hr/> 901	<hr/> 1,134

\* Replace main building with 1500 patients.

## TENTATIVE POSTWAR BUILDING PROGRAM

## LANDS TO BE SECURED AT ONCE

## SCHEDULE 1 DEPARTMENT OF INSTITUTIONS—Continued

## Mental Hospitals—Continued

Order of priority	Project	New or replace	Estimated cost	Capacity Replace	New
<b>NORWALK STATE HOSPITAL:</b>					
14	Building for infirm men	New	\$91,800		75
28	Fire House and Fire Employees' Quarters	New	17,400		
32	Sewage Disposal Plant	Repl.	70,000		
49	Steam Tunnels	New	25,400		
50	Poultry Plant Additions	N & R	9,480		
66	Combined Carpenter and Paint Shop	Repl.	41,800		
			\$256,380		75
<b>PATTON STATE HOSPITAL:</b>					
9	Complete Receiving and Treatment Center	N & R	\$850,000	99	201
40	Auditorium and Chapel Building	Repl.	100,000		
43	Administration Building	Repl.	126,000		
67	New Boiler and Repairs to Power House	Repl.	68,500		
			\$1,144,500	99	201
<b>STOCKTON STATE HOSPITAL:</b>					
2	Storm Water Sewer System	New	\$67,500		
3	One Building for Women Patients	N & R	632,000	120	380
23	One Building for Female Patients	New	632,000		500
24	Auditorium and Chapel	Repl.	100,000		
51	Commissary, Warehouse	Repl.	55,000		
52	Garage and Automotive Repair Shop	New	18,000		
	Site		53,550		
			\$1,558,050	120	880
<b>TOTAL—MENTAL HOSPITALS</b>			<b>\$10,082,185</b>	<b>1,332</b>	<b>3,153</b>
<b>Homes for Feeble-Minded</b>					
<b>PACIFIC COLONY:</b>					
15	Ward Building, on present site	New	\$109,500		84
22	Ward Building, on present site	New	109,500		84
29	Addition to Laundry Building	New	70,360		
35	Ward Building, on present site	New	109,500		84
71	Building for Psychopathic Delinquent Girls	New	67,000		20
			\$465,860		272
<b>SONOMA STATE HOME:</b>					
17	Female Ward Building No. 3—To replace Maple Cottage	Repl.	\$149,920	81	19
18	Male Ward Building No. 2 at Dairy	N & R	130,840	32	68
30	Utilities for Portion of Building Program East of Highway	New	120,000		
37	500 H.P. Boiler in Present Plant	New	30,000		
38	Tubercular Hospital	N & R	283,000	98	142
39	Female Ward Building No. 4	New	130,840		100
42	Male Ward Building No. 8 at Farm	N & R	130,840	66	34
55	Slaughterhouse	Repl.	11,400		
57	Female Ward Building No. 1	N & R	130,840	77	21
58	Female Ward Building No. 2	N & R	130,840	56	44
68	Female Ward Building No. 5, for Infirm Patients	New	149,920		100
70	Building for Psychopathic Delinquent Girls	New	67,000		20
	Site		980		
			\$1,466,420	410	548
<b>TOTAL—FEEBLE-MINDED HOMES</b>			<b>\$1,932,280</b>	<b>410</b>	<b>820</b>

TENTATIVE POSTWAR BUILDING PROGRAM  
LANDS TO BE SECURED AT ONCE  
SCHEDULE 1—DEPARTMENT OF INSTITUTIONS Continued

**Institution for Delinquents**

Order of priority	Project	New or replace	Estimated cost	Capacity Replace	New
	<b>NEW INSTITUTION FOR DE- FECTIVE AND PSYCHOPATHIC DELINQUENTS:</b>				
1	Construction of Kitchen, Laundry, School, Industrial Building, Administration Unit, Service Facilities for ultimate institution, and quarters for 600 patients and hospital for 50 patients, including equip- ment for all units-----	New	\$2,750,000		650
	(Total construction cost of ultimate insti- tution for 1,100 patients, \$3,800,000.)				
	Site—approximately 1,000 acres-----		400,000		
	<b>TOTAL—INSTITUTION FOR DELINQUENTS</b>		<b>\$3,150,000</b>		

**Workshops for Blind**

	<b>WORKSHOP FOR THE BLIND, LOS ANGELES:</b>				
45	Complete Shop Structure, including manu- facturing, warehouse, sales and admin- istrative units-----	New	\$200,000		
	Site-----		15,000		
			<b>\$215,000</b>		
	<b>STATE BLIND SHOP, SAN DIEGO:</b>				
46	Complete Shop Structure, including manu- facturing, warehouse, sales and admin- istrative units-----		\$100,000		
	Site-----		10,000		
			<b>\$110,000</b>		
	<b>TOTAL—BLIND WORKSHOPS-----</b>		<b>\$325,000</b>		
	<b>TOTAL—DEPARTMENT OF INSTITUTIONS</b>				
	Construction-----		\$14,934,935		
	Sites-----		554,530		
	<b>TOTAL-----</b>		<b>\$15,489,465</b>		

SCHEDULE 2—YOUTH CORRECTION AUTHORITY

**Correctional Schools**

	<b>VENTURA SCHOOL FOR GIRLS:</b>				
2	Hospital and Receiving Building-----	N & R	\$270,000	33	47
3	Detention Building-----	Repl.	76,000	30	
4	Fire House and State Garage-----	New	17,500		
	<b>TOTAL—VENTURA SCHOOL FOR GIRLS</b>		<b>\$363,500</b>	<b>63</b>	<b>47</b>
	<b>FRED C. NELLES SCHOOL FOR BOYS:</b>				
5	Segregation Building-----	New	\$132,000		100
8	Hospital Addition-----	New	19,300		9
12	Replace Electrical Distribution System---	Repl.	12,826		
	<b>TOTAL—FRED C. NELLES SCHOOL FOR BOYS-----</b>		<b>\$164,126</b>		<b>109</b>



## TENTATIVE POSTWAR BUILDING PROGRAM

## LANDS TO BE SECURED AT ONCE

## SCHEDULE 2 YOUTH CORRECTION AUTHORITY—Continued

## Correctional Schools—Continued

Order of priority	Project	New or replace	Estimated cost	Capacity Replace	New
	PRESTON SCHOOL OF INDUSTRY:				
9	Complete Dairy Unit	Repl.	\$15,900		
14	Administration Building	Repl.	105,400		
6	Dormitory Building	Repl.	99,400	99	5
	Site		7,200		
	TOTAL—PRESTON SCHOOL OF INDUSTRY		\$227,900	99	5
	TOTAL CORRECTIONAL SCHOOLS Construction		\$748,326		
	Site		7,200		
	TOTAL		\$755,526		

## SCHEDULE 3—DEPARTMENT OF PENOLOGY

## Prisons for Men

	SAN QUENTIN STATE PRISON:*		
4	Dairy and Poultry Ranch	New	\$50,000
7	Smokehouse	New	15,000
	TOTAL—SAN QUENTIN PRISON		\$65,000
	FOLSOM STATE PRISON		
1	Reconstruct Kitchen, Dining Room and Bakery	Repl.	\$200,000
3	Industrial Building, including Jute Mann facturing Facilities		285,000
	TOTAL—FOLSOM STATE PRISON		\$485,000
	CALIFORNIA INSTITUTION FOR MEN:		
5	Sheep Units, Palomar	New	\$8,950
	Ground Improvements and Roads	New	6,600
	TOTAL—CALIFORNIA INSTITUTION FOR MEN		\$15,550
	SUBTOTAL—PRISONS FOR MEN		\$565,550

CALIFORNIA INSTITUTION FOR  
WOMEN:

1	Vocational Building and Auditorium	New	\$75,000
2	Farm Buildings	N & R	41,200
	Dairy		
	Poultry Unit		
	Hog Ranch		
	Smokehouse		
	Slaughterhouse		
	TOTAL—CALIFORNIA INSTITUTION FOR WOMEN		\$116,200
	TOTAL—DEPARTMENT OF PENOLOGY		\$681,750

\* Psychiatric hospital recommended for immediate construction—Senate Bill No. 82, appropriating \$735,000, now before the Senate.

TENTATIVE POSTWAR BUILDING PROGRAM  
LANDS TO BE SECURED AT ONCE  
SCHEDULE 4—VETERANS HOMES

Order of priority	Project	New or replace	Estimated cost	Capacity Replace	New
	VETERANS' HOME OF CALIFORNIA:				
1	Additional unit to existing hospital.....	New	\$180,000	104	
2	Convalescent Barracks.....	New	280,000	200	
4	Administration Building .....	Repl.	125,000		
			<hr/> \$585,000	<hr/> 304	
	WOMAN'S RELIEF CORPS HOME:				
	Rehabilitation of main building .....	Repl.	\$15,000		
	Improvements to central boiler plant.....	Repl.	7,950		
			<hr/> \$22,950		
	TOTAL—VETERANS' HOMES.....		\$607,950	304	

SCHEDULE 5—DEPARTMENT OF EDUCATION

Special Schools

	SCHOOL FOR THE DEAF:				
1	Kindergarten Dormitory .....	N & R	\$180,000	240	120
2	Intermediate Girls' Dormitory.....	N & R	180,000		
3	Intermediate Boys' Dormitory.....	N & R	200,000		
4	Advanced Girls' Dormitory.....	N & R	150,000		
5	Advanced Boys' Dormitory.....	N & R	195,000		
6	Razing Old Building.....	Repl.	45,000		
7	Ground Improvements and Utilities.....	New	75,000		
43	Boiler Plant and Sewer Lines.....	New	50,000		
35	Intermediate and Advanced School Building .....	Repl.	180,600		
	TOTAL—SCHOOL FOR THE DEAF.....		<hr/> \$1,255,600	<hr/> 240	<hr/> 120
	SCHOOL FOR THE BLIND:				
20	Kindergarten Addition .....	New	\$28,500		15
21	Library Addition .....	New	27,500		
	TOTAL—CALIFORNIA SCHOOL FOR BLIND		<hr/> \$56,000		<hr/> 15
	TOTAL SPECIAL SCHOOLS .....		<hr/> \$1,311,600	<hr/> 240	<hr/> 135

TENTATIVE POSTWAR BUILDING PROGRAM  
LANDS TO BE SECURED AT ONCE  
SCHEDULE 5—DEPARTMENT OF EDUCATION

State Colleges				
Order of priority	Project	New or replace	Estimated cost	Capacity Replace New
<b>CHICO STATE COLLEGE</b>				
8	Boiler and Maintenance Shops	Repl.	\$69,000	
37	Training School	Repl.	214,666	
	<b>TOTAL—CHICO</b>		<b>\$283,666</b>	
<b>FRESNO STATE COLLEGE</b>				
22	Repair Lighting Fixtures	Repl.	\$29,200	
26	Industrial Arts Shop	New	123,200	
40	Men's Gymnasium	New	288,000	
	Sites		114,500	
	<b>TOTAL—FRESNO</b>		<b>\$554,900</b>	
<b>HUMBOLDT STATE COLLEGE</b>				
25	Industrial Arts Building	Repl.	\$94,900	
	Sites		39,200	
	<b>TOTAL—HUMBOLDT</b>		<b>\$134,100</b>	
<b>SAN DIEGO STATE COLLEGE</b>				
24	Library Addition	New	\$67,200	
30	Sewer Line Replacement	Repl.	16,200	
38	Arts and Crafts Building	New	155,700	
	<b>TOTAL—SAN DIEGO</b>		<b>\$239,100</b>	
<b>SAN FRANCISCO STATE COLLEGE</b>				
9	Ground Utilities	Repl.	\$150,000	
10	Power Plant	Repl.	115,000	
11	Administration Building	Repl.	90,100	
12	Classroom Building	Repl.	275,700	
13	Science Building	Repl.	329,750	
14	Library	Repl.	289,700	
15	Gymnasium	Repl.	374,800	
16	Music Building	Repl.	232,000	
17	Speech Arts Building	Repl.	104,000	
18	Fine Arts and Home Economics Building	Repl.	197,250	
19	Manual Arts Building	Repl.	123,200	
	Site—approximately 2.2 acres of additional land to complete new site (S.B. 620 appropriates \$13,200 for this purpose)		13,200	
	<b>TOTAL—SAN FRANCISCO</b>		<b>\$2,294,700</b>	
<b>SANTA BARBARA STATE COLLEGE</b>				
27	Classroom Building	Repl.	\$149,800	
28	Physical Education and Health Building	Repl.	273,000	
29	Home Economics Building	Repl.	149,020	
30	Education and Psychology Building	Repl.	135,000	
31	Library	Repl.	252,600	
32	Administration Building	Repl.	90,100	
33	Auditorium, Music and Speech Building	Repl.	315,600	
34	Utilities and Ground Improvements	Repl.	140,000	
	<b>SUBTOTAL—CONSTRUCTION AND EQUIPMENT</b>		<b>\$1,505,120</b>	
	Site—Approximately 18 acres to complete new campus (S.B. 467 appropriates \$25,000 for this purpose)		25,000	
	<b>TOTAL—SANTA BARBARA</b>		<b>\$1,530,120</b>	
	<b>TOTAL—EDUCATION</b>		<b>\$7,016,486</b>	

TENTATIVE POSTWAR BUILDING PROGRAM  
SCHEDULE 6—UNIVERSITY OF CALIFORNIA

<i>Name of project</i>	<i>Estimated cost</i>	<i>Justification (see key below)</i>
<b>BERKELEY:</b>		
Engineering Group, Step 2-----	\$1,000,000	A,B,C,F
Chemistry Building-----	600,000	A,B,C,F
School of Public Health-----	1,500,000	A,G
Agriculture—Minor Items-----	50,000	A,B,D
Jurisprudence Building-----	675,000	A
Forestry Building-----	600,000	A
Completion—Library Stacks-----	200,000	A,E
	<u>\$4,625,000</u>	
<b>LOS ANGELES:</b>		
Library Stack Completion and Alterations-----	\$250,000	A,E
Engineering and Mechanics Arts-----	500,000	A,E
Ornamental Horticulture Development-----	35,000	A
Life Sciences, Unit 2-----	1,250,000	A,E,G
Social Sciences Building-----	750,000	A,E
Administration Building Wing-----	250,000	A,E
	<u>\$3,035,000</u>	
<b>DAVIS:</b>		
Veterinary Science School, Unit 2, *1-----	\$500,000	A
Truck Crops, etc., Plant Science-----	400,000	A,B,C,E,F
Poultry Husbandry-----	225,000	A,B,C
Low Temperature Laboratory-----	250,000	A,D,G
	<u>\$1,375,000</u>	
<b>SAN FRANCISCO:</b>		
Complete Teaching Hospital, *2-----	\$2,000,000	A,G
Nurses' Home-----	500,000	A,G
	<u>\$2,500,000</u>	
<b>LA JOLLA:</b>		
Pier Repairs-----	\$20,000	B
Rehabilitation of Buildings-----	25,000	B
Aquarium, Museum and Library-----	125,000	A,B,C
	<u>\$170,000</u>	
<b>IMPERIAL VALLEY:</b>		
Foreman's Cottage-----	\$5,000	A
Laborer's Cottage-----	3,000	B
Laboratory Construction-----	2,000	A
	<u>\$10,000</u>	
<b>MT. HAMILTON:</b>		
Fire Protection and Rehabilitation-----	\$70,000	A,B,C,F
<b>RIVERSIDE:</b>		
Insectary Addition-----	\$30,000	A
<b>Total, University of California-----</b>	<b>\$11,815,000</b>	
<b>Less: Estimated amount which can be defrayed from gifts, bequests and other sources-----</b>	<b>6,815,000</b>	
<b>Net Total from State Funds-----</b>	<b>\$5,000,000</b>	

*Justification Key*

A—Inadequacy	E—Reduction of Operating Costs
B—Obsolescence	F—Protection of Life and Property
C—Fire Risk	G—Maintenance of Public Health
D—Conservation of Resources	

\*1. Appropriation for \$500,000 unspent has continued over for 1943-45.

\*2. Appropriation for \$2,000,000 unspent has continued over for 1943-45.



TENTATIVE POSTWAR BUILDING PROGRAM  
SCHEDULE 7—DEPARTMENT OF AGRICULTURE

<i>Order of Priority</i>	<i>Project</i>	<i>Estimated cost</i>
<b>PLANT QUARANTINE STATIONS</b>		
1	Yermo	\$39,500
2	Daggett	31,120
7	State Lab	10,000
8	Vinton	8,450
<b>STANDARDIZATION INSPECTION STATIONS</b>		
4	Custar	5,150
5	Las Cruces	10,000
	<b>TOTAL</b>	<b>\$104,220</b>

SCHEDULE 8—DEPARTMENT OF FINANCE

<i>Project</i>	<i>New or replace</i>	<i>Estimated cost</i>
<b>STATE AGRICULTURAL SOCIETY</b>		
Livestock Coliseum	Repl.	\$530,000
<b>GOVERNOR'S MANSION</b>		
Construction, furnishings, equipment	Repl.	\$130,000
Site		20,000
		<b>\$150,000</b>
<b>TOTALS, DEPARTMENT OF FINANCE</b>		
Construction and equipment		\$660,200
Site		20,000
		<b>\$680,200</b>

SCHEDULE 9—OFFICE BUILDINGS

	<i>Estimated cost</i>	<i>Annual rental saving</i>
Extension of Capitol Building or a new building to provide additional net area of approximately 80,000 square feet. Additional space would be provided for legislators' offices, legislative stenographic and clerical staffs, Legislative Counsel, Bill Room, Legislative Auditor, Governor, Lieutenant Governor, Secretary of State, Attorney General, and press associations. Increased space would be provided to Controller and Department of Finance to enable centralization of all divisions of those agencies now scattered in other buildings.		
	\$1,500,000	\$17,000
New office buildings to replace office space now being rented in privately owned buildings:		
Sacramento—Social Security Building to house Departments of Employment and Social Welfare; approximately 180,000 square feet.		
Construction and equipment	\$1,890,000	
Site	250,000	
Total, Social Security Building	\$2,140,000	\$108,000
San Francisco—Approximately 112,000 square feet.		
Construction	\$1,200,000	
Site	300,000	
Total, San Francisco	\$1,500,000	115,000
Los Angeles—Approximately 175,000 square feet.		
Construction	\$1,900,000	
Site	400,000	
Total, Los Angeles	\$2,300,000	143,000
San Diego—Approximately 46,000 square feet.		
Construction	\$500,000	
Site (Donated to State)		
Total, San Diego	\$500,000	19,000
Total, replacement of rented space	\$6,440,000	\$385,000
<b>TOTAL—OFFICE BUILDING</b>		
Construction and equipment	\$6,990,000	\$402,000
Site	\$950,000	
Total	\$7,940,000	\$402,000

**Plans and Specifications With Actual Working Drawings to Be Prepared  
During the Coming Biennium for the Building Program Proposed**

The committee recommends that an appropriation be made available to the State Division of Architecture for the making of studies, preparing of plans, specifications and actual working drawings for the several State buildings included in the proposed program. These are to be prepared during the coming biennium so as to make effective the building program recommended herein as soon as hostilities end and material and manpower are available.

It is believed that 4½ per cent of the construction outlay proposed of \$36,551,767, or \$1,644,830, will be sufficient for this purpose.

By doing this preparatory studying and planning during the current biennium, there are three distinct advantages to be gained. (1) These plans, specifications and working drawings can be prepared in the time available with sufficient consideration to fitting them to the locations where the buildings are to go, properly coordinating them with existing buildings, and the ultimate plan of the institutions. (2) By having sufficient time to study the problem the most economic methods of construction and the largest possible standardization which is possible can be secured. This will serve to reduce both the cost of construction and subsequently the cost of operation. In particular, standardization of hospital buildings, homes for superintendents of hospitals and schools, buildings for guards and other employees can be accomplished. The State has never secured the maximum results along these lines. (3) Sufficient of these plans can be ready and on hand so as to let bids for construction work as soon as hostilities cease and material and manpower are available.

There are many other miscellaneous advantages to be gained by careful and concentrated planning where a sufficient period of time, at least two years, is available.

Detailed information and supporting data will be found in the following pages of this report. It is felt, however, that the facts generally necessary to consider the recommendations of the committee have been presented. Anyone desiring supporting information will find it in the following pages of the report or in the more comprehensive files above referred to.

**The Over-all Results to Be Accomplished by the Recommended  
Building Program**

The over-all results which will be accomplished if the building program previously recommended is adopted are as follows:

First of all, the institutions requiring land and water will have these supplied during the coming biennium. The land can be secured at reasonable costs and can be used in some instances to make certain institutions more nearly self-supporting. These added sites can be definitely considered as they will fit into the building program.

Second, the repair program will extend the life of the State's buildings and will cut down on depreciation, as well as making them more serviceable.

While the capital outlay program of \$36,551,767 does not entirely meet the needs of the State as they will exist at the close of the coming biennium, June 30, 1945, it will do much to relieve the overcrowding in our institutions and it will provide much of the office space now being rented, and in the case of the Legislature it will immediately give this body adequate offices for their functioning. The whole program will make up for the suspension of building which came with the World War, and which will continue over three or more years. It will make possible for the State to keep abreast of all building needs by making a more modest appropriation biennially, and if this is done no accumulated building needs running into many millions of dollars will be required in the future.

As respects the University of California and the State colleges, it will place them in a condition to meet a return of their student bodies with the close of the World War. In the case of the State colleges at Santa Barbara and San Francisco, it will make it possible for them to move as an operating institution to their new sites. This could not be done without a very large appropriation in each institution for it is difficult to move a part of a college and operate satisfactorily on campuses separated by several miles.

**Senate Resolution No. 151**

(Senate Journal June 14, 1941, page 2783)

Relative to the creation of a Senate Committee to Study State Building Needs

WHEREAS, While the need for improvements at certain of the State institutions is extremely pressing, it appears that it would be inadvisable for the State to embark in the immediate future on any comprehensive building program in competition with the construction activities of the Federal Government during the existing National emergency; and

WHEREAS, It further appears that the cost of a comprehensive building program should be paid from any excess of revenues over expenditures under existing Revenue Laws; and

WHEREAS, In spite of the fact that the need for additional space to house the officers and the employees of the State has grown in recent years, no comprehensive plan has yet been made for the orderly construction of buildings adequate to meet that need; and

WHEREAS, The report of the Subcommittee of the Senate Committee on Finance on a State Building Program, appearing on page 2407 of the Senate Journal for June 6, 1941, was adopted unanimously by the Senate upon a roll call vote; and

WHEREAS, In that report the subcommittee recommended among other things, that an Interim Committee of the Senate be appointed to make a thorough investigation and to report to the Legislature when it next convenes on the need for and the cost of a plan adequate to care for all State agencies and institutions, and that when the report of such interim committee has been prepared, a special session of the Legislature be called to enact legislation to carry into effect such of the recommendations as seem to it fit and proper; now, therefore, be it

Resolved by the Senate of the State of California, That a Senate Investigating Committee on State Buildings and Construction, to consist of five Members of the Senate appointed by the Senate Committee on Rules is hereby created, which committee shall study and survey, accurately and in detail, all facts and acts relating to or touching upon the need for and the cost of a plan adequate to care for all State agencies and institutions and to consider a comprehensive State building, construction and improvement program and shall report to the Senate not later than March 15, 1943, or at any special session of the Legislature called to consider the subject, its recommendations for legislation; and be it further

Resolved, That the committee shall consist of three Members of the Senate appointed by the Committee on Rules of the Senate. Vacancies in the membership of the committee occurring at any time shall be filled by the Committee on Rules of the Senate.

The committee in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon Senate committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly, as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such Rules may be exercised by the committee after the final adjournment of this session; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership, and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such Rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;

(9) To file a report with the Senate during any session of the Fifty-fourth Legislature and with the Senate during the regular session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and the production of testimony; and



(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths and the Sergeant-at-Arms of the Senate or persons designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

*Resolved*, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the Controller upon the State Treasurer.

(Senate Journal, January 20, 1943—Page 145)

#### Consideration of Senate Resolution No. 31

Relative to the Senate Investigating Committee on State Building and Construction created by Senate Resolution No. 151, adopted June 14, 1941

*Resolved by the Senate of the State of California*, That the Senate Investigating Committee on State Buildings and Grounds created by said Senate Resolution No. 151, is continued as a committee at this session, with those members it had on January 1, 1943, who are now Members of the Senate and with all the powers and duties defined and conferred by said Resolution No. 151, with power to act until the making of its final report to the Senate, the date for which is extended to April 15, 1943; and there is hereby made available from the Contingent Fund of the Senate at this session for expenses of the committee and its members and for any expenses, charges, or claims it may incur, to be disbursed as in said Resolution No. 151 prescribed, a sum of money equal to the unexpended and unencumbered balance of the amount originally made available by said Resolution No. 151.

#### Explanatory Statement of Report

At each session of the Legislature, under normal conditions, there has been presented by the various institutions and agencies of the State a building program and many special bills have been introduced to provide buildings, lands and office space for the various State agencies. In addition to this, many of the State departments ask for large appropriations in the budget for the purpose of paying rent for space occupied by the agency.

The total amount of the appropriations requested for the construction of buildings and the rent of additional quarters has varied from biennium to biennium and has increased with the growth of the State so that now it approximates ten million dollars a biennium.

In spite of the fact that the State has appropriated large sums of money for building in the past and has had several proposed ten-year building programs, no coordinated building program has ever been adopted or followed by the State.

The appropriations for building needs have been sporadic; that is, an accumulated need has grown up and then a relatively large appropriation has been made to try and catch up. This occurred in 1931 during the Rolph administration when it was coupled with a desire to help relieve unemployment. Moreover, the building requirements to provide for normally increasing population have not always been supplied and an accumulation of overcrowding in the mental hospitals and other custodial institutions has never been fully met. This has resulted in continuing the use of obsolete and hazardous structures.

A definite plan of meeting obsolescence and depreciation generally has not been carried into effect. Neither has a definite program of repair been carried forward. Frequently money which should have been expended on repair has been expended for new capital outlay in order to meet expansion demands.



The result has been that inmates in our institutions have in many instances been overcrowded, and in certain instances they have been housed in structures that have been condemned as hazardous by the Fire Marshal and unfit when measured by proper health standards.

It is apparent that the several so called "Ten Year Building Programs" have not been carried into effect.

It is also very clear that the actual construction itself has not been carried on in the most economical manner so that the State might receive the greatest return for the money invested. Hospital and institutional buildings have not been standardized so as to hold to a minimum operation and maintenance costs. The wide difference in costs for buildings for practically the same purpose as between institutions and agencies, such as the cost of superintendents' houses at the State hospitals and for similar educational buildings at the various State colleges, on their face indicate that these differences should be questioned.

The cessation of building by the State, resulting from the present World War, will produce an accumulated building need which must be met when this can be done. Practically no building was done by the State to meet its housing needs during the present biennium, 1941-42. Obsolescence and depreciation will continue and the growth of the State will enlarge the demand for more building, and the already accumulated need will pyramid.

*New Institutions.* In addition to the building needs of existing institutions, the Legislature has already approved the removal of two educational institutions from their present locations to new sites. These new sites for the San Francisco State College and the Santa Barbara State College have already been purchased. The Legislature has also already approved certain entirely new institutions but has made no appropriation for buildings. One of these is a building for defective and psychopathic delinquents. Another is for a psychiatric building for insane criminals at San Quentin. The third, for which no buildings have been provided but the institution has been established, is the Youth Correction Authority.

*The Problem of Rented Space.* At the State Capitol and at San Francisco and Los Angeles the State rents a very large amount of space for the various State agencies. While the rent paid in general is at favorable rates, nevertheless the total sum paid in rent would amortize the State's investment in buildings of its own to provide this space and, in addition, the space provided could be coordinated with the other State offices and the needs of the State so as to produce a greater efficiency and economy.

San Diego presents a special problem for not only does the State rent considerable space but location is such that these offices are to a degree isolated from other State offices. The City of San Diego has donated a site for a building to cost \$500,000 or more.

The committee, after going over the San Diego situation first hand on the ground, approved a State building for San Diego.

*The Repair Problem.* No definitely planned repair program for State buildings, adapted to maintaining these buildings in good condition and extending their life and usefulness, has ever been devised or operated for the State. Prudent business management demands that such a program should be made effective. The advice of the State Architect should be secured in this matter.

*Advance Planning and Economy.* A brief consideration of the whole problem of the State's building needs clearly indicates that in order to meet the situation which will be presented when this World War ends and the State can once again resume its building, together with the problem of the need to relieve unemployment, advance planning is highly desirable. This advance planning is essential, not only to determine what the State requires but also is necessary to work out the detail of the building program itself and the plans for building so that the State may not only have a plan but may also adopt the most economical procedure and be ready to start operations when building can be resumed and when jobs should be available for our returned soldiers.

Although this Senate committee was created by Senate Resolution No. 151, adopted June 14, 1941, it was expanded by Senate Resolution No. 131, adopted January 20, 1943, and has continued its studies up to April 15, 1943, so that all of these matters have motivated and guided the committee in its consideration.

#### Operation of Committee

After organization of the committee on October 14, 1941, it proceeded at once to hold hearings and make investigations.

#### State Architect

State Architect Anson Boyd offered the services of his division and the committee requested that he prepare a report to the committee on what buildings were needed indicating the priority ratings of the construction of such buildings.

### Institutions

The committee called before it Carl Applegate, Deputy Director of Institutions, to report to the committee on the conditions of the institutions and the future building requirements. He expressed the hope that the committee would examine all of the institutions and consider the fact that the Fire Marshal had reported that housing capacity for 6,176 beds had been condemned. He also stated that the mental hospitals are housing 18 per cent more than normal capacity.

The testimony of Mr. Applegate indicated that the program covered by the appropriations of 1939 had not been carried out and in particular the 500-bed ward which would have eliminated the most serious housing problem had not been completed, and that bids were not put out until July of 1941, although the money was appropriated in 1939. All members of the committee emphatically stated that when the Legislature appropriated an amount of money for a certain unit or building it should be used for that purpose and not transferred to another fund for another use.

### Folsom

Mr. Clyde I. Plummer, Warden at Folsom Prison, was called to submit a plan covering the construction requirements of that institution for the ensuing 10 years.

### University of California

Mr. James H. Corley, Comptroller of the University of California, presented a 10-year building program for the University for its seven campuses amounting to \$30,000,000. He also requested that since the \$2,000,000 Medical School in San Francisco and the \$500,000 Veterinary School in Berkeley can not be constructed during the war that these appropriations made by the 1941 session of the Legislature be continued in effect.

### Inspection Trips

After reviewing the testimony before it and the general problem of the building needs, the committee concluded that in order to satisfactorily consider the entire matter it would be necessary to inspect the buildings at the State institutions and other State buildings.

The committee made six inspection trips, devoting 11 days to personally examining State buildings. In each instance buildings were carefully examined and the needs of the particular institution or agency considered with a responsible administrator of the particular agency concerned. In particular, the matter of overcrowding, fire hazards and health conditions were inquired into. The need for additional lands at each institution was considered. The following institutions and agencies were visited by the committee on the dates indicated:

Agnews State Hospital	October 23, 1942
Camarillo State Hospital	November 19, 1942
Mendocino State Hospital	December 9, 1941
Napa State Hospital	December 9, 1941
Norwalk State Hospital	November 17, 1942
Pacific Colony	November 18, 1942
Patton State Hospital	November 17, 1942
Sonoma State Hospital	December 8, 1941
Stockton State Hospital	January 12, 1943
California School for the Blind	October 30, 1942
Industrial Home for Adult Blind	October 30, 1942
California School for the Deaf	October 30, 1942
Ventura School for Girls	November 19, 1942
California Institution for Men	November 18, 1942
California Polytechnic School	February 26, 1943
Fresno State College	February 25, 1943
San Francisco State College	February 24, 1943
San Jose State College	October 23, 1942
Santa Barbara State College	November 19, 1942
University of California	October 30, 1942
San Diego (To investigate need for a State building)	October 22, 1942

No detailed statement will be presented concerning the conditions found in each institution since it was concluded that the general condition of unsatisfactory housing and overcrowding could be solved in the case of the institutions by the department itself, taking into account the problem as a whole and the nature of the patients to be cared for. The detailed allocation of the buildings to be constructed will therefore be shown in an attached schedule.

### Conditions to be Remedied

It is the general conclusion of the committee that remedies should be found for adverse conditions that exist. For example, at Stockton where women inmates are housed in a building that is antiquated and a distinct fire hazard; such as

exist at Agnew, where fifty women patients are sleeping on the floors; the insanitary kitchen and inadequate refrigeration at the Mendocino State Hospital; the 4-story main building at Napa constructed in 1876, a part of which can not be used because of the fire hazard; the overcrowding of approximately 16 per cent, with patients in the main building at Napa, occupying halls and alcoves; the administration building at Patton, damaged by earthquake so that the upper story has been removed, at Sonoma State Home, the patients sleeping on the floor.

Both the representatives of the Department of Institutions and the newly created Youth Correction Authority concur in that the first priority should be the new institution for defective and psychopathic delinquents. While this is a new institution, those who are specialized in the care and treatment of both delinquents and those mentally deficient join in this recommendation, that if only one service can be provided, this one should be given right of way. The committee concurs in this recommendation.

#### *Penal Institutions*

An examination of the penal institutions clearly demonstrated that there are a considerable number of the inmates who have a deteriorated mental condition, that they should be segregated from the other prisoners and treated for this condition. It appears to be wise to centralize this treatment at San Quentin. The Legislature, at a prior session, approved the building of such an institution but did not appropriate money. This item should be given early priority.

#### *Maritime Academy*

(See section on Conclusions and Recommendations, Page 2841)

#### *Schools for the Blind and the Deaf*

A number of buildings in these two institutions for physically handicapped children are unsatisfactory for their safety and care. In addition, there is a waiting list. Since a small expansion will meet the full requirement to assist these handicapped, and since their education will make them self-supporting, it seems highly desirable that the State include a building program at these institutions to meet this situation.

#### **Recommendations and Detailed Explanation of Proposed Program**

*Land and Water.* Previously we have indicated the land and water to be acquired for the State agencies and institutions during the current biennium. Further detailed information will be found in connection with each institution and agency requesting building which must be placed on new sites. Further details will be found in the supporting documents attached to this report as exhibits.

There are some institutions where construction is necessary to make water available and where no new lands or water rights need to be secured. The two outstanding cases of this are in relation to the water supply for the Preston School of Industry at Lone and the Rector Canyon Dam to supply water to our Napa institutions.

At Preston the State owns water rights on Sutter Creek but a dam must be constructed and the ditch improved to make this water supply available to the Preston School. This should be given early consideration for the reason that if this water is made available more crops can be produced by the institution. The other historic case involving water supply is the Rector Canyon Dam on the Napa State Farm. Money has been appropriated and is available for the construction of this dam. This money will not revert. It is recommended that the completion of this dam now held up by priorities be effected as soon as possible so that a more adequate water supply will be available to the Veterans' Home, Napa State Hospital, the Game Farm and the Napa State Farm.

The adequacy of the water supply at the Norwalk State Hospital, and the problem of a water softening plant at the Camarillo State Hospital should be studied by the Division of Water Resources.

*Repairs.* The program of repairs previously discussed is more comprehensively covered in the attached report of the State Architect addressed to the Legislative Budget Committee on February 24, 1943. Beginning on page 37 of this report and concluding on page 40, detailed schedules showing the State's needs are presented. The grand total is shown to be \$3,716,900. This will be adjusted somewhat to coordinate it with the capital outlay program where necessary.

*Capital Outlay—\$38,275,397.\** A capital outlay program for each department and institution as presented to the committee is attached hereto. These requests have been arranged in the priority order established by themselves. Subsequently this was reviewed by the Legislative Auditor representing the Building Committee, the Deputy Director of Finance Mr. James Dean, and the technical staff of the

\* See tabulation sheets for explanation.



Department of Finance headed by Mr. Ellis Groff, representatives of the departments concerned, together with the State Architect, Mr. Anson Boyd, and members of his staff. In this way the most pressing needs of the institutions and agencies have been listed in their order of importance. This selection was substantiated after careful review of the situation. While the committee report differs in some respects from the recommended schedule prepared by the Department of Finance at the request of the Citizens' Tax Committee as indicated on page 9 of their report, the various buildings recommended are substantially the same. The exceptions have been explained.

### *Building Plans*

In the summary recommendations we have specifically suggested that four and one-half per cent of the building costs be appropriated immediately so that the State Architect may prepare plans for the entire building program. This has been approved for several reasons. First of all, the planning for State institutions and buildings has not been entirely satisfactory. As respects the State institutions, the committee suggests that there should be a master plan for all these institutions and that model plans should be available for typical buildings. These should be constructed with a view to economy in construction, but also with the idea of reducing operations to the minimum. The committee was impressed with the new ward building at Patton as a possible model. The committee also viewed with some criticism the costs to the State for residences for superintendents of institutions that exceed in value and luxury the average private homes of persons in private life holding positions of comparable responsibility. They also questioned the reason for the wide range in costs for residences for similar officers in different institutions.

The committee feels that provisions for surgery, dental examination and treatment and X-ray departments should be in one building for greater efficiency. The service buildings for the institutions should be located in relation to the other buildings of the institution.

There should likewise be a master plan for the State colleges and the special schools so that they may be coordinated with the greatest efficiency.

Plot plans should be available for every institution and building and the location of plumbing, wiring and underground sewage should be carefully entered on the map so that future repairs and alterations can be carried on with the greatest facility.

Plans for the new buildings should fit into the master plan. These plans should be prepared during the coming biennium and be available for use as soon as manpower and materials can be secured. The committee believes that the time intervening will make it possible to do a better job of planning with due regard to the need of the institutions and for economy than has been accomplished in the past. They are counting on these desirable results.

### *Small Capital Outlay Items*

A number of the institutions and agencies included rather small capital outlay items in their suggested programs. Some of these only called for a few hundred dollars in amount and they are in the nature of items that will occur regularly each biennium. They might very well be characterized as "incidental capital outlay." The committee is of the opinion that much of the incidental capital outlay of this nature which occurs periodically should be included in the biennial budgets and should not be considered in the larger capital outlay program under consideration. These smaller items, therefore, have been left out of this report.

### *Supporting Information*

We are filing copies of the following information secured from the institutions and agencies concerned as supporting data for the capital outlay program with the Legislative Budget Committee.

#### *Department of Institutions:*

- a. Letter from Carl Applegate, Deputy Director, of April 16, 1943, to Director of Finance on the general needs of the institutions for buildings.
- b. Schedule of Major Construction, Improvements and Equipment for Legislative Postwar Building Program, arranged according to priority of items.
- c. Schedule of Major Construction, Improvements and Equipment for Legislative Postwar Building Program, arranged according to institutions.

#### *Youth Correction Authority:*

- d. Summary Schedule.

#### *Department of Penology:*

- e. Folsom, San Quentin and California Institution for Men—Postwar Activities.
- f. Institution for Men at Chino—letter from Forrest R. Walker re increasing housing and storage facilities.
- g. California Institution for Women—Proposed Construction Projects.



## Department of Military and Veterans' Affairs:

- h. Veterans' Home of California—Schedule of Major Constructions, Improvements and Equipment.

## Department of Education:

- i. Capital Improvement Needs of the California State Colleges and the California Schools for the Blind and Deaf.
- j. Letter from Joel A. Wackman listing additional lands needed by the California State Colleges.
- k. California Maritime Academy—Letter re status and needs of Academy from Captain Mayo to Governor Warren.
- l. California Maritime Academy—Proposed Construction and Equipment Budget of Immediately Essential Items.

## University of California:

- m. Supporting Statement.
- n. Letter from President Sproul.

## Department of Agriculture:

- o. Schedule of Preferred Projects.
- p. State Agricultural Society—Public Works Reserve Program.

## Office Buildings:

- q. Letter from J. F. Armstrong to James Dean, April 6, 1943, re State owned and rented office space.
- r. "A Proposal to Solve Need for Proper Housing of the State Legislature and Administrative State Agencies in the State Capitol."

## Summary:

- s. Report, "Report on Capital Improvements Program, Institutions, Colleges, and Other State Properties as Submitted by State Agencies," prepared by Division of Architecture, February 24, 1943.

**MOTION TO PRINT ADDITIONAL COPIES**

Senator McCormack moved that 250 paper-bound copies of the Report of the Interim Committee on Building be printed.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 11.25 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 642**—An act to repeal Part 4 of Division 2 of the Revenue and Taxation Code, relating to motor vehicle transportation license taxes.

Bill read third time.

**Previous Question**

Senator Burns moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 642.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Salsman, Seawell, Shelley, Swan, Tenney, Tickle, and Ward—30.

**NOES**—Senators Breed, Collier, DeLap, Powers, Rich, Slater, and Swing—7.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1381**—An act to amend Section 162 of, and to add Section 164.1 to the Military and Veterans Code, relating to The Adjutant General.

Bill read third time.

**Motion to Amend**

Senator Seawell moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, after "act", insert "to amend Section 162 of, and".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "the compensation of".

**Amendment No. 3**

On page 1, line 1, of said bill, after "SECTION 1", insert "Section 162 of the Military and Veterans Code is amended to read:

162. The Adjutant General shall be appointed by *the Governor with the advice and consent of the Senate*, and *shall* hold office at the pleasure of the Governor, or until his successor is appointed and has qualified. No person is eligible for appointment as Adjutant General unless he had attained the grade of field officer and has had four years previous experience as a commissioned officer in command, or in service with troops of the line of this State, or of another State or Territory, the District of Columbia, or the United States Army or Marine Corps, or in any or all of such services combined.

SEC. 2".

**Amendment No. 4**

On page 1 of the printed bill, strike out lines 7 to 14, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RECESS**

At 11.30 a.m., on motion of Senator Seawell, the Senate recessed until 11.35 a.m.

**REASSEMBLED**

At 11.35 a.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 6**—An act to amend Sections 50 and 372 of the Vehicle Code, relating to the definition of "Unladen Weight" and the payment of weight fees for commercial vehicles;

**Senate Bill No. 48**—An act to amend Section 221 of the State Civil Service Act, relating to preferences to veterans and their widows in examinations;

**Senate Bill No. 100**—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property;

**Senate Bill No. 105**—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of feeble-minded persons and epileptics;

**Senate Bill No. 108**—An act to amend Section 39 of the Public Utility District Act, relating to public utility district taxation;

**Senate Bill No. 111**—An act to amend Sections 423, 450 and 452 of the Probate Code, relating to the administration of estates of decedents;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 433**—An act to amend Sections 318, 473 and 613.2 of, and to add Section 614 to, and to repeal Section 653 of, the Streets and Highways Code, relating to the State highway routes and adding a new route;

**Senate Bill No. 463**—An act to amend Section 692 of the Political Code, relating to the approval of real property contracts by the Director of Finance;

**Senate Bill No. 464**—An act to amend Section 675a of, and to add Section 675b to, the Political Code, relating to approval of contracts by the Department of Finance;

**Senate Bill No. 551**—An act to add Sections 695.4 and 695.5 to the Political Code, relating to services furnished by State agencies, and repealing Section 695 of the Political Code, as added by Chapter 923, Statutes of 1933;

**Senate Bill No. 554**—An act to add Sections 6210.3, 6210.4 and 6220 to the Public Resources Code, relating to reservations of easements for convenient access, in sale, lease or rental of State-owned lands, and to acceptance of quitclaim deeds by the State Land Commission;

**Senate Bill No. 570**—An act to amend Sections 10203, 10204, 10209 and 10213 of, and to add Section 10203.6 to, the Insurance Code, relating to insurance; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 679**—An act to add Section 2521.5 to the Penal Code, relating to prison employees appointed by the wardens;

**Senate Bill No. 706**—An act to add Chapter 33 to Part 6, Division 1 of the Revenue and Taxation Code, relating to real property taxes, and declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 736**—An act to amend Section 1590 of the Labor Code, relating to bonds of employment agencies;

**Senate Bill No. 741**—An act to amend Section 2352 of the Labor Code, relating to conditions of places of employment;

**Senate Bill No. 747**—An act to amend Section 970 of the Fish and Game Code, relating to crab traps;

**Senate Bill No. 801**—An act relating to office and working hours and the payment of overtime compensation, to add Sections 73 and 73.5 to the State Civil Service Act in connection therewith and declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 964**—An act to add Section 276.5 to the Vehicle Code, relating to drivers' license;

**Senate Bill No. 1044**—An act to add Section 4460 to the Labor Code, relating to workmen's compensation;

**Senate Bill No. 1088**—An act to add Section 123.1 to the Bank Act, relating to travel expense of the State Banking Department;

**Senate Concurrent Resolution No. 30**—Relative to use of true names by State employees;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## MESSAGES FROM THE ASSEMBLY

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1104

Senate Bill No. 1112

Senate Bill No. 1115

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWBRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 40

Senate Concurrent Resolution No. 44

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 76

Senate Bill No. 308

Senate Bill No. 602

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from file:

Senate Bill No. 549

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 716

Assembly Bill No. 1238

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 198

Senate Bill No. 270

Senate Bill No. 414

Senate Bill No. 752

Senate Bill No. 1081

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 64

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk



## FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

**Assembly Concurrent Resolution No. 56**—Relative to settlement of Jewish refugees in Palestine.

Referred to Committee on Rules.

**Assembly Concurrent Resolution No. 64** Relative to discontinuing the use of a dated symbol on the stationery of the Members of the Legislature.

Referred to Committee on Rules.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 138

Senate Resolution No. 139

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 134

Assembly Joint Resolution No. 50

Assembly Concurrent Resolution No. 65

Assembly Joint Resolution No. 51

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 2015

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

SEAWELL, Chairman

Above reported bill ordered to second reading.

## Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried. Time, 11.56 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## President of the Senate Presiding

At 11.58 a.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, May 4, 1943

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith without my signature Senate Bill No. 375, entitled: "An act to amend Sections 2893, 2896, 2897 and 2898 of the Elections Code, relating to ballots in case of the death or disqualification of a candidate."

My objections to this bill are as follows:

Two of the sections amended by the bill are Section 2893 which enumerates those cases in which a vacancy on the ballot for a general election shall be filled, and Section 2897 which requires the printing of a candidate's name upon the ballot for the primary election unless he has died. The author of the bill advises me that the only intent and purpose of the bill was to provide that if the death of a candidate occurred 30 days before the date of either the primary or general election, his name should not be printed on the ballot; the existing law requires the printing of the candidate's name on the ballot unless his death occurred at least 25 days before the election. However, while the bill was being considered by the Legislature certain language now present in the two sections above referred to was stricken out. That language provides for the disqualification of a candidate—and a resultant vacancy on the ballot at the general election—if he fails to secure the nomination of the party with which he was affiliated on the date "his declaration of acceptance of nomination was filed." Due to the omission of this language, the effect of the bill would appear to be as follows: Whereas a candidate would be disqualified if he failed to obtain the nomination of the party with which he was affiliated on the date his declaration of candidacy was filed, he would not be disqualified if he had entered the contest by declaring his acceptance of nomination prior to the primary election; the Attorney General advises me that in his opinion such would be the result of the enactment of the measure.

This would be a change in the existing law of some importance and one which was inadvertently not given due consideration by the Legislature; it was not until after the bill had been delivered to me that the author himself realized the effect of the measure.

Under these circumstances I feel that I should withhold my approval. The Legislative Counsel states that amendments have been prepared to another bill which will incorporate the purpose of the author of this measure, in order that a bill may be passed which will accomplish what he intended.

Respectfully submitted.

EARL WARREN, Governor

Senate Bill No. 375 ordered to the unfinished business file.

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, May 4, 1943

*To the Honorable Members of the Senate  
State of California, Sacramento, California*

GREETINGS: I am returning herewith without my signature Senate Bill No. 608, entitled: "An act to amend Section 644 of the Penal Code, relating to habitual criminals and parole."

My objections to this bill are as follows:

The bill amends Section 644 of the Penal Code, commonly known as the Habitual Criminal Law, by adding three paragraphs which provide (1) that the Board of Prison Terms and Paroles may parole any prisoner subject to the provisions of the section after he has served seven years if none of his convictions was a crime of violence or committed by the use of force or threats of violence; (2) that the board may parole any such prisoner after he has served 12 years if only one of his convictions was a crime of violence or committed by the use of force or threats of violence; and (3) that the provisions above summarized shall apply to all prisoners now serving time in State prisons.

The bill would emasculate the Habitual Criminal Law. For 15 years the present statute has embodied the sound principle that where an individual has by his anti-social conduct demonstrated that he is a recidivist with incorrigible tendencies, he should be isolated permanently from society or confined for an extended period. To that end this law was placed upon the statute books. Through the years which have intervened since its first enactment its originally drastic terms have been modified until at present it applies only to those who have been previously convicted of certain specified felonies and, even in those cases, the committing court has discretion to provide that the defendant shall not be ineligible for parole. Under this bill a prisoner whose criminal record included convictions of grand theft,

arson, extortion, bribery, perjury, and receiving stolen goods would be eligible for release on parole after serving seven years, which, by the earning of time credits while in prison, might be reduced to four years, nine months. And a prisoner whose record included two or more convictions of the above mentioned felonies and also one conviction of murder, robbery, kidnapping, or rape with force and violence could be paroled after serving 12 years or a "net" time of less than eight years. In my opinion, where a trial court has not exercised the discretion which the present law vests in it to except a defendant from the operation of the Habitual Criminal Law, the Board of Prison Terms and Paroles should not be empowered to extend such leniency.

In addition, it should be noted that the bill would make it necessary for the board to find, as to each conviction suffered by a prisoner, whether or not it was a "crime of violence or a crime committed by the use of force, violence, threats of force, or threats of violence," in determining whether the prisoner was eligible for parole. I can not see how it would be practically possible for the board to decide that question as to a previous conviction of burglary or extortion, for example, which occurred in another State many years prior to the time when the board was called upon to review the man's case.

I sincerely believe in the parole system properly administered and supervised. I have urged—and the Legislature has passed—a bill which will make it possible for a man who has served his time and paid his debt to society to have his rehabilitation judicially established and earn a full pardon. But I also believe that the safety of life and property requires the mandatory confinement for an extended period of those whose conduct has demonstrated that they constitute a menace to society. The legislative committees of the District Attorneys' Association, the Peace Officers' Association, and the Sheriffs' Association have expressed their disapproval of the bill as impairing materially the substance of the Habitual Criminal Law, and I concur in their opinion.

Respectfully submitted,

EARL WARREN, Governor

Senate Bill No. 608 ordered to the unfinished business file.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Conference concerning:

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

McBRIDE  
GORDON  
BROWN

Senate Committee on Conference

POTTER  
SHERIDAN  
DOYLE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jaspersen, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—24.  
**NOES**—None.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.10 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1071**—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Tenney—23.

NOES—Senators Carter, Cunningham, Salsman, and Ward—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1081**—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1692**—An act to amend Sections 50, 51, 54, and 55 of the Fish and Game Code, relating to game management areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 537**—An act to amend Section 6 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to county peace officers' retirement system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 153**—An act to amend Section 103½ of the Code of Civil Procedure, relating to justices' clerks in cities and towns.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—20.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 674**—An act to repeal Article 2, consisting of Sections 321 to 324, inclusive, of Chapter 1 of Division 3 of the Agricultural Code, relating to foreign cold storage meat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1391**—An act to amend Sections 7301, 7303, 7304, 7351, 7352, 7402, 7405, 7501, and 7604 of, and to amend and renumber Section 7306 to be Section 6210.3 of, and to add Sections 8103 and 10017 to, the Public Resources Code, relating to the sale and exchange of land, and granting and taking rights and interests therein, by the State and its political subdivisions, repealing acts and parts of acts therein specified.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Slater, Swing, Tenney, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 12**—An act to amend Section 501 of the Elections Code, relating to election precincts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1346**—An act to amend Section 14427 of the Business and Professions Code, relating to the registration of container brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1348**—An act to amend Section 14483 of the Business and Professions Code, relating to the registration of laundry supply designations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1485**—An act to amend Section 412 of the Political Code, relating to the Secretary of State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 902**—An act to amend Section 8 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—27.

NOES—Senators Carter, Cunningham, and Powers—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 903**—An act to amend Section 7 of the Corporation Income Tax Act, relating to corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—Senators Carter and Powers—2.

Bill ordered transmitted to the Assembly.

## Senator Hatfield Presiding

At 12.20 p.m., Senator Hatfield of the Twenty-fourth District, presiding.

**Assembly Bill No. 1399**—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Tickle—27.

**NOES**—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1396**—An act to amend Section 4 of the Corporation Income Tax Act of 1937, relating to corporation taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1824**—An act to amend Sections 26825 and 26826 of the Health and Safety Code, relating to foods and drugs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swing, Tenney, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 178**—An act to add Section 18191.5 to the Education Code, relating to the powers and duties of the State Division of Architecture with respect to protection from fire and panic hazard.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Brown, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

**NOES**—Senator Carter—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 561**—An act to add Section 5.750-1 to the School Code and to add Section 13841.1 to the Education Code, relating to leaves of absence for persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO RESCIND

Senator Jespersen moved that the Senate rescind its action whereby Assembly Bill No. 178 was passed.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried. Time, 12.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1259**—An act to amend Section 5.402 of the School Code, and to add Section 13003.1 to the Education Code, relating to persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—30.

**NOES**—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, comprising Sections 5.725 to 5.725q, inclusive, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, comprising Sections 13701 to 13718, inclusive, relating to emergency leaves of absence, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—32.

**NOES**—Senator Tickle—1.

Bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 12.35 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the action whereby Assembly Bill No. 178 was passed, was rescinded by the following vote:

**AYES**—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Tickle, and Ward—28.

**NOES**—Senators Hatfield, Keating, Salsman, Slater, Swan, Swing, and Tenney—7.

**MOTION TO RE-REFER ASSEMBLY BILL NO. 178**

Senator Jespersen moved that Assembly Bill No. 178 be re-referred to Committee on Education.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

**MR. PRESIDENT**—I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately;

And appointed Messrs. Robertson, Allen, and Wollenberg as a Committee on Conference to meet a like committee from the Senate.

**ARTHUR A. OHNIMUS**, Chief Clerk of the Assembly  
By **HAROLD F. LEWRIGHT**, Assistant Clerk

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT**—Your Committee on Rules announces the appointment of Senators Collier, Swing, and DeLap as a Senate Committee on Conference concerning Assembly Bill No. 1538 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

**SEAWELL**, Chairman

**UNFINISHED BUSINESS (RESUMED)**

**Consideration of Assembly Amendments**

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 998?

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 3 to 28, inclusive; and on page 2, strike out lines 1 to 33, inclusive, and insert

"Sec. 59. In determining whether an individual who performs seasonal work is available for work during nonseasonal periods of the employment in which he works seasonally, the commission shall give consideration to the work history of the individual, including his leaving of work without good cause and the existence and refusal of work opportunities for him both during the season and the off-season for three years immediately preceding his period of unemployment. If it is determined that an individual is not ordinarily available for work during the nonseasonal periods of an employment in which he works seasonally, the commission shall consider him as available for work only during the season or seasons of the employment in which he has been previously engaged."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 998 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Brown, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, and Ward—29.

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1975**—An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain any otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Burns moved the adoption of the following amendments:

**Amendment No. 1**

On page 4 of the printed bill, strike out lines 18 to 21, inclusive.

**Amendment No. 2**

On page 4, line 22, of the printed bill, strike out "11", and insert "10".

**Amendment No. 3**

On page 4 of the printed bill, strike out lines 27 to 29, inclusive.

**Amendment No. 4**

On page 4, line 30, of the printed bill, strike out "13", and insert "11".

**Amendment No. 5**

On page 4, line 39, of the printed bill, strike out "14", and insert "12".

**Amendment No. 6**

On page 4, line 43, of the printed bill, strike out "15", and insert "13".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1970**—An act to add Section 86.3 to, and to amend Section 173 of, the State Civil Service Act, relating to time limit for protesting examinations and holding hearings.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendments:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out ", and to amend Section 173 of,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 6 to 25, inclusive; and strike out pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**RECESS**

At 12.40 p.m., on motion of Senator Seawell, the Senate recessed until 12.45 p.m.

**REASSEMBLED**

At 12.45 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 12.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 615

Assembly Bill No. 684

Assembly Bill No. 1226

Assembly Bill No. 1336

Assembly Bill No. 1518

Assembly Bill No. 1914

Assembly Bill No. 1968

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 653

Assembly Bill No. 701

Assembly Bill No. 939

Assembly Bill No. 1179

Assembly Bill No. 1184

Assembly Bill No. 1194

Assembly Bill No. 1195

Assembly Bill No. 1196

Assembly Bill No. 1287

Assembly Bill No. 1774

Assembly Bill No. 1931

Assembly Bill No. 1964

Assembly Bill No. 2008

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 29

Senate Bill No. 112

Senate Bill No. 124

Senate Bill No. 129

Senate Bill No. 370

Senate Bill No. 668

Senate Bill No. 897

Senate Bill No. 724

Senate Bill No. 877

Senate Bill No. 513

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 729

Senate Bill No. 1109

Senate Bill No. 1111

Senate Bill No. 1116

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above reported bills ordered to the unfinished file.

## RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 139

*Resolved*, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work May 1, 1943:

Estell Bazo, Stenographer

Per day  
\$6 00

Resolution read, and unanimously adopted.

By the Committee on Rules:

Senate Resolution No. 140

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred

seventy-one and 95/100 dollars (\$271.95) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller.

Railway Express Agency, express charges.....	\$ 6 29
Cascade Towel Supply.....	1 11
Postal Telegraph-Cable Co.....	264 55
	<hr/>
	\$271 95
BROWN	DEUEL
TICKLE	POWERS
SEAWELL	

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Judah, Keating, Luckey, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—27.

NOES—None.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS

##### Consideration of Governor's Veto

**Senate Bill No. 608**—An act to amend Section 644 of the Penal Code, relating to habitual criminals and parole.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 608 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Jespersen, Keating, Luckey, Mayo, Powers, Quinn, Seawell, Shelley, Swan, Swing, Tenney, and Ward—22.

NOES—Senators Brown, DeLap, Dorsey, Engle, Gordon, Hatfield, Judah, McBride, Mixer, Parkman, Rich, Salsman, Slater, and Tickle—14.

#### RESOLUTIONS

The following resolution was offered:

By Senator Slater:

##### Senate Resolution No. 141

Relative to the Golden Wedding of former Senator and Mrs. Arthur H. Breed, Sr., Sunday, May 9, 1943

On Sunday, May 9th, marital ties become golden for the Honorable and Mrs. Arthur H. Breed, Sr., the highly esteemed parents of our distinguished colleague, Senator Arthur H. Breed, Jr., the latter several years ago having succeeded his father as a Member of the State Senate of California.

To many present and former Members of the State Senate, particularly those who served with former Senator Breed during his many years of devoted public service in the Legislature of California, the golden wedding is an event of considerable pleasure as they recall with sincere appreciation the friendship they have enjoyed with Mr. and Mrs. Breed, the latter a very kindly lady and keenly interested not only in the welfare of her husband and family but also in contributing to the happiness of countless friends.

It is therefore very appropriate that the Senate of the State of California should join in extending its congratulations to Mr. and Mrs. Breed on their Golden Wedding Day, coupled with the hope that they may live to enjoy many more delightful years of wedded life in the sunshine and happiness that has always enriched the half century they now attain; be it

*Resolved by the Senate of the State of California,* That the foregoing tribute of regard be forwarded by the Secretary of the Senate to former Senator and Mrs. Breed in whose honor this resolution is adopted.

Resolution read and unanimously adopted.



## REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to have the following report of the committee appointed to investigate the water conditions at Needles printed in the Journal:

## Report of Committee in re Senate Concurrent Resolution No. 17

*To the Members of the Senate*

Pursuant to a resolution heretofore adopted by this honorable body, a committee was appointed to come out during the present session of the Legislature, with power to investigate and determine whether the boundary line between the State of California and the State of Arizona was definitely determined and could be actually located, and also to formulate the flood damage and condition at Needles, California.

The committee appeared pursuant to this resolution assembled at Needles, California, in February of this year. The short time the committee had to devote to the problems involved makes it impossible to render any comprehensive report. It is our opinion that a committee should continue, not for the purpose of making the usual investigations, but for the purpose of continuing the study of matters which will affect the final determination of the boundary line between the two States, as well as for the purpose of bringing together the entities interested in doing the things which will protect Needles from further damage and make repairs of the flood damage already inflicted.

One of the contributing factors to the conditions existing at Needles was the construction of Parker Dam. This dam was constructed and is operated by the Federal Government in the interest of the Metropolitan Water District. However, according to the opinion rendered by the Attorney General of this State, the Metropolitan Water District is not liable to the City of Needles or to individuals suffering damage as a result of such operation but the district is liable, if at all, solely to the Federal Government.

The committee has attempted to have the various interested entities come to an agreement as to the nature of the work necessary to be done at Needles to prevent further damage, and to work out a satisfactory distribution of the cost. All entities have been very cooperative; however, the Metropolitan Water District has felt that it was not authorized to expend any of its funds in making such repairs. Otherwise, the district has been helpful and its officials have been cooperative.

We believe that a legislative committee could not bring the various entities into an agreement as to the nature of the work to be done, and for making a plan for meeting the cost thereof.

Everyone familiar with this problem realized that it must be solved promptly and that the work must be done expeditiously, if we are to relieve the constant threat to further damage to private property, and remove the present menace to the public health.

The boundary line between Arizona and California is described in our Constitution as being along "the middle of the channel" of the Colorado River. While this boundary line was more or less definitely established many years ago, the river since such time has meandered back and forth across the channel in such a manner that it is now impossible to tell exactly where the boundary line may be. In San Bernardino County the tread of the stream has bent toward California. Farther to the south it has bent toward the State of Arizona. Whether the change in the tread of the stream was caused by accretion or evulsion is not determinable from any evidence we now have. This must be ascertained before we can determine the location of this line.

It is highly probable that within a comparatively short time other very radical changes in the stream will take place. These must be noted at the time of their occurrence in order to be of any benefit when we approach the problem of locating this line.

A legislative committee will have no occasion for frequent meetings, nor for frequent inspections, but should have power to assemble the factors resulting in the past changes in the stream, and in preserving the evidence and causes of changes in the future.

This work can be best and most economically done under the supervision of a legislative committee which can concentrate upon this problem rather than leaving it to the regular State departments.

If you authorize a further committee to handle these problems, such a committee would immediately bring together the entities interested in solving the flood damage problems and would arrange for the accumulation and preservation of the evidence respecting the boundary line. The committee would have no occasion to travel extensively, nor would the serving on such committee involve any great hardship upon the members thereof.

Too much stress can not be placed upon the accumulation and preservation of this important evidence, for sooner or later the boundary line between these States must be definitely established, and when we approach our sister State for the purpose of agreeing upon the location of the boundary line, we want to be able to approach it with a full knowledge of the factors necessarily involved and with the idea and hope of solving it amicably and satisfactorily to both States.

Respectfully,

RALPH E. SWING  
BYRL R. SALSMAN  
Senate Members of the Committee

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Ward, Shelley, and Gordon as a Senate Committee on Conference concerning Senate Bill No. 998 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Crittenden, Hatfield, and Donnelly as a Senate Committee on Conference concerning Assembly Bill No. 1414 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
SEAWELL, Chairman

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 37**—An act to aid the prosecution of the war by authorizing housing authorities to develop or administer projects to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 37?

##### Amendment No. 1

In lines 6, 7, and 8 of the title of the printed bill, strike out "to make obligations issued for such projects of housing authorities legal investments and security for deposits; and to declare an emergency", and insert "declaring the urgency hereof,".

##### Amendment No. 2

On page 1, line 7, of said bill, after "include", insert "the following persons, together with their families".

##### Amendment No. 3

On page 1, line 19, of said bill, strike out "and may"; and on page 2, strike out lines 1 to 15, inclusive, and insert "; provided, that a War Housing Project owned, leased, or administered".

##### Amendment No. 4

On page 2 of said bill, strike out lines 31 to 51, inclusive; and on page 3, strike out lines 1 and 2, and insert

"SEC. 4. This act shall expire at the end of one year following the termination of the war."

##### Amendment No. 5

On page 3, line 3, of said bill, strike out "Sec. 7", and insert "Sec. 5".

##### Amendment No. 6

On page 3 of said bill, between lines 9 and 10, insert  
"SEC. 6. Nothing in this act permits a housing authority to acquire title or ownership in any war housing project of the Federal Government."

##### Amendment No. 7

On page 3, line 10, of said bill, strike out "Sec. 8", and insert "Sec. 7".

**Amendment No. 8**

In line 6 of the title of the printed bill, as amended, strike out the semicolon, and insert a period.

**Amendment No. 9**

Strike out lines 9 and 10 of the title of said bill.

**Amendment No. 10**

On page 1, line 15, of said bill, strike out "now or hereafter established", and insert "established and authorized to transact business on or before March 1, 1943,".

**Amendment No. 11**

On page 2, line 17, of said bill, strike out "administered".

**Amendment No. 12**

On page 3 of said bill, strike out lines 17 to 35, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 37 by the following vote:

AYES—Senators Bigger, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dossy, Eagle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Ward—28.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 146** An act to amend Sections 10501 and 10503 of the Water Code and Section 1 of an act entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, relating to appropriation of waters by the State Department of Finance.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 146?

**Amendment No. 1**

In line 1 of the title of the printed bill, after "amend", insert "Sections 10501 and 10503 of the Water Code and".

**PRINTER'S NOTE**—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 2**

On page 2 of said bill, after line 30, insert

"SEC. 2. Section 10501 of the Water Code is amended to read:

10501. Any application filed by the Department of Finance within nine months after July 29, 1927, has priority as of that date and such priority shall be retained over any application made by others subsequent to that date in conflict therewith, regardless of any requirements or provisions relating to diligence in the completion of applications for water or the use thereof, until October 1, [1943] 1947.

SEC. 3. Section 10503 of the Water Code is amended to read:

10503. The Department of Finance, under the requirements of Division 2 and the rules and regulations of the State Engineer relating to applications for the

appropriation of water, may publish a notice that it intends to file upon an amount of water necessary to the development of any part or unit of a general or coordinated plan and in that event the publication of the notice shall preserve, as of the date of publication, the priority of any application made and filed subsequently by the Department of Finance for the benefit of such part or unit prior to October 1, [1943] 1947.

SEC. 4. Sections 2 and 3 of this act become operative only if the Water Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time said code takes effect; at which time Section 1 of the act cited in the title hereof amended by this act is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 146 by the following vote:

AYES—Senators Baggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Above bill ordered enrolled.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE, SACRAMENTO, May 5, 1943

*To the Senate of the State of California*

In my message of May 4th informing you of my appointments to the State Board of Education and requesting your confirmation thereof, I included the name of FRANK W. SMITH, resident of the City of Ojai, farmer and member of the Board of Trustees of Claremont Colleges, as having been appointed to the State Board of Education, vice Curtis E. Warren, appointment withdrawn, for the term prescribed by law.

This was in error in that the correct name of said appointee is FRED W. SMITH, instead of FRANK W. SMITH, and I hereby withdraw the name of said FRANK W. SMITH, heretofore presented, and inform you that I have appointed FRED W. SMITH, resident of the City of Ojai, farmer and member of the Board of Trustees of Claremont Colleges, to the State Board of Education, vice Curtis E. Warren, appointment withdrawn, for the term prescribed by law, and respectfully request your confirmation thereof and consent thereto.

Respectfully,

EARL WARREN, Governor

#### Motion to Return Name to Governor

Senator Seawell moved that the Senate return the name of Frank W. Smith to the Governor pursuant to his request.

Motion carried.

#### CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

##### Motion to Confirm Appointment by the Governor

Senator Seawell moved that the Senate confirm and consent to the appointment of Fred W. Smith of Ojai as a member of State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Fred W. Smith?"

The roll was called, with the following result:

AYES—Senators Baggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.



**Appointment Confirmed**

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Fred W. Smith.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 360**—An act to add Section 444.2 to the Political Code, relating to temporary transfers of money from the general to special funds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 360?

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "or", and insert "and"

**Amendment No. 2**

On page 1, line 12, of the printed bill, after "return it", insert "If such a sufficiency does not accumulate within one year, the amount of the money transferred or whatever portion of such amount is in the fund at that time shall be then returned, and the balance, if any, shall be returned thereafter in monthly installments as it accumulates. Any fund which fails to receive the full amount of any transfer within one year from and after the transfer shall be ineligible to receive further transfers until such time as it shall have returned the full amount."

**Amendment No. 3**

On page 1, line 24, of the printed bill, as amended, after the period, insert "When there is any money in a special fund transferred thereto pursuant to this section, the provisions of Section 664 of the Political Code shall not apply to such special fund."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 360 by the following vote:

**AYES**—Senators Riggart, Breed, Burns, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 344**—An act to amend Section 4273 of the Political Code, relating to the compensation of public officers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 344?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out lines 9 to 11, inclusive, and insert

2. The district attorney, two thousand dollars (\$2,000) per annum.
3. Each supervisor, one thousand two hundred dollars.

**Amendment No. 2**

On page 1, line 12, of the printed bill, as amended, strike out "lars ..." and insert "lars (\$1,200)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 344 by the following vote:

**AYES**—Senators Riggart, Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 374**—An act to add Section 16425 to the Education Code, relating to contracts for local health administration.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 374?

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "485.5 to the Health and Safety", and insert "16425 to the Education".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "485.5 is added to the Health and Safety", and insert "16425 is added to the Education".

**Amendment No. 3**

On page 1, line 3, of said bill, strike out "485.5", and insert "16425".

**Amendment No. 4**

On page 1, lines 7 and 8, of said bill, strike out "4 of Part 1 of Division 1 of the School", and insert "3 of Division 8 of the Education".

**Amendment No. 5**

On page 1 of said bill, after line 13, insert

"This section shall not apply to any district which is under the control of a governing board which has under its control a district or districts having a total average daily attendance of 100,000 or more pupils."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 374 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 454**—An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 454?

**Amendment No. 1**

On page 2, line 10, of the printed bill, as amended, strike out "one"; strike out lines 11 and 12; and in line 13, strike out "the President", and insert "July 1, 1945,".

**Amendment No. 2**

On page 2, lines 14 and 15, strike out "such termination of hostilities", and insert "the termination of hostilities in the present war, as declared by resolution of Congress or by proclamation of the President".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 454 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 587**—An act to amend Section 204c of and to add Section 261b to the Code of Civil Procedure, relating to the duties, powers and expenses of superior court commissioners and their assistants.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 587?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "261a", and insert "261b".

**Amendment No. 2**

In line 1 of the title of the printed bill, after "of", insert "and to add Section 261a to".

**Amendment No. 3**

In line 3 of the title of the printed bill, strike out "jury".

**Amendment No. 4**

On page 1, line 19, of the printed bill, following the period, insert

"Sec. 2. Section 261a is added to the Code of Civil Procedure, to read:

261a. The court commissioners as provided for in Section 261 shall be allowed actual traveling expenses incurred in the performance of their duties, such expenses to be audited, allowed and paid out of the general fund of the county."

**Amendment No. 5**

On page 1, line 20, of the printed bill, as amended, strike out "261a", and insert "261b".

**Amendment No. 6**

On page 1, line 22, of said bill, strike out "261a", and insert "261b".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 587 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 650**—An act to add Section 3.735-3 to the School Code and to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 650?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "to add Section 3.735-3 to the School Code and".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 to 21, both inclusive.

**Amendment No. 3**

On page 1, line 23, of the printed bill, as amended, strike out "Sec. 2.", and insert "Section 1."

**Amendment No. 4**

On page 1, line 25, of the printed bill, as amended, after "may", insert ", with the written approval of the Superintendent of Public Instruction and under such terms and conditions as he may prescribe,".

**Amendment No. 5**

On page 2 of the printed bill, as amended, following line 7, insert, as a new paragraph:

"Any approval of the Superintendent of Public Instruction given hereunder may be suspended, modified, or revoked by him for cause."

**Amendment No. 6**

On page 2 of the printed bill, as amended, strike out lines 18 to 22, both inclusive.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 650 by the following vote:

AYES—None.

NOES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**Consideration of Assembly Amendments**

**Senate Bill No. 656**—An act to amend Sections 5014 and 6816 and to repeal Section 6817 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund, creating the State Beach Fund, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 656?

**Amendment No. 1**

On page 2, line 7, of the printed bill, as amended, strike out "3", and insert "2".

**Amendment No. 2**

On page 2, line 9, of said bill, strike out "2", and insert "3".

**Amendment No. 3**

On page 2, line 12, of said bill, strike out the comma, and "which fund is appropriated".

**Amendment No. 4**

On page 2 of said bill, following line 44, insert

"SEC. 5. This act shall not take effect unless Senate Bill No. 731 of this session is enacted."

**Amendment No. 5**

On page 2, line 24, of said bill, after "appropriations", insert "heretofore or hereafter".

**Amendment No. 6**

In line 3 of the title of the printed bill, after "fund", insert a comma and "creating the State Beach Fund, declaring the urgency thereof, to take effect immediately."

**Amendment No. 7**

On page 1 of said bill, strike out all of lines 24 to 26, inclusive, and insert "sion; 23½ per cent of the remaining balance shall be transferred to the State Beach Fund; and 46½ per cent thereof shall be transferred to the State Park Fund."

**Amendment No. 8**

On page 1 of said bill, following line 27, insert

"SEC. 2. Section 5014 of the Public Resources Code is hereby amended to read: 5014. There is hereby created in the State treasury the State Beach Fund, which fund is appropriated for the acquisition, improvement, and maintenance of State beaches.

The State Controller shall transfer to the State Beach Fund the following sums:

(a) The sums appropriated to the fund pursuant to Section 6816;

(b) The balances of all appropriations made to the State Park Maintenance and Acquisition Fund which are available specifically for the acquisition, improvement and maintenance of State beaches;

(c) One-third of the unappropriated cash surplus in the State Park Maintenance and Acquisition Fund.

Any appropriations made out of the moneys deposited in the State Park Maintenance and Acquisition Fund for the acquisition, improvement and maintenance of State beaches shall be payable from the State Beach Fund."

**Amendment No. 9**

On page 1, line 29, of said bill, strike out "2", and insert "3".

**Amendment No. 10**

On page 1 of said bill, following line 30, insert

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of



Section 1 of Article IV of the Constitution and shall therefore go into immediate effect to become operative July 1, 1943. A statement of the facts constituting such necessity is as follows:

Much money is expended biennially in the maintenance and acquisition of State parks and State beaches. Hence, pertaining to the State many valuable scenic places of beautiful preservation. This act will facilitate the most economical expenditure of such money, by better enabling the department to control the expenditure of such sums and to apply the sums in such manner as will best serve the recreational and health needs of the people of the State. If this act does not take effect immediately, the disbursement of the money to these ends will be difficult, uneconomical, wasteful and slow."

#### Amendment No. 11

In line 1 of the title of said bill, strike out "Section", and insert "Sections 5014 and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 656 by the following vote:

AYES—Senators Bigger, Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Luckey, Mayo, McRae, Moxley, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tervey, Totten, and Ward. 29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 819**—An act to regulate the employment of publicists employed by State departments and agencies, and prescribing penalties for the violation hereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 819?

#### Amendment No. 1

On page 1, line 8, of the printed bill, after the period, insert "The provisions of this section do not apply to any person so employed, in the State civil service, prior to January 2, 1939, and still so employed in the State civil service, nor to the department, board, bureau, commission, or other agency of the State employing him."

#### Amendment No. 2

On page 1, line 8, of the printed bill, as amended, strike out "The provisions of this section do not apply"; and strike out lines 9 to 12, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 819 by the following vote:

AYES—Senators Bigger, Breed, Burns, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Luckey, Mayo, McRae, Moxley, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing Tervey, and Ward. 28.

NOES—Senator Parkman. 1.

Above bill ordered enrolled.

#### Senator Rich Presiding

At 1 p. m., Senator Rich of the Tenth District, presiding.

#### Consideration of Assembly Amendments

**Senate Bill No. 820**—An act to add Section 408.5 to the Political Code, relating to the filing of contracts made by or on behalf of the State, providing for the examination of such contracts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 820?

#### Amendment No. 1

On page 2, line 2, of the printed bill, as amended, strike out the period, and insert a semicolon and "except that where the law prohibits the public inspection of such

contracts, such filing is not required. Where a copy of a contract is filed pursuant to this section, there shall be attached to such copy a certificate executed by the head of such department, office, agency, bureau or commission, or by a deputy of such head, stating that such copy is a true and correct copy of such contract."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 820 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 502**—An act to amend Sections 1071, 2422, 2423, 2481, 2502, 2561, 2584, 2802, 2833, 2893, 2922, 2962, 3431, 3462, 3591, 3691, 3722, 3742, 3743, 3761, 3825, 3841, 3851, 3962, 4281, 4341, 18461 and 18478, and to repeal Section 3403 of, and to amend the article heading of Article 14, of Chapter 11, Division 2 of the Education Code, relating to the public school system.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 502?

##### Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "3661".

##### Amendment No. 2

On page 6 of said bill, strike out lines 1 to 27, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 502 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 168**—An act to amend Section 3661 of, and to add Section 3661.1 to, the Education Code, relating to the formation of union or joint union high school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 168?

##### Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "to amend Section 2.600 of, to add Section 2.600-1 to, the School Code,".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 24, inclusive.

##### Amendment No. 3

On page 2, line 26, of said bill, strike out "Sec. 3", and insert "Section 1".

##### Amendment No. 4

On page 3, line 5, of said bill, strike out "Sec. 4", and insert "Sec. 2".

##### Amendment No. 5

On page 3 of said bill, strike out lines 15 to 20, inclusive.

**Amendment No. 6**

On page 2, line 25, of the printed bill, as amended, strike out "of the heads of families or".

**Amendment No. 7**

On page 1, line 11, of the printed bill, as amended, strike out "district", and insert "districts".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 168 by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Crittenden, Cunningham, DeLap, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 987**—An act to amend Section 6004 of the Water Code, relating to dams and to amend Section 2 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to dams.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 987?

**Amendment No. 1**

On page 2, line 16, of the printed bill, as amended, insert

"The word 'owner' whenever used in this act means the State and all its departments, institutions and agencies and its political subdivisions, every municipal or quasi municipal corporation, every public utility, district, corporation, company, association or person and their duly authorized agents, lessees, trustees, and receivers or trustees appointed by any court whatsoever, owning, controlling, operating, maintaining or managing or proposing to construct any dam as defined in this act, but does not mean the United States.

The words 'alterations' and 'repairs' or either of them, whenever used in this act shall mean only such alterations or repairs as may affect the safety of the dam."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 987 by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Crittenden, Cunningham, DeLap, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.  
**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1026**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to exemptions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1026?

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "amend Section 7 of the 'Unemployment Insurance Act,'" and insert "add Section 7.3 to the Unemployment Insurance Act,".

• **Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 27, inclusive; and on page 2, strike out lines 1 to 13, inclusive, and insert:

"SECTION 1. Section 7.3 is added to the Unemployment Insurance Act, to read: Sec. 7.3. Subdivision (g) of Section 7 includes service performed in the employ of a".

**Amendment No. 3**

On page 2 of said bill, strike out lines 24 to 49, inclusive; strike out page 3; and on page 4, strike out lines 1 to 30, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1026 by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Packman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1075**—An act to add 160.5 to the Military and Veterans Code, relating to the powers and duties of The Adjutant General, and providing for supervision and direction by him of the members of the California Highway Patrol and of fish and game wardens and other enforcing officers employed by the Division of Fish and Game.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1075?

**Amendment No. 1**

On page 1, line 9, of the printed bill, as amended, after "law", insert "provided The Adjutant General shall so order".

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out line 18, and insert "the duties of their ordinary employment under their usual supervision except that when".

**Amendment No. 3**

On page 2 of the printed bill, as amended, strike out line 1, and insert "an extreme emergency exists such".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1075 by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Mixer, Packman, Poyers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—Senators Donnelly and Judah—2.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 231**—An act to add Section 4.350-1 to the School Code and to add Section 6114 to the Education Code, relating to the payment of school district employees, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 231?

**Amendment No. 1**

On page 1, line 3, of the printed bill, after "any county", insert ", except counties having a population in excess of 1,000,000,".



**Amendment No. 2**

On page 2, line 10, of said bill, after "any county", insert "except counties having a population in excess of 1,000,000."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 231 by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Crittenden, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Tucker, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sholley, Slater, Swan, Swing, Tenney, Tickle, and Ward—39.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, and Section 8351 of the Public Resources Code, making a statement of legislative intent and defining certain terms, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 448?

**Amendment No. 1**

In line 4 of the title of the proposed bill, after "1921," insert "and Section 8351 of the Public Resources Code, making a statement of legislative intent and defining certain terms,".

**Amendment No. 2**

On page 1 of said bill, between lines 1 and 2, insert

"Sec. 2. Section 8351 of the Public Resources Code is repealed.

Sec. 3. It is hereby declared that the term "proprietary lands" or terms or designations of like or similar purport and meaning as used in the act cited in the title hereof and as used in the continuation and extension of said act in Section 8351 of the Public Resources Code does not include, has never included and was not intended by the Legislature to include lands held by the State in trust for a particular purpose, nor to lands which have been sold or donated or both to the State because of tax delinquency on the part of the person liable for such taxes assessed against such lands."

**Amendment No. 3**

On page 1, line 2, of said bill, strike out "2", and insert "4".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 448 by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Sholley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 601**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630, 2303, 2305, 2306, 2307, 2308, 2309, and 2310 of the Welfare and Institutions Code, to amend the chapter heading of Chap. 1 of Part 3 of Division 2 of said code, to repeal Sections 2300, 2301, and 2302 of said code, to add Sections 1625.5, 2300, 2300.5, 2300.7, 2301, 2301.3, 2301.5, 2301.7, 2301.9, 2302, 2302.3, 2302.5, and 2305.5 to said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for the reception and care of persons in need of pro-

tection and care, including institutions for child care and home-finding and placement agencies and institutions, boarding homes and other places for the reception and care of aged persons, and providing for the licensing and regulation of such institutions and agencies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 601?

#### Amendment No. 1

In line 4 of the title of the printed bill, after "code", insert "to add Section 1625.5 to said code,".

#### Amendment No. 2

On page 2 of said bill, between lines 48 and 49, insert

"SEC. 6.5. Section 1625.5 is added to said code, to read:

1625.5. Whenever a permit or license is suspended or revoked under Section 1625, the holder of the suspended or revoked license or permit shall, upon filing a petition with the State Department of Social Welfare within 10 days of the suspension or revocation, have the right of appeal and shall be accorded an opportunity for a fair hearing. The decision of the county officer or agency suspending or revoking the license or permit shall not become effective until the 10 days have expired without the filing of a petition with the State department, or, if such petition is filed within the required period, until the decision of the county officer or agency is affirmed, with or without modification, by the State Social Welfare Board. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing any interested person may appear in person with counsel of his own choosing or in person and without such counsel.

The State Social Welfare Board shall consider the appeal and shall affirm, reverse or modify the decision of the local agency."

#### Amendment No. 3

In line 2 of the title of the printed bill, as amended in the Assembly on May 1, 1943, strike out "and 1630", and insert "1630, 2303, 2305, 2306, 2307, 2308, 2309, and 2310".

#### Amendment No. 4

In the title of said bill, strike out line 4, and insert "Division 2 of said code, to repeal Sections 2300, 2301, and 2302 of said code, to add Sections 1625.5, 2300, 2300.5, 2300.7, 2301, 2301.3, 2301.5, 2301.7, 2301.9, 2302, 2302.3, 2302.5, and 2305.5 to".

#### Amendment No. 5

In line 7 of the title of said bill, after "institutions", insert "for the reception and care of persons in need of protection and care, including institutions".

#### Amendment No. 6

In line 8 of the title of said bill, after "agencies", insert "and institutions, boarding homes and other places for the reception and care of aged persons".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

#### Amendment No. 7

On page 5 of said bill, after line 19, insert

"SEC. 12. Sections 2300, 2301, and 2302 of said code are repealed.

SEC. 13. Section 2303 of said code is amended to read:

2303. A permit or license issued [by the State Department of Social Welfare or by an approved and accredited inspection service] *under this chapter* shall expire 12 months from its date of issuance.

SEC. 14. Section 2305 of said code is amended to read:

2305. Permits or licenses may be revoked *by a local agency* for cause after a hearing [before the State Department of Social Welfare or an approved and accredited inspection service]. Written notice of the time and place of such hearing and of the charges made against the holder of the permit or license shall be duly served on him not less than 10 days prior to the time fixed for such hearing.

SEC. 15. Section 2305.5 is added to said code, to read:

2305.5. If any interested person is dissatisfied with the decision of a local agency in a hearing for the revocation of a permit or license, he shall, upon filing a petition with the State Department of Social Welfare, have the right of appeal and shall

be accorded an opportunity for a fair hearing. The Social Welfare Department shall set such appeal for hearing before the State Social Welfare Board and shall give all parties concerned written notice of the time and place of such hearing. At such hearing any interested person may appear in person with counsel of his own choosing or in person and without such counsel.

The State Social Welfare Board shall consider the appeal and shall affirm, reverse or modify the decision of the local agency.

SEC. 16. Section 2306 of said code is amended to read:

2306. No license shall be transferred. Neither the location of any institution, boarding home, or other place [specified in Section 2300], nor the place of performance of any service specified therein; *nor the reception or care of aged persons, nor the place of the performance of any service in the receiving or caring for any aged person* shall be changed without the written consent of the [State Department of Social Welfare or of an approved and accredited inspection service] *local agency*.

SEC. 17. Section 2307 of said code is amended to read:

2307. Every holder of a permit or license shall maintain a register setting forth the following facts concerning each aged or infirm person received or cared for:

- (a) Name.
- (b) Last previous address.
- (c) Age.
- (d) Nearest of kin.
- (e) Mother's maiden name.
- (f) The person responsible for his care and maintenance.
- (g) Such other data as the *local agency* and the rules and regulations of the State Department of Social Welfare require[s].

SEC. 18. Section 2308 of said code is amended to read:

2308. Upon the occurrence of any death of an aged person or change in the administrative personnel of any such home, the holder of the license or permit shall, within 48 hours, give written notice thereof to the State Department of Social Welfare or to the [approved and accredited inspection service] *local agency* by which such license or permit was issued.

SEC. 19. Section 2309 of said code is amended to read:

2309. Any person, association, or corporation *not excepted from this chapter* that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place *for the reception or care of aged persons*, or performance of any service [specified in Section 2300 of this code], *in the receiving or caring for any aged person* without first having secured a license or permit therefor, in writing, or refuses to permit or interferes with the inspection authorized in Section [2301] *2302.5* of this code, is guilty of a misdemeanor.

SEC. 20. Section 2310 of said code is amended to read:

2310. The district attorney of every county shall, upon application by the State Department of Social Welfare or its authorized representatives, or by [an approved and accredited inspection service] *a local agency*, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

SEC. 21. Section 2300 is added to said code, to read:

2300. The provisions of this chapter do not apply to any institution, boarding home, or other place for the reception or care of aged persons which does not at any one time receive or care for more than two aged persons, when such institution, boarding home, or other place for the reception or care of aged persons complies with the requirements of local fire and health ordinances, and the provisions of the Health and Safety Code, if applicable thereto.

SEC. 22. Section 2300.5 is added to said code, to read:

2300.5. The provisions of this chapter do not apply to any person, association or corporation maintaining or conducting any institution, boarding home or other place for the reception or care of aged persons when not more than two persons at any one time are received or cared for and when such institution, boarding home or other place for the reception or care of aged persons complies with the requirements of local fire and health ordinances, and the provisions of the Health and Safety Code, if applicable thereto.

SEC. 23. Section 2300.7 is added to said code, to read:

2300.7. As used in this chapter, "local agency" means county or city.

SEC. 24. Section 2301 is added to said code, to read:

2301. Except as provided in this chapter, no person, association, or corporation shall maintain or conduct any institution, boarding home, or other place for the reception or care of aged persons, nor receive or care for any such person, without first having obtained a written license or permit therefor.

SEC. 25. Section 2301.3 is added to said code, to read:

2301.3. The permit or license required by this chapter shall be issued by the health department or the social service department of the county in which the institution, boarding home or other place for the reception or care of aged persons is located. If the institution, boarding home, or other place is located within a



city, then the permit or license shall be issued by the health department or the social service department of the city."

SEC. 26. Section 2301.5 is added to said code, to read:

2301.5. Every county shall issue the licenses and permits required by Section 2301, and shall make such rules and regulations, and adopt such standards, as it deems best for the government of any institution or other place for the reception or care of aged persons, or the performance of any service in the receiving or care of aged persons. Such rules, regulations, and standards shall be so made as to provide for the welfare of the aged persons received or cared for, and at the same time permit the operation of the homes and other places, and the performance of the services upon a commercial basis.

SEC. 27. Section 2301.7 is added to said code, to read:

2301.7. The right of a local agency to issue licenses or permits under this chapter may be suspended by order of the State Social Welfare Board, after a hearing, and when such right is suspended the county or city may not require a license or permit of any person, association or corporation maintaining or conducting any institution, boarding home or other place for the reception or care of aged persons, or receiving or caring for any such person.

SEC. 28. Section 2301.9 is added to said code, to read:

2301.9. When the right of a local agency is suspended, or when the local agency has no health department or social service agency, the State Department of Social Welfare shall issue licenses and permits in the area of the local agency, and in such case all provisions in this chapter applicable to local agencies shall apply to the State Department of Social Welfare.

SEC. 29. Section 2302 is added to said code, to read:

2302. Grounds for the suspension of the rights of a local agency to issue licenses or permits are:

(a) Failure of local agency to comply with the provisions of this chapter or with the rules and regulations of the State Department of Social Welfare.

(b) If the licenses or permits are issued by the health department of a local agency, the failure of the health department of the local agency to maintain at least one regularly licensed physician.

(c) If the licenses or permits are issued by the social service department of a local agency, failure of the social service department to maintain minimum standards recognized by professional social service workers and the social service profession.

SEC. 30. Section 2302.3 is added to said code, to read:

2302.3. The State Department of Social Welfare shall adopt rules, regulations, and minimum standards for the government of any institution, boarding home, or other place for the reception or care of aged persons, or performance of any service in the receiving or caring for aged persons, which rules, regulations, and standards shall apply in every county in the State unless and until the county adopts rules, regulations, and standards pursuant to Section 2301.5, and furnishes information thereof to the State Department of Social Welfare.

SEC. 31. Section 2302.5 is added to said code, to read:

2302.5. The health department or social service department of a local agency issuing licenses or permits may inspect and examine any such institution, home, or place for the reception or care of aged persons, or the performance of any service in the receiving or caring for any aged person."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 601 by the following vote:

AYES—None.

NOES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Judith, Keating, Lackey, Mayo, McBride, Mixter, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

#### Consideration of Assembly Amendments

**Senate Bill No. 630**—An act to amend Sections 1300.15, 1300.16 and 1300.19 of the Agricultural Code, relating to the marketing of agricultural commodities.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 630?

#### Amendment No. 1

On page 7, line 10, of the printed bill, as amended, after the period, insert "The provisions of subdivision (c) relative to posting and giving of notice and time of



taking effect shall be applicable to any rule or regulation established under this subdivision."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 630 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jepsen, Jarama, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 672**—An act to add Section 60.3 and Section 45.2 to the Alcoholic Beverage Control Act, relating to alcoholic beverages.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 672?

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "38dd and amend Section 48c of", and insert "Section 45.2 to".

##### Amendment No. 2

Strike out lines 2, 3, and 4 of the title of said bill, and insert "Alcoholic Beverage Control Act, relating to suspension and revocation of licenses".

##### Amendment No. 3

On page 1, line 1, of said bill, strike out "38dd", and insert "45.2".

##### Amendment No. 4

On page 1 of said bill, strike out from and including line 3 to and including line 30 on page 3, and insert

"SEC. 45.2. No license of a licensee and no right or privilege thereunder shall be revoked or suspended except after complaint or petition filed against such licensee pursuant to the provisions of this act and the board's decision upon such complaint or petition made after hearing required by this act and in accordance with Section 44 hereof."

##### Amendment No. 5

In line 1 of the title of the printed bill, as amended, after "section", insert "60.3 and".

##### Amendment No. 6

In lines 5 and 6 of said bill, strike out "suspension and revocation of licenses" and insert "alcoholic beverages".

##### Amendment No. 7

On page 3 of said bill, after line 29, insert

"SEC. 2. Section 60.3 is added to said act, to read:

Sec. 60.3. Any person who directly or indirectly, in connection with any sale or offer of sale of any alcoholic beverage which is subject to a maximum purchase price established by any law, order, or regulation of the United States Government or any agency thereof, shall knowingly receive, request, or attempt to obtain any money, profit, commission or anything of value in addition to or above said maximum purchase price, shall be guilty of a misdemeanor and on conviction shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed six months, or by both such fine and imprisonment."

##### Amendment No. 8

In the title of the printed bill, as amended on May 4, 1943, strike out "60.3 and".

##### Amendment No. 9

Strike out lines 9 to 20, inclusive, of said bill.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 672 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**Consideration of Assembly Amendments**

**Senate Bill No. 731**—An act to amend Section 5003.5, and to add Section 5014.1 to, the Public Resources Code, abolishing the State Park Maintenance and Acquisition Fund and creating the State Park Fund, relating to State parks, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 731?

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert "and Section 5003.5, and to add Section 5014.1 to,".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "relating to", and insert "abolishing".

**Amendment No. 3**

In line 3 of the title of said bill, after "Fund", insert "and creating the State Beach Fund and the State Park Fund, relating to State parks and beaches, declaring the urgency thereof, to take effect immediately."

**Amendment No. 4**

On page 1 of said bill, strike out lines 3 to 15, inclusive, and insert "5014. There is hereby created in the State treasury the State Beach Fund, which shall be expended only for the acquisition, improvement and maintenance of State beaches.

The State Controller shall transfer to the State Beach Fund the following sums:

- (a) The sums appropriated to the fund pursuant to Section 6816;
- (b) The balances of all appropriations made to the State Park Maintenance and Acquisition Fund which are available specifically for the acquisition, improvement and maintenance of State beaches;
- (c) One-third of the unappropriated cash surplus in the State Park Maintenance and Acquisition Fund.

Any appropriations made out of the moneys deposited in the State Park Maintenance and Acquisition Fund for the acquisition, improvement and maintenance of State beaches shall be payable from the State Beach Fund.

SEC. 2. Section 5003.5 of the Public Resources Code is amended to read:

5003.5. The State Park Commission is authorized to provide means of ingress to and egress from all State parks in order to provide ready access thereto by the public and for that purpose may enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other State agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways.

SEC. 3. Section 5014.1 is added to the Public Resources Code, to read:

5014.1. There is hereby created in the State treasury the State Park Fund, which is appropriated and shall be expended for the acquisition, improvement and maintenance of State parks and State monuments, including the cost of acquisition, construction and maintenance of roads, trails and pathways providing access to State parks.

The State Controller shall transfer to the State Park Fund the following sums:

- (a) The sums appropriated to the fund pursuant to Section 6816;
- (b) The balances of all appropriations made to the State Park Maintenance and Acquisition Fund which are available specifically for the acquisition, improvement and maintenance of State parks and State monuments, including the cost of acquisition, construction and maintenance of roads, trails and pathways providing access to State parks;
- (c) Two-thirds of the unappropriated cash surplus in the State Maintenance and Acquisition Fund.

Any appropriations made out of the moneys deposited in the State Park Maintenance and Acquisition Fund for the acquisition, improvement and maintenance of State parks and State monuments, including the cost of acquisition, construction and maintenance of roads, trails and pathways providing access to State parks, shall be payable from the State Park Fund.

SEC. 4. The State Controller shall transfer from the State Park Maintenance and Acquisition Fund to the State Park Maintenance Fund the balances remaining and available in the following appropriations, which shall be available for expenditure out of said fund for the same purposes for which the appropriations were originally made:

- (a) Support, Division of Parks, Department of Natural Resources, Chapter 600, Statutes of 1941.

(b) Support, Division of State Parks, Department of Natural Resources, Chapter 63, Statutes of 1940.

(c) Support, Division of Beaches and Parks, Department of Natural Resources, Chapter 62, Statutes of 1943.

(d) Support, Division of Beaches and Parks, Department of Natural Resources, appropriated by the Fifty-fifth Session of the Legislature.

SEC. 5. The State Park Maintenance and Acquisition Fund is hereby abolished.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Much money is expended annually in the maintenance and acquisition of State parks and State beaches, thereby preserving to the State many valuable scenic places of healthful recreation. This act will facilitate the most economical expenditure of such money, by better enabling the department to control the expenditure of such sums and to apply the sums in such manner as will best serve the recreational and health needs of the people of the State. If this act does not take effect immediately, the disbursement of the money to these ends will be difficult, uneconomical, wasteful and slow."

**Amendment No. 5**

In line 1 of the title of the printed bill, strike out "Section 5014 of and".

**Amendment No. 6**

In line 4 of the title of said bill, strike out "the State".

**Amendment No. 7**

In line 5 of the title of said bill, strike out "Beach Fund and".

**Amendment No. 8**

On page 1 of said bill, strike out all of lines 1 to 17, inclusive.

**Amendment No. 9**

On page 2 of said bill, strike out all of lines 1 to 14, inclusive.

**Amendment No. 10**

On page 2, line 16, of said bill, strike out "Sec. 2", and insert "Section 1."

**Amendment No. 11**

On page 2, line 27, of the printed bill, strike out "3", and insert "2".

**Amendment No. 12**

On page 3, line 28, of said bill, after "effect", insert "and to become operative July 1, 1943."

**Amendment No. 13**

On page 2, line 1, of the printed bill, as amended, after "public", insert "and to provide means of ingress and egress to highways and roads across State parks from lands separated from such highways and roads by State parks."

**Amendment No. 14**

On page 2, line 25, of said bill, after "to", insert "and across".

**Amendment No. 15**

On page 2, line 33, of said bill, after "to", insert "and across".

**Amendment No. 16**

In line 4 of the title of the printed bill, as amended, strike out "and beaches".

**Amendment No. 17**

On page 1 of said bill, between lines 17 and 18, insert "State Park Fund, which is hereby appropriated for improvements and maintenance of State parks, State monuments, roads, trails, and pathways, and when specifically appropriated by the Legislature for construction and acquisition of State parks, State monuments, roads, trails, and pathways".

**Amendment No. 18**

On page 1 of said bill, strike out lines 18 and 19.

**Amendment No. 19**

On page 2 of said bill, strike out lines 1 and 2.

**Amendment No. 20**

On page 2, line 16, of said bill, after "appropriations", insert "heretofore and hereafter".

**Amendment No. 21**

On page 2, line 24, of the printed bill, as amended, strike out "4", and insert "3"

**Amendment No. 22**

On page 2 of said bill, strike out lines 37 and 38, and insert "of Natural Resources, Chapter 306, Statutes of 1943".

**Amendment No. 23**

On page 2, line 39, of said bill, strike out "5", and insert "4".

**Amendment No. 24**

On page 2, line 41, of said bill, strike out "6", and insert "5".

**Amendment No. 25**

On page 3 of said bill, following line 6, insert

"SEC. 6. This act shall not take effect unless Senate Bill No. 656 of this session is enacted."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 731 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 866**—An act to add Sections 5015.5, 5016, 5017, and 5018 to the Public Resources Code, relating to parks and beaches.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 866?

**Amendment No. 1**

On page 3, line 20, of the printed bill, as amended in the Senate April 30, 1943, after "governments.", insert "Any construction work performed by the State in carrying out the purposes hereof shall be performed as provided in the State Contract Act."

**Amendment No. 2**

In line 1 of the title of the printed bill, after "5017", insert ", and 5018".

**Amendment No. 3**

On page 5 of said bill, after line 5, insert

"SEC. 4. Section 5018 is added to the Public Resources Code, to read: 5018. Any state-wide shore line master plan shall take into consideration existing uses of shore line property and no land shall be acquired under the authority of Section 5017 which is producing oil, gas or other hydrocarbons, or that is within a distance of six hundred sixty (660) feet from a producing oil or gas well."

**Amendment No. 4**

On page 5, line 13, of the printed bill, strike out "4", and insert "5".

**Amendment No. 5**

In line 1 of the title of the printed bill, as amended, strike out "5015", and insert "5015.5".

**Amendment No. 6**

On page 1, line 1, of said bill, strike out "5015", and insert "5015.5".

**Amendment No. 7**

On page 1, line 3, of said bill, strike out "5015", and insert "5015.5".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 866 by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, Dillinger, Donnelly, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Salsman, Seawell, Shelley, Swan, Swing, and Tenney—19.

NOES—Senators Biggar, Carter, Collier, DeLap, Deuel, Dorsey, Engle, Gordon, Hatfield, Keating, Parkman, Powers, Quinn, Rich, Slater, Tickle, and Ward—17.



## Consideration of Assembly Amendments

**Senate Bill No. 1108**—An act to add Section 8 to an act entitled "An act to authorize the county judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests," approved March 6, 1868, as amended and supplemented, relating to the conveyance of certain streets and alleys.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1108?

**Amendment No. 1**

On page 1, line 6, of the printed bill, strike out "and between Blocks".

**Amendment No. 2**

On page 1, line 7, of the printed bill, strike out "2 and 16".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1108 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 10**—Relative to the creation of a Joint Committee on the Tax Structure of the State to study, investigate, and report on the subject of taxation in the State.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 10?

**Amendment No. 1**

On page 3, line 50, of the printed measure, strike out "eight dollars (\$8)", and insert "ten dollars (\$10)".

**Amendment No. 2**

On page 4, lines 1 and 2, of the printed bill, strike out "fifteen thousand dollars (\$15,000)", and insert "six thousand dollars (\$6,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 10 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Above resolution ordered enrolled.

**Senate Bill No. 76**—An act to provide for the use of property belonging to public agencies for horseback riding.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 76?

**Amendment No. 1**

On page 1, line 14, of the printed bill, after "riders", insert "provided, that no structure shall be erected on State-owned property without the approval of the Division of State Lands".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 76 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 308**—An act to provide for the printing and sale of legislative publications by the State Printer.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 308?

**Amendment No. 1**

On page 1, line 14, of the printed bill, strike out "Legislative Printing Fund", and insert "current appropriation for legislative printing, binding, etc."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 308 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 602**—An act to amend Section 120 of, and to add Section 120.5 to, the Welfare and Institutions Code, relating to the State Department of Social Welfare.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 602?

**Amendment No. 1**

In line 1 of the title of the printed bill, after "of", insert a comma and "and to add Section 120.5 to,".

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 12, inclusive, and insert a period.

**Amendment No. 3**

On page 1 of said bill, following line 25, insert

"Sec. 2. Section 120.5 is hereby added to the Welfare and Institutions Code, to read:

120.5. In aid of the Federal war powers, the functions of the department may include the administration and the supervision of the administration of public assistance as an agent of the Federal Government and acting as a service agency for the Federal Government in the field of social service and welfare.

Sec. 3. Section 120.5 of the Welfare and Institutions Code shall remain in effect until the ninety first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 602 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Senate Concurrent Resolution No. 44**—Providing for the continuance of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 130).

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 44?

**Amendment No. 1**

In the title of the printed measure, strike out lines 2, 3, and 4, and insert "continuation of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 130)".

**Amendment No. 2**

On page 1 of said measure, strike out lines 1 to 29, inclusive; and strike out pages 2, 3, and 4 thereof, and insert:

*"Resolved by the Senate of the State of California, the Assembly thereof concurring.* That the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 of the Fifty-fourth Legislature and continued as a joint committee of this (the Fifty-fifth) session of the Legislature by Senate Concurrent Resolution No. 16 with those members it had on January 1, 1943, who are members of this Legislature and with all the powers and duties defined and conferred by said Senate concurrent resolution, shall have power to act during this session of the Legislature, including any recess hereof, until the convening of the Fifty-sixth Session of the Legislature and the time for the making of its final report to the Legislature is extended to March 15, 1945; and there shall continue to be available any moneys heretofore made available to said committee for expenses of the committee and its members and for any expenses, charges, or claims it may incur until March 15, 1945, to be disbursed as in Senate Concurrent Resolution No. 11 prescribed. No money not heretofore appropriated is made available by this resolution from the Contingent Funds of the Senate and Assembly."

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 44 by the following vote:

**AYES**—Senators Biggan, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Above resolution ordered enrolled.

**Senate Bill No. 198**—An act to amend Section 4803 of, and add Sections 4807.2, 4807.3, 4812.5 and 4814 to, the Penal Code, relating to commutations, pardons, and the Advisory Pardon Board.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 198?

**Amendment No. 1**

On page 1, line 21, of the printed bill, as amended, strike out "provided", and insert "proved".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 198 by the following vote:

**AYES**—Senators Biggan, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 270**—An act making an appropriation for the acquisition of real property for the Humboldt State College.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 270?

**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended, after "expended", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 270 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—31.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 414**—An act to amend Sections 507, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2266, 2267, 2271, 2274 and 2275 of, and to add Section 2005 to the Public Resources Code, to increase the membership of the State Mining Board and to provide for its powers and duties and for the powers and duties of employees and officers of the Division of Mines, to declare the intent of the Legislature in regard thereto, and to abolish the Ore Buyer's License Fund.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 414?

**Amendment No. 1**

In line 8 of the title of the printed bill, as amended, after "Mines," insert "to declare the intent of the Legislature in regard thereto."

**Amendment No. 2**

On page 7 of said bill, between lines 37 and 38, insert

"SEC. 29. It is the intent of the Legislature that this act shall not relieve the Division of Mines, Department of Natural Resources from the obligation to operate in accordance with the budget as set forth in pages 470 to 473, inclusive, of the Governor's Biennial Budget for the biennium July 1, 1943, to June 30, 1945, Ninety-fifth and Ninety-sixth Fiscal Years, as provided for in Item 157 of the "Budget Act of 1943" (Chapter 62 of the California Statutes of 1943, insofar as there is no substantial change in conditions that affect future operations of such division."

**Amendment No. 3**

On page 7, line 38, of said bill, strike out "29", and insert "30".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 414 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Maye, McBride, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 752**—An act to add Article 7.5 consisting of Sections 20490 to 20493, inclusive, to Chapter 2 of Division 10 of the Education Code, relating to the granting of degrees to vocational teachers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 752?

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out line 23; and on page 2, line 1, strike out "num requirements for the Baccalaureate Degree, and".

**Amendment No. 2**

On page 2, line 4, of the printed bill, as amended, after "board", insert "is authorized to recommend to State colleges the number of units to be allowed toward a Baccalaureate Degree, but shall not recommend that a candidate be granted".



**Amendment No. 3**

On page 2, line 5, of the printed bill, as amended, strike out "shall not grant to a candidate".

**Amendment No. 4**

On page 2, line 23, of the printed bill, as amended, strike out "prescribe", and insert "evaluate and make recommendations concerning".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 752 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—32.

**NOES**—None.

Above bill ordered enrolled.

**Senate Bill No. 1081** An act making an appropriation for the acquisition of real property for the Preston School of Industry.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1081?

**Amendment No. 1**

On page 1, line 1, of the printed bill, after "expended", insert "during the Ninety-fifth, Ninety-sixth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1081 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—31.

**NOES**—None.

Above bill ordered enrolled.

**Senate Concurrent Resolution No. 40** Relative to continuing in existence the Fact Finding Committee created by Senate Concurrent Resolution No. 13 of the Fifty-fifth Session, and authorizing the study of economic planning.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 40?

**Amendment No. 1**

On page 2, line 23, of the printed bill, strike out "fifteen thousand dollars (\$15,000)", and insert "seven thousand dollars (\$7,000)".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 40 by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Above resolution ordered enrolled.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT, Your Committee on Rules announces the appointment of Senators Salsman, Swan, and Burns as a Senate Committee on Conference concerning Senate Bill No. 650 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing, Parkman, and Burns as a Senate Committee on Conference concerning Senate Bill No. 672 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mixer, Mayo, and Hatfield as a Senate Committee on Conference concerning Senate Bill No. 601 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## RESOLUTIONS

The following resolution was offered:

By Senators Seawell, Luckey, Hatfield, Shelley, and Keating:

## Senate Resolution No. 142

Relative to memorializing the Congress of the United States to enact S 971 or H.R. 2426, Seventy-eighth Congress, First Session, providing for Federal participation in financing of a Postwar Highway Construction Program

WHEREAS, Two measures are pending in the Congress of the United States, namely, S 971 and H.R. 2426, to authorize Federal assistance to the States in financing a Postwar Construction Program on rural and urban highways; and

WHEREAS, Such legislation is designed to, and will, provide useful employment for those returning from services in the armed forces, or released by war industries after the war, and will, accordingly, tend to prevent unemployment, and the necessity for unemployment relief; and

WHEREAS, Necessary wartime restrictions on gasoline and highway transportation have resulted in curtailment of revenues received by the highway departments of the States, and restrictions on use of materials have curtailed construction and reconstruction of needed highways during a period in which many highways have been damaged by heavy wartime truck traffic, engaged in transportation for the war effort; and

WHEREAS, Such legislation will assist the States in bringing their highway systems and their highway construction programs back to normal, and in making up the time lost due to necessary deferment of highway construction during the war; and

WHEREAS, There will be particular need to provide employment in California, following the war, due to the large number of war industries in this State; and

WHEREAS, There will be particular need in California for reconstruction of highways due to such war conditions; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be and the same is hereby memorialized to enact either S 971 or H.R. 2426; and be it further*

*Resolved, That copies of this resolution be forwarded to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to the Chairman of the House Committee on Roads, and to the Chairman of the Senate Committee on Post Offices and Post Roads, and to each Senator and Member of the House of Representatives in the Congress of the United States from California*

Resolution read, and unanimously adopted.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 568—An act to add Section 2710.3 to the Penal Code, relating to the Prison Camp Revolving Fund, declaring the urgency thereof, to take effect immediately;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

CARTER  
KEATING  
WARD

Senate Committee on Conference

FOURTH  
THOMAS  
McMILLAN

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately.

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

SWING  
COLLIER  
DeLAP

ALLEN  
WOLLENBERG

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Bigger, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

#### RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

#### Senate Resolution No. 143

Relative to a Senate Interim Committee on Unemployment Insurance

**WHEREAS**, It is imperative that all pertinent facts bearing upon the subjects of (i) employment and unemployment conditions in California, (ii) the administration, application, operation and effects of the Unemployment Insurance Act, (iii) activities and operations of the Department of Employment, including the State Employment Service, (iv) the relationships between the Department of Employment and the Federal Security Agency, including the Social Security Board and the Bureau of Employment Security, (v) the collection and disposal of revenues collected in California under the Federal Unemployment Tax Act, and (vi) the requirements and conditions imposed upon the governmental agencies of this State by the agencies of the Federal Government under the Federal Social Security Act and the Federal Unemployment Tax Act with respect to unemployment insurance, should be found, assembled and analyzed to the end that the Legislature of California may be enabled to act advisedly and judiciously in the premises for the best interests of California in the consideration and enactment of legislation; and

**WHEREAS**, The facts can best and most expeditiously be ascertained and analyzed through an Interim Committee charged with the study of every phase of the foregoing subjects; now, therefore, be it

*Resolved by the Senate of the State of California*, That an Interim Committee, to be known as the Senate Interim Committee on Unemployment Insurance, is hereby created to consist of three Members of the Senate appointed by the Rules Committee thereof. The committee shall investigate, study and analyze, accurately and in detail, each and every phase of the foregoing subjects for the purposes of considering and enacting legislation; and be it further

*Resolved*, That said committee shall have and may exercise all of the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules and Senate Rules; and be it further

*Resolved*, That said committee shall have power:

(1) To select a vice chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;



(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing on the subject matter of this resolution;

(7) To meet at any time during this session of the Legislature or after the final adjournment thereof;

(8) To report to this Senate at any time prior to final adjournment of the Fifty-sixth Regular Session of the Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(10) To do any and all things necessary to carry out the purposes and intent of this resolution; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate or other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**Assembly Bill No. 894**—An act to amend Sections 9605, 9779, 9877.5, 10251, 10255 and 10454 of, and to add Sections 9654, 9914 and 10251.5 to, and to repeal Section 9901.5 of Part 4, Division 2 of the Revenue and Taxation Code, relating to the taxation of the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

**Motion to Re-refer Assembly Bill No. 894**

Senator Burns moved that Assembly Bill No. 894 be re-referred to Committee on Revenue and Taxation.

Motion carried.



**Assembly Bill No. 1103** An act to amend Sections 4381 and 4382 of, and to add Section 4382.5 to, the Public Resources Code, relating to the establishment of a State Forest Fund providing for the payment of money into and from such fund, and for the reimbursement of counties for the loss of tax revenues resulting from the acquisition of lands for State forest purposes.

**Motion to Re-refer Assembly Bill No. 1103**

Senator Judah moved that Assembly Bill No. 1103 be re-referred to Committee on Natural Resources.

Motion carried.

**MOTION TO SUSPEND RULE NO. 21**

Senator Seawell moved that Rule No. 21 of the Standing Rules of the Senate be suspended for the purpose of amending the Standing Rules.

Motion carried.

**RESOLUTIONS**

The following resolution was offered :

By the Committee on Rules:

**Senate Resolution No. 144**

*Resolved*, That Senate Rules 8, 12, 42, and 49 be amended as follows :

Amend Rule 8 to read as follows :

"8. The President pro tempore of the Senate may name any Senator to perform the duties of the Chair in the absence of the President. The Senator so named shall be vested, during the time he is presiding, with all the powers of the President."

Amend Rule 12 as follows :

(a) Strike out the subdivisions relating to the Committee on Elections.  
(b) Amend the subdivision relating to Governmental Efficiency to read as follows :

"Governmental Efficiency, 11 Members

(a) All bills which fix general State policy, and all bills which provide for the establishment of new functions to be administered by the State, its subdivisions or agencies.

(b) All bills amending the Elections Code or relating to elections generally or to reapportionment."

(c) Insert a new subdivision, to read as follows :

"State Government, 11 Members

All bills relating to State employees, including civil service and retirement and all bills relating to State Government including State departments or agencies or to State property and not required to be referred to other committees."

In the second sentence of Rule 42 after the words

"except by written permission"

insert

"of the President pro tempore or in his absence".

In Rule 49 following the first paragraph insert the following paragraph :

"The Journal shall state the name of the Senator presenting each Assembly Bill, Concurrent or Joint Resolution or Constitutional Amendment to the Senate for final action."

and be it further

*Resolved*, That this resolution shall become effective upon adjournment of the Fifty-fifth Regular Session of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Lukey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

**NOES**—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 1.20 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to adopt the report of the Committee on Conference concerning:

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately;  
And appointed Messrs. Dills, Ralph C. Call, and Potter as a Second Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1263**—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**RECESS**

At 1.20 p.m., on motion of Senator Seawell, the Senate recessed until 1.30 p.m.

**REASSEMBLED**

At 1.30 p.m., the Senate reconvened.

Senator Rich, of the Tenth District, presiding.

Chief Assistant Secretary Harry A. Hammond at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 363**—An act to amend Section 5.409a of the School Code and to amend Section 13011 of the Education Code, relating to the absence of exchange teachers from duty because of illness, injury or quarantine.

Bill read third time.

The roll was called.

**Call of the Senate**

Pending announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1414**—An act to add Section 471.5 to the Agricultural Code, relating to cream;  
And appointed Messrs. Thorp, Dills, Ralph C., and Denny as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 721  
Senate Bill No. 692

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from file:

Senate Bill No. 135

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1083  
Senate Bill No. 1082  
Senate Bill No. 382

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 558  
Senate Bill No. 559  
Senate Bill No. 560

Senate Bill No. 561  
Senate Bill No. 727  
Senate Bill No. 1013

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 508  
Senate Bill No. 548

Senate Bill No. 797  
Senate Bill No. 472

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

Senate Constitutional Amendment No. 25

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 197—An act to amend Sections 2701, 2702 and 2780 of, and to add Sections 2715 and 2729 to, the Penal Code, relating to prisons, the employment of prisoners and the sale of prison made products, and declaring the urgency thereof and that this act shall go into immediate effect.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 143

Assembly Concurrent Resolution No. 56

Assembly Concurrent Resolution No. 64

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1293** An act to amend Section 20043 of the Water Code, relating to reports by the California Districts Securities Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—24.

NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 586** An act to amend Section 3,760 of the School Code and to amend Section 10301 of the Education Code, relating to courses of study in elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—24.

NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1031** An act to add Section 1844a to the Code of Civil Procedure, relating to proof of gifts in view of death.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—25.

NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 301** An act to amend Section 79.07 of the Civil Code, relating to destruction of records by county clerks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—24.

NAYS—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 441**—An act authorizing suit against the State of California to quiet title to lands in San Mateo County devised to the City and County of San Francisco, and to the State of California in the alternative, by the will of James M. Huldart, deceased, and regulating the procedure therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Jepsen, Judah, Luckey, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tickle, and Ward—24

NOES—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 302**—An act to amend Section 925 of the Probate Code, relating to disposal of vouchers filed by executors or administrators.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Jepsen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—25

NOES—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 672**—An act to add Section 375 to the Civil Code, relating to the award and assessment of expenses and attorneys' fees in actions or proceedings against directors, officers or employees of a corporation, brought by or on behalf of the corporation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Jepsen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27

NOES—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 92**—An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justices' courts, and to add a new section to said code to be numbered Section 1425a, relating to justices of the peace acting as court commissioners of juvenile courts in misdemeanor cases involving traffic violations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Jepsen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27

NOES—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 422**—An act to add Section 5503-1 to the School Code and to add Section 13099.1 to the Education Code, relating to the

classification of persons as permanent employees of school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1062**—An act to amend Section 5.1112 of the School Code and to add Section 14702 to the Education Code, relating to members of district retirement systems, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 671**—An act to add Section 1020.5 to Chapter 5, Title 14, Part 2 of the Code of Civil Procedure, relating to dispensing with the giving of notice to persons who are enemies or allied with enemies of the United States as defined in the Trading with the Enemy Act, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo,

McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—40.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 860**—An act to amend Sections 653.1, 653.3, 653.6, and 653.9 of the Civil Code, all relating to cooperative corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 900**—An act to amend Sections 224m and 226 of the Civil Code, relating to the adoption of children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 625**—An act to amend Sections 197 and 200 of the Civil Code, relating to minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 941**—An act to amend Section 117p of the Code of Civil Procedure, relating to fees charged by public officers in connection with small claims actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 526**—An act to amend Section 189 of the Code of Civil Procedure, relating to the destruction of records, files and exhibits in justice courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1729**—An act to add Section 367f to the Penal Code, relating to intoxication.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Cunningham, DeLap, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swing, Tenney, Tickle, and Ward—26.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 776**—An act to amend Sections 607 and 607f of the Civil Code, relating to the formation of corporations for the prevention of cruelty to animals and children and to the appointment of humane officers by the corporation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Dillinger, Dillinger, Dorsey, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1661**—An act to add Section 885 to Article 11 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to appeals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 942**—An act to amend Section 1463 of the Penal Code, relating to the disposition of fines and forfeitures in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1853**—An act to provide for the limiting or defining of electric service areas by the Railroad Commission of the State of California between utilities and irrigation districts engaged in the sale or distribution of electric power, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 879**—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Cunningham, DeLap, Deuel, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swing, Tenney, Tickle, and Ward—27.

**NOES**—Senator Collier—1.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swing, Tickle, and Ward—28.

**NOES**—Senators Biggar, Collier, and Swan—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1854**—An act to provide for the limiting or defining of electric service areas by the California Districts Securities Commission between utilities and irrigation districts engaged in the sale of electric power, declaring the urgency of this act, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 343**—An act to add Section 7421 to the Business and Professions Code, relating to temporary licenses for hairdressers and cosmeticians or cosmetologists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, DeLap, Deuel, Dorsey, Engle, Fletcher, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

#### EXPLANATION OF ABSENCE

Senator Crittenden moved that the Journal show that the absence of Senators Hatfield, Donnelly, and Crittenden from the Senate Chamber during several roll calls previous to the passage of Assembly Bill No. 1452 was due to attending a meeting of the Committee on Conference concerning Assembly Bill No. 1414.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1452**—An act to add Section 26.5 to the Fish and Game Code, relating to stocking of waters of the State with fish and providing for the acquisition of public easements over private property for the purpose of taking fish from waters stocked by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Shelley, Swing, Tickle, and Ward—21.

NOES—Senators Biggar, Breed, Carter, Donnelly, Dorsey, Gordon, Hatfield, Quinn, Seawell, Swan, and Tenney—11.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1560**—An act to amend Sections 658 and 658.1 of the Fish and Game Code, relating to the taking of salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**President of the Senate Presiding**

At 1.50 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter; declaring the urgency hereof; to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1116?

**Amendment No. 1**

On page 1, line 2, of the printed bill, after "State", insert "approved by the Director of Finance".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 1116 by the following vote:

**AYES**—None.

**NOES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Mayo, Breed, and Tickle as a Second Senate Committee on Conference concerning Assembly Bill No. 1538 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Crittenden, Fletcher, and Mayo as a Senate Committee on Conference concerning Senate Bill No. 1116 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

**MR. PRESIDENT:** Your Committee on Rules announces the appointment of Senators Tenney, Judah, and Breed as a Senate Committee on Conference concerning Senate Bill No. 866 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 782**—An act to amend Sections 1181, 1380, 1381, 1383, 1386, 1387, 1392, and 1410 of, and to add Sections 1384.5, 1385.5, 1387.5 and 1392.5 to, the Fish and Game Code, relating to fish and game.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey,

Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—29.  
 Nots—None.

Bill ordered transmitted to the Assembly.

#### EXPLANATION OF VOTE

Senator Carter asked for, and was granted, unanimous consent to have the following explanation of his vote regarding Assembly Bill No. 879 printed in the Journal:

#### Explanation of Vote on Assembly Bill No. 879

Since I voted against the adoption of Senate Bill No. 103, which reduced the sales tax in the same manner as Assembly Bill No. 879, I feel that my vote on Assembly Bill No. 879 should be explained.

I am fundamentally opposed to reducing the sales tax from 3 per cent to 2½ per cent because I believe that such a reduction will in no way benefit the ordinary taxpayer. Assembly Bill No. 879 contains some very necessary provisions with respect to the administration of the proceeds from the sales tax which are set aside as a Postwar Employment Reserve. These provisions are not in Senate Bill No. 103, which has already passed the Senate. Since Assembly Bill No. 879 will merely supersede Senate Bill No. 103 as to the reduction of tax and will add provisions with respect to the administration of the Postwar Reserve Fund, I have, therefore, voted for Assembly Bill No. 879.

OLIVER J. CARTER

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1571**—An act to amend Section 1203.6 of, and to add Sections 1203.7, 1203.8, 1203.9, 1203.10, 1203.11, 1203.12, 1203.13, 1203.14, 1203.15 and 1203.16 to, the Fish and Game Code, relating to pheasants.

Bill read third time.

#### Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

#### Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "four", and insert "six".

Amendment read.

#### Previous Question

Senator Cunningham moved the previous question.

Motion carried.

The question being on the adoption of the amendment offered by Senator Donnelly to Assembly Bill No. 1571.

Senators Seawell, Donnelly, and Quinn demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

**AYES**—Senators DeLap, Dillinger, Engle, Gordon, Mayo, Swan, and Swing—7.  
**NOTES**—Senators Bigger, Barnes, Collier, Cunningham, Dauch, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Luckey, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tickle, and Ward—21.

#### Further Consideration of Assembly Bill No. 1571

**Assembly Bill No. 1571**—An act to amend Section 1203.6 of, and to add Sections 1203.7, 1203.8, 1203.9, 1203.10, 1203.11, 1203.12, 1203.13, 1203.14, 1203.15 and 1203.16 to, the Fish and Game Code, relating to pheasants.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Burger, Bunker, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Rich, Salsman, Shelley, Swan, Swing, Tickle, and Ward—25.

NOTES—Senators Donnell, Quinn, Seawell, and Slater—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1687**—An act to amend Sections 956 and 957 of the Fish and Game Code, relating to drag nets.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Gordon, Parkman, and Shelley—3.

NOTES—Senators Burger, Bunker, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Fletcher, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Quinn, Rich, Salsman, Slater, Swan, and Swing—20.

**Assembly Bill No. 1697**—An act to add Section 995.3 to the Fish and Game Code, relating to fish traps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burger, Bunker, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOTES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1684**—An act to amend Sections 717.5 and 868, of the Fish and Game Code, relating to fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burger, Bunker, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOTES—Senator Dorsey—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 582**—An act to add Sections 102 and 611.7 to the Fish and Game Code, creating a new fish and game district and regulating the taking of trout therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burger, Bunker, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOTES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1989**—An act to add Section 22.5 to the Fish and Game Code, to empower the State Fish and Game Commission to insure boats and personnel, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 873**—An act to add Sections 1324, 1325, 1326, 1327, 1328, and 1329 to the Fish and Game Code, relating to fur dealers.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Engle, Gordon, Hatfield, Jespersen, Mixer, Parkman, Quinn, Rich, Salsman, Slater, Swan, and Swing—16.

NOES—Senators Biggar, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Luckey, Mayo, Seawell, Shelley, and Tickle—14.

**Assembly Bill No. 111**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Marin County as part of the State Park System, and to repeal an act entitled "An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System," approved July 12, 1941.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—28.

NOES—Senators Burns, Donnelly, Luckey, and Shelley—4.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 224**—An act to add Sections 3211.2, 3211.4, 3211.6, 3211.7, 3211.8, and 3352.5 to, and Chapter 10, comprising Sections 4301 to 4337, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 10.5 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to civilian defense workers, including the limiting of the liability of the State of California, counties, cities, and civilian defense organizations for injuries arising out of and occurring in the course of activities as a civilian defense worker, authorizing the California State War Council to certify civilian defense organizations and to make rules and regulations for the classifying and registering of civilian defense workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 378**—An act providing for the preparation and publication of the California Administrative Register and the California Administrative Code, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 1.55 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 363 passed by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 475**—An act making an appropriation to The Adjutant General for the maintenance of the California High School Cadets.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendments:

**Amendment No. 1**

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "one hundred thousand dollars (\$100,000)", and insert "seven hundred fifty thousand dollars (\$750,000)".

**Amendment No. 2**

On page 1, line 5, of said bill, after "Years", insert a period and "Of the sum appropriated by this act not more than one hundred thousand dollars (\$100,000) may be used".

**Amendment No. 3**

On page 1, line 7, of said bill, after "Code", insert "Of the sum appropriated by this act not more than six hundred fifty thousand dollars (\$650,000) may be expended for uniforms and necessary equipment (other than equipment authorized by Sections 500 to 519, inclusive, of the Military and Veterans Code) which uniforms and necessary equipment The Adjutant General is hereby authorized to acquire and distribute to high school cadets."

Amendments read.

**Previous Question**

Senator Hatfield moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Engle to Assembly Bill No. 475.

Senators Engle, Mayo, and Swan demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

**AYES**—Senators Carter, Collier, Dillinger, Engle, Jespersen, Judah, Salsman, and Swan—8.

**NOES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Shelby, Slater, Swing, Tenney, Tickle, and Ward—26.

**Further Consideration of Assembly Bill No. 475**

**Assembly Bill No. 475**—An act making an appropriation to The Adjutant General for the maintenance of the California High School Cadets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—Senators Carter and Dillinger—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 490**—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of Public Officials of California and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 545**—An act relating to the construction, installation, equipping, stocking and operation of vending stands in public buildings of the State and counties, cities and counties and counties and cities, and providing for their operation by licensed blind persons, and making an appropriation therefor.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bizzar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 698**—An act making an appropriation for the control and eradication of Oriental fruit moth, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—27.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—27.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1139**—An act to add Sections 153.1, 153.2, and 153.3 to the Agricultural Code, relating to eradication of Oriental fruit moth and indemnification for host plants removed and destroyed in connection therewith, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—28.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1601**—An act to amend Sections 4.52, 4.923, 4.930, 4.942, and 4.950 of the School Code and to amend Sections 5.453, 7.303, 7.307, 7.203 and 7.226 of the Education Code, relating to the support of public junior colleges, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Tenney—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1976**—An act to add Section 699.5 to the Military and Veterans Code, relating to assistance to veterans, prescribing the powers and duties of the Veterans' Welfare Board in aiding veterans in connection with veterans' rights, privileges, and preferences, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1999**—An act making an appropriation to the Reclamation Board for the purpose of acquiring by purchase, condemnation or other legal means, property, lands, rights of way and easements for the construction, completion and operation of the Yolo By-pass and for the construction of incidental works and for settlement and payment of claims for damages done to property by the flood waters of the Yolo By-pass; and declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2001**—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Crittenden, DeLap, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Myxer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—28.

NOES—Senators Cunningham and Dorsey—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 306**—An act relating to the Postwar Employment Reserve; defining the powers and duties of State officers in connection therewith, making an appropriation for preparation of plans for a State Building Program, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Myxer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

NOES—None.

The roll was called.

#### Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 360**—An act to amend Section 1711.5 of the Welfare and Institutions Code and to make an appropriation for the support of the Youth Authority, to take effect immediately.

Bill read third time.

### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Swan, Swing, Tenney, and Ward—30.

**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.02 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 306 passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

**NOES**—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

**MR. PRESIDENT:** The Committee on Conference concerning:

**Senate Bill No. 866**—An act to add Sections 5015.5, 5016, 5017, and 5018 to the Public Resources Code, relating to parks and beaches;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 4, 1943, be further amended as follows:

#### Amendment No. 1

On page 3, line 12, of the printed bill, as amended, strike out "population,"

TENNEY

MILBODUGH

JUDAH

ANDERSON

BREED

KELLFMS

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Ward—28.

**NOES**—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

**MR. PRESIDENT:** The Committee on Conference concerning:

**Assembly Bill No. 1414**—An act to add Article 1a to Chapter 1 of Division 1 of the Agricultural Code, to include Section 35, relating to the formulation of temporary provisions, conditions, standards, and prices;



Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

CRITTENDEN  
HATHFIELD  
DONNELLY

Senate Committee on Conference

THORP  
RALPH C. DILLS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Crittenden, Cunningham, Delap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hathfield, Jespersen, Judah, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Swan, Swing, Tenney, and Ward—31.

NOES—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning

**Assembly Bill No. 1263—An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to aid to the aged;**

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

SHELLEY  
CUNNINGHAM  
LUCKLEY

Senate Committee on Conference

WOLLENBERG  
T. FENTON KNIGHT  
BENNETT

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Crittenden, Cunningham, Delap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hathfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Slater, Swan, Swing, Tenney, and Ward—30.

NOES—None.

### RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Seawell:

*Resolved*, That Assembly Bills Nos. 1336, 1388, and 1022 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be placed on file for third reading.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Burns, Carter, Crittenden, Cunningham, Delap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hathfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

### RECESS

At 2.04 p.m., on motion of Senator Seawell, the Senate recessed until 2.06 p.m.

### REASSEMBLED

At 2.06 p.m., the Senate reconvened.

Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 77  
Senate Bill No. 288  
Senate Bill No. 319  
Senate Bill No. 359  
Senate Bill No. 489  
Senate Bill No. 612  
Senate Bill No. 830

Senate Bill No. 853  
Senate Bill No. 965  
Senate Bill No. 1008  
Senate Bill No. 1110  
Senate Bill No. 1091  
Senate Bill No. 1092

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 136  
Senate Bill No. 902  
Senate Bill No. 993

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 866**—An act to amend Sections 1177 and 1203.6 of the Fish and Game Code, relating to pheasants.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Werdel, Guthrie, and Armstrong as a Committee on Conference concerning:

**Senate Bill No. 601**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630, 2303, 2305, 2306, 2307, 2308, 2309, and 2310 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, to repeal Sections 2300, 2301, and 2302 of said code, to add Sections 1625.5, 2300, 2300.5, 2300.7, 2301, 2301.3, 2301.5, 2301.7, 2301.9, 2302, 2302.3, 2302.5, and 2305.5 to said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for the reception and care of persons in need of protection and care, including institutions for child care and home-finding and placement agencies and institutions, boarding homes and other places for the reception and care of aged persons, and providing for the licensing and regulation of such institutions and agencies.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Stream, Bashore, and Thompson as a Committee on Conference concerning:

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter; declaring the urgency hereof: to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Middough, Sawwellsch, and Call as a Committee on Conference concerning:

**Senate Bill No. 672**—An act to add Section 60.3 and Section 45.2 to the Alcoholic Beverage Control Act, relating to alcoholic beverages.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Thompson, Miller, and Wendel as a Committee on Conference concerning:

**Senate Bill No. 650**—An act to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Knight, T. Fenton, Sargent, and Doyle as a Committee on Conference concerning:

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Middough, Kellens, and Anderson as a Committee on Conference concerning:

**Senate Bill No. 866**—An act to add Sections 5015.5, 5016, 5017, and 5018 to the Public Resources Code, relating to parks and beaches.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 31**—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 284, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code and to add Article 4, comprising Sections 9100 to 9104, inclusive, to Chapter 1, Part 1, Division 2, Title 2, of the Government Code, relating to offices for the Legislature and the members thereof;

**Senate Bill No. 53**—An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto;

**Senate Bill No. 57**—An act to add Sections 588 and 589 to the Military and Veterans Code, relating to care, treatment and benefits of members of the State Guard, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 196**—An act to amend Section 658.1 of the Fish and Game Code, relating to salmon;

**Senate Bill No. 266**—An act to amend Section 19c of the California Irrigation District Act, relating to the appointment or election of officers:  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 335**—An act to amend Section 15 of the Corporate Securities Act, relating to review of orders, decisions, permits or evidences of other official acts of the Commissioner of Corporations by courts of competent jurisdiction;

**Senate Bill No. 381**—An act to amend Section 4861 of the Education Code, relating to the membership of schools in societies, associations, or organizations;



**Senate Bill No. 445**—An act to add Sections 506.6 and 506.7 to the Public Resources Code, relating to the powers and duties of the State Park Commission respecting shoreline protection, improvement and development of State or publicly owned beaches, and to appointment of a Beach Erosion Control Engineer;

**Senate Bill No. 459**—An act to amend Sections 11535, 11552, 11554, 11555, 11593 and 11612 of, the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; and prescribing penalties for violations thereof;

**Senate Bill No. 490**—An act to add Section 4307.1 to the Political Code, relating to county charges;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 615**—An act to amend Sections 5003.5 and 5014 of the Public Resources Code, relating to the powers of the State Park Commission, and providing the manner in which the moneys in the State Park Maintenance and Acquisition Fund may be expended;

**Senate Bill No. 660**—An act to add Sections 3695.4, 3695.5, 3774, and 3775, and to amend Sections 3705 and 3773 of the Revenue and Taxation Code, relating to taxation;

**Senate Bill No. 661**—An act to add Section 131 to the Welfare and Institutions Code, relating to county refunds to the State for aid furnished;

**Senate Bill No. 690**—An act to amend Section 1526 of the Welfare and Institutions Code, relating to the residence of needy children;

**Senate Bill No. 691**—An act to amend Sections 1552.5, 2220 and 3078.5 of the Welfare and Institutions Code, relating to reports to the State Department of Social Welfare with respect to the suspension of grants of aid;

**Senate Bill No. 714**—An act to amend Section 5227 of the Business and Professions Code, relating to outdoor advertising;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 812**—An act to add Sections 472.1 and 472.2 to the Political Code, relating to the Attorney General, his assistants and deputies, and counsel employed or appointed by the Superintendent of Banks, Building and Loan Commissioner, or the Insurance Commissioner;

**Senate Bill No. 825**—An act to add Sections 12010 and 12154 to the Education Code, relating to credentials and certificates;

**Senate Bill No. 886**—An act to convey the Solano Monument Lands, whose use for a monument has been abandoned, to the contributors of the purchase price;

**Senate Bill No. 919**—An act to amend Sections 3284, 3285 and 3286 of, and to add Sections 3286.1 and 3286.2 to, the Streets and Highways Code, relating to proceedings for the sale and redemption of delinquent property;

**Senate Bill No. 1039**—An act to add Section 1556.6 to the Welfare and Institutions Code, relating to wages of minors, and determining the ownership thereof for purposes of aid to orphans and other needy children;

**Senate Bill No. 1076**—An act to add Section 6060.6 to the Business and Professions Code, relating to admission to the practice of law;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1104**—An act to add Section 6077.6 to the Harbors and Navigation Code, relating to harbor districts;

**Senate Bill No. 1112**—An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County,"



approved March 20, 1874, relating to the compensation and powers of officers of said district;

**Senate Bill No. 1114**—An act making an appropriation for the contingent expenses of the Senate for the Fifth fifth Session of the Legislature including committee expenses; to take effect immediately;

**Senate Bill No. 1115**—An act to amend Section 4237.9 of the Political Code, relating to grand jurors and trial jurors fees and mileage in counties of the eighth class;

**Senate Concurrent Resolution No. 24**—Relative to child care, and the employment of mothers of young children;

**Senate Concurrent Resolution No. 49**—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the members of the Senate and Assembly;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Joint Resolution No. 1**—Relative to old-age assistance;

**Senate Joint Resolution No. 3**—Relative to memorializing the Congress of the United States to initiate proper action and legislation to determine the identity, and forfeit the citizenship of those holding a dual citizenship in any other country and prohibiting such citizenship;

**Senate Joint Resolution No. 21**—Relative to memorializing Congress to make available to the civilian population property of Japanese enemies;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

### Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried. Time, 2.10 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

### RESOLUTIONS

The following resolution was offered:

By Senators Deuel and Tiekle:

#### Senate Resolution No. 145

Relative to the creation of a Committee to Investigate Problems Relating to State Subventions to Counties

WHEREAS, Many problems affecting the State and counties alike have arisen in connection with State subventions to counties; and

WHEREAS, A great deal of legislation has been proposed on this subject; and

WHEREAS, It is imperative that the Legislature have an understanding of the tax structures of the State and the counties, so that the Members thereof may have a better comprehension of the problems involved and the manner in which the various solutions proposed will affect the State and counties; now, therefore, be it

*Resolved by the Senate at the State at California*, That there is hereby created a committee to investigate and make a general survey of existing conditions insofar as they relate to State subventions to counties, and particularly their effect on the individual taxpayer; and be it further

*Resolved*, That said committee shall consist of five members, to be appointed by the Rules Committee of the Senate; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and

made a part hereof the same as if they were set forth in this resolution in full: (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws both Federal and State, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution;

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.054) per mile each way incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, or if incurred by a subcommittee, by the member or members of such subcommittee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

President of the Senate Presiding

At 2.11 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1848**—An act to add Sections 2.306, 2.448, and 4.724 to the School Code, relating to changes in boundaries of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—25.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1340**—An act to add Section 7501.5 to the Welfare and Institutions Code, relating to mentally ill persons and persons alleged to be mentally ill.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1341**—An act to amend Section 5054 of the Welfare and Institutions Code, relating to the procedure for the commitment of mentally ill persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—26.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1342**—An act to amend Sections 5050.2 and 5050.6 of the Welfare and Institutions Code, relating to procedure for the commitment of mentally ill persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tenney—24.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1343**—An act to amend Section 6731 of the Welfare and Institutions Code, relating to the discharge of patients from State hospitals, and for their subsequent care and support.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey,



Mayo, McBride, Mixer, Parkman, Rich, Seawell, Slater, Swan, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1186**—An act to amend Sections 6650, 6655, 6662, and to repeal Section 6657, and to add a new section to be called 6727.5 of the Welfare and Institutions Code, relating to the property and support of patients in State hospitals or patients on parole from such hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 308**—An act to amend Section 868.10 of, and to add Section 871 to, the Welfare and Institutions Code, relating to wards of the juvenile court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1205**—An act to amend Section 1713 of the Welfare and Institutions Code, relating to the Advisory Panel created by the Youth Correction Authority Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 17**—Relative to assistance to needy disabled persons.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tenney—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1897**—An act to add Section 6722 to the Welfare and Institutions Code, and to repeal Section 6664 thereof, relating to



State institutions, including the inmates thereof and persons committed thereto.

Bill read third time.

**Motion to Amend**

Senator Breed moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 22, of the proposed bill, as amended, strike out "said code", and insert "The Welfare and Institutions Code".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2 12 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 268**—An act to amend Sections 101, 102, and 103 of the Welfare and Institutions Code, to repeal Sections 105, 106, and 130 thereof, and to add Section 105 thereto, relating to the State Department of Social Welfare, abolishing the present Social Welfare Board in the department and transferring its powers, duties, responsibilities and jurisdiction to a Social Welfare Board created by this act, abolishing the office of Director of the Department of Social Welfare and transferring its powers, duties, responsibilities and jurisdiction to a new office of Director of Social Welfare, and providing for the appointment and tenure of office of the members of the board and of the director.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Swing, Tickle, and Ward—21.

**NOES**—Senators Carter, Cunningham, Donnelly, Luckey, McBride, Quinn, Shelley, Slater, Swan, and Tenney—10.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2003**—An act to amend Sections 1701 and 1710 of, the heading of Chapter 1 of Division 2.5 of, and the headings of Articles 2, 3 and 4 of Chapter 1 of Division 2.5 of, and to repeal Section 1711.5 of, and to add Sections 1725 and 1742 to, the Welfare and Institutions Code, relating to the Youth Authority and the care, custody and rehabilitation of youths, providing for the costs of such care, custody and rehabilitation, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 45**—Relative to a Fact-Finding Committee on Old Age Pension Advocacy and Promotion, and defining its powers and duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tickle—27.

NOES—Senators Donnelly and Swan—2.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 1776**—An act to add Section 2013 to the Welfare and Institutions Code, relating to the filing of statements by persons or organizations promoting old age pensions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Swing, Tickle, and Ward—24.

NOES—Senators Carter, Donnelly, Seawell, Shelley, Swan, and Tenney—6.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 372**—An act to add Section 2222.5 to the Welfare and Institutions Code, relating to aid to the aged, and imposing limitations upon the cancellation, suspension, or revocation of aid granted.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1581**—An act to amend Section 12 of an act entitled "An act prescribing terms and conditions upon which corporations may transact business in this State and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended, relating to the reinstatement of corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1322**—An act to amend Sections 8212 and 8213 of the Government Code, relating to qualification of notaries public.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bizzar, Broad, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, McBride, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1582**—An act to amend Sections 290, 303, 403c and 604 of the Civil Code, relating to corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bizzar, Broad, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Luckey, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 2010

Senator Shelley moved that Assembly Bill No. 2010 be withdrawn from Committee on Finance for purpose of being placed on second reading file for consideration.

#### Motion to Table

Senator Rich moved that the motion by Senator Shelley to withdraw Assembly Bill No. 2010 from committee be laid on the table.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Broad, Cunningham, DeLap, Denel, Dillinger, Engle, Fletcher, Gordon, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Rich, Salsman, Seawell, Tickle, and Ward—19.

**NOES**—Senators Burns, Carter, Collier, Crittenden, Donnelly, Dorsey, Keating, Quinn, Shelley, Slater, and Swan—11.

#### RECESS

At 2 15 p.m., on motion of Senator Seawell, the Senate recessed until 2.20 p.m.

#### REASSEMBLED

At 2 20 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1623**—An act making an appropriation to the State Park Commission, for the acquisition of land in Orange County as part of the State Park System.

Bill read third time.

**Previous Question**

Senator McBride moved the previous question.  
Motion carried.

**Request for Unanimous Consent**

Senator Swing asked for, and was granted, unanimous consent to have Assembly Bill No. 1623 passed on file temporarily.

**Motion to Amend**

Senator Swing moved the adoption of the following amendments to Assembly Bill No. 1623:

**Amendment No. 1**

On page 1, lines 8 and 9, of the printed bill, as amended, strike out "subject to the conditions provided in this act."

**Amendment No. 2**

On page 1, line 13, of said bill, strike out all except "line."; and strike out lines 14 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1993**—An act to amend Section 338 of the Code of Civil Procedure, relating to limitation of actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—26.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MOTION TO PRINT IN THE JOURNAL**

Senator Cunningham moved that the following speech, prepared by Senator Dorsey, relative to Mothers' Day, be printed in the Journal:

Motion carried.

**Mothers**

By J. R. DORSEY, Bakersfield, California

**MR. PRESIDENT:** Throughout the history of the world we find various nations setting aside special days in memory of events of importance in their particular country. This was usually the anniversary of some great battle, the birthday of some man who had accomplished much for his country, or perhaps the celebration of a great discovery, but it remained for the Twentieth Century in this Land of Freedom to set aside one day in the year on which to do honor to those most worthy of honor—our mothers.

On the ninth day of May, 1914, President Wilson signed a bill that had passed both houses of Congress declaring the second Sunday in May a legal holiday to be known as Mothers' Day. In signing this bill, he issued the following proclamation:

WHEREAS, By a joint resolution approved May 8, 1914, "designating the second Sunday in May as Mothers' Day, and for other purposes," the President is authorized and requested to issue a proclamation calling upon the government officials to display the United States Flag on all government buildings, and the people of the United States to display the flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country:

Now, therefore, I, WOODROW WILSON, President of the United States of America, by virtue of the authority vested in me by the said joint resolution, do hereby direct the government officials to display the United States Flag on all government buildings and do invite the people of the United States to display the Flag at their homes or other suitable places on the second Sunday in May as a public expression of our love and reverence for the mothers of our country.



The amount of good accomplished by the observance of this day and other customs which occasionally draw families together can never be over-estimated. From being the slave of the household the mother has now risen to her proper place, the queen of the family.

The heroism of the average mother is the commonest, and yet the least remembered form of heroism. Ah! When I think of that broad fact I gather hope again for poor humanity, and this dark world looks bright; this diseased world looks wholesome to me once more, because, whatever else it is or is not full of, it is at least full of mothers.

Well may we pause to pay honor to her who is God's best gift to men . . . MOTHER. It was she who shared her life with us when as yet our members were unformed. Into the valley of the shadow she walked that we might have the light of life. In her arms was the garner of our food, and the soft couch for our repose. There we nestled in the hour of pain, there was the playground of our infant glee. Those same arms later became our refuge and stronghold. It was she who taught our baby feet to go and lifted us over the rough places. Her blessed hands plied the needle by day and by night to make the little garments that we should wear. She put the book under our arm and started us off for school.

#### MOTHER

Mother, that's the name  
Though not so very long,  
It is heard the whole world over  
In story, rhyme and song.  
The poets write about it—  
The singer sings it too.  
It is the dearest word  
In all the world  
To you, and you, and you.

Remember how she loved you,  
When you were a little chap?  
And you would bring your toys to mother  
And pile them in her lap.  
Remember how she would play with you  
Until it was time for bed,  
And hold you in her arms  
Until your baby prayers were said?

Don't forget how proud she was,  
When first you went to school,  
And learned to say your A. B. C.'s;  
And know the Golden Rule.  
Remember how she would say to you  
In voice so sweet and mild,  
"Don't forget the Golden Rule,  
When you grow up, my child."

The great men of this world  
Owe their success in life,  
Not to sister, or brother—  
Not to children or wife;  
But they owe it all to mother,  
For it was she who taught them  
How to live the life of noble deeds,  
That crown their efforts now.

So don't forget, as you climb  
Up the hill of life with pride,  
That your dear, old-fashioned mother  
Is going down the other side,  
And if she has passed forever  
To the happy world above,  
Just keep her memory always green  
With constant thoughts of love.

So here is a toast to mother,  
Come, pledge it once with me  
That you will always try to be  
The man that mother knew you would be,  
And when success has crowned your efforts  
You can say to all men, "Brother,  
The place I've reached in life today  
I owe to my dear mother."

There is a proverb which says, "God could not be everywhere; so He made mothers." It is not good theology, but it conveys a noble interpretation of the function of motherhood. The divine care for human lives has no better symbol than the unremitting attention which a true mother gives to her children.

The exalted place the mother occupies is utterly incomparable. She is the maker of standards not only for her own household but for society in general. She is very largely the arbiter of the destiny of the State itself. Small as the circle of her influence seems to be, restricted as is its area, she represents an essential and indispensable unit in the domestic and social scheme of things. Laws may regulate and have a determining effect upon our course of action, but ideals are mightier than laws and these are largely generated in the home. No matter to what place of distinction woman may come, she has no more exalted office than that which is given her as the mother of her household. If her capacity to rule in this highest sphere of her influence is impaired or jeopardized, no other distinction that is conferred upon her may compensate for this loss.

Any study of the biographies of the good and the great inevitably discloses the mighty influence mothers have exercised in fashioning and shaping the careers of those who have been the world's chief benefactors. The testimony of the ages gives to the mother the place of supremest power in determining the destiny of men and nations.

The presence of an American mother honors any place, although it be the audience chamber of the President of the United States. When the President steps into the presence of an American mother, he is before his superior.

Sir, it is impossible in words to measure the sacredness of motherhood. It is the sweetest note in the great anthem the ages chant to God, and the radiance of His infinite mercy is reflected in a mother's smiles, a mother's tears, a mother's prayers, a mother's love.

Not until the tired hands that supported the cares of infancy and ministered to the developing years have been folded forever; not until the tired eyes grown dim and weary with the anxious vigilance of countless hours and endless days that seemed eternal have closed in death, do we begin to grasp the depth and tenderness of this mother love.

In all the channels of human activity; in all the record of human martyrdom, self sacrifice and valor, the example of woman is unsurpassed by man. We need but mention the loyalty of Artemisia to the memory of Mausolus, the devotion of Margaret Roper to Sir Thomas Moore, the affection of Eleanor for Edward, the heroism of Lucy Hutchinson in the Castle of Newark, the daring of Catherine Herman at the siege of Ostend, the fortitude of Lady Russell, the eloquence of Cornelia, the constancy of Madame Lavergne. The discovery of the American continent on which have been wrought the elemental problems of representative government, of practical science and of every form of progress, the very existence of the American Republic, are due, primarily, to a woman.

If Isabella had not risked her personal fortune in support of the then considered strange, almost fantastic, project of Columbus, no ships would have ever left the Spanish shore. And it is especially fitting that in a country which so largely owes its being and progress to a woman's courage, the love of woman should form the sublimest attribute of its people. The mothers of the race should be the objects of its most unselfish devotion.

Service is the keynote of character—for the individual and for the nation. The type of service rendered unceasingly indicates the spirit of the individual or the nation. The spirit which motivates the life of a mother is one of self denial and unselfish devotion and service. Would to God that more of this spirit and service could motivate the affairs of nations today.

Greater than our expansion of industry, stronger than the unlimited sources of physical energy, visible and invisible, is the indomitable courage and spirit of our people. To our people democracy is no longer an ideal or a dream; it is a living, vital reality. It is neither a tyrant nor a corporate state, but it is an instrumentality for the promotion of their welfare and happiness. They hold aloft the torch of democracy to the world and illumine the path of progress to a more abundant life. Mothers of such gallant men, I salute you! American motherhood has always been a symbol of strength. The colonial mothers had to face all the hardships of a strange new land; yet they raised sons who were able to carve a great nation out of a wilderness. The pioneer mothers crossed trackless deserts in the covered wagons; yet their courage never faltered. Heroines in homespun, they kept faith with their dear one.

The mothers of modern America have likewise faced hardship—the tragedy of seeing their sons march off to a global war, serving our Country with courage and devotion, carrying our Flag on sea, on land, and in the air—the Flag without taint of scandal or spot of dishonor—a righteous Flag that has never rippled in support of an unworthy cause, flying for all of the people of the earth to whom its message has always been the same—Liberty. And those mothers have shown that same fortitude, that same courage that we have learned to expect of American womanhood. Today, when the world is darkened as never before with the storms of conflict, there is still the light of mother-love to guide us on our way.

"If the path of life has led a son to fields of honor, the mother's heart will glow with pride ineffable. If he is called to war she will bid him good-bye with dry eyes, although her heart is broken with tears. She will maintain a firm and hopeful men, that he may gain success and courage from her sustaining example. When he sleeps upon the tattered bunk, her spirit will keep watch. Whilst he is slumbering, she will be whispering to him, 'My soul wherever you may be, whatever your fortune or your fate may be, I am here, an undivided heart laid upon you, may God preserve and protect you that you may soon return, confirmed to take your place once again by our fireside, and may God bless you and be with you during the deadly hours of battle that you may be rescued and brought to the bosom of your family and to mother.' In the silence of waiting, she will die a thousand deaths, but will choke back her sobs and keep her together. She will search for him amongst the slain and try with kisses to warm the dead and responsive lips to life. She will coffin her heart with the bleeding body, and her soul will keep the eternal vigil of a deathless love. The American Mother will make the supreme sacrifice."

A mother watched intently over her little son, sick with a strange malady that had come upon him almost at birth, six months before. A specialist was summoned, an operation performed, while the doctor labored by uncertain oil lamp 27 years ago, the boy's mother stood in prayer. "God if you will save my child, I will raise him to serve You now his fellowmen." The mother's prayer was answered. The boy grew up, straight and tall in body and in soul. That boy died in the service of his God and his fellowmen. His name was Colin Kelly, the first great hero of this brave war. To his mother and to Mrs. Thomas S. Sullivan, the mother of the five Sullivan boys who went down with their ship, "The Junco," and to Mrs. Ophelia Blackson of Bunkerfield, California, personally known to me, who has four sons in the armed forces, three of whom are Marines, and the mothers of all of our young men in the armed forces who are helping to win this war whether in the factories or on the battlefield, every American today pays a special tribute.

In a little burial ground near Versailles a crumbling stone marks the resting place of a mother who in life resided in a large family of sons and daughters. Across the face of the stone is carved her name, date of her birth, and of her death. The last line is reserved for her epitaph, brief but comprehensive: "She stayed at home."

She never made a speech, wrote a book, or held an office. She was too busy making a home, that indispensable spot upon which society has and must always depend. In taking care of their wishes, in teaching baby hands to turn to Right, compass, and in providing for her husband she was so fully occupied that she had no time for responsibilities that did not have to do with home and family life. She was loyal to God and to her home.

"She stayed at home." Surely no more touching or effective tribute could be paid a mother than this. It contains all that anyone might say, however eloquently gifted, of her duty, sacrifice, suffering, and kindness. Why is not she who stays at home as worthy of honor and remembrance as the great captain or admiral whose genius has mobilized armies and navies and saved nations?

Back of every achievement

Is a mother's love.

Back of every great deed

Is a mother's prayer.

Back of every hero

Who won a hard fought race

Look! You'll find

A mother there!

You know how absolutely necessary it is for us to do everything possible here at home to maintain speed and accuracy in turning out the tools and equipment so essential to victory.

You feel just as uncomfortable as I do, I know, when you think of what our boys in uniform on land, sea and in the air must face—chuck freezing in the depths—arctic cold, tremors, fever, thunderous bombardment, nerve-wracking silence, gnawing hunger for just a word from the folks back home.

We all feel a personal debt when we think of our boys under fire who have left their homes, their mothers, their wives, and sweethearts, yes, have sacrificed their very lives, to keep us safe. Their sole reward is knowledge that they are doing their part.

Safe in our homes, enjoying all the comforts of life, can we feel the same inner glow of satisfaction at having done our duty without shouldering a part of the sacrifices which our boys far from home are making?

Our men in uniform are facing death. Any self-denial we make pales to insignificance. Unless we give generously of our money and service we will not be worthy to share in the victory they will win in battle.



You and I know these things. You and I are constantly asking ourselves, "What can I do?" We can't all be Soldiers, Sailors, Marines, or Red Cross nurses. We can't all build machine tools or airplane engines. Most of us must stay behind to keep the essential machinery of everyday life running smoothly. We must see to it that the minimum requirements of food, clothing, fuel, power, transportation, and communication are supplied to those who need these things.

There are many things that we, as individuals, can do—that we must do—as part of our war effort. Working together, we can provide means of keeping up the spirits of our boys in uniform. We can give them something to smile about in their few brief moments on leave from army routine. We can strengthen their fighting spirit by giving them full assurance that their mothers, sweethearts, wives, and families shall not suffer so long as we have home, food, and clothing to share with them.

Right here in this Country we can help win this war by seeing to it that the workers in our vital war production plants are kept strong, healthy, and confident. We can prepare for the possibility of attack by strengthening our hospital, clinic, and nursing services and maintaining those institutions which have had long experience in caring for children.

"But how can you and I do these things alone?" someone might well ask. Obviously we can't do them alone. Their accomplishment depends on teamwork—the kind of teamwork we have been famous for. Not all of us can fight. Nor can all of us knit socks, work in armament plants, wrap bandages—BUT—every one of us can buy defense bonds!

Mothers, it has been an honor to remember you today. Every day, especially during this war, is essentially a mother's day, for whether recognized or not the mother stands at the center of all that is best and noblest in life. One can not read the story of the men and women who have occupied a large place in human affairs without realizing that behind and often obscured to the world's vision, the mother has played a determining part in the shaping of events. It is her hand that, like a sculptor's, shapes and fashions the character giving to it symmetry and proportion. We have before us, a Nation, a twofold task: The winning of this war and the preservation of the American way of life. We can not preserve our way of life unless we win this war. But if we win the war and lose our freedom in the process, we shall have fought in vain. It was only yesterday that certain defeatists declared that a democracy could not fight a war and still stay free.

We must accept this challenge. By our words, our thought, our actions, we shall prove that this Nation can pass through the flames of war and emerge both victorious and free.

So now let us remain in battle formation and march forward like a Theban phalanx and continue our efforts until the reign of the Prince of Peace is firmly established upon this earth and

"Til the war-drums throb'd no longer, and the battle-flags  
were furl'd  
In the Parliament of Man, the Federation of the World."

SENATOR DORSEY

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 963**—An act to add Sections 506.6 and 506.7 to the Public Resources Code, relating to the powers and duties of the State Park Commission respecting shoreline protection, improvement and development of State or publicly owned ocean beaches, and to appointment of a Beach Erosion Control Engineer.

#### Motion to Strike From File

Senator Tenney moved that Assembly Bill No. 963 be stricken from the file.

Motion carried.

**Assembly Bill No. 962**—An act to add Sections 5015, 5016, and 5017 to the Public Resources Code, relating to parks and beaches.

#### Motion to Strike From File

Senator Tenney moved that Assembly Bill No. 962 be stricken from the file.

Motion carried.



**Assembly Bill No. 1412**—An act to add Division 8, comprising Sections 8001 to 8211, inclusive, to the Public Resources Code, relating to surveys and maps, creating a State Board of Maps and Surveys, and prescribing its powers and duties.

Bill read third time

**Motion to Suspend Subsection 5 of Rule 12**

Senator Tickle moved that Subsection 5 of Rule 12 of the Standing Rules of the Senate be suspended.

The roll was called, and the motion carried by the following vote:

**AYES**—Senators Bigger, Breed, Burns, Carter, Crittenden, Cunningham, Dillinger, Donnelly, Donohy, Fugge, Judah, Mayo, McBride, McCormack, Parkman, Quinn, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—23.

**NOES**—Senators Collier, DeLap, Deuel, Gordon, Hatfield, Jaspersen, Keating, Luckey, Mixter, Powers, Rich, Seawell, and Shelley—13.

**Further Consideration of Assembly Bill No. 1412**

**Assembly Bill No. 1412**—An act to add Division 8, comprising Sections 8001 to 8212, inclusive, to the Public Resources Code, relating to surveys and maps, creating a State Board of Maps and Surveys, and prescribing its powers and duties.

Bill read third time

**Previous Question**

Senator DeLap moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1412.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—24.

**NOES**—Senators Carter, Collier, Gordon, Hatfield, Jaspersen, Keating, Luckey, Powers, Rich, Seawell, and Shelley—11.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Tickle asked for, and was granted, unanimous consent to have the following communication printed in the Journal:

SACRAMENTO, CALIFORNIA, April 10, 1943

Honorable Charles M. Weber

Assembly Chamber, State Capital, Sacramento, California

**ASSEMBLY BILL NO. 1412 RE STATE MAPS AND SURVEYS**

DEAR MR. WEBER: In response to your inquiry, this is to inform you that Section 8107 as contained in Assembly Bill No. 1412 (as amended in Assembly April 3, 1943) does not in our opinion constitute an appropriation.

The bill does not establish a special fund, nor does it provide for the appropriation of money from the General Fund. Under Section 331 of the Political Code, the fixing of a salary or other compensation does not constitute an appropriation.

Very truly yours,

FRED B. WOOD, Legislative Counsel  
By ARTHUR McHENRY, Chief Deputy

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1146**—An act to add Section 799.1 to the Fish and Game Code, relating to abalones.

Bill read third time.

## Previous Question

Senator McBride moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1146.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Burns, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Luckey, Mayo, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Swing, Tenney, Tickle, and Ward—21.

**NOES**—Senators Biggar, Breed, DeLap, Keating, McBride, and Slater—6.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 76**—An act to repeal Sections 9202, 9204, 9205, 9206, 9207, 9208, 9209, 9210, 9212, 9213, 9214, 9215, 9217, of, and to amend Sections 9164, 9200, and 9221, of the Public Resources Code, and to add Section 10058 to the Elections Code, relating to the general district elections held in soil conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 783**—An act to add Section 9112.5 to the Public Resources Code, relating to soil conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

## Senator DeLap Presiding

At 2.24 p.m., Senator DeLap of the Seventeenth District, presiding.

**Assembly Concurrent Resolution No. 59**—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo,

McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tenney—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 46** Relative to the creation of a Joint Committee to Investigate Fish and Game Problems.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Salsman, Seawell, Swing, Tenney, and Tickle—25.

NOES—Senator Rich—1.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 289**—An act to amend Sections 4037, 4038, 4112, 4152 and 4178 of, to add Sections 4036½ and 4152a to, and to repeal Sections 4039, 4040 and 4179 of, the Political Code; to amend Section 1052 of the Code of Civil Procedure; and to add Section 12073 to the Insurance Code, relating to duties of county officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 263**—An act to amend Section 42360 of the Political Code, relating to the compensation of jurors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, English, Gordon, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 265**—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district, or flood control district," approved April 23, 1913, as amended, and to repeal an act entitled "An act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an act entitled 'An act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,' approved March 3, 1909," approved April 3, 1911, relating to the investment of moneys in the sinking funds of or surplus moneys

in the treasury of any county, city and county, incorporated city, or other public or municipal corporation or public district, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Slater, Tenney, and Tickle—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Slater, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 731**—An act to amend Section 4287 and to repeal Section 4287a of the Political Code, relating to compensation for public services in counties of the fifty-eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Shelley, Slater, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1266**—An act to revise an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, fire-wardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, Statutes 1939, Chapter 174, relating to the county foresters, fire-wardens and firemen's pension system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixter, Powers, Rich, Salsman, Shelley, Slater, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1789**—An act to amend Section 4265 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-sixth class.

Bill read third time.



The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Powers, Rich, Salsman, Shelley, Slater, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1386** An act to add Section 16 to "An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to jurors' fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1979** An act to be known as the "Local Area Rehabilitation Act" to authorize cities, counties and cities and counties to reorganize, rehabilitate and reconstruct retrograde areas within the territories thereof; defining such retrograde areas and declaring the existence thereof; declaring the necessity of such reorganization, rehabilitation and reconstruction of such retrograde areas for the preservation of the public peace, health and safety and that same constitutes a public use and purpose for which private property may be condemned and granting such cities, counties and cities and counties the right to exercise the power of eminent domain and to enter into contracts for such purposes and that for such purposes public moneys may be spent and other aid given; establishing planning commissions in certain cases and conferring certain powers and duties upon such planning commissions and the legislative bodies of such communities for the purpose of carrying out the purposes of this act; empowering such legislative bodies to make contracts with property owners and others; to sell such properties in the manner prescribed in this act and to take and foreclose mortgages, and to take and enforce undertakings given in the performance of the terms of this act; to maintain actions for the enforcement of such contracts, and prescribing procedure for the performance of the duties of such legislative bodies and planning commissions under this act, and establishing such commissions as State agencies and waiving the trust status of the properties bought and sold in pursuance of the purposes of this act and declaring that this act and the powers thereby conferred are for public use and purpose.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Keating, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Tenney, and Tickle—24.

NOES—Senators DeLap, Judah, and McCormack—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2004**—An act to amend Sections 1, 2, 4.5, 9, 10, 11, and 13 and to add Sections 4.1, 9.1, and 9.2 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, relating to county peace officers' retirement systems and providing for the inclusion in such systems of county and district employees engaged in fire prevention and suppression work, including work related thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, and Tenney—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 736**—An act to amend the title of an act entitled "An act to provide for the acquisition by municipalities of land for public park or playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of acquiring and improving such land," approved April 22, 1909, as amended; and to add two new sections thereto, to be numbered 1b and 1c, providing for the maintenance of improvements on such lands and for the establishment of assessment districts and the assessment of property therein to pay the expenses of maintaining said improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1370**—An act to amend Section 96 of the Labor Code, relating to assignments of claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 990**—An act to amend Section 721 of the Political Code, relating to the filing of regulations of State agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—34.

**NOES**—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1112**—An act to amend Section 385 of the Political Code, relating to the appointment of secretaries, assistants and employees of the Governor, and to repeal Section 386 of the Political Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Tenney, and Tickle—27.

**NOES**—None

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1463**—An act granting to the City and County of San Francisco certain tulelands and submerged lands belonging to the State of California and situated in the County of San Mateo for development and use in connection with the San Francisco Airport in San Mateo County and as a part of the public airport being used, operated and maintained by the City and County of San Francisco, regulating the management, use and control thereof and authorizing the reclamation and improvement thereof all in conjunction with the use, operation and maintenance of the San Francisco Airport in San Mateo County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1513**—An act providing for the acquisition of specified property by the Department of Employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1672**—An act to provide aid to counties, cities and counties, cities and districts for civilian defense purposes; to provide for the administration thereof; to make an appropriation for such purposes; and to declare the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tenney, and Tickle—30.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH

At 2.26 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 822**—An act to add Sections 5501.5 and 5537.5 to and to amend Sections 5536 and 5537 of the Business and Professions Code, relating to architecture.

Bill read third time.

## Motion to Re-refer Assembly Bill No. 822

Senator Hatfield moved that Assembly Bill No. 822 be re-referred to Committee on Agriculture.

Motion carried.

**Assembly Bill No. 1480**—An act to add Section 53.2 to the Alcoholic Beverage Control Act, relating to places where alcoholic beverages are received, kept, or brought for consumption.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 24**—An act to establish a War Catastrophe Reserve, to make an appropriation, and to provide for its expenditure, declaring the urgency thereof, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating,



Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 226** An act to add Section 53.55 to the Alcoholic Beverage Control Act, relating to containers and cartons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Burns, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jepsen, Judah, Keating, Mayo, McBrade, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 153

Assembly Bill No. 1544

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 234

Senate Bill No. 618

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 153

Senate Bill No. 362

Senate Bill No. 410

Senate Bill No. 614

Senate Bill No. 577

Senate Bill No. 1089

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 145

Senate Bill No. 406

Senate Bill No. 431

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 509  
Senate Bill No. 1107

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 599	Senate Bill No. 748
Senate Bill No. 611	Senate Bill No. 807
Senate Bill No. 746	

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 503	Senate Bill No. 581
Senate Bill No. 449	Senate Bill No. 756
Senate Bill No. 511	Senate Bill No. 1061

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 664  
Senate Bill No. 827  
Senate Bill No. 1095

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. SPEAKER: The Committee on Conference concerning:

**Senate Bill No. 672**—An act to add Section 60.3 and Section 45.2 to the Alcoholic Beverage Control Act, relating to alcoholic beverages;  
Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 4, 1943, be further amended as follows:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "AND Section 45.2".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 9, inclusive, and insert "SECTION 1. Section 60.3 is added to said act, to read:".

**Amendment No. 3**

On page 1, line 16, of said bill, after "value", insert ", other than any tax properly chargeable and not included in such maximum purchase price."

**Amendment No. 4**

On page 1, line 20, of said bill, after the period, insert

"This section shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs."

BURNS  
SWING  
PARKMAN

Senate Committee on Conference

SAWALLISCH  
CALL  
MIDDOUGH

Assembly Committee on Conference

**Previous Question**

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of the report of the Committee on Conference concerning Senate Bill No. 672.

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Jepsersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salmon, Sawallisch, Shelby, Slater, Swing, Tenney, Tickle, and Ward—27.

**NOES**—Senators DeLap, Dillinger, Eagle, Keating, and Swan—5.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 601.** An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630, 2303, 2305, 2306, 2307, 2308, 2309, and 2310 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, to repeal Sections 2300, 2301, and 2302 of said code, to add Sections 1625.5, 2300, 2300.5, 2300.7, 2301.3, 2301.5, 2301.7, 2301.9, 2302, 2302.3, 2302.5, and 2305.5 to said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for the reception and care of persons in need of protection and care, including institutions for child care and home-finding and placement agencies and institutions, boarding houses and other places for the reception and care of aged persons, and providing for the licensing and regulation of such institutions and agencies; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on May 3, 1943, be further amended as follows:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out lines 2 to 19, inclusive, and insert "1627, 1628, and 1630 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for child care and home-finding and placement agencies, and providing for the licensing and regulation of such institutions and agencies."

**Amendment No. 2**

On page 2 of said bill, strike out lines 44 to 52, inclusive; and on page 3, strike out lines 1 to 13, inclusive.

**Amendment No. 3**

On page 5 of said bill, strike out lines 32 to 52, inclusive; and strike out pages 6 to 9, inclusive.

MIXTER  
MAYO  
HATFIELD

Senate Committee on Conference

WERDEL  
GUTHRIE  
ARMSTRONG

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jepsersen, Judah, Keating, Mayo,

McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter; declaring the urgency hereof; to take effect immediately; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill be further amended as follows:

#### Amendment No. 1

On page 1, line 2, of the printed bill, as amended, strike out "approved by", and insert "acting through".

CRITTENDEN

MAYO

FLETCHER

Senate Committee on Conference

STREAM

THOMPSON

BASHORE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 521**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 1, 1943, be further amended as follows:

#### Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "189," insert "inclusive,".

#### Amendment No. 2

On page 1, line 9, of said bill, strike out "both inclusive,".

#### Amendment No. 3

On page 1, line 10, of said bill, strike out "both".

#### Amendment No. 4

On page 1, line 11, of said bill, strike out "both".

#### Amendment No. 5

On page 2, line 2, of said bill, after "189," insert "inclusive,".

#### Amendment No. 6

On page 2, line 4, of said bill, strike out "both inclusive,".

#### Amendment No. 7

On page 2, line 5, of said bill, strike out "both".



**Amendment No. 8**

On page 2, line 6, of said bill, strike out "both".

SWAN

BIGGAR

JESPERSEN

Senate Committee on Conference

JOHNSON

THOMPSON

RALPH C. DILLS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

**Motion to Take Bill From the Inactive File**

Senator Tickle moved that Senate Bill No. 856 be taken from the inactive file and placed on the unfinished business file.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 822**

Senator Hatfield moved that Assembly Bill No. 822 be withdrawn from Committee on Agriculture for purpose of consideration.

**Motion to Table**

Senator Seawell moved that the motion by Senator Hatfield to withdraw Assembly Bill No. 822 from Committee on Agriculture be laid on the table.

Motion carried.

**RECESS**

At 2.30 p.m., on motion of Senator Seawell, the Senate recessed until 2.33 p.m.

**REASSEMBLED**

At 2.33 p.m., the Senate reconvened.

Senator DeLap of the Seventeenth District, presiding.

Secretary J. A. Beek at the desk.

**Call of the Senate**

Senator Luckey moved a call of the Senate.

Motion carried. Time, 2.33 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1381**—An act to add Section 164.1 to the Military and Veterans Code, relating to the compensation of The Adjutant General.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dorsey, Engle, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—25.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1067**—An act to amend Sections 130, 142, 146, 154, 164.5, 164.7, 175, 217, 222, 225, 245.5, 371.5, 374, 378, 383, 384 and 776 of, and to add Sections 10.5, 56 and 372.5 to the Vehicle Code, relating to registration of vehicles and fees, and Section 11001 of the Revenue and Taxation Code, relating to the report and deposit of moneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 2.34 p.m., Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 961**—An act to add Chapter 7, consisting of Sections 880 and 881, to Division 1 of the Streets and Highways Code, relating to the acquisition, by the State, of shore line property adjoining State highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jaspersen, Keating, Luckey, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Ward—21.

NOES—Senators Breed, Carter, DeLap, Deuel, Engle, Mayo, and Swan—7.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 543**—An act to amend Sections 1 and 5a of an act entitled "The California Air Navigation Act," relating to air navigation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.35 p.m., on motion of Senator Luckey, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1125**—An act to amend Section 276 of the Vehicle Code, relating to operators' licenses.

Bill read third time.

The roll was called.

## Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 2.36 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1065**—An act to amend Sections 619, 625, 645, 646, 665, and 699 of, to add Section 620.5 to, and to repeal Section 707 of, the Vehicle Code, relating to lamps and devices on vehicles, elevated wheels and length of loads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

**NOES**—Senators Dorsey and Luckey—2.

Bill ordered transmitted to the Assembly.

## President of the Senate Presiding

At 2.37 p.m., Hon. Frederick F. Houser, President of the Senate, presiding.

**Assembly Bill No. 1415**—An act to add Section 25 to an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, and to add Section 27173 to the Streets and Highways Code, to provide for the building of approach roads in cooperation with city, city and county, county, district, and State authorities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 472**—An act to amend Section 2943 of the Penal Code, relating to the discharge of prisoners and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 800**—An act to amend Section 776 of the Vehicle Code, and Section 11001 of the Revenue and Taxation Code, relating to the reporting and depositing of application and license fees received by the Department of Motor Vehicles, to take effect July 1, 1943.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 998**—An act to add Section 2264 to the Political Code and to add Section 20924 to the Education Code, relating to the employment of a field worker at the California School for the Blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1055**—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1045**—An act making an appropriation to pay the claim of the City and County of San Francisco against the State of California, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.



**Motion to Amend**

Senator Shelley moved the adoption of the following amendment:

**Amendment No. 1**

In the title of the printed bill, as amended, strike out "; and providing that this act shall take effect immediately."

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Assembly Bill No. 2002**—An act to provide for the payment of a portion of the bonded indebtedness of the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.  
**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 515**—An act to provide for the establishment and maintenance of a School of Public Health in the University of California and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1733**—An act making an appropriation for child care centers, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.  
**NOES**—Senators Burns and Tenney—2.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—Senators Burns and Tenney—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1962**—An act making an appropriation for the protection of the ocean beach at the City of Redondo Beach.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Fletcher, Jespersen, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Burns and DeLap—2.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 2007**—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Santa Barbara County as part of the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1140**—An act to provide for the erection and equipment of a building or buildings on the Campus of the University of California at Los Angeles for use in connection with instruction in engineering, for the establishment and maintenance of a course in engineering on the Campus of the University of California at Los Angeles, and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—Senators Burns, DeLap, Donnelly, Judah, Parkman, Powers, Rich, and Shelley—8.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1953**—An act to amend Section 672 of the Vehicle Code, relating to escorts, declaring the urgency hereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman,

Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Not a—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

Not a—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

Not a—Senator Judah—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1066**—An act to amend Sections 251, 252, 257, 267, 271, 276, 302, 305, 307, 310, 353, 414, 415, 416, 417 and 418 of the Vehicle Code, relating to driver's licenses and proof of ability to respond in damages.

Bill read third time.

#### Motion to Amend

Senator Breed moved the adoption of the following amendments:

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "276".

##### Amendment No. 2

On page 3 of said bill, strike out lines 22 to 51, inclusive.

##### Amendment No. 3

On page 4, line 1, of said bill, strike out "Sec. 7", and insert "Sec. 6".

##### Amendment No. 4

On page 4, line 24, of said bill, strike out "Sec. 8", and insert "Sec. 7".

##### Amendment No. 5

On page 5, line 1, of said bill, strike out "Sec. 6", and insert "Sec. 8".

##### Amendment No. 6

On page 6, line 18, of said bill, strike out "Sec. 10", and insert "Sec. 9".

##### Amendment No. 7

On page 7, line 33, of said bill, strike out "Sec. 11", and insert "Sec. 10".

##### Amendment No. 8

On page 7, line 1, of said bill, strike out "Sec. 12", and insert "Sec. 11".

##### Amendment No. 9

On page 8, line 7, of said bill, strike out "Sec. 13", and insert "Sec. 12".

##### Amendment No. 10

On page 9, line 12, of said bill, strike out "Sec. 14", and insert "Sec. 13".

##### Amendment No. 11

On page 9, line 47, of said bill, strike out "Sec. 15", and insert "Sec. 14".

**Amendment No. 12**

On page 10, line 31, of said bill, strike out "Sec. 16", and insert "Sec. 15".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1624**—An act to add Section 356.5 to the Streets and Highways Code, relating to the powers of the California Highway Commission and Department of Public Works in respect to the abandonment of State highways, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 856**—An act to amend Section 186 of the Vehicle Code, relating to transfers of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 857**—An act to amend Section 402 of the Vehicle Code, relating to financial responsibility.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 908**—An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Bill read third time.



The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1063**—An act to amend Section 54 of the Vehicle Code and Section 191 of the School Code, relating to school busses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1070**—An act to add Section 156.5 to the Vehicle Code, relating to the issuance of stickers in lieu of license plates to vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### President Pro Tempore of the Senate Presiding

At 2:38 p.m. Hon. Jerrold L. Seawell, President pro tempore of the Senate, presiding.

**Assembly Bill No. 1529**—An act to add Section 512 to the Vehicle Code, relating to speed limits on highways under construction or repair.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1633**—An act to add Sections 195.5 and 1623.5 to the Streets and Highways Code, relating to expenditure of money allocated to counties, cities, and cities and counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1969**—An act to add Section 4 to an act entitled "An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor," approved July 11, 1941, relating to availability of any unexpended balance of the appropriation made therein, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.  
**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1018**—An act to amend Sections 11561, 11699 and 11715 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1699**—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence to employees who enter war industries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—34.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1772**—An act making an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission to salvage and move cottages at Seacliff State Park, Santa Cruz County.

Bill read third time.

**Motion to Amend**

Senator Judah moved the adoption of the following amendments:

**Amendment No. 1**

In lines 4 and 5 of the title of the printed bill, as amended, strike out "and move cottages", and insert "repair, and move buildings".

**Amendment No. 2**

On page 1 of said bill, strike out lines 10 and 11, and insert "ground, the warden's cottage and other administrative buildings at Seal Cliff State Park, Santa Cruz County."

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 1504** An act relating to the National Flag and the Flag of the State of California, and other flags.

Bill read third time.

**Previous Question**

Senator Rich moved the previous question

Motion carried.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Reed, Burtis, Carter, Collier, Crittenden, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tiekle, and Ward—27.

**NOES**—Senators Bigger, DeLap, Engle, Gordon, Jespersen, and Rich—6.

Bill ordered transmitted to the Assembly.

**MESSAGES FROM THE GOVERNOR**

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE, SACRAMENTO, May 5, 1943

*To the Members of the Senate  
of the State of California*

**GREETINGS:** As a member of agency I am calling your attention to a legislative development in Washington which I believe is of the utmost importance to California and particularly to our elder citizens and our great farming industry.

Some weeks ago there was introduced in the House of Representatives a joint resolution "making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1943."

Included therein, as a means of attracting farm labor, was the provision:

The Federal Security Administrator shall promptly notify each State that grants under such title will be available for the payment of old age assistance with respect to any person without regard to remuneration received by such person for agricultural labor performed by him during such period; and no State shall be required in determining need in the case of any individual to take into consideration any income or resources derived by him from such agricultural labor.

The bill was passed in this manner but was sent to conference. In the conference the above provision was limited to those States which have not increased old age pension allowances since April, 1943. As far as we can ascertain, there is at this moment but one State in the Union which has enacted such a statute this month.

It becomes apparent, therefore, that old age pensioners in every State in the Union except California are to be privileged to retain their earnings for agricultural labor and are thus to be encouraged to produce for victory. On the other hand, the senior citizens of California are to be deprived of that right and thus discouraged from participating in the war effort.

Whatever the reason for this change in the legislation may have been, it results in a gross discrimination against our State at a time when we are crying out for all of the farm labor that can be obtained. It would seem to be a penalty placed upon us merely because we have made an honest effort to adequately care for our deserving elders during times of abnormal living costs.

I have just been in conversation with Washington and have ascertained that the resolution in this form has been signed by the President. Any remedy for the situation would seem to lie in corrective legislation by Congress.

The matter is of sufficient importance, both to our senior citizens and to the agriculture of California now preparing for a victory harvest season, to warrant an immediate effort being made to undertake corrective action. If it were not for the fact that I must spend the next 30 days in California reviewing the bills passed by the Legislature, I would leave immediately for Washington to see if this discrimination can not be rectified in time to assist in the harvesting of crops this season. Someone should undertake the task. I am, therefore, of the opinion that the California Legislature should immediately take appropriate action in the matter and it is my suggestion to you that a joint committee be named to proceed to Washington immediately in an attempt to bring an end to such a discriminatory law.

Respectfully,

EARL WARREN, Governor

### RESOLUTIONS

The following resolution was offered:

By Senator Shelley:

#### Senate Resolution No. 147

Relating to deduction of earnings from agricultural labor from old age assistance and the creation of a committee in respect thereto

WHEREAS, House Joint Resolution No. 96, as passed by the Senate of the United States included, as subdivision (1) of Section 5 thereof, provisions that no person should be deemed not to be a needy individual by reason of remuneration paid to such person for any agricultural labor performed by him from the enactment of the resolution until six months after the termination of hostilities in the present war; and that no State should be required, in determining need in the case of any individual, to take into consideration any income or resources derived by him from agricultural labor; and

WHEREAS, Conference reports amending House Joint Resolution No. 96 were adopted by both houses of Congress, whereby the benefits of the subdivision were withheld from any State which had increased the amount of aid payable to recipients of old age since April 30, 1943; and

WHEREAS, The State of California has at the present session of the Legislature increased the maximum monthly individual grant of aid to the aged from forty dollars (\$40) per month to fifty dollars (\$50) per month; and the State of California is the only State which has increased the amount of aid payable to recipients of old age assistance since April 30, 1943; and

WHEREAS, House Joint Resolution No. 96 in the form in which it was put by the amendments made by the conference report is flagrantly discriminatory against the State of California, and penalizes this State for its action in increasing the amount of aid to an amount more nearly adequate, under present conditions, for the maintenance of health and decency; and

WHEREAS, The farm labor shortage in the State of California is no less severe than in other States whose contributions to the production of food and other agricultural products do not surpass nor even equal the contribution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California, That a committee of the Senate is hereby created, consisting of three members of the Senate appointed by the Rules Committee; and be it further*

*Resolved, That this committee is instructed and authorized to go to Washington to consult with the proper representatives of the Federal Government, the Federal Social Security Board, and with members of Congress, and protest vigorously against this unfair and unjust discrimination against the State of California and the citizens of this State, and seek by every means possible to persuade the Congress of the United States to eliminate or, if H.R. 96 becomes law, repeal this deterrent against the procurement of all assistance possible in the production of food and fiber in this State; and be it further*

*Resolved, That the sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses and <sup>to</sup> ~~and~~ the members of the committee may incur under this resolution, to be disbursed upon certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.*

Resolution read, and referred to Committee on Rules.



**REPORTS OF STANDING COMMITTEES****Committee on Public Health and Safety**

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred

Assembly Bill No. 1406

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

KEATING, Chairman

Above reported bill ordered to second reading.

**SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**

**Assembly Bill No. 1406**—An act making an appropriation for the Division of Mapping Surveys of Natural Resources in the Department of Natural Resources.

Bill read second time.

**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Keating:

*Resolved*, That Assembly Bill No. 1406 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be placed upon file for third reading.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36

**NOES**—None

Article IV, Section 15, of the Constitution was declared suspended.

**RECOMMENDATION OF COMMITTEE ON RULES**

SENATE CHAMBER, SACRAMENTO, May 5, 1943

The Committee on Rules grants permission to consider Senate Joint Resolution No. 50.

SEAWELL, Chairman

**RECOMMENDATION OF COMMITTEE ON RULES**

SENATE CHAMBER, SACRAMENTO, May 5, 1943

The Committee on Rules grants permission to consider Senate Concurrent Resolution No. 51

SEAWELL, Chairman

**RECOMMENDATION OF COMMITTEE ON RULES**

SENATE CHAMBER, SACRAMENTO, May 5, 1943

The Committee on Rules grants permission to consider Senate Joint Resolution No. 26.

SEAWELL, Chairman

The roll was called, and permission granted to Senators Biggar, Seawell, Mayo, Donnelly, Deuel, Tenney, Shelley, Hatfield, Judah, Keating, and Mixer to introduce a resolution by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Jespersen, Judah,

Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
 NOES—None.

#### INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

**Senate Concurrent Resolution No. 50:** By Senator Biggar—Relative to the creation of a Joint Interim Committee on Forestry.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 51:** By Senator Seawell—Relative to the appointment of the State Controller as acting officer for the Legislature for tax and other purposes.

Referred to Committee on Rules.

**Senate Joint Resolution No. 26:** By Senators Mayo, Donnelly, Deuel, Tenney, Shelley, Hatfield, Seawell, Judah, Keating, and Mixer—Relative to deduction of earnings from agricultural labor from old-age assistance.

Referred to Committee on Rules.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 650**—An act to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on April 30, 1943, be further amended as follows:

##### Amendment No. 1

On page 1, line 24, of the printed bill, as amended, strike out “, with”; and strike out lines 25 and 26.

##### Amendment No. 2

On page 2, line 8, of said bill, strike out “3.735 3.735 1”, and insert “10123, 10124, and 10125”.

##### Amendment No. 3

On page 2 of said bill, strike out lines 9 to 11, inclusive.

SALSMAN

SWAN

Senate Committee on Conference

THOMPSON

MILLER

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

**NOES**—Senators Carter and McBride—2.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 257**—An act to add Section 252.5 to the Health and Safety Code, relating to children with an impaired sense of hearing, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 406**—An act making an appropriation to the Department of Agriculture for the purpose of establishing, equipping, and operating a poultry disease diagnostic and testing laboratory in San Diego County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.  
NOES—Senator DeLap—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 805**—An act making an appropriation for the destruction of beet leaf hoppers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1222**—An act to add Section 2.1364-2 to the School Code and to add Article 2.1 to Chapter 15 of Division 2 of the Education Code, relating to the powers and duties of the Director of Education, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1975**—An act to provide for the augmentation of the food and fiber supply of this State and Nation by authorizing public officers of this State to acquire by eminent domain any otherwise agricultural machinery and equipment, and for the use of such agricultural machinery and equipment, making an appropriation therefor, and declaring the urgency of said act, to take effect immediately.

Bill read third time.

## Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

## Motion to Amend

Senator Burns moved the adoption of the following amendment to the title:

## Amendment No. 1

In line 3 of the title of the printed bill, as amended in the Senate May 4th, after "domain", strike out "any", and insert "and".

Amendment read and adopted.

Bill ordered reprinted, and transmitted to the Assembly.

**Assembly Bill No. 582**—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator DeLap—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 590**—An act to add Section 9606.7 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1028**—An act to add Section 3656.5 to the Revenue and Taxation Code, relating to rental by State of tax deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.39 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1125 passed by the following vote:

**AYES**—Senators Baggart, Reed, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dossy, Eagle, Gordon, Jespersen, Judah, Mayo, McCormack, Minter, Powers, Rich, Salsman, Sewall, Swan, Tiedle, and Ward—24.

**NOES**—Senators Dillinger, Fletcher, Hatfield, Keating, Luckey, McBride, Parkman, Quinn, Shelley, Slater, and Swing—11.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1107**—An act to amend Education Code Sections 14265, 14268, 14272, 14274, 14325, 14326, 14327, 14361, 14363, 14427, 14431, 14432, 14433, 14434, 14435, 14436, 14440, 14441, 14442, 14444, 14445, 14446, 14447, 14450, 14452, 14458, 14491, 14492, 14494, 14496, 14523, 14526, 14534, and to add Education Code Sections 14274.1, 14274.2, 14274.3, 14274.4, 14274.5, 14437, 14438, 14458.1, 14458.2, 14458.3, 14469, 14523.1, 14523.2, 14523.3, 14526.1, and 14542, and to repeal Education Code Sections 14365, 14437, 14438, 14439, and 14456, relating to the California State Teachers' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dossy, Eagle, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Sewall, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 604**—An act to add Section 5.751-1 of the School Code and to add Section 13842.1 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately; And appointed Messrs. Dilworth, Field, and Beck as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, comprising Sections 5.725 to 5.725g, inclusive, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, comprising Sections 13701 to 13718, inclusive, relating to emergency leaves of absence, declaring the urgency thereof, to take effect immediately; And appointed Messrs. Middough, Beck, and Doyle as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swan, DeLap, and Rich as a Senate Committee on Conference concerning Assembly Bill No. 604 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swan, Tickle, and Rich as a Senate Committee on Conference concerning Assembly Bill No. 1265 to meet a like committee of the Assembly.

**SENATE COMMITTEE ON RULES**

SEAWELL, Chairman

**Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2:40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE****CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1111**—An act to amend the heading of Article 11 of Chapter 1 of Division 5, to amend Sections 2451, 2452, 2453, 2455, 2831, 2832, 2839, 2840, 2841, 2842, and 2843, to add Sections 3881 and 3882 to, and to repeal Section 2450 of the Elections Code, relating to county central committees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Engle, Fletcher, Gordon, Hatfield, Judah, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Saismann, Swan, Swing, Tickle, and Ward—24.

**NOES**—Senators Carter, Collier, Donnelly, Dorsey, Jespersen, Seawell, and Shelley—7.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 136**—An act to amend Section 9 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Buzar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Saismann, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 50**—Relative to decentralization of the steel industry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Buzar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Keating, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.  
Nays—Senators DeLap, Deuel, and Rich—3.

Resolution ordered transmitted to the Assembly.

**Assembly Concurrent Resolution No. 65** Relative to the Joint Rules of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.  
Nays—None.

Resolution ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Carter asked for, and was granted, unanimous consent to take up Assembly Bill No. 2015, at this time, for consideration.

#### CONSIDERATION OF ASSEMBLY BILL NO. 2015

**Assembly Bill No. 2015**—An act to add Section 1737.5 to the Welfare and Institutions Code, relating to commitments to the Youth Authority.

#### Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Carter:

*Resolved*, That Assembly Bill No. 2015 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.  
Nays—None.

Article IV, Section 15, of the Constitution was declared suspended.

**Assembly Bill No. 2015**—An act to add Section 1737.5 to the Welfare and Institutions Code, relating to commitments to the Youth Authority.

Bill read second time.

**Assembly Bill No. 2015**—An act to add Section 1737.5 to the Welfare and Institutions Code, relating to commitments to the Youth Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen,

Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1033**—An act to add Section 261b to the Code of Civil Procedure, relating to phonographic reporters for superior courts in counties, or cities and counties, having a population of 900,000 or more, providing for the compensation and fees of such reporters, requiring the payment to the county clerk of such counties, or cities and counties, of certain filing and appearance fees, in addition to any other fees now required by law, requiring that such fees be deposited in the salary fund of such counties, or cities and counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Burns, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Eagle, Fletcher, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—Senators Carter, Dorsey, and Hatfield—3.

Bill ordered transmitted to the Assembly.

#### CONSIDERATION OF SENATE RESOLUTION NO. 52

By Senator Biggar:

##### Senate Resolution No. 52

##### Relative to Interim Committee on the Study of Public Education

WHEREAS, The people of California have demonstrated their interest in education by establishing and supporting an excellent system of public schools; and

WHEREAS, It is in the best interest of the public welfare that representatives of the people examine from time to time the manner in which the public schools are discharging their obligations; and

WHEREAS, The Legislature can best secure information by means of Interim Committees; now, therefore, be it

*Resolved by the Senate of the State of California*, That a committee to be designated "The Senate Interim Committee on Public Education" consisting of five Members to be appointed by the Committee on Rules of the Senate is hereby created. The committee is hereby authorized to gather, study, assemble and analyze facts relating to the system of public education in this State (including finances, methods of teaching, selection and use of textbooks, character and type of personnel, type of curriculum, lack of emphasis with respect to fundamentals, organization and administration of the public school system and any other related subjects) with a view to formulating plans and preparing and submitting such legislative measures as will enable the State to bring about and assure the best possible system of public education.

To this end the committee should make a study, survey, or investigation of any phase of the subject of this resolution, including but not limited to the operation, effect, administration, and enforcement of laws bearing upon or relating to the subject of this resolution.

The committee may act during this session of the Legislature, including any recesses thereof and after final adjournment and may report its findings and recommendations to the Senate and to the people from time to time and at any time, and make its final report to the Senate at the Fifty sixth Session of the Legislature on or before January 15, 1945; and be it further

*Resolved*, That the committee shall have and exercise all the powers, duties, and privileges conferred upon committees by Rule No. 35 of the Joint Rules of the Senate and Assembly for the Fifty fifth Legislature (and the provisions of said rule as they exist on the adoption of this resolution are, to the extent not inconsistent with this resolution, hereby incorporated herein and made a part hereof as though set forth in full in this resolution); and be it further

*Resolved*, That every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records, and documents as the committee or subcom-



mittee deems proper for the accomplishment of the purposes for which the committee is created, and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

#### Resolution read

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Baggart, Butts, Carter, Collier, Crittenden, Cunningham, DeJap, Denel, Dillinger, Donnelly, Dosses, Engle, Fletcher, Gordon, Hatfield, Judah, Keating, Luckey, Mayo, McBride, McCannock, Myer, Parkman, Powers, Quinn, Salmon, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

### CONSIDERATION OF SENATE RESOLUTION NO. 122

#### By Senator Donnelly:

#### Senate Resolution No. 122, as Amended

#### Relative to appointment of a Senate Fact-Finding Committee on Japanese Problems

**WHEREAS**, Japanese people resident in the State of California have proved to be a serious menace to the peace and safety of the people of the State and of the United States as a whole; and

**WHEREAS**, The Japanese people have been removed from the State, such removal appearing to be only temporary; and

**WHEREAS**, On May 19, 1943, and on November 2, 1920, the people of the State of California adopted an Alien Land Law; and

**WHEREAS**, The Alien Land Laws were designed to prevent aliens ineligible to citizenship from directly or indirectly acquiring any interest in or dominion over land used or to be used for agricultural purposes; and

**WHEREAS**, The reason for the passage of the laws was: The clash of two races and two civilizations, socially and economically incompatible, no question of the inferiority or superiority of either race being involved; and

**WHEREAS**, By subterfuge and device the Alien Land Law has been circumvented until it has become a virtual nullity; American born Japanese have been substituted for their alien parents as owners or lessors, American citizens have been induced to do the same thing, while all the time the land purchased or leased was acquired with the intent that it be used by aliens forbidden to own or lease the land; and

**WHEREAS**, Great areas of land over which such aliens exercise all of the rights of ownership are situated along the shore lines of this State and in many other places vital to the military, political, and economic welfare of this State; and

**WHEREAS**, Such a condition existing under a State law designed to protect the American farmer from the deleterious economic competition in the growing and marketing of farm produce constitutes a menace to National defense, to the citizens of this State and Nation, and to the American grower and dealer; and

**WHEREAS**, The problem presented is not one primarily of Federal jurisdiction but is one of a State concern which nevertheless endangers the National security; and

**WHEREAS**, The return of Japanese people to the State after termination of the war may conceivably constitute a serious menace to the peace and safety of the people of the State in subsequent years; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a Senate Fact-Finding Committee on Japanese Problems which shall investigate, ascertain and appraise all facts concerning the return of the Japanese people to this State after termination of the war, and all matters relating to evasions of the Alien Land Laws, to recommend amendments to those laws or additional laws to prevent such evasions and to consider any and all phases of the social, economic, political and National problems arising out of the present war between Japan and the United States of America; and be it further

*Resolved*, That the committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9490 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws both Federal and State, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution;

*Resolved*, That the committee, each of its members, and any representative of the committee thereto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the committee may make such representations and recommendations to the Federal Government as it may deem advisable, on any subject relating to the subject of its investigation, during such times as the Legislature may not be in session, and such representations and recommendations shall be representations and recommendations of the committee, and not of the Legislature or the Senate thereof; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one half cents (\$.054) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made payable from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution to be paid and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

#### Resolution read

The roll was called and the resolution adopted by the following vote:

**AYES**—Senators Bagg, Bess, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dismore, Dismore, Evans, Gage, Gitcher, Gordon, Hatfield, Jepsen, Jones, Keating, Lester, Miller, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Sargent, Seelye, Smith, Sutter, Swain, Swang, Tenney, Tickle, and Ward. 36

**NOES**—None

### CONSIDERATION OF SENATE RESOLUTION NO. 125

#### Senate Resolution No. 125

*Relating to the creation of a Senate Committee to investigate and determine a construction program to be embarked upon that will provide employment following the relaxation of the war effort and define its powers and purposes.*

**WHEREAS**, The Legislature has determined to establish and provide a Postwar Construction Program that will furnish employment for citizens released from the armed forces and from public institutions following the relaxation of the war effort, and has provided for a fund in part for such construction; and has authorized the preparation of necessary plans and specifications for the doing of the preliminary work necessary to make possible the embarking upon such program immediately following the relaxation of the war effort; and

**WHEREAS**, It is deemed that an immediate investigation be made to determine the projects and the construction which will best serve to provide such employment, and which will make available opportunities for employment in all parts of the State; and

**WHEREAS**, It is necessary that the various departments authorized to engage in the preparation of plans and specifications and the doing of the preliminary work heretofore referred to have public access to the nature and location of the projects deemed by the Legislature to be best suitable for carrying into effect the intention of the Legislature when authorizing such postwar program; now, therefore, be it

*Resolved by the Senate of the State of California*, That there be and is hereby created a committee of the Senate to investigate and ascertain facts, and determine the nature and location of projects which, in the judgment of such committee, should be included in the Postwar Construction Program; and be it further

*Resolved*, That the committee shall consist of nine Members of the Senate, at least seven of whom shall be from the several districts, which committee shall be appointed by the Rules Committee of the Senate, and be it further

*Resolved*, That the committee in exercising its powers and performing the functions vested in it by this resolution shall have all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by Sections 9400 to 9412 of the Government Code, and by the Joint Rules of the Senate and Assembly, and all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittees for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To add to and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matters) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendering and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;



(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the adjournment of the Fifty-sixth Legislature;

(9) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procedure testimony; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, The committee may do anything which is necessary or desirable to represent the interests of the State or any local agency, district, area, group, or person in the State and to that end may correspond, confer, and cooperate with any agency, officer, or other representative of the United States and for that purpose the committee or any designated member or employee of it may travel either within or without the State; and be it further

*Resolved*, The committee shall from time to time consult, advise and cooperate with the Governor, the various State departments and agencies concerning projects to be included in the Postwar Construction Plan, and shall prepare and submit to the Fifty-sixth Session of the Legislature the report of its investigations, findings and recommendations concerning the projects, improvements and constructions which the committee deem suitable for such Postwar Construction Program; and be it further

*Resolved*, The Sergeants-at-Arms of the Senate and of the Assembly, and other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.054) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate for the expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

**NOES**—None.

#### CONSIDERATION OF SENATE RESOLUTION NO. 134

By Senator Shelley:

##### Senate Resolution No. 134

Relative to Senate Fact-Finding Committee on Homes and Institutions for the Aged

*Resolved by the Senate of the State of California*, That the Senate Fact-Finding Committee on Homes and Institutions for the Aged, created under Senate Resolution No. 49, is hereby authorized to exercise all of the powers granted to it by Senate Resolution No. 49 after the final adjournment of this (the Fifty-fifth) Session of the Legislature, and to file its report with the Senate of the Fifty-sixth Regular Session of the Legislature during January, 1945; and be it further



*Resolved*, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available to the committee from the Contingent Fund of the Senate for the expenses or claims it may incur under this resolution and Senate Resolution No. 49, to be paid from the Contingent Fund of the Senate and disbursed, after certification of the chairman of the committee, on warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Bigger, Broad, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swang, Tenney, Tickle, and Ward—34.

**NOES**—None.

### CONSIDERATION OF SENATE RESOLUTION NO. 137

By Senator Salsman:

#### Senate Resolution No. 137

Relating to creation of a Senate Committee on Governmental Efficiency and Economy, defining its powers and duties and making an appropriation for its expenses

**WHEREAS**, Hundreds of changes in the organization and administration of the State Government are proposed at each session of the Legislature. The complicated machinery of State Government erected to serve the citizens of this State, can function only under law. New circumstances constantly arise which previous statutes did not contemplate. It is necessary for the Legislature to study these circumstances carefully, with a view to revising and amending the law relating thereto, in order that the most efficient, economical, and equitable administration of the laws may be fostered.

During the interim between sessions it is desirable to ascertain and collate the facts upon which legislation may be based. The Legislature can best function as a fact-finding agency through legislative committees; therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a Senate Committee on Governmental Efficiency and Economy, which committee shall study and investigate, accurately and in detail, the organization, functions, and administration of the State Government and of any department, agency, or subdivision thereof and of the governments of the cities and counties of this State, for the purpose of recommending changes and proposing legislation in order to promote efficiency, to reduce and eliminate costs, to provide for the consolidation of functions and removal of duplication, and to do all other things necessary and proper to increase the efficiency and effectiveness of the State and local governments and the agencies and subdivisions thereof.

The committee shall consist of five Members, appointed by the Rules Committee. Vacancies on the committee shall be filled by appointment by the Speaker.

Upon the appointment of its members the committee may organize, appoint a secretary, and employ such clerical and technical assistants and adopt such rules as in its discretion it deems necessary and proper to enable it to carry out to full force and effect the powers granted and the duties imposed herein.

The committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records, of every kind and description, and to take all necessary means to compel the attendance of witnesses and to procure testimony. The members of the committee may each administer oaths, and all of the provisions of Article 8 of Chapter 2, Title 1, Part 3 of the Political Code, and of Sections 9400 and 9412 of the Government Code, relative to the attendance and examination of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution.

The committee is hereby authorized and empowered to make a complete investigation and study of all matters and subjects heretofore referred to and relating thereto, and to do any and all things necessary or convenient to enable it to exercise the powers and duties granted to and imposed upon it.

The committee may create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to take or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter, defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The committee may hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee. The committee may also meet in executive session. The committee is hereby authorized to act during sessions of the Legislature, including any recess

thereof, or after final adjournment, but in no event beyond the convening of the Fifty-sixth Legislature. The committee may report to any session of this Legislature or to the Regular Session of the Fifty-sixth Legislature, on or before March 15, 1945.

Every department, commission, board, agency, officer, and employee of the State Government and of any political subdivision, county, city, or public district or in this State shall furnish the committee and any subcommittee upon request, any and all assistance and information, records, and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created. The Sergeant-at-Arms of the Senate, or other officers designated by him are hereby directed to serve any and all subpoenas, orders, and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of ten dollars (\$10) per day for accommodations and meals.

The sum of five thousand dollars (\$5,000) is hereby made available from the Contingent Fund of the Senate, for expenses of the committee hereby created and its members, and for any other charges, expenses or claims it may incur under this resolution to be disbursed after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Downey, Dwyer, Eagle, Fletcher, Graham, Harford, Jassonson, Keating, Luckey, Mayo, McBride, McCracken, Merritt, Perkins, Peters, Quinn, Rich, Salsman, Seawell, Stanley, Slater, Swan, Swing, Tamm, Tucke, and Ward: 35

**NOES**—None.

### CONSIDERATION OF SENATE RESOLUTION NO. 138

By Senator Swing:

#### Senate Resolution No. 138

Relative to the creation of a committee to investigate the water situation at Needles and vicinity

**WHEREAS**, The channel of the Colorado River has gradually risen since the construction of Parker Dam, and the flood waters of said river have recently and are now over running, inundating, and damaging public and private property in the vicinity of Needles, California, and has created a condition at and near Needles, which is dangerous to the public health and to the public safety and convenience; and

**WHEREAS**, The boundary line of the State of California, as described in the Constitution, extends to the Colorado River "thence down the middle of the channel of said river to the boundary line between the United States and Mexico"; and

**WHEREAS**, Said river has at various times and will continue to meander back and forth, widening and changing said channel and causing great uncertainty as to the actual location of said boundary line between the said States, which meanderings and changing of such channel has resulted in great uncertainty as to the duty and obligations of the respective officers of said States concerning the abatement of the nuisance heretofore referred to, and the responsibility for protecting the public health and safety; and

**WHEREAS**, The responsibility for and the extent of said flood condition is uncertain and yet undetermined; and

**WHEREAS**, The aforesaid situation requires immediate and prompt action by the State of California in order to prevent irreparable damage and injury to the property and property rights of citizens of this State and of the State itself, and to afford proper protection for the public health and safety; and

**WHEREAS**, The Legislature requires complete and adequate information as to all phases of this situation in order that appropriate legislation may be presented to and considered by it; now, therefore, be it

*Resolved by the Senate of the State of California*, That there is hereby created a committee of the Senate to investigate the said situation at Needles, and along said channel of said river, which committee shall investigate aforesaid, and ascertains all facts and matters relating to the location of boundary lines, to the encroachment of the waters of the Colorado River upon lands adjacent to said river in the vicinity of Needles and along said river both upstream and downstream from Needles where overflow conditions exist, and ascertain and determine, if possible, a plan for the immediate alleviation of said condition and determine the responsibility therefor; and be it further

*Resolved*, That said committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (a) All the powers conferred upon legislative committees by Article 5, Chapter 2, Title 1, Part 3 of the Political Code and Section 9409 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution; (b) all the powers conferred upon committees by the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (c) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

- (1) To make a complete survey, survey and investigation of all matters connected with any phase of the subject of this resolution;
- (2) To meet at any place within the State in public or executive session;
- (3) To adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;
- (4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best enable it to carry out the purposes for which it is created;
- (5) To employ such clerical, technical, engineering or professional assistants as may be necessary to carry out its purposes;
- (6) To hold public hearings at any place in California;
- (7) To meet at any time during sessions of the Legislature or any recess thereof;
- (8) To contract and cooperate with the City of Needles, the Federal Reclamation Bureau, the Santa Fe Company, the Metropolitan Water District, the Department of Public Works, and any other agency interested in the solution of the problems resulting from the flood conditions with the purpose and object of seeking cooperation for immediate and prompt action to alleviate such condition;
- (9) To report its findings to the Legislature;
- (10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of any kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereto authorized by committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant at Arms of the Senate, or other officers designated by him are hereby directed to serve and call all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That the Department of Public Works, Attorney General, the State Engineer and every other department, commission, board, agency, officer and employee of the State Government and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That it is the intention of the Legislature that the provisions of Senate Bill No. 727 be deemed to be sufficiently comprehensive to permit the Department of Public Works to expend money from the appropriation set forth in said bill, upon the terms and under the conditions set out in said bill, to assist in alleviating the flood conditions at Needles, if said department determines that such flood conditions justify such expenditures, and the Department of Public Works is requested to cooperate with said committee in determining whether the flood conditions herein referred to justify any such expenditure; and be it further

*Resolved*, That all departments and agencies of the United States having jurisdiction over any matter relating to the waters of the Colorado River are requested to assist said committee in performing its duties under this resolution; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of one thousand five hundred dollars (\$1,500) or so much thereof as may be necessary is hereby made available from the contingent fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the contingent fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer;



provided, however, that no member of said committee shall be entitled to receive expenses or mileage during the sessions of the Legislature, except such expenses and mileage as shall be incurred during the constitutional recess.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle and Ward—37.

**NOES**—None.

### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Concurrent Resolution No. 56**—Relative to settlement of Jewish refugees in Palestine.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—36.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

### UNFINISHED BUSINESS (RESUMED)

#### Consideration of Assembly Amendments

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item 221 of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 727?

#### Amendment No. 1

On page 2, line 5, of the printed bill, strike out "person, firm, association, corporation,".

#### Amendment No. 2

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "five hundred thousand dollars (\$500,000)", and insert "two million dollars (\$2,000,000)".

#### Amendment No. 3

On page 1, line 3, of the printed bill, as amended, strike out "two million dollars (\$2,000,000)", and insert "one million dollars (\$1,000,000)".

#### Amendment No. 4

On page 1, line 9, of said bill, after "of", insert ", and for the prevention of further damage to,".

#### Amendment No. 5

On page 1, line 17, of the printed bill, as amended, after "restoration", strike out "(except", and substitute "or"; and in line 19, strike out ")".

#### Amendment No. 6

On page 1 of the printed bill, strike out lines 20 to 22, inclusive; and on page 2, strike out lines 1 to 18, inclusive, and insert

"(a) Such expenditure and purpose is first approved by the Director of Finance.

(b) The department has first investigated and reported upon the proposed work, has found it to be a matter of general public and State interest and concern, has estimated the cost of the work and filed its report thereon with the Department of Finance.



(c) Moneys equal to or in excess of the amount expendable from this appropriation for said work shall be made available by a political subdivision, public district, municipality, county or public agency, including agencies of local and Federal Government but excluding agencies which are a part of the Executive Department of the State Government, for expenditure by the department for such work to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State treasury or funds of any agency which is a part of the Executive Department of the State Government".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 727 by the following vote:

**AYES.** Senator Lusk—1.

**NOES.** Senators Bigger, Broad, Burns, Carter, Collier, Crittenden, Cunningham, Daniel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

#### Consideration of Assembly Amendments

**Senate Bill No. 1061.**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1061?

#### Amendment No. 1

On page 2 of the printed bill, as amended, strike out all of lines 4 to 24, inclusive.

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 1061 by the following vote:

**AYES.** None.

**NOES.** Senators Bigger, Broad, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Daniel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Lusk, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1538.**—An act making an appropriation to pay the claim of the Departmental Accounting Office of the Department of Finance against the State of California, to take effect immediately:

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended, on May 4, 1943, be further amended as follows:

#### Amendment No. 1

On page 1, lines 4 to 3, inclusive, of the printed bill, as amended, strike out "six hundred eighty one thousand, five hundred thirty-nine dollars and seventy-four cents (\$681,539.74)", and insert "six hundred sixty thousand, five hundred thirty-six dollars and eighty-five cents (\$660,536.85)".

#### Amendment No. 2

On page 1, lines 7 to 9, inclusive, of said bill, strike out "six hundred eighty-one thousand, five hundred thirty-nine dollars and seventy-four cents (\$681,539.74)", and insert "six hundred sixty thousand, five hundred thirty-six dollars and eighty-five cents (\$660,536.85)".

## Amendment No. 3

On page 1, line 10, of said bill, strike out "five hundred sixty thousand, five hundred seventy three dollars and thirty-five cents (\$560,573.35)", and insert five hundred thirty-five thousand, four hundred seventy dollars and forty-six cents (\$539,470.46)."

TICKLE  
BREED  
MAYO

CALL  
POTTER

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Baggar, Barnes, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Shaw, Shiley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33

NOES—Senator Hatfield—1.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 51

Senate Joint Resolution No. 26

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

## REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 51, at this time, for consideration.

## CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 51

Senate Concurrent Resolution No. 51—Relative to the appointment of the State Controller as acting officer for the Legislature for tax and other purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jaspersen, Judah, Keating, Lester, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shiley, Slater, Swan, Swing, Tenney, Tickle, and Ward—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

## REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 26 at this time, for consideration.

## CONSIDERATION OF SENATE JOINT RESOLUTION NO. 26

Senate Joint Resolution No. 26—Relative to deduction of earnings from agricultural labor from old age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Peggat, Broad, Barnes, Carter, Collier, Crittenden, Cunningham, Delap, Deard, Dillinger, Donnell, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawall, Shelby, Slater, Swan, Swing, Tickle, and Ward—35.  
**NOES**—None.

Resolution ordered transmitted to the Assembly.

### COMMUNICATIONS

The following communication was received, read, and, on motion of Senator Seawall, ordered printed in the Journal:

STATE OF CALIFORNIA  
 OFFICE OF THE CONTROLLER, SACRAMENTO, May 7, 1943

Honorable JEROME L. SULLIVAN  
 State Senator, Capitol

DEAR MR. SULLIVAN: Effective January 1, 1943, the Federal "Revenue Act of 1942" providing that every employer is required to withhold certain deductions, now better known as victory tax, from the salaries, wages, and per diem allowances paid to every employee, was introduced by the United States Government. The act provides that the deductions shall be made at the time the employee's pay roll is prepared, that the deductions shall be accumulated until the end of each quarter of the calendar year when in the whole shall be paid to the United States Collector of Internal Revenue. The phrase "every employee" has been determined to include each State official and employee.

In applying this act to the State Legislature it appeared to be the duty of the Secretary and Sergeant at Arms of the Senate, the Chief Clerk and the Sergeant at Arms of the Assembly and the chairman of each standing and interim committee of both houses, to make these deductions and their subsequent transmittal to the Collector of Internal Revenue.

This divided responsibility has proven to be highly unsatisfactory and confusion has ensued in connection with the collection and payment of this tax. In fact, delinquencies have occurred which will require a thorough analysis of the status of each account in order to determine whether or not these deductions have been remitted to the State Treasurer and then forwarded to the Collector of Internal Revenue in accordance with the provisions of the act.

It is believed that this confusion should be corrected immediately and can be readily corrected by placing this responsibility in one of the duly organized departments of the State Government.

It is believed that the State Controller would be the proper officer to assume the responsibility of collecting and transmitting the victory tax. This office will be glad to carry on this additional work if that be the wish of the Legislature.

It is estimated that the total cost of doing this work, including the compensation of the two employees, stationery, postage, and accounting equipment, will be in the sum of \$400 per month.

Very truly yours,

HARRY B. RILEY, Controller

### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 902**—An act to add Sections 6359.5 and 6365 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 902?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 6359.5", and insert "Sections 6359.5 and 6365".

##### Amendment No. 2

On page 1 of said bill, after line 10, insert

"Sec. 2. Section 6365 is added to the Revenue and Taxation Code, to read: 6365. There are exempted from the taxes imposed by this part the gross receipts from sales of and the storage, use, or other consumption of orthopedic, surgical,

dental, ophthalmic, and ocular appliances or restorations and their appurtenances, applied or dispensed by a person duly licensed to do the same, or sold or delivered upon the prescription of a person duly licensed to issue such prescription, and auditory appliances or restorations and their appurtenances. The materials or supplies used in such appliances or restorations and their appurtenances, and the repairs and replacements thereof, are likewise exempted."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 902 by the following vote:

**AYES**—None.

**NOES**—Senators, Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

**Assembly Concurrent Resolution No. 49**--Relative to a Joint Legislative Committee on Conservation and Research for the efficient development, distribution and utilization of all the human, natural and economic resources of the State, in furtherance of California's participation in the war effort, and in anticipation of the adjustments which must be made when hostilities cease, and defining the powers and duties of the committee.

Referred to Committee on Rules.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.41 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### RECESS

At 2.41 p.m., on motion of Senator Seawell, the Senate recessed until 2.42 p.m.

#### REASSEMBLED

At 2.42 p.m., the Senate reconvened.

Hon. Frederick F. Houser, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

#### Call of the Senate

Senator Gordon moved a call of the Senate.

Motion carried. Time, 2.42 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.



## PROCEEDINGS UNDER CALL OF THE SENATE

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as directed:

Senate Bill No. 781

Senate Bill No. 710

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 538

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 47:

Assembly Bill No. 208

Assembly Bill No. 224

Assembly Bill No. 264

Assembly Bill No. 1279

Assembly Bill No. 1391

Assembly Bill No. 360

Assembly Bill No. 398

Assembly Bill No. 1601

Assembly Bill No. 2001

Assembly Bill No. 1776

Assembly Bill No. 372

Assembly Bill No. 1979

Assembly Bill No. 1386

Assembly Bill No. 1146

Assembly Bill No. 2003

Assembly Bill No. 1672

Assembly Bill No. 1493

Assembly Bill No. 1463

Assembly Bill No. 1370

Assembly Bill No. 736

Assembly Bill No. 2004

Assembly Bill No. 537

Assembly Bill No. 674

Assembly Bill No. 306

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 24

Senate Bill No. 32

Senate Bill No. 56

Senate Bill No. 58

Senate Bill No. 95

Senate Bill No. 117

Senate Bill No. 185

Senate Bill No. 187

Senate Bill No. 229

Senate Bill No. 245

Senate Bill No. 353

Senate Bill No. 371

Senate Bill No. 405

Senate Bill No. 407

Senate Bill No. 419

Senate Bill No. 424

Senate Bill No. 556

Senate Bill No. 734

Senate Bill No. 759

Senate Bill No. 785

Senate Bill No. 803

Senate Bill No. 805

Senate Bill No. 818

Senate Bill No. 821

Senate Bill No. 824

Senate Bill No. 833

Senate Bill No. 837

Senate Bill No. 847

Senate Bill No. 921

Senate Bill No. 988

Senate Bill No. 960

Senate Bill No. 990

Senate Bill No. 972

Senate Bill No. 1003

Senate Bill No. 1010

Senate Bill No. 1019

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 1022

Senate Bill No. 1057

Senate Bill No. 1058

Senate Constitutional Amendment No. 23

Senate Constitutional Amendment No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 23

Senate Bill No. 376

Senate Bill No. 482

Senate Bill No. 1077

Senate Bill No. 1090

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 51

Senate Joint Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Carey, Rosenthal, and Watson as a Committee on Conference concerning:

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Robertson, Collins, George D., and Weybret as a Committee on Conference concerning:

**Senate Bill No. 902**—An act to add Section 6353 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Thorp, Weybret, and Clark as a Committee on Conference concerning:

**Senate Bill No. 1061**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission, making an appropriation therefor and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Burkhalter, Leonard, and Dunn as a Committee on Conference concerning:

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item \_\_\_\_\_ of the Budget Act for 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 147

Senate Resolution No. 148

Senate Resolution No. 149

Has had the same under consideration, and reports the same back with the recommendation: *Be adopted.*

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 145

Senate Resolution No. 150

Has had the same under consideration, and reports the same back with the recommendation: *Be adopted.*

Committee membership 5; committee vote: Ayes 3; absent 2.

SEAWELL, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 29**—An act to amend Sections 9202 and 9203 of the Health and Safety Code, relating to cemeteries.**Senate Bill No. 37**—An act to aid the prosecution of the war by authorizing housing authorities to develop or redevelop processes to provide housing for persons engaged in war industries or activities and to cooperate with the Federal Government in making housing available for such persons; to grant certain powers to public bodies;**Senate Bill No. 84**—An act to amend Sections 522 and 562 of the Agricultural Code, relating to skim milk and milk drinks;**Senate Bill No. 112**—An act to amend Section 57.7 of the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces;**Senate Bill No. 124**—An act to amend Section 1621 of the Streets and Highways Code and Section 83.6 of the Revenue and Taxation Code, relating to allocations to counties of moneys for highway purposes;**Senate Bill No. 129**—An act to amend Section 51 of the Unemployment Insurance Act, relating to the weekly benefit amount;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 146**—An act to amend Sections 10501 and 10503 of the Water Code and Section 1 of an act entitled "An act authorizing the Department of Finance to appropriate waters in connection with the utilization and conservation of the water resources of the State in the development of a general or coordinated plan; authorizing the State Department of Finance to release or assign such appropriations; authorizing the State Department of Finance to request other departments of the State or State officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the State," approved April 29, 1927, relating to appropriation of waters by the State Department of Finance;**Senate Bill No. 178**—An act to add Section 174 to the State Civil Service Act, relating to reinstatement of persons who leave the civil service to serve as seamen on vessels of the United States in time of war;**Senate Bill No. 197**—An act to add Section 2729 to the Penal Code, relating to prisons and the sale of prison made products, and declaring the urgency thereof and that this act shall go into immediate effect;

**Senate Bill No. 237**—An act to add Section 7518 to the Business and Professions Code, relating to night watchmen in unincorporated areas, declaring the urgency hereof, to take effect immediately;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 246**—An act to amend Section 3000 of, and to add Sections 3000.5, 3000.7, and 3005.5 to, the Penal Code, relating to membership on the Board of Prison Terms and Paroles;

**Senate Bill No. 272**—An act validating grants by municipal corporations or any State agency to the United States of America for military or naval purposes;

**Senate Bill No. 322**—An act to amend Section 38c of the State Employees' Retirement Act, relating to a retirement system for public officers and employees;

**Senate Bill No. 344**—An act to amend Section 4273 of the Political Code, relating to the compensation of public officers;

**Senate Bill No. 360**—An act to add Section 444.2 to the Political Code, relating to temporary transfers of money from the general to special funds;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 370**—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13 13a, relating to the duties of the Building and Loan Commissioner while in possession of the property, business and assets of a building and loan association, and to accounts, inspection of records and annual reports;

**Senate Bill No. 374**—An act to add Section 16425 to the Education Code, relating to contracts for local health administration;

**Senate Bill No. 382**—An act to amend Sections 5,822, 5,850, 5,851, 5,852 and 5,852.1 of the School Code and to amend Sections 14410, 14432, 14439 and 14450 of, and to add Section 14456.1 to, the Education Code, relating to the State Teachers Retirement System, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 454**—An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof;

**Senate Bill No. 461**—An act to add Section 77 to the Agricultural Code and Section 4041b to the Political Code, relating to agricultural fairs and prescribing the powers of the State Agricultural Society and counties in relation thereto;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 513**—An act to authorize the purchase of certain real property for the people of the State of California by the Director of Institutions, and making an appropriation therefor;

**Senate Bill No. 587**—An act to amend Section 204c of and to add Section 261b to the Code of Civil Procedure, relating to the duties, powers, and expenses of superior court commissioners and their assistants;

**Senate Bill No. 603**—An act to add Chapter 9.5 to Part 1 of Division 6 of the Health and Safety Code, relating to consolidation of sanitary districts without an election;

**Senate Bill No. 668**—An act to amend Section 7403 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax;

**Senate Bill No. 692**—An act making an appropriation for the purchase of land by the Director of Institutions;

**Senate Bill No. 705**—An act to add Section 9603.6 to the Revenue and Taxation Code, relating to the motor vehicle transportation license tax, declaring the urgency thereof, to take effect immediately;  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman



## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 721**—An act to add Sections 132.5, 293.5, 296.5, 5901.5, and 5931.5 to the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof;

**Senate Bill No. 724**—An act making an appropriation for the purchase of land for the Humboldt State College;

**Senate Bill No. 877**—An act making an appropriation for maintenance and repair of the Jenner Jetty on the Russian River;

**Senate Bill No. 898**—An act to amend Section 612 of the Fish and Game Code, relating to steelhead fishing;

**Senate Bill No. 1000**—An act to amend Section 442 of the Unemployment Insurance Act, relating to contributions and refunds thereunder;

**Senate Bill No. 1071**—An act to amend Sections 324 and 324.1 of the Military and Veterans Code, relating to the military and naval forces of the State;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1082**—An act providing for preparation for postwar State highway construction projects, and making an appropriation therefor;

**Senate Bill No. 1083**—An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor;

**Senate Bill No. 1090**—An act to amend Section 1015 of the Fish and Game Code, relating to the privilege tax for the taking of salmon;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 1 p.m.

SEAWELL, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has appointed Senators Tenney and Burns to serve as Senate members on Special Investigation Committee created by Assembly Concurrent Resolution No. 59.

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Quinn, Biggitt, and Rich as a Senate Committee on Conference concerning Senate Bill No. 727 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Ward, Breed, and Selsman as a Senate Committee on Conference concerning Senate Bill No. 902 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Jespersen, Powers, and Gordon as a Senate Committee on Conference concerning Senate Bill No. 1061 to meet a like committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## CONSIDERATION OF DAILY FILE (RESUMED)

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Constitutional Amendment No. 29**—A resolution to propose to the people of the State of California to amend the Constitution of said State by adding Section 22 to Article V thereof, relating to the compensation of State officers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 29?

**Amendment No. 1**

On page 1, line 10, of the printed measure, before "State", insert "Lieutenant Governor, the".

**Amendment No. 2**

On page 1, line 11, of the printed measure, as amended, after "of State", insert "Superintendent of Public Instruction".

The roll was called, and the Senate concurred in Assembly amendments to Senate Constitutional Amendment No. 29 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—28.

**NOES**—None.

Above resolution ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.43 p.m., on motion of Senator Gordon, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1047**—An act to amend Section 4316 of the Political Code, relating to the privileges of public officers.

Bill read third time.

**Previous Question**

Senator Rich moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1047.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 2.44 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Concurrent Resolution No. 42**—Relative to classification by the Personnel Board of civil service positions established for the duration of the emergency and six months.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo,

McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 426**—An act to amend Sections 177 and 178 of the Vehicle Code, relating to motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Reed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 487**—An act to make an appropriation to pay off the amount of outstanding bonds issued under "An act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose," approved April 2, 1870, and to repeal "An act to provide for the payment of interest on the outstanding bonds of the State of California, held in trust for the University Fund and the State School Fund; to repeal an act of the Legislature of the State of California, approved March 4, 1881, entitled 'An act to appropriate money to reimburse the University of California, for moneys heretofore appropriated to the Endowment Fund thereof, which moneys have by mistake been withheld therefrom and appropriated to other State purposes,' and making an appropriation to pay the interest on said outstanding bonds, from January 1 to July 1, 1893," approved March 3, 1893.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Rigger, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

#### REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following statement of Assemblyman Hawkins printed in the Journal:

DEAR JACK (TENNEY): The present wording of Assembly Bill No. 839 is most unsatisfactory to the purposes of the bill. Will you have it referred to committee?

A. F. HAWKINS

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 839**—An act to amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353 to, the Labor Code, relating to tips and gratuities.

Bill read third time.

**Motion to Strike From File**

Senator Seawell moved to strike Assembly Bill No. 839 from the file. The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Cunningham, Dillinger, Keating, McBride, Seawell, and Swing—7.

NOES—Senators Collier, Crittenden, DeLap, Deuel, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Mayo, McCormack, Shelley, Slater, Swan, and Tickle—16.

**Motion to Re-refer Assembly Bill No. 839**

Senator Seawell moved that Assembly Bill No. 839 be re-referred to Committee on Labor.

Motion carried.

**Assembly Bill No. 1983**—An act to authorize the Director of Finance to make the Napa State Farm available for the purposes of the California Food and Fiber Production Act and the Emergency Farm Production Act, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.45 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1047 passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Dorsey, Engle, Fletcher, Mayo, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tenney, Tickle, and Ward—22.

NOES—Senators Biggar, Collier, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Parkman, Shelley, and Swan—13.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1234**—An act to amend Sections 41 and 61, and to repeal Sections 41.3 of, and to add Section 41.6 to, the Unemployment Insurance Act, relating to contributions, funds and accounts under the act.

The roll was called.



## Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 2.46 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

## PROCEEDINGS UNDER CALL OF THE SENATE

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1334**—An act to amend Section 7 of the "Unemployment Insurance Act," relating to exemptions.

## Motion to Strike From File

Senator Ward moved to strike Assembly Bill No. 1334 from the file.

Motion carried.

**Assembly Bill No. 1795**—An act to add Section 16½ to the Los Angeles County Flood Control Act, relating to district liability.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggart, Broad, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Gordon, Hatfield, Jepsen, Keating, Mayo, McBride, McCormick, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward. 30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1825**—An act to add Section 2.5 to the Inheritance Tax Act of 1935, relating to inheritance taxes.

Bill read third time.

## Motion to Amend

Senator Ward moved the adoption of the following amendments:

## Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "978", and insert "977".

## Amendment No. 2

On page 1, line 12, of said bill, strike out "978", and insert "977".

## Amendment No. 3

On page 2, line 30, of said bill, after "its", insert "final".

## Amendment No. 4

On page 2 of said bill, strike out lines 43 to 50, inclusive.

## Amendment No. 5

On page 3, line 1, of said bill, strike out "977", and insert "976".

## Amendment No. 6

On page 3, line 13, of said bill, strike out "978", and insert "977".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**Assembly Bill No. 549**—An act to add Section 1920b to the Code of Civil Procedure, relating to the preservation of documentary records

by the preparation of photographic copies thereof and providing for the admissibility in evidence of such copies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1784**—An act to amend Section 2 of an act entitled "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to the Commission on Uniform State Laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1978**—An act to amend Section 901 of the Probate Code, relating to compensation for administration of estates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 719**—An act to amend Section 254 of the Probate Code, relating to succession by kindred of the half blood.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1555**—An act to add Section 499c to the Penal Code, relating to theft of automobile tires, and fixing the time when the section shall no longer be effective.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Donnelly, Dorsey, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Kenting, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swain, Swing, Tenney, Tickle, and Ward—33.  
 Nays—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 427**—An act to amend Sections 6304 and 6320 of the Business and Professions Code, relating to boards of law library trustees and law libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brand, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swain, Swing, Tenney, Tickle, and Ward—30.  
 NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 428**—An act to add Section 6346.5 to the Business and Professions Code, relating to the retirement of officers and employees of county law libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brand, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Kenting, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swain, Swing, Tenney, Tickle, and Ward—34.  
 NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1628**—An act to add Section 108.5 to the Business and Professions Code, relating to fees and expenses of witnesses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brand, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swain, Swing, Tenney, Tickle, and Ward—34.  
 NAYS—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1655**—An act to add Section 1340.7 to the Fish and Game Code, relating to the taking of bear.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brand, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Fletcher, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swain, Swing, Tenney, Tickle, and Ward—33.  
 NAYS—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.47 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1834 refused passage by the following vote:

**AYES**—Senators Biggar, Breed, Cunningham, Deuel, Dillinger, Gordon, Hatfield, Mayo, Mixer, Parkman, Rich, Salsman, Tickle, and Ward—14.

**NOES**—Senators Carter, Collier, Crittenden, DeLap, Donnelly, Dorsey, Engle, Fletcher, Jespersen, Judah, Keating, McBride, McCormack, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Tenney—21.

**Assembly Bill No. 1623** An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of land in Orange County as part of the State Park System.

Bill read third time.

**Previous Question**

Senator Rich moved the previous question.

Motion carried.

The question being on the passage of the bill.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time, 2.48 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1897**—An act to repeal Section 6664 of the Welfare and Institutions Code, relating to State institutions, including the inmates thereof and persons committed thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1424**—An act to add Section 763.4 to the Insurance Code, relating to the payment of commissions.

Bill read third time.

**Motion to Amend**

Senator Engle moved the adoption of the following amendment:

**Amendment No. 1**

On page 1 of the printed bill, as amended, strike out all of lines 9 and 10, and insert "insurer."

Amendment read and adopted.

Bill ordered printed, and to third reading.



**Assembly Bill No. 1712**—An act to amend Sections 752, 757, 763 and 771 of the Code of Civil Procedure, relating to partition of real and personal property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Tickle—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:49 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1623 passed by the following vote:

**AYES**—Senators Bigger, Carter, Collier, Crittenden, Deuel, Donnelly, Fletcher, Jepsen, Judah, Keating, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—21.

**NOES**—Senators Breed, Cunningham, DeLap, Dorsey, Engle, Gordon, Hatfield, Mayo, McCormack, and Swan—10.

Bill ordered transmitted to the Assembly.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 2:50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

##### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Concurrent Resolution No. 50**—Relative to providing for a full year State-wide celebration in 1950 commemorating admission of California to the Union and the end of the war and providing for a Joint Committee to plan for the celebration.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**Assembly Bill No. 579**—An act to amend Section 23 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the deposit of fees in the General Fund, and support from the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1191**—An act to amend Sections 5700, 5703, 5705, 5706, 5707, 5708, 5751, and 5753 of the Welfare and Institutions Code, and to add Sections 5699 and 5700.5 thereto, relating to private institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1190**—An act to amend Sections 7500, 7501, 7505 and 7506 of the Welfare and Institutions Code, relating to the general powers and duties of the State Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, DeLap, Dillinger, Dorsey, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1823**—An act to add Section 4090.2 to the Political Code, relating to county coroners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 520**—An act to add Section 87.5 to the State Civil Service Act, relating to promotions and promotional examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1570**—An act to amend Sections 149 and 152.5 of, and to add Sections 96.7 and 152.6 to, the State Civil Service Act, relating to the State civil service, declaring the urgency thereof, and to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

**AYES**—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Metcassell, Mitter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swain, Tenney, Tickle, and Ward—32.  
**NOES**—None.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Metcassell, Mitter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swain, Tenney, Tickle, and Ward—33.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1979**—An act to add Section 86.3 to, and to amend Section 17.3 of, the State Civil Service Act, relating to time limit for protesting examinations and holding hearings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Metcassell, Mitter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swain, Tenney, Tickle, and Ward—33.  
**NOES**—None.

Bill ordered transmitted to the Assembly.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly requests the return of Senate Bill No. 509 for further consideration.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

#### MOTION TO RETURN BILL TO ASSEMBLY

Senator Seawell moved that the Senate return Senate Bill No. 509 to the Assembly for further consideration, pursuant to the above request.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1995**—An act to increase the statutory salary and the statutory compensation of State officers and State employees, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Breed, Bures, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Fletcher, Gordon, Hatfield, Jespersen, Judah,

Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 929**—An act to add Section 44.8 to the Vehicle Code, relating to authorized emergency vehicles, declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—31.

NOES—Senator Swan—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Fletcher, Hatfield, Jespersen, Judah, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swing, Tenney, Tickle, and Ward—30.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 63**—An act to add Section 132.5 to the Vehicle Code, relating to hearings conducted by the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Fletcher, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

#### MOTION TO EXCUSE SENATOR

Senator Slater moved that Senator Fletcher be excused for the balance of the legislative day, on account of sickness.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 513**—An act to add Section 604.11 to the Vehicle Code, relating to ambulances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Hatfield, Jespersen, Mayo, McCormack, Mixter, Parkman, Rich, Salsman, Seawell, Slater, Swan, Swing, and Tenney—21.

NOES—Senators Carter, Collier, Donnelly, Dorsey, Engle, Judah, Keating, McBride, Powers, Quinn, Tickle, and Ward—12.

Bill ordered transmitted to the Assembly.



**Assembly Bill No. 1066**—An act to amend Sections 251, 252, 257, 267, 271, 302, 305, 307, 310, 353, 414, 415, 416, 417 and 418 of the Vehicle Code, relating to driver's licenses and proof of ability to respond in damages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Collier, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, and Ward—24.

NOES—Senators Carter, Swan, and Tickle—3.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1772**—An act making an appropriation from the State Parks Maintenance and Acquisition Fund to the Division of Benches and Parks, Department of Natural Resources, to salvage, repair, and move buildings at Seashell State Park, Santa Cruz County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1306**—An act making an appropriation of two thousand dollars (\$2,000) for the purchase of the files of "American Flag."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 388**—An act to amend Section 5005 of the Elections Code, relating to the writing and circulation of publications intended to injure or defeat a candidate for public office.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Burns, Gordon, McBride, Mixer, Powers, Rich, Seawell, Swan, Swing, Tickle, and Ward—12.

NOES—Senators Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Donnelly, Hatfield, Jespersen, Judah, Mayo, Parkman, Quinn, Salsman, and Shelley—15.

**Assembly Joint Resolution No. 51**—Relative to memorializing Congress to enact legislation creating a Federal agency to study tax structures.

Motion to Strike From File

Senator Seawell moved to strike Assembly Joint Resolution No. 51 from the file.

Motion carried.

**Motion to Restore to File**

Senator Tenney moved that Assembly Joint Resolution No. 51 be restored to the file.

Motion carried.

**MOTION TO STRIKE FROM FILE**

Senator Seawell moved that all bills that remain on the inactive file be stricken from the file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Concurrent Resolution No. 64**—Relative to discontinuing the use of a dated symbol on the stationery of the Members of the Legislature.

Resolution read.

**Motion to Amend**

Senator Dorsey moved the adoption of the following amendment:

**Amendment No. 1**

In line 10 of the printed measure, strike out "the symbol "V" and".

Amendment read and adopted.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burnes, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Resolution ordered transmitted to the Assembly.

**RESOLUTIONS**

The following resolutions were offered:

By Senator Shelley:

**Senate Resolution No. 143****Relative to a Senate Interim Committee on Unemployment Insurance**

**WHEREAS**, It is imperative that all pertinent facts bearing upon the subjects of (i) employment and unemployment conditions in California, (ii) the administration, application, operation and effects of the Unemployment Insurance Act, (iii) activities and operations of the Department of Employment, including the State Employment Service, (iv) the relationships between the Department of Employment and the Federal Security Agency, including the Social Security Board and the Bureau of Employment Security, (v) the collection and disposal of revenues collected in California under the Federal Unemployment Tax Act, and (vi) the requirements and conditions imposed upon the governmental agencies of this State by the agencies of the Federal Government under the Federal Social Security Act and the Federal Unemployment Tax Act with respect to unemployment insurance, should be found, assembled and analyzed to the end that the Legislature of California may be enabled to act advisedly and judiciously in the premises for the best interests of California in the consideration and enactment of legislation; and

**WHEREAS**, The facts can best and most expeditiously be ascertained and analyzed through an Interim Committee charged with the study of every phase of the foregoing subjects; now, therefore, be it

*Resolved by the Senate of the State of California*, That an Interim Committee, to be known as the Senate Interim Committee on Unemployment Insurance, is hereby created to consist of three Members of the Senate appointed by the Rules Committee thereof. The committee shall investigate, study and analyze, accurately and in

detail, each and every phase of the foregoing subjects for the purposes of considering and enacting legislation; and so it further

*Resolved*, That such committee shall have and may exercise all of the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code, by sections 9400 to 9412 of the Government Code, and by the Joint Rules and Senate Rules; and be it further

*Resolved*, That such committee shall have power:

(1) To select a vice chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, vest the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its quorum and the number of votes necessary to take action on any matter) as may be deemed appropriate;

(4) To contract with and employ agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing on the subject matter of this resolution;

(7) To meet at any time during this session of the Legislature or after the final adjournment thereof;

(8) To report to the Senate at any time prior to final adjournment of the Fifty-sixth Regular Session of the Legislature;

(9) To examine and subpoena witnesses, require the production of papers, books, accounts, reports, documents and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(10) To do any and all things necessary to carry out the purposes and intent of this resolution; and be it further

*Resolved*, That the Sergeant at Arms of the Senate or other officers designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution to be disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called and the resolution adopted by the following vote:

AYES—Senators Baggar, Beaud, Carter, Collier, Crittenden, Cunningham, DeLan, Donel, Dillinger, Donnelly, Dorsey, Fagle, Gordan, Herfield, Jesneron, Judah, Keating, Mayo, McBride, McCosmick, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None



## By Senators Deuel and Tickle:

## Senate Resolution No. 145

Relative to the creation of a Committee to Investigate Problems Relating to State Subventions to Counties

WHEREAS, Many problems affecting the State and counties alike have arisen in connection with State subventions to counties; and

WHEREAS, A great deal of legislation has been proposed on this subject; and

WHEREAS, It is imperative that the Legislature have an understanding of the tax structures of the State and the counties, so that the members thereof may have a better comprehension of the problems involved and the manner in which the various solutions proposed will affect the State and counties; now, therefore, be it

*Resolved by the Senate of the State of California.* That there is hereby created a committee to investigate and make a general survey of existing conditions insofar as they relate to State subventions to counties, and particularly their effect on the individual taxpayer; and be it further

*Resolved,* That said committee shall consist of five members, to be appointed by the Rules Committee of the Senate; and be it further

*Resolved,* That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws both Federal and State, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-sixth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution;

*Resolved,* That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved,* That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General



and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deem proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further.

*Resolved*, That the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary be hereby made available from the Contingent Fund of the Senate for the expenses of the committee and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, or if incurred by a subcommittee, by the member or members of such subcommittee, upon warrants drawn by the State Controller upon the State Treasurer.

### Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggart, Broad, Carter, Colner, Crittenden, Cunningham, DeLap, Daniel, Dillinger, Donnelly, Lacey, Finkle, Hatfield, Jepsen, Judah, Keating, Mayo, McCormack, Miller, Perlman, Powers, Quinn, Rich, Sawall, Shelley, Slater, Swan, Tickle, and Ward—29

NOES—None

By Senators Salsman, Swan, Carter, Hatfield, and Slater:

### Senate Resolution No. 145

Relative to commencing Dr. Ray Lyman Wilbur of Stanford University

WHEREAS, Dr. Ray Lyman Wilbur has recently announced his approaching retirement as Chancellor of Leland Stanford Junior University; and

WHEREAS, Dr. Wilbur has rendered great public service in many fields, having, since 1916, as President and Chancellor of Stanford University, directed the activities of that institution in its contribution to the war effort during the last great war, and having been largely responsible for the establishment of the Stanford School of Medicine, the development of the Stanford Hospital, and of bringing to the University endowments and scholarships for carrying on teaching and research in all fields of science; and

WHEREAS, Dr. Wilbur also attained a position of great eminence in his own profession of medicine, having been chosen president of the American Medical Association; and

WHEREAS, During the administration of Herbert Hoover as President of the United States, Dr. Wilbur served as Secretary of the Interior and was active in the development of the Bureau of Paleontology; and

WHEREAS, Dr. Wilbur's participation in the activities of the Institute of Pacific Relations, gives evidence of a sane and early understanding of the great future of the Pacific Coast in its position of bridging the developing trade areas of Asia; and

WHEREAS, It is the wish of this Senate to take cognizance of and to give recognition to the great public service which Dr. Wilbur has rendered, as a distinguished Californian, an able administrator, a brilliant physician, and an eminent educator; now, therefore, be it

*Resolved*, That the Members of this Senate commend Dr. Ray Lyman Wilbur upon his extraordinary public services and service, and congratulate him and wish him many more years of service to his fellowmen; and be it further

*Resolved*, That the Secretary of the Senate is requested to transmit a suitably engrossed copy of this resolution to Dr. Ray Lyman Wilbur.

Resolution read, and unanimously adopted.

By Senator Shelley:

### Senate Resolution No. 147

Relating to deduction of earnings from agricultural labor from old-age assistance and the creation of a committee in respect thereto

WHEREAS, House Joint Resolution 96, as passed by the Senate of the United States included, as subdivision (1) of Section 5 thereof, provisions that no persons should be deemed not to be a needy individual by reason of remuneration paid to

such person for any agricultural labor performed by him from the enactment of the resolution until six months after the termination of hostilities in the present war; and that no State should be required, in determining need in the case of any individual, to take into consideration any income or resources derived by him from agricultural labor; and

WHEREAS, Conference reports amending House Joint Resolution 96 were adopted by both houses of Congress, whereby the benefits of the subdivision were withheld from any State which had increased the amount of aid payable to recipients of old age since April 30, 1943; and

WHEREAS, The State of California has at the present session of the Legislature increased the maximum monthly individual grant of aid to the aged from forty dollars (\$40) per month to fifty dollars (\$50) per month; and the State of California is the only State which has increased the amount of aid payable to recipients of old-age assistance since April 30, 1943; and

WHEREAS, House Joint Resolution 96 in the form in which it was put by the amendments made by the conference report is flagrantly discriminatory against the State of California, and penalizes this State for its action in increasing the amount of aid to an amount more nearly adequate, under present conditions, for the maintenance of health and decency; and

WHEREAS, The farm labor shortage in the State of California is no less severe than in other States whose contributions to the production of food and other agricultural products do not surpass nor even equal the contribution of the State of California; now, therefore, be it

*Resolved by the Senate of the State of California,* That a committee of the Senate is hereby created, consisting of three Members of the Senate appointed by the Rules Committee; and be it further

*Resolved,* That this committee is instructed and authorized to go to Washington to consult with the proper representatives of the Federal Government, the Federal Social Security Board, and with Members of Congress, and protest vigorously against this unfair and unjust discrimination against the State of California and the citizens of this State, and seek by every means possible to persuade the Congress of the United States to eliminate or, if House Resolution 96 becomes law, repeal this deterrent against the procurement of all assistance possible in the production of food and fiber in this State; and be it further

*Resolved,* That the sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses and claims the members of the committee may incur under this resolution, to be disbursed upon certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

By Senator Seawell:

#### Senate Resolution No. 148

Relative to the preparation and printing of a Summary Digest

*Resolved by the Senate of the State of California,* That the Legislative Counsel is hereby directed to prepare a Summary Digest of statutes enacted and proposed constitutional amendments submitted to the people at the Extraordinary Sessions of the Fifty-fourth Legislature and at the Regular and Extraordinary Sessions of the Fifty-fifth Legislature; and be it further

*Resolved,* That copies of said Summary Digest be mailed to all Members of the Legislature as soon as possible after the "bill signing" period; and be it further

*Resolved,* That the Secretary of the Senate is hereby instructed to cause to be printed not to exceed 2,000 copies of the Summary Digest, the cost thereof to be paid from the legislative printing appropriation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

By Senators Rich and Swing:

**Senate Resolution No. 149**

*Resolved*, That the Secretary of the Senate be directed to have the annotations of the Constitution of California and other documents heretofore published by the State brought up to date or to prepare such an edition of the Constitution and to have the same printed. The cost of printing shall be a charge to legislative printing.

**Resolution read.**

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggot, Reed, Ralph, Carter, Conner, Crutenden, Cunningham, DeLap, Deneil, Duffings, Dunsen, Dwyer, Egan, Gordon, Hatfield, Jepsen, Judah, Keating, Morris, McRae, Parsons, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenny, Tisho, and Ward—35.

NOES—None.

By Senator Seawell:

**Senate Resolution No. 150**

**Relating to the creation of a Committee to Investigate the Department of Motor Vehicles**

*Resolved by the Senate of the State of California*, That there is hereby created a Committee to Investigate the Department of Motor Vehicles and to make a full and particular investigation of the administrative organization, accounting, and operation of branch offices, the purchase, operation and maintenance of motor equipment, and to investigate the authorized staff of the California Highway Patrol, as approved by the Legislature and as it has been altered by administrative changes and additions by means of delegation of power by the Governor; and be it further

*Resolved*, That the committee hereby created shall make all necessary and proper recommendations to the Legislature of all matters of the investigation, and particularly regarding the placing of responsibility for the administration of the California Highway Patrol; and be it further

*Resolved*, That said committee shall consist of five Members of the Senate; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (1) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (2) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such Rules may be exercised by the committee after the final adjournment of this session; (3) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary.

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;



(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-sixth Legislature;

(9) To file a report with the Legislature during any session of the Fifty-fifth Legislature and with the Legislature during the Regular Session of the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

*Resolved*, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved*, That the Sergeant-at-Arms of the Senate, or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further

*Resolved*, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

By the Committee on Rules:

#### Senate Resolution No. 151

*Resolved*, That the Sergeant at Arms of the Senate be and he is hereby instructed to procure for the Members, officers and employees of the Senate a lunch consisting of sandwiches, coffee and milk to be served in the Senate Chamber where the Senators are confined due to a call of the Senate.

Resolution read, and unanimously adopted.

#### REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 727—An act making an appropriation to the emergency fund specified in Item 221 of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money



appropriated therefor, declaring the urgency of this act, to take effect immediately; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on May 5, 1943, be further amended as follows:

#### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "restoration", insert "of".

#### Amendment No. 2

On page 1, line 8, of said bill, after the second "or", insert "both".

#### Amendment No. 3

On page 1, line 9, of said bill, strike out "both, of".

#### Amendment No. 4

On page 1, line 18, of said bill, strike out the second "or", and insert "except".

#### Amendment No. 5

On page 1, line 18, of said bill, after "restoration", insert "and for the prevention of further damage".

QUINN  
RICH  
RIGGAR

BURKHALTER  
DUNN  
LEONARD

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Bigger, Bristol, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dosey, Engle, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—33.

NOES—None.

### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 1013**—An act to add Section 13654 to the Education Code, relating to reappointment rights of permanent employees.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1013?

#### Amendment No. 1

On page 1 of the printed bill, following line 18, insert "The provisions of this section shall apply to all employees dismissed for the reasons herein specified subsequent to January 1, 1943."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1013 by the following vote:

AYES—Senators Bigger, Bristol, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dosey, Engle, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

##### Consideration of Assembly Amendments

**Senate Bill No. 561**—An act to add Article 3, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 561?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "988.2", and insert "988.3".

**Amendment No. 2**

On page 2, line 6, of said bill, strike out "chapter", and insert "article".

**Amendment No. 3**

On page 2, line 9, of said bill, strike out "chapter", and insert "article".

**Amendment No. 4**

On page 2, line 12, of said bill, strike out "chapter", and insert "article".

**Amendment No. 5**

On page 2, line 35, of said bill, strike out "chapter", and insert "article".

**Amendment No. 6**

On page 4, line 25, of said bill, after "may", insert "be".

**Amendment No. 7**

On page 7 of said bill, after line 35, insert

"988.3. The State Department of Finance is hereby authorized to provide for advances of money to the board, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars (\$25,000), as the said Department of Finance shall deem necessary, and to provide for advances of money to the board, needed to facilitate the purchase of farms and homes to such an amount not exceeding seven hundred fifty thousand dollars (\$750,000), as the said Department of Finance may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw his warrants upon the Veterans' Farm and Home Building Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same."

**Amendment No. 8**

On page 8, line 11, of said bill, strike out "Board of Control", and insert "Department of Finance".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 561 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 559**—An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 559?

**Amendment No. 1**

In line 6 of the title of the printed bill as amended, strike out "Veterans", and insert "the Veterans' Welfare Board".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 559 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 558**—An act to add Article 4, comprising Sections 990 to 991.3 inclusive, to Chapter 6 of Division 4 of the Military and

Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of State bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1942, creating a Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

The question being—Shall the Senate concur in the following Assembly amendments to Senate Bill No. 558:

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, strike out "chapter", and insert "article".

**Amendment No. 1a**

On page 2, line 6, of said bill, strike out "chapter", and insert "article".

**Amendment No. 2**

On page 2, line 12, of said bill, strike out "and", and insert "article".

**Amendment No. 3**

On page 2, line 15, of said bill, strike out "1861", and insert "1911".

**Amendment No. 4**

On page 2, line 19, of said bill, strike out "chapter", and insert "article".

**Amendment No. 5**

On page 2, line 30, of said bill, strike out "chapter", and insert "article".

**Amendment No. 6**

On page 2, line 34, of said bill, strike out "chapter", and insert "article".

**Amendment No. 7**

On page 2, line 46, of said bill, strike out "chapter", and insert "article".

**Amendment No. 8**

On page 2, line 48, of said bill, strike out "chapter", and insert "article".

**Amendment No. 9**

On page 3, line 3, of said bill, strike out "chapter", and insert "article".

**Amendment No. 10**

On page 3, line 8, of said bill, strike out "chapter", and insert "article".

**Amendment No. 11**

On page 3, line 22, of said bill, strike out "chapter", and insert "article".

**Amendment No. 12**

On page 3, line 29, of said bill, strike out "chapter", and insert "article".

**Amendment No. 13**

On page 4, line 22, of said bill, strike out "chapter", and insert "article".

**Amendment No. 14**

On page 5, line 50, of said bill, strike out "chapter", and insert "article".

**Amendment No. 15**

On page 6, line 3, of said bill, strike out "chapter", and insert "article".

**Amendment No. 16**

On page 7, line 11, of said bill, strike out "chapter", and insert "article".

**Amendment No. 17**

On page 7, line 15, of said bill, strike out "act", and insert "article".

**Amendment No. 18**

On page 4, line 6, of the printed bill, as amended, strike out "Board of Control", and insert "Department of Finance".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 558 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 560**—An act to add Chapter 6, comprising Sections 980 to 981.7, inclusive, to Division 4 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 560?

**Amendment No. 1**

On page 2, line 8, of the printed bill, as amended, strike out "article", and insert "chapter".

**Amendment No. 2**

On page 2, line 15, of said bill, strike out "society", and insert "institute".

**Amendment No. 3**

On page 2, line 22, of said bill, after "wardship", insert "and supervision".

**Amendment No. 4**

On page 2 of said bill, strike out lines 33 to 35, inclusive.

**Amendment No. 5**

On page 2, line 36, of said bill, strike out "b", and insert "a".

**Amendment No. 6**

On page 2, line 37, of said bill, strike out "c", and insert "b".

**Amendment No. 7**

On page 2, line 38, of said bill, strike out "d", and insert "c".

**Amendment No. 8**

On page 2, line 40, of said bill, after "in", insert "satisfactory and".

**Amendment No. 9**

On page 3, lines 17 and 18, of the printed bill, as amended, strike out "one million dollars (\$1,000,000)", and insert "five hundred thousand dollars (\$500,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 560 by the following vote:

**AYES**—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Constitutional Amendment No. 25**—A resolution to propose to the people of the State of California to amend Sections 2 and 34



of Article IV of the Constitution of said State, relating to the Legislature.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 25?

**Amendment No. 1**

On page 1, lines 11 and 12, of the printed measure, as amended, strike out "unless the Governor shall", and insert "The Governor may".

**Amendment No. 2**

On page 2, line 27, of said measure, strike out "Neither", and insert "At any regular session, neither".

**Amendment No. 3**

On page 2, line 29, of said measure, after "introduction", insert ", without the consent of three-fourths of the members thereof".

**Amendment No. 4**

On page 2 of said measure, strike out line 43.

The roll was called, and the Senate concurred in Assembly amendments to Senate Constitutional Amendment No. 25 by the following vote:

**AYES**—Senators Bigger, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29

**NOES**—Senator Carter—1

Above resolution ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 508**—An act to add Sections 1.94 and 1.95 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 508?

**Amendment No. 1**

On page 2, line 39, of the printed bill, as amended, strike out "ways", and insert "wars".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 508 by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—31.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 797**—An act to amend Sections 3418 and 3423 of the Public Resources Code, relating to the record of assessments and charges for the Petroleum and Gas Fund and the imposition of a tax lien and the enforcement, release or subordination thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 797?

**Amendment No. 1**

On page 1, line 7, of the printed bill, as amended, after "assessed", insert a period.

**Amendment No. 2**

On page 1 of said bill, strike out lines 8 to 10, inclusive; and in line 11, strike out "portion thereof is situate."

**Amendment No. 3**

On page 1, line 13, of said bill, after the period, insert "If such charges and assessments become delinquent as provided in Section 3420 of this code, in addition to the information contained in the "Record of Assessments and Charges for the Petroleum and Gas Fund" as herein provided, the department shall furnish to the State Controller upon his request the name and address of any owner of property assessed as such name and address last appears in the office of the tax assessor for county in which such land or a major portion thereof is situate."

**Amendment No. 4**

On page 2, line 9, of said bill, after "levy," insert "if the certificate of delinquency is to be recorded as hereinafter provided,".

**Amendment No. 5**

On page 2, line 9, of said bill, after "within", strike out "ten (10)", and insert "fifteen (15)".

**Amendment No. 6**

On page 2, line 14, of said bill, strike out "known to the Controller.", and insert "as last shown on the records of the said county assessor."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 797 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Eagle, Gordon, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 472**—An act to add Section 4.283 to the School Code and to add Section 5007 to the Education Code, relating to the investment of funds of school districts in bonds issued by the United States of America, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 472?

**Amendment No. 1**

In line 4 of the title of the printed bill, strike out "for the prosecution of the war", and insert ", declaring the urgency thereof, to take effect immediately".

**Amendment No. 2**

On page 1, line 5, of the printed bill, strike out "established under this code".

**Amendment No. 3**

On page 1, line 5, of the printed bill, after "district", insert "or any surplus moneys".

**Amendment No. 4**

On page 1 of the printed bill, beginning in line 8, strike out "for the prosecution of the war".

**Amendment No. 5**

On page 1 of the printed bill, following line 12, insert "This section shall not be construed as in any way limiting or modifying the application of any other law providing for or authorizing the investment of any funds of a school district."

**Amendment No. 6**

On page 1, line 17, of the printed bill, strike out "established under this code".

**Amendment No. 7**

On page 1, line 17, of the printed bill, after "district", insert "or any surplus moneys".

**Amendment No. 8**

On page 1 of the printed bill, beginning in line 20, strike out "for the prosecution of the war".

**Amendment No. 9**

On page 1 of the printed bill, following line 24, insert

"This section shall not be construed as in any way limiting or modifying the application of any other law providing for or authorizing the investment of any funds of a school district."

**Amendment No. 10**

On page 1 of the printed bill, following line 29, insert

"Sec. 4. This act is hereby declared to be an urgent measure necessary for the immediate preservation of the peace, peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

A number of school districts have heretofore accumulated moneys for capital outlay and other purposes which they can not presently expend for such purposes because of conditions created by the wars in which the United States of America is now engaged. It is desirable that such funds be used immediately for the purposes of aiding the United States of America in financing its war effort."

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES. Senators Broad, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorney, Gordon, Hatfield, Jepsen, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—29.

NOES. None.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 472 by the following vote:

AYES. Senators Ruggar, Broad, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorney, Eagle, Gordon, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormick, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES. None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 548**—An act to add Section 16424 to the Education Code and to amend Sections 10270 and 11512 of the Insurance Code and to add Section 11512.4 to the Insurance Code, all relating to the insurance of pupils of the public schools.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 548?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "to add Section 1108 to the School Code and".

**Amendment No. 2**

On page 1 of said bill, strike out lines 1 to 17, inclusive.

**Amendment No. 3**

On page 1, line 19, of said bill, strike out "Sec. 2", and insert "Section 1".

**Amendment No. 4**

On page 2, line 2, of said bill, strike out "through accident", and insert "of medical service or hospital service, or both, or through accident or liability".

**Amendment No. 5**

On page 4 of said bill, strike out lines 1 to 5, inclusive.

**Amendment No. 6**

On page 1 of the printed bill, as amended, strike out all of line 21, and insert "16424. Any governing board having under its control a school district or districts having a total average daily attendance of less than 10,000 may".

**Amendment No. 7**

On page 2, line 4, of the printed bill, as amended, after "the district", insert "or districts".

**Amendment No. 8**

On page 2, line 5, of the printed bill, as amended, after "the district", insert "or districts".

**Amendment No. 9**

On page 2, line 8, of the printed bill, as amended, after "the district", insert "or districts".

**Amendment No. 10**

On page 2, line 8, of the printed bill, as amended, after "transported", insert "by the district or districts".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 548 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—35.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 729**—An act making an appropriation for the acquisition, development and maintenance of parks in Humboldt County for public use.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 729?

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out "of", and insert "and".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 729 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—34.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1109**—An act to amend Section 37 of the Unemployment Insurance Act, relating to contributions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1109?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "amend Section 37 of".

**Amendment No. 2**

On page 1, line 1, of said bill, strike out "37 of the act cited in the title hereof is", and insert "44.6 is added to the act cited in the title hereof, to read:

Sec. 44.6. Except as provided in Section 45.6 contributions required under this act shall become due on the first day of the calendar month following the close of each calendar quarter and shall become delinquent, unless the commission grants an extension of time for the payment thereof, if not paid by the first day of the second month following the close of that calendar quarter. If a payment of contributions is sent through the United States Mail, postage prepaid, and addressed to the main office of the Department of Employment, 1025 P Street, Sacramento, California, such payment shall be deemed to have been received on the date shown on the post-office cancellation mark stamped upon the envelope containing the payment."



**Amendment No. 3**

On page 1 of said bill, strike out lines 2 to 29, inclusive.

**Amendment No. 4**

In line 1 of the title of the printed bill, as amended, after "to", insert "add Section 446 to"

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1109 by the following vote:

**AYES.** Senators Baggett, Blood, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Deard, Dillinger, Donnelly, Dorsey, Eagle, Hatfield, Jepsen, Judah, Keating, McBride, McCannock, Myers, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tinkle, and Ward—32

**NOES.** None

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 1111.**—An act to amend Section 10074 of, to add Sections 10009.5, 10023, 10024, 10025 and 11011.5 to, and to add Chapter 7, comprising Sections 10500 to 10601, to Part 1 of Division 4 of, the Business and Professions Code, relating to transactions in mineral, oil or gas property, regulating mineral, oil and gas brokers and salesmen and prescribing the powers and duties of the State Division of Real Estate with respect thereto.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1111?"

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 47 to 52, inclusive; and on page 3, strike out lines 1 to 10, inclusive, and insert

"10504. Mineral, oil and gas broker within the meaning of this part includes any person who engages in the business of buying or leasing, or who takes an option on, mineral, oil or gas property, for the purpose of sale or resale, or lease or sublease, or assignment of a lease, or exchange, of such property or any part of such property.

10505. The provisions of this chapter do not apply to:

(a) Any person acting solely as a depository under an oil or gas lease, or oil and gas lease, other than for purposes of sale.

(b) Any person who engages in any transaction pursuant to an order of a court of competent jurisdiction."

**Amendment No. 2**

On page 3 of said bill, strike out lines 34 to 37, inclusive, and insert

"10507. The provisions of this chapter, except Section 10512, do not apply to a real estate licensee while acting as such in connection with the sale, lease or exchange of real property (other than mineral, oil or gas property) or an interest therein, when the transfer of mineral, oil or gas property is purely incidental to the sale, lease or exchange of real property (other than mineral, oil or gas property)."

**Amendment No. 3**

On page 5, line 11, of said bill, insert

"10513. All mineral, oil and gas licenses shall file reports with the commissioner of each act and transaction subject to this chapter undertaken by the mineral, oil and gas licensee. The report shall be filed at such times and in such manner and contain such information as may be prescribed by the commissioner by rule and regulation.

For a violation of the provisions of this section the commissioner may temporarily suspend or permanently revoke the license of a mineral, oil and gas licensee in accordance with the provisions of this part, relating to hearings."

**Amendment No. 3.1**

On page 6, line 20, of said bill, strike out "and".

**Amendment No. 3.2**

On page 6, line 21, of said bill, after "gas," insert "and a familiarity with methods of mineral and oil exploration and production,".

**Amendment No. 4**

On page 12 of said bill, after line 33, insert

"Sec. 8. Any real estate licensee (as defined in Section 10014 of the Business and Professions Code) who has been licensed continuously for a period of five years preceding the effective date of this act may be granted a license as a mineral, oil and gas licensee (as defined in Section 10023 of the Business and Professions Code) without examination if he otherwise complies with and pays the fees (including the examination fee) required by Chapter 7 of Part 1, Division 4, of the Business and Professions Code and makes application to the Division of Real Estate within 90 days after this act takes effect."

**Amendment No. 5**

On page 3 of the printed bill, as amended, between lines 13 and 14, insert

"(c) Any person, and the officers and employees of such person, engaged in the business of drilling for or producing oil or gas, or of mining for or producing minerals."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 6**

On page 3 of said bill, strike out lines 14 to 32, reading as follows:

"[mineral, oil or gas property. He shall not be exempt from this chapter under subdivision (a) of Section 10505 nor shall he be made subject to this chapter solely by virtue of Section 10506.

10505. The provisions of this chapter, except Section 10512, do not apply to:

(a) Anyone who directly performs any of the acts within the scope of this chapter with reference to his own property or, in case of a corporation, through its regular officers receiving no special compensation therefor, performs any of the acts with reference to the corporation's own property.

(b) Anyone holding a duly executed power of attorney from the owner.

(c) Services rendered by an attorney at law in performing his duties as such attorney at law.

(d) Any receiver, trustee in bankruptcy, or any person acting under order of any court.

(e) A trustee selling under a deed of trust.]"

**Amendment No. 7**

In line 3 of the title of the printed bill, as amended, strike out "10600", and insert "10601".

**Amendment No. 8**

On page 2, line 1, of said bill, strike out "10600", and insert "10601".

**Amendment No. 9**

On page 3, line 43, of said bill, between "10507." and "The", insert "(a)".

**Amendment No. 10**

On page 3, line 50, of said bill, insert

"(b) Any real estate licensee, who performs an act or engages in a transaction subject to this chapter, which act or transaction is incidental to his real estate business but not within subdivision (a), may secure a permit for such act or transaction from the commissioner without otherwise complying with the provisions of this chapter, except Section 10512. Not more than 10 permits per fiscal year may be issued under this section to any real estate licensee. The real estate permit fee shall be paid for each permit."

**Amendment No. 11**

On page 12, line 36, of said bill, insert

"10601. For a real estate permit, the fee is one dollar (\$1)."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1111 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, and Ward—33.

NOES—None.

Above bill ordered enrolled.

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 3 of the Civil Code to be known as Chapter 3b, relating to the assignment of accounts receivable and providing for the giving of notice thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 136?

**Amendment No. 1**

On page 4, line 17, of the printed bill, as amended, on April 7, 1943, after the period, insert

"The right or lien of the assignee upon any balance remaining owing on such account receivable shall not be invalidated, irrespective of whether the assignee shall have consented to or acquiesced in such acts of the assignor, if merchandise sold, or any part thereof, is returned to or recovered by the assignor from the person owing the account receivable and he thereafter deals with it as his own property, or if the assignor grants credits, allowances or adjustments to the person owing an account receivable."

**Amendment No. 2**

On page 1, line 13, of the printed bill, following "contract", insert "for work, goods or services".

**Amendment No. 3**

On page 2, line 10, of the printed bill, strike out "and without notice".

**Amendment No. 4**

On page 2, line 14, of the printed bill, following "debtor", insert a comma.

**Amendment No. 5**

On page 3, line 2, of the printed bill, strike out "consecutive".

**Amendment No. 6**

On page 3 of the printed bill, strike out line 17, and insert "fee for such filing shall be one dollar (\$1) and the fee for the issuance of any such certificate".

**Amendment No. 7**

On page 3, line 18, of the printed bill, following the period, insert "For a fee of one dollar (\$1) the filing officer may issue a certificate to any person showing whether or not there is on file any presently effective unneeded notice of assignment by any named assignor and if so setting forth therein the names and addresses of the assignee or assignees named therein."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 136 by the following vote:

**AYES**—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Hathfield, Jespersen, Judah, Keating, Mayo, McCormack, Myer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT The Committee on Conference concerning:

**Senate Bill No. 902**—An act to add Sections 6359.5 and 6365 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom: Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 5, 1943, be further amended as follows:

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Sections 6359.5 and 6365", and insert "Section 6359.5".

**Amendment No. 2**

On page 1 of said bill, strike out lines 10 to 22, inclusive.

WARD  
BREED  
SALSMAN

Senate Committee on Conference

ROBERTSON  
WEYBRET

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Judah, Keating, McBride, McCormack, Mixer, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Swing, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2:52 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**UNFINISHED BUSINESS (RESUMED)**

**Consideration of Assembly Amendments**

**Senate Bill No. 993**—An act to amend Sections 6 and 90, and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 of, and to add Sections 75, 76, 77, 78, 79, 80, 81, 82 and 83 to the Unemployment Insurance Act, relating to the administration thereof, creating the California Employment Stabilization Commission and the California Unemployment Insurance Appeals Board and abolishing the California Employment Commission.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 993?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 6", and insert "Sections 6 and 90".

**Amendment No. 2**

On page 3, line 28, of said bill, after "members.", insert

"The appeals board and its duly authorized representatives in the performance of its duties under this act shall have the powers of a head of a department as set forth in Section 353 of the Political Code."

**Amendment No. 3**

On page 3, lines 40 and 41, of said bill, strike out "concerning appeals", and insert "and orders".

**Amendment No. 4**

On page 3 of said bill, strike out lines 48, 49, and 50, and insert

"Sec. 82. If and wherever elsewhere in this act provision is made for a hearing before or an appeal to the commission in any matter pertaining to the payment of a benefit claim, the collection or computation of a contribution, or the propriety of a charge against an employer's account, such provision shall be construed to mean and provide for a hearing before or an appeal to the appeals board. The decision".

**PRINTER'S NOTE**—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 5**

On page 4 of said bill, after line 8, insert

"Sec. 12. Section 90 of said act is amended to read:

Sec. 90. (a) The commission, in addition to all other duties imposed and powers granted or implied by the provisions of this act:



(a) Shall adopt and enforce rules and regulations which to it seem necessary and suitable to carry out the provisions of this act.

(b) Shall make such rules and standards on or before December 1, 1935, and thereafter as needed. It shall give 30 days' notice by publication in at least two issues published in two separate weeks, in one or more newspapers of general circulation in this State before any rule or standard or change thereof takes effect.

(c) (1) Shall keep such records of employment of eligible [employees] workers, contributions, penalties, claims, benefits, and payments as are necessary for the proper administration of this act, or advisable for proper understanding of its operation.

(d) (2) [Shall cause to be printed for distribution to the public its classifications, rules, and such information as it considers desirable]. May cause to be distributed to the public in any manner it determines feasible its rules, regulations, and such other information as it considers desirable, and may advertise in newspapers of general circulation in this State for qualified applicants for work.

(e) May study and make recommendations as to the most effective methods of providing economic security through all forms of social insurance and to these ends carry on and publish the results of investigations and research studies.

(f) General and special rules and regulations for the administration of this act shall be adopted, amended or rescinded as follows:

(1) Each chief of each division shall have the power and authority in the first instance to formulate rules and regulations or amendments or rescissions of rules and regulations pertaining to matters falling within the jurisdiction of that division. A general rule or regulation or the amendment or rescission of any general rule or regulation shall become effective 10 days after filing with the Secretary of State and publishing in one or more newspapers of general circulation in this State, unless an appeal is taken to the appeals board as hereinafter in this subsection provided. Such rules or amendments or rescissions of such rules shall become effective 10 days after mailing notice thereof to the last known address of the individual or concern affected thereby, unless an appeal is taken to the appeals board as hereinafter in this subsection provided.

(2) Prior to the filing with the Secretary of State or to the sending of notice referred to in the preceding subparagraph of this subsection (b) the chief of such division shall hold a public hearing, of which proper notice has been given, at which any persons interested in such rule or regulation shall have an opportunity to be heard.

(3) If at any such hearing any person opposes the proposed rule or regulation or amendment or rescission thereof, or if either of the commissioners who are designated also as heads of divisions opposes it, any such person or such commissioner may request a hearing before the appeals board. If such hearing is requested the matter shall be heard by the appeals board within 30 days from the date of such request, and the proposed rule or regulation or amendment or rescission thereof shall not become effective until and unless the appeals board has finally approved the same. If it does finally so approve they shall be given and the rule or regulation or amendment or rescission thereof shall become effective in the same manner and after the same period as provided in subparagraph (1) of this subsection (b)."

#### Amendment No. 6

On page 4 of the printed bill, as amended, strike out lines 2 to 51, inclusive; and on page 5, strike out lines 1 to 16, inclusive, and insert

"Sec. 90. (a) The commission, in addition to all other duties imposed and powers granted or implied by the provisions of this act:

(a) Shall adopt, amend or rescind general and special rules for the administration of this act only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective 10 days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective 10 days after mailing notice thereof to the last known address of the individuals or concerns affected thereby.

(b) Shall adopt, amend or rescind regulations for the administration of this act, which shall become effective in the manner and at the time prescribed by the commission. Rules or regulations heretofore adopted shall continue in effect until amended or rescinded in accordance with the procedure prescribed by this section.

(c) (1) Shall keep such records of employment of eligible workers, contributions, penalties, claims, benefits, and payments as are necessary for the proper administration of this act, or advisable for proper understanding of its operation.

(d) (2) May cause to be distributed to the public in any manner it determines feasible its rules, regulations and such other information as it considers desirable, and may advertise in newspapers of general circulation in this State for qualified applicants for work.

(e) (3) May study and make recommendations as to the most effective methods of providing economic security through all forms of social insurance and to these ends carry on and publish the results of investigations and research studies.

(b) General and special rules and regulations for the administration of this act shall be adopted, amended or rescinded as follows:

(1) Each chief of each division shall have the power and authority in the first instance to formulate rules and regulations or amendments or rescissions of rules and regulations pertaining to matters falling within the jurisdiction of that division. A general rule or regulation or the amendment or rescission of any general rule or regulation shall become effective 10 days after filing with the Secretary of State and publishing in one or more newspapers of general circulation in this State, unless an appeal is taken to the appeals board as hereinafter in this subsection provided. Special rules or amendments or rescissions of such rules shall become effective 10 days after mailing notice thereof to the last known address of the individual or concern affected thereby, unless an appeal is taken to the appeals board as hereinafter in this subsection provided.

(2) Prior to the filing with the Secretary of State or to the sending of notice referred to in the previous subparagraph of this subsection (b) the chief of such division shall hold a public hearing, of which proper notice has been given, at which any persons interested in such rule or regulation shall have an opportunity to be heard.

(3) If at any such hearing any person opposes the proposed rule or regulation or amendment or rescission thereof, or if either of the commissioners who are designated also as chiefs of divisions opposes it, any such person or such commissioner may request a hearing before the appeals board. If such hearing is requested the matter shall be heard by the appeals board within 30 days from the date of such request, and the proposed rule or regulation or amendment or rescission thereof shall not become effective until and unless the appeals board has finally approved the same. If it does finally so approve then notice shall be given and the rule or regulation or amendment or rescission thereof shall become effective in the same manner and after the same period as provided in subparagraph (1) of this subsection (b)."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 993 by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Cunningham, Deuel, Dillinger, Donnelly, Dorsey, Hatfield, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swing, Tickle, and Ward—27.

NOES—Senators Crittenden, DeLap, Shelley, Swan, and Tenney—5.

Above bill ordered enrolled.

#### Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 2.53 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

#### PROCEEDINGS UNDER CALL OF THE SENATE

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### UNFINISHED BUSINESS (RESUMED)

#### Consideration of Assembly Amendments

**Senate Bill No. 599**—An act providing that revenues, rents and proceeds from lands lying within any by-pass area under the control of the Reclamation Board shall be paid into the General Fund, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 599?

#### Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "Fund", insert "and making an appropriation".

**Amendment No. 2**

On page 1 of said bill, following line 7, insert:

"Sec. 2. The sum of sixty three thousand seven hundred dollars (\$63,700) is hereby appropriated out of any money in the State treasury not otherwise appropriated to the State Reclamation Board for support to be expended during the Ninety-fifth and Ninety-sixth Fiscal Years."

**Amendment No. 3**

In line 3 of the title of the printed bill, as amended, after "Fund", insert ", and making an appropriation".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 599 by the following vote:

**AYES.** Senators Bigger, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.

**NOES.** None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 611** An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the Park System, and making an appropriation therefor.

The questions being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 611?

**Amendment No. 1**

On page 2, line 25, of the printed bill, as amended, strike out "State Park Commission in the", and insert "Division of Beaches and Parks,".

**Amendment No. 2**

On page 2, lines 30 and 31, of said bill, strike out "by the State Park Commission".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 611 by the following vote:

**AYES.** Senators Bigger, Breed, Burns, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES.** None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 746** An act to amend Section 2762 of the Penal Code, relating to prison road camps.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 746?

**Amendment No. 1**

Strike out the title of the printed bill, and insert "An act to amend Section 2762 of the Penal Code, relating to prison road camps."

**Amendment No. 2**

On page 1 of the printed bill, as amended, strike out lines 1 to 21, inclusive; and strike out all of pages 2 and 3, and insert:

"SECTION 1. Section 2762 of the Penal Code is amended to read:  
2762. Said department shall fix the rate to be expended for such labor at not to exceed three dollars (\$3) per day for each day which each convict actually performs labor upon the construction, improvement or maintenance of a State highway, and shall monthly set aside funds to pay for such labor. Said department shall set up an account for each convict which shall be credited monthly with an amount computed by multiplying the daily rate by the number of days such convict actually performed labor during the month. Such account shall be debited monthly with such



convict's expenses for transportation; his drawings from the commissary, such as clothing and toilet articles; and his proportionate share of all expenses for the proper maintenance of the road camp, including the expenses for food, medicine, medical attendance, clerical help, and the pro rata cost of reward for capturing escapes from the road camp, which award is hereby fixed at the sum of one hundred fifty dollars (\$150) for the capture of each escaped prisoner, payable to any individual or peace officer. The net credits to each convict's account shall not be permitted to exceed an average of seventy-five cents (\$0.75) per day for each day of actual work performed in the road camp.

The Department of Public Works, in computing the debits to be made to the convict's accounts, may add not to exceed 10 per cent on all items except transportation and awards for escapes. When any prisoner escapes the Department of Public Works, after debiting the accounts of the convicts in the camp from which the escape was made, shall set aside the sum of one hundred fifty dollars (\$150), and at any time within four years after said escape shall pay the award to the person entitled thereto. No such award can be claimed or paid more than four years after the escape to which it relates. All amounts to the credit of any convict who escapes shall be applied to the payment of said award before any debit is made against the remainder of the prisoners in the camp so that the amounts debited shall be the difference between one hundred fifty dollars (\$150) and the amount to the credit of the escaped convict."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 746 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 748**—An act to amend Sections 689 and 689.5 of the Political Code, relating to collections by the State Department of Finance from other State agencies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 748?

##### Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 689 and".

##### Amendment No. 2

In line 2 of the title of said bill, strike out "the Service Revolving Fund", and insert "collections by the State Department of Finance from other State agencies".

##### Amendment No. 3

On page 1, line 1, of said bill, after "Section 1", insert "Section 689 of the Political Code is amended to read:

689. From any State department, officer, board or commission having any special fund in the State Treasury made available by law for the use, support or maintenance of any part or all of the work and affairs of such department, office, board or commission, the Department of Finance may fix and collect:

(a) The pro rata share of the cost of insuring motor vehicles belonging to such department, officer, board or commission against liability for damages resulting from the negligent operation of motor vehicles and arising under the provisions of Section 400 of the Vehicle Code or, in the discretion of the director, an amount which he considers equivalent to such pro rata share to be expended by him in accordance with law paying claims under Section 400 of the Vehicle Code and paying for the investigation, adjustment, defense and administration of such claims;

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the State and used or occupied by such State department, officer, board or commission where such space is utilized in carrying out the work and affairs, or that portion of the work and affairs, of such department, officer, board or commission, for the carrying out of which said special fund was created;

(c) The actual cost of janitor and maintenance service rendered to such department, officer, board or commission to enable it to carry out the work and affairs, or that portion of its work and affairs, for the carrying out of which the special fund was created; and



(d) The pro rata cost of workmen's compensation insurance covering the officers and employees of such department, officer, board, or commission.

(e) The pro rata cost of any bond or bonds covering the officers and employees of such department, officer, board, or commission.

The State Department of Finance may file a claim against any appropriations made from special funds for the support or maintenance of any part or all of the work and affairs of any State department, officer, board or commission for a pro rata share of the costs or services included within this section, when such State department, officer, board, or commission refuses to pay such pro rata share of such costs or services, and the State Controller shall draw his warrant in accordance with law upon such claim in favor of the State Department of Finance.

All moneys received by the Department of Finance pursuant to paragraphs (a), (d), and (e) under the provisions hereof shall be accounted for and reported at the end of each month by said department to the State Controller to be by said Controller credited as an abatement of the expenses of said department, and at the same time such moneys shall be remitted to the State treasury to become a part of any appropriation made available by law from out of which the expenses for such purposes were paid.

All other moneys received by the Department of Finance under the provisions of paragraph (b) hereof shall be accounted for and reported at the end of each month by said department to the State Controller, and at the same time such moneys shall be remitted to the State Treasurer to become a part of the General Fund and all moneys received by the Department of Finance under the provisions of paragraph (c) herein shall be accounted for as provided in Section 689.5 of the Political Code.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 748 by the following vote:

AYES—Senators Bigger, Broad, Burns, Carter, Crittenden, Cunningham, Deuel, Dillinger, Donnelly, Dwyer, Eagle, Gordon, Hatfield, Jaspersen, Judah, Keating, McBride, McCormack, Moxley, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—31.

NOES—None.

Above bill ordered enrolled.

#### FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:54 p. m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 807**—An act to repeal an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved by the Governor, June 14, 1935, to establish the "State Reconstruction and Reemployment Commission" and prescribing its powers and duties; authorizing the State Reconstruction and Reemployment Commission to make investigations, reports, recommendations and plans for a program for the promotion, development, conservation and utilization of the human, natural, and economic resources of the State; making an appropriation; and to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the State Planning Board to the State Reconstruction and Reemployment Commission.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 807?

##### Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "Economic"; and strike out line 5, and insert "Reconstruction and Reemployment Commission"

and prescribing its powers and duties; authorizing the State Reconstruction and Reemployment Commission to make investigations, reports, recommendations and plans for a program for the promotion, development, conservation and utilization of the human, natural, and economic resources of the State; making an appropriation; and to transfer the duties, powers, purposes, responsibilities, unexpended moneys, and jurisdiction of the State Planning Board to the State Reconstruction and Reemployment Commission."

#### Amendment No. 2

On page 4, line 11, of said bill, after "Section 1", insert "This act shall be known as the State Reconstruction and Reemployment Act.

SEC. 2. The Department of Finance shall be in possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, and real and personal property now or hereafter held for the benefit or use of the State Planning Commission from the effective date of this act until the creation and qualification of the State Reconstruction and Reemployment Commission and the title to all property held by said State Planning Board for the use and benefit of the State is hereby transferred to the State of California to be held in the possession of said Department of Finance until the creation and qualification of the State Reconstruction and Reemployment Commission, at which time possession, custody, and control of all said property shall be surrendered and transferred to the State Reconstruction and Reemployment Commission.

SEC. 3. It is hereby declared to be the public policy of this State and the purpose of this act to prevent unemployment, conserve and develop the natural, social and economic resources of the State, promote development of new industries, create new markets; promote the reemployment of discharged service men and readjustment of displaced war workers, and the conversion of industry and commerce from war to peace standards, to provide for postwar adjustment and reconstruction, and to encourage economic and social improvement of the general public.

SEC. 4. There is hereby created the State Reconstruction and Reemployment Commission designated in this act as the commission, to consist of nine members, as follows:

- (a) The Director of Public Works, chairman
- (b) Director of Finance, vice chairman
- (c) Director of Professional and Vocational Standards
- (d) President of the University of California, or his representative, with the approval of the Governor
- (e) Director of Natural Resources
- (f) Director of Agriculture
- (g) Director of Industrial Relations
- (h) Superintendent of Public Instruction
- (i) Executive Secretary of the Governor

SEC. 5. It shall be the duty of the commission to:

- (a) Collect, assemble, study, and analyze data concerning the human, natural and economic resources of the State
- (b) Endeavor to formulate and promote plans and programs to:
  - (1) Reemploy discharged service men and women
  - (2) Rehabilitate discharged veterans through purchase of homes and farms
  - (3) Provide for and encourage the resumption of the education of veterans whose education has been interrupted
  - (4) Readjust displaced war workers
  - (5) Convert industry and commerce from war to peace standards
  - (6) Encourage the development, preservation and restoration of industry
  - (7) Encourage and promote the full development of the natural resources of California
  - (8) Encourage and arrange for cooperation with the other Western States in the development of a regional economy
  - (9) Plan for and promote the improvement and expansion of the highway and freeway systems of the State
  - (10) Plan for and support the necessary reconstruction and expansion of State buildings, particularly State hospitals and institutions
  - (11) Prepare for postwar adjustments generally
- (c) Cooperate with Federal, State, and other public and private agencies to effect the purposes of this act
- (d) Prepare and submit a quarterly report to the Governor
- (e) Prepare and submit an annual report and recommendations to the Governor and the Legislature

SEC. 6. Each member of the commission shall act as chairman of a Citizens Advisory Committee of five members selected by the Governor upon nomination by such member, and qualified as specialists in the respective fields of activity of this commission. Members of these advisory committees shall receive no compensation for their services under this act, but shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder. The members of these advisory committees shall serve at the pleasure of the committee chairman.

Sec. 7. Within 15 days after the appointment of this commission the commission shall meet at Sacramento and organize for the transaction of business.

Sec. 8. The Director of Public Works shall be the chairman and the Director of Finance the vice chairman of this commission. A majority of the members of the commission in office constitutes a quorum and the vote of such a majority is necessary to the transaction of the business of the commission. The commission shall by rule provide for such regular and special meetings as it may determine and for the method of calling such meetings.

Sec. 9. The office of Director of Reconstruction and Reemployment is hereby created and is filled by appointment by the Governor. He serves at the pleasure of the Governor and receives such salary as the commission shall designate, not in excess of ten thousand dollars (\$10,000) annually, with the approval of the Director of Finance, and the actual and necessary expenses incurred by him in the performance of his duties. He also may be removed from office by a vote of a majority of the members of the commission then in office.

Sec. 10. The director shall be the chief executive officer for the administration of this act, but the commission shall require the prior approval by it of any or all contracts involving the expenditure of more than five hundred dollars (\$500) that may be executed by the director. The director may delegate any of the powers vested in him by this act, except the power to contract, to employees and officers engaged in the administration of this act. Any power so delegated may at any time be modified, withdrawn or terminated by the director.

Sec. 11. The director is the head of a department within the meaning of Sections 253, 254, 255, and 256 of the Political Code.

Sec. 12. The director may contract with such other agencies, public or private, as he deems necessary or desirable for the rendition and affording of such services, facilities, studies and reports to him as will assist in carrying out the provisions of this act.

Sec. 13. The director may procure and maintain offices in such parts of the State as to him appears necessary or convenient in order to effectuate the purposes of this act. The director has power to do such other acts and things as may be necessary and incidental to the full discharge of duties expressly conferred or imposed upon him.

Sec. 14. In the execution of their powers and duties under this act, officers and employees engaged in the administration of this act shall be governed by such rules as the commission may from time to time make.

Sec. 15. The commission shall create positions, fix the compensation and prescribe the powers and duties of officers and employees necessary for the administration and to effectuate the purposes of this act. The compensation fixed shall be subject to the approval of the Director of Finance. All such officers and employees shall be appointed by and serve at the pleasure of the Governor.

Sec. 16. Upon the request of the commission or the director every officer and employee of this State shall consult and advise the commission or the director, as the case may be, and each department, division, bureau, board, commission, and officer of this State and each agency or political subdivision of this State shall render all possible assistance to the commission and the director for the purpose of carrying out the provisions of this act.

Sec. 17. The commission is hereby authorized to accept gifts from any person, agency, organization, partnership, business trust, corporation, the United States of America, or any agency thereof, the State of California, or any political subdivision or agency thereof, and to use same in accordance with the terms of the grant.

Sec. 18. There is hereby appropriated from any funds in the State treasury, not otherwise appropriated, the sum of forty thousand dollars (\$40,000) or so much thereof as may be necessary to carry out the provisions of this act.

Sec. 19. The State Reconstruction and Reemployment Commission shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the State Planning Board under the provisions of the act cited in the title of this act, or of any other law, and of the several officers, deputies and employees of or under the State Planning Board, and whenever by the provisions of any statute or law now in force or which hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon the State Planning Board, or upon any of the officers, deputies or employees of or under either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the State Reconstruction and Reemployment Commission with the same force and effect as if the title of said last named commission had been specifically set forth and named therein, in lieu of the name of the State Planning Board, or any such officer, deputy or employee thereof or thereunder. For the purposes of this act, the term State Planning Board, or similar designation, and of the several officers, deputies and employees of or under either thereof, when used in any statute or law now in force or which may hereafter be enacted, shall be construed to refer to and mean the State Reconstruction and Reemployment Commission, the same as if the title of such commission had been specifically set forth and named therein. The State Planning Board and office and the positions of all deputies, officers and employees of or under either thereof are and each of them is hereby abolished and shall have no further legal existence.



**SEC. 20.** From the time of the creation of the State Reconstruction and Reemployment Commission, it shall be and is hereby authorized to expend the moneys in any appropriation or in any special fund in the State treasury now remaining or made available by law for expenditure by the State Planning Board.

**SEC. 21.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

**SEC. 22."**

#### **Amendment No. 3**

On page 4, line 42, of the printed bill, as amended, strike out "forty thousand dollars (\$40,000)", and insert "seventy-four thousand dollars (\$74,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 807 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—Senators Carter, Collier, and Cunningham—3.

Above bill ordered enrolled.

#### **Call of the Senate**

Senator Seawell moved a call of the Senate.

Motion carried. Time, 2.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

### **PROCEEDINGS UNDER CALL OF THE SENATE**

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **UNFINISHED BUSINESS (RESUMED)**

#### **Consideration of Assembly Amendments**

**Senate Bill No. 827**—An act to amend Section 2.1412 of the School Code and to amend Section 144 of the Education Code, relating to the Deputy Superintendent of Public Instruction.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 827?

#### **Amendment No. 1**

On page 1, line 5, of the printed bill, strike out "six thousand dollars (\$6,000)", and insert "\$5,400".

#### **Amendment No. 2**

On page 1, line 17, of said bill, strike out "six thousand dollars (\$6,000)", and insert "\$5,400".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 827 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Tenney, Tickle, and Ward—29.

**NOES**—None.

Above bill ordered enrolled.

#### **Consideration of Assembly Amendments**

**Senate Bill No. 1095**—An act to add Section 205 to the Water Code, and to add Section 363h to the Political Code, relating to membership of the Department of Public Works in National associations for the promotion of reclamation and irrigation and making an appropriation.



The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1095?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, after "Code," insert "and to add Section 363h to the Political Code."

**Amendment No. 2**

On page 1, line 19, of said bill, insert:

"Sec. 2. Section 363h is added to the Political Code, to read:

363h. The Department of Public Works is authorized to join associations of representatives of other States which have been established for not less than 10 years and which have for their purpose the promotion of reclamation and irrigation and cooperation between the several States and the Federal Government in matters relating to reclamation and irrigation. The department may collaborate and cooperate with other members of the association selected in accordance with the constitution and by-laws of such association, relative to matters of public interest to the State within the scope of the activities of such association. The department may, from any of its funds available for the purpose, make expenditures for the pro rata share of the expenses of such association attributable to California and for the services performed by such association for the State."

**Amendment No. 3**

On page 1, line 20, of said bill, strike out "Sec. 2," and insert "Sec. 3."

**Amendment No. 4**

On page 1, line 24, of said bill, strike out "Section 205 of the Water Code", and insert "this act."

**Amendment No. 5**

On page 1 of said bill, after line 25, insert:

"Sec. 4. Section 1 of this act becomes operative only if the Water Code is enacted by the Legislature at its Fifty-fifth Session, and, in such case, at the same time said code takes effect, at which time Section 363h of the Political Code added by this act is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1095 by the following vote:

**AYES:** Senators Bigger, Broad, Carter, Collier, Crattenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen, Judah, Keating, Mayo, McCormack, Meyer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES:** None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 503**—An act to add Sections 5.127-1 and 5.141-1 to the School Code and to add 12008.1 and 12042.1 to the Education Code, relating to emergency credentials authorizing service in the public school system, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 503?

**Amendment No. 1**

On page 1, line 12, of the printed bill, as amended, strike out the colon, and insert a period.

**Amendment No. 2**

On page 2 of the printed bill, as amended, following line 16, insert:

"This section shall remain in effect until the close of the school year in which occurs the cessation of hostilities in all wars in which the United States is now engaged."

**Amendment No. 3**

On page 1, line 16, of the printed bill, as amended, after "credential", insert a comma.

**Amendment No. 4**

On page 2 of said bill, strike out line 15, and insert:

"12042.1. The minimum standard for an emergency credential shall be as high a general".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 503 by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 449**—An act making an appropriation for landscaping and auto parking at Marshall's monument grounds.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 449?

##### Amendment No. 1

On page 1, line 5, of the printed bill, after "expended", insert "during the Ninety-fifth, Ninety-sixth Fiscal Years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 449 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 511**—An act to amend Section 12751 of the Education Code, relating to the suspension of credentials issued by the State Board of Education.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 511?

##### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out everything except "An act to".

##### Amendment No. 2

On page 1 of said bill, strike out lines 1 to 11, inclusive.

##### Amendment No. 3

On page 1, line 13, of said bill, strike out "Sec. 2.", and insert "Section 1."

##### Amendment No. 4

On page 1, line 16, of said bill, after "refuse", insert ", without good cause,".

##### Amendment No. 5

On page 1, line 23, of said bill, after "for", insert "not exceeding".

##### Amendment No. 6

On page 1 of said bill, strike out lines 25 to 29, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 511 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Engle, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 581**—An act to amend Section 3493 of the Political Code, relating to reclamation districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 581?

## Amendment No. 1

On page 4, line 6, of the printed bill, as amended, after "properties", insert "consisting of ditches, canals, levees and other reclamation works."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 581 by the following vote:

**AYES**—Senators Bigger, Reed, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Donnelly, Eagle, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28

**NOES**—None

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 756**—An act to amend Section 13841 of the Education Code, relating to absences from duty of employees of school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 756?

## Amendment No. 1

On page 2, line 12, of the printed bill, as amended, after "he", insert "not less than"

## Amendment No. 2

On page 2 of said bill, strike out lines 28 and 29, and insert "The district. Rules or regulations adopted by the governing board of any school district, requiring and prescribing the manner of proof of illness or injury for the purpose of this section, shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well recognized church or denomination."

## Amendment No. 3

On page 2 of said bill, after line 32, insert:

"Nothing in this section shall apply to any employee of any school district controlled by a governing board which has under its control a district or districts having a combined average daily attendance of 50,000 or more, and which had on April 1, 1943, a rule providing for the payment of sick leave salary to its certificated employees, so long as such district maintains such rule, or a rule as favorable to its certificated employees, in effect."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 756 by the following vote:

**AYES**—Senators Bigger, Reed, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Donnelly, Eagle, Goshaw, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30

**NOES**—None.

Above bill ordered enrolled.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Senate Bill No. 1061**—An act to amend Sections 1 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers

and duties and making an appropriation therefor," approved July 16, 1935, relating to the California Farm Debt Adjustment Commission, including extension of the period of existence of and membership upon the commission; making an appropriation therefor;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 5, 1943, be further amended as follows:

#### Amendment No. 1

In line 7 of the title of the printed bill, as amended, strike out " : making an appropriation therefor".

POWERS  
JESPERSEN

Senate Committee on Conference

WEYBRET  
THORP  
CLARKE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Engle, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

NOES—None.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1412  
Assembly Bill No. 1065  
Assembly Bill No. 1067  
Assembly Bill No. 1480  
Assembly Bill No. 1733  
Assembly Bill No. 1962  
Assembly Bill No. 136

Assembly Bill No. 582  
Assembly Bill No. 1018  
Assembly Bill No. 1028  
Assembly Bill No. 1692  
Assembly Bill No. 1140  
Assembly Bill No. 2007  
Assembly Bill No. 1699

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 672**—An act to add Section 60.3 and Section 45.2 to the Alcoholic Beverage Control Act, relating to alcoholic beverages.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 601**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1630, 2303, 2305, 2306, 2307, 2308, 2309, and 2310 of the Welfare and Institutions Code, to amend the chapter heading of Chapter 1 of Part 3 of Division 2 of said code, to repeal Sections 2300, 2301, and 2302 of said code, to add Sections 1625.5, 2300, 2300.5, 2300.7, 2301, 2301.3, 2301.5, 2301.7, 2301.9, 2302, 2302.3, 2302.5, and 2305.5 to said code, and to add Chapter 2, comprising Sections 1650 to 1660, inclusive, to Part 3 of Division 2 of said code, relating to institutions for the reception and care of persons in need of protection and care, including institutions for child care and home-finding and placement agencies and institutions, boarding homes and other places for the reception and care of aged persons, and providing for the licensing and regulation of such institutions and agencies.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.



## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 650**—An act to add Section 10126.1 to the Education Code, relating to attendance of pupils upon courses of physical education.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1116**—An act authorizing the State, any city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and six months thereafter, declaring the urgency hereof; to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1538**—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 521**—An act to amend Sections 12755 and 12784 of the Education Code, relating to the revocation of credentials, life diplomas or documents issued by the State Board of Education.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 667**—An act to amend Sections 26200.5, 26209, 26212, 26251, 26253, 26254, 26271, 26280, 26281, 26282, 26296, 26302, 26303, 26327, 26328, 26336, 26337, 26338, 26342, 26343, 26361, 26364, 26366, 26367, 26368, and 26380 of, and add Sections 26216 and 26271 (a) to Division 21, Chapter 2 of the Health and Safety Code, relating to the adulteration, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 568**—An act to add Section 2780.1 to the Penal Code, relating to the prison camps, making an appropriation, declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendments to:

Assembly Bill No. 1823  
Assembly Bill No. 1897

Assembly Bill No. 1970  
Assembly Bill No. 1995

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Amendments to:

Assembly Bill No. 1031  
Assembly Bill No. 1452  
Assembly Bill No. 515  
Assembly Bill No. 800  
Assembly Bill No. 1111  
Assembly Bill No. 1381

Assembly Bill No. 1071  
Assembly Bill No. 301  
Assembly Bill No. 671  
Assembly Bill No. 1599  
Assembly Bill No. 1504  
Assembly Bill No. 1107

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 11

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 307

Senate Bill No. 109

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 509

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 300

Senate Bill No. 501

Senate Bill No. 580

Senate Bill No. 1007

Senate Bill No. 977

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk

Above bills ordered to unfinished business file.

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1406**—An act to amend Sections 19132 and 19138 of, and to add Sections 19132.3, 19132.5, 19132.7 and 19132.9 to, the Health and Safety Code, relating to requirements for earthquake protection and the design and construction of buildings, including the securing of building permits and the prescribing of the fees therefor.

Bill read third time.

## Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the passage of the bill.

The roll was called, and the bill refused passage by the following vote:

**AYES**—Senators Carter, Collier, Crittenden, Cunningham, Donnelly, Judah, Keating, McBride, Mixer, Parkman, Quinn, Seawell, Shelley, Slater, and Swan—15.

**NOES**—Senators Bigger, DeLap, Donel, Dullinger, Engle, Gordon, Hatfield, Jespersen, Mayo, McCormack, Rich, Salsman, Tickle, and Ward—14.

## REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the letter of transmittal, and the Third Partial Report of the Joint Legislative Budget Committee printed in the Journal.

SENATE CHAMBER, SACRAMENTO, May 5, 1943

**MR. PRESIDENT**—As Chairman of the Legislative Budget Committee, I am this day filing with the Secretary of the Senate the Third Partial Report of the Joint Legislative Budget Committee, and I am asking that the report be printed in the Journal.

The material in this report has been used in considering the Governor's Budget and the Budget Bill, and it is thought that it will be of assistance in interpreting the Budget Act based upon the Governor's Budget.

Because of the length of the report and the lack of time, all of the members of the committee have not read the final draft of the report. While the names of the committeemen appear upon the report and are subscribed to it, nevertheless this report is filed with the understanding among all the members that any individual member of the committee may express in a written statement, printed in either the Senate Journal or the Assembly Journal, any statement he may desire to make concerning said report.

Dated this fifth day of May, 1943.

W. P. RICH, Chairman  
Legislative Budget Committee

## THE THIRD PARTIAL REPORT OF THE JOINT LEGISLATIVE BUDGET COMMITTEE TO THE CALIFORNIA LEGISLATURE

Fifty-fifth Session, 1943

March 22, 1943

## COMMITTEE

## Senators

W. P. RICH, *Chairman*  
JERROLD L. SEAWELL  
ARTHUR H. BREED, JR.  
T. H. DELAP  
EDWARD H. TICKLE

## Assemblymen

EARL D. DESMOND, *Vice Chairman*  
MICHAEL J. BURNS  
ALBERT C. WOLLENBERG  
GEORGE A. CLARKE  
CHARLES W. LYON

ROLLAND A. VANDEGRIFT, *Legislative Auditor*

LIEUTENANT GOVERNOR FREDERICK F. HOUSER, *President of the Senate*

HONORABLE JERROLD L. SEAWELL, *President Pro Tempore of the Senate*

HONORABLE CHARLES W. LYON, *Speaker of the Assembly*

**Third Partial Report of the Joint Legislative Budget Committee  
to the**

**HONORABLE FREDERICK F. HOUSER, *President*, and to the Members of the Senate  
and to the**

**HONORABLE CHARLES W. LYON, *Speaker*, and to the Members of the Assembly  
of the State of California**

**INTRODUCTION**

In the First and Second Preliminary Reports of the Legislative Budget Committee we have covered the operations of the committee in general through the preparation of the 1943-45 Budget and have explained in detail the over-all picture of the Budget and the resultant General Fund surplus. We have presented an analysis of the operations and the budget items for several departments and agencies of the State, including the legislative, the judicial, the executive and the administrative officers, boards and commissions. In this we have followed the same order in which these matters are presented in the Budget and in the Budget Appropriation Bill. In this report we will cover the first part of the administrative departments and related agencies, again following the set-up in the Budget and the budget bills, beginning with the Department of Agriculture on page 112 of the Budget and Item 50 of the Appropriation Bill, and going through to the Department of Finance on page 259 of the Budget and including Item 84 of the Appropriation Bill.

The departments covered herein include the following: Agriculture, Education and Employment. The Fourth Partial Report will begin with the Department of Finance and conclude with Social Welfare, covering the rest of the administrative departments and related agencies.

**1. DEPARTMENT OF AGRICULTURE**

**General Fund**

Items 50 to 55, inclusive, page 5, Assembly Bill No. 1600, pages 112 to 158, inclusive, of the Budget. The allocations from the General Fund for all of the activities of the department supported from the General Fund, for support, Item 50, is placed at \$2,613,812. This is a decrease of \$53,360.

Of the divisions showing decrease, that of Animal Husbandry is the largest with a decrease of \$120,045. An increase of \$18,492 in the Bureau of Markets and \$13,603 in the Bureau of Rodent and Weed Control, together with smaller increases, offset a part of this sizeable decrease, leaving a net decrease of \$53,360.

**Special Fund**

Item 52, for support from the Department of Agriculture Fund, is placed at \$4,077,592. This is a decrease of \$67,706.64. Revenues, however, show a decrease of \$284,526.96. Meat Inspection shows the largest drop with \$146,065, and Shipping Point Inspection second with \$65,842. The largest increases are Milk Stabilization, \$57,781, and Canning Tomato Inspection, \$58,202.

Approximately 60 per cent of the activities of the department are now supported from special funds. Ten years ago only 39 per cent of the total budget from the department was provided from special funds. These special funds then totaled approximately a million and three quarters of dollars.

**Number of Employees**

In 1933 the department had a total of 779 employees. Ten years later the total is 880. The total number for each year of the current biennium and in the Budget for 1943-45 and for the general and special funds are as follows:

<i>Number of employees</i>	<i>1941-42</i>	<i>1942-43</i>	<i>1943-44</i>	<i>1944-45</i>
General Fund -----	434	431	429	428
Special Fund -----	454	467	451	451
Total -----	888	898	880	879

**Salary Saving**

As for other departments and agencies of the State, the salary saving item has been included in the Budget. In the case of the General Fund activities of the department, the salary savings already set up are 14.5 per cent. This is considerably higher than for other departments. A review of the actual staff paid from the General Fund indicates that this approaches the total salary savings that may reasonably be expected. For this reason no additional salary savings for the General Fund of the department is suggested.



The salary savings set up for the special funds of the department is placed at 5.25 per cent. It is believed that an additional 5 per cent here is not out of line. This will increase salary savings for the special funds by approximately \$123,000, making a total of \$260,810. Additional observations on this item are considered subsequently in connection with the request of the department for restorations of budget cuts.

#### Salary Savings by Increasing Work Week From 38 to 40 Hours

An additional saving in salaries can be secured through increasing the work week in the Department of Agriculture from 38 to 40 hours. The amount of this increase for other than the office staff can only be determined by examining the duties and hours of work of the various field employees. Many of them now work in excess of 40 hours.

#### Leadership Wanting

Many of the functions of the Department of Agriculture are essential to safeguard the industry and to protect the welfare of the consuming public; however, we can no longer say, as was stated in the First Partial Review Committee Report of 10 years ago that agriculture is now the primary industry of California. Due to the war and unprecedented advances in wartime economies, particularly in aircraft and shipbuilding, agriculture has taken second place. However, California is still essentially an agricultural State. Today, in contrast with 10 years ago, agriculture is in a favorable economic position. It is no longer a question of selling agricultural products at a profit and at a better price, but rather of being able to find any market. It is now primarily a matter of production. All that can be produced and can be sold under the Federal restrictions with few exceptions yield a profit and in many instances, a very handsome profit. The difficulty now is in finding a sufficient supply of agricultural labor and in producing a satisfactory volume of food, not only to meet our local needs but to make up the deficit for food which is of primary importance in war, by increasing the present output.

The problems of agriculture and production are further complicated by Federal regulations and Federal lifting. The failure to recognize the farmer's need for gasoline and tires, for farm machinery and parts, and their needs for essential labor at the time when crop losses are heavy, and the failure to recognize the disaster of fixing the prices of certain farm products at such a low level that they can not be produced profitably in coordination with other related crops have been tragically disastrous.

In the milk industry, this lack of understanding has forced the sale of many dairy herds for butchering. As long as the killing of thousands of young chickens that might otherwise have provided the meat shortage if they had been raised for fryers. Thousands of acres of fertile land are lying idle for the reason that there is no guarantee that harvest losses can be secured.

In this serious situation the State Department of Agriculture has carried on negotiations of importance for the welfare of the farmer; however, the department has not expressed any particular leadership in the promotion of the production of food to meet what will be an apparent shortage. The department, it is true, is limited in its authority primarily to a regulatory and a policing activity; however, the opportunity was present to have assumed a much greater leadership than was accomplished. If this leadership had been exercised it is possible a super body to direct production of food would not have been requested.

#### Wartime Economy

Senate Concurrent Resolution No. 6 of December 22, 1941, of the extraordinary session of the 1941 Legislature presented on page 15 of the First Partial Report, called on all departments, including the Department of Agriculture, to economize in every possible way and to assist in the war effort. The Director of Agriculture did not at that time reply to the communication from the committee asking for a report in compliance with this resolution. Subsequently, during the course of the preliminary hearings for the 1943-45 Budget in the office of the Director of Finance, on December 5, 1942, his attention was called to this, and on December 18, 1942, he covered the matter in a letter to the Legislative Auditor.

The Director of Agriculture reported that if the program of the department is continued as laid out that on June 30, 1943, approximately \$200,000 will remain unspent in the General Fund appropriation of the department. This will result, after the department has taken up approximately \$86,000 for the special \$15 salary bonus, and an expenditure of some \$28,000 promised by Mr. Killian, the Director of Finance, to take care of war emergency matters, so that the actual anticipated saving from the appropriation would approximate \$314,000 if these two items had not been met from regular appropriations.

In the special fund a saving of \$109,000 would be realized, over and above some \$64,000 spent from this fund for the emergency salary adjustment. The total gross saving for the department is reported at approximately \$309,000. The following tabulations, Tables A and B, summarize this situation for both the general and special funds.

Table A—Proposed Budget for the Biennium, 1943-45, Department of Agriculture  
Schedule of Appropriations

Legal citation	Purpose Fund—General	Amount appropriated	Expenditures actual and estimated 1941-43 Ninety-third and Ninety-fourth Fiscal Years	Estimated unexpended balance, June 30, 1943
600/41	Support: Ninety-third and Ninety-fourth Fiscal Years.....	\$2,906,890 00	\$2,730,050 68	\$176,839 32
563/41 825/41	Other Items: Dourine eradication, Ninety-third Fiscal Year Suppression of field rodents, Ninety-third- Ninety-fourth Fiscal Years.....	\$36,615 00 25,000 00	\$19,637 23 24,772 87	\$16,977 77 227 13
811/37	Austrian field cross elimination, Ninety-third Fiscal Year.....	202 78	202 78	-----
	Totals, other items.....	\$61,817 78	\$44,612 88	\$17,204 90
600/41	Capital Outlay: Construction, improvements and equipment, Ninety-third-Ninety-fourth Fiscal Years.....	12,784 00	12,246 70	517 30
	Totals, General Fund.....	\$2,981,471 78	\$2,786,910 26	\$194,561 52

Table B—Proposed Budget for the Biennium, 1943-45, Department of Agriculture  
Schedule of Appropriations

Legal citation	Purpose Fund—Department of Agriculture	Amount appropriated	Expenditures actual and estimated 1941-43 Ninety-third and Ninety-fourth Fiscal Years	Estimated unexpended balance, June 30, 1943
600/41	Support: Ninety-third and Ninety-fourth Fiscal Years.....	\$4,014,108 00/	\$3,959,291 74	\$94,171 73
D.A. No. 183	Augmented by E.O. D-379.....	40,355 47	-----	92,046 00
D.A. No. 186	Department of Agriculture Fund.....	37,415 00	-----	37,415 00
	Totals, support.....	\$4,182,924 47	\$3,959,291 74	\$223,632 73
1032/41	Other Items: Expenses—Fluid milk and cream stabilization service, Ninety-third Fiscal Year.....	\$6,797 40	\$6,797 40	-----
1235/41	Expenses—Canning tomato inspection, Ninety-third Fiscal Year.....	132,937 77	95,433 30	\$37,504 47
1235/41	Expenses—Canning tomato inspection, Ninety-fourth Fiscal Year.....	176,000 00	158,249 00	17,751 00
849/41	Expenses—Foreign cold storage meat inspection, Ninety-third-Ninety-fourth Fiscal Years.....	943 50	836 20	107 30
	Totals—Other Items.....	\$316,678 67	\$261,315 90	\$55,362 77
	Totals—Support and other items.....	\$4,499,603 14	\$4,220,607 64	\$278,995 50
	Contributions to Retirement Fund.....	\$88,953 70	\$88,953 70	-----
	Totals—Department of Agriculture Fund.....	\$4,588,556 84	\$4,309,561 34	\$278,995 50

Subsequent to the report of December, 1942, the budget for the Bureau of Entomology and Plant Quarantine was adjusted so as to absorb part of this surplus by making an expenditure of \$57,200 for the control of Oriental fruit moth, \$5,000 for inspection of vehicles to prevent spread of this moth, and an additional \$18,900 was required to increase the emergency salary adjustments in accordance with the Swing Bill, Senate Bill No. 15. This would leave a balance in the General Fund on June 30, 1943, of \$113,400. The tabulation of the emergency adjustments made are as follows:

Emergency salary adjustments.....	\$105,540 00
Emergency war work.....	26,200 00
Inspection station, Banning, fruit and vegetable standardi- zation.....	2,000 00
Expenses, Oriental fruit moth.....	57,200 00
Highway inspection stations, Oriental fruit moth.....	5,000 00
	<hr/> \$195,940 00

The revised saving as of June 30, 1943, and the items listed above, will show savings in the General Fund of a total of \$309,340.

The savings in the special fund will be returned to \$75,000 in the place of \$100,170 indicated in the letter of December, 1942. Additional salary increments of \$3,270 caused the reduction.

An examination of the operation of the department shows that the work concentrated in keeping down trade tariffs and the use of restrictions. A corresponding message for the six months period, July 1st, to December 31, 1942, was 2,450,000 tons compared with 3,108,000 tons for the same period in 1941. There is a decrease of 23 per cent. In the beginning of the present session the Fair and Labor Program was discontinued.

### Departmental Reorganization

In December, 1940, the department was reorganized, controlling the divisions that were then in 17 bureaus (11), 19, and two four divisions. There are the divisions of (1) Administration, (2) Food Industry, (3) Animal Hygiene and (4) Economics. No new positions were set up in four these divisions. This provided better administrative management.

In most inspection, as a result of the war, a considerable amount of the work was taken over by the Bureau of Animal Industry of the United States Department of Agriculture through an amendment of the Federal Meat Inspection Act, providing for the inspection of slaughter houses during wartime working for the duration and six months thereafter. This results in a cessation of the system of inspection in the State department and as the future is difficult to predict should some change transfer. The expenditures of this system cannot be reduced and constitute on the lower level until the Federal Government withdraws from the inspection in the State. When the State inspects the results, the points are for sale, while Federal inspection is paid for from Federal funds.

In the Bureau of Chemistry it has been proposed that it is left to reduce the price on fertilizer 20 per cent or from 25 cents per ton per quarter to 20 cents per ton. This will benefit the industry and the farmer, and not without enough money to enforce the Fertilizer Act. The purchase of this message has been approved to Assembly Bill No. 704 now before the Legislature.

In the nursery stock inspection, the amount of inspection has been a problem to the purchaser of nursery stock and has been costly. It is (1941-1942) proposed on the point of origin would be more satisfactory and cheaper. Assembly Bill No. 1719 permits this procedure.

### Economy in Issuing Licenses

In its regulatory activity the department issued approximately 100,000 licenses annually. For several months the department has been working on a plan to develop a simple standardized license to be issued in each field to be used as a means of considerable savings in printing, issuing, collecting fees, issuing and payment. Your Legislative Auditor, in doing a study of the department, has been a member of the department of Agriculture, has reviewed the Department of Agriculture, and is cooperating with them and concurs in the belief that the department can save approximately \$6,000 annually in postage and printing costs by the issuance of the proposed plan. This same economy can be extended to other departments.

Other economies have been made in the department. These will not be listed in detail.

The activities in forwarding economies of the Department of Agriculture have been presented in more detail than will be the case for other departments. This is for the purpose of giving a view of what actually can be done by one or more of the State departments in making economies effective in comparison with the report on Senate Concurrent Resolution No. 6, those referred to, and in forwarding the war effort.

### Support of Department

Approximately 60 per cent of the activities of the department are supported from special funds, and about 40 per cent from the General Fund. This means that such activities can not be shifted fairly without agreement of the industries paying the bills.

It is apparent, however, that these divisions of the industries supplying funds for their own inspection and regulation have also shifted their operations as a result of the war, and that their problems have changed accordingly. A corresponding shifting of emphasis by the Department of Agriculture to meet these wartime problems is logical.

### General Fund Activities to Assist in Food Production

In the General Fund, assistance has been rendered in a number of ways in the effort to produce more food. Some of the steps taken are listed herewith:

1. One employee of the department is working with the California State Employees Association to secure State employees to help in harvesting, in canneries and other agricultural activities on their time off. This employee also helps in securing farm labor to relieve the shortage.



2. One employee details approximately 60 per cent of his time to assist in Victory garden drives.

3. The director and assistant director are continually meeting with the United States Department of Agriculture War Board on their programs of farm labor, burlap bag shortage, farm machinery and equipment shortage, etc.

4. They assisted in continuing airplane seeding and dusting programs under wartime conditions, also assisted in distribution of tartaric emetic and sugar for pest control under WPB and OPA restrictions; also, promoted continuation of Central Valley Water Project and initiated plans for utilization of Japanese farm equipment.

5. They assisted in securing adoption of Federal order allowing slaughterers for intrastate business to bid on Federal meat orders.

6. The Bureau of Markets coordinated with the Market Committee of Food Distribution and Administration of the United States Department of Agriculture.

7. The director conferred in Washington, D. C., with OPA on milk prices on behalf of the State's dairy industry.

8. The Administrator of the Division of Animal Industry assists the Army in securing veterinarians.

9. Various other employees assist whenever available from their regular programs on various wartime agricultural problems.

At the Governor's budget hearings and subsequently before the Ways and Means Committee, the director of the department has indicated that there can be a further shift of the time of the regular employees to the problem of wartime food production. It is recommended that the maximum effort be directed to this, rather than recommending a specific cut in the appropriation for the department. It is believed that a greater degree of leadership can be exercised in this respect and that the staff of the department can be so arranged as to materially assist in this wartime effort to produce food.

#### Budget Request Reduced

The original budget requests of the Department of Agriculture were reduced \$705,027 by the Governor's Budget. An analysis of these requests and deductions for the Ninety-fifth and Ninety-sixth Fiscal Years are presented in the following tabulation:

	<i>Original Budget request</i>	<i>Printed Budget</i>	<i>Deduction</i>
General Fund—Support .....	\$3,034,183	\$2,613,812	\$420,371
General Fund—Capital outlay .....	2,530	2,130	400
Special Fund—Support .....	4,361,848	4,077,592	284,256
Totals .....	\$7,398,561	\$6,693,534	\$705,027

Deductions are further divided as follows:

	<i>General Fund, support</i>	<i>Special Fund, support</i>	<i>Total</i>
Salaries and wages .....	\$371,165	\$162,123	\$533,288
Operating expenses .....	28,976	61,923	90,899
Equipment .....	38,766	60,210	98,976
	\$438,907	\$284,256	\$723,163
Capital outlay .....	400	----	400
	\$439,307	\$284,256	\$723,563
Less pro rata, Department administration .....	18,536	----	18,536
Totals .....	\$420,771	\$284,256	\$705,027

This reduction of \$705,027 is a considerable contrast with the continuously increasing expenditure program that the department has had for many bienniums.

The salary deductions made in the budget hearing are covered principally by an estimated salary savings which result from inability to fill vacancies. In the General Fund, total deductions for salaries were 14.57 per cent of requests and a total savings of \$296,880. In the special fund, deductions for salaries were 5.25 per cent of the requests, with an estimated saving of \$133,810.

#### Restorations Requested by Department

The department came before the Assembly Ways and Means Committee on March 3, 1943, and asked that certain restorations be made in their budget. In particular, it was pointed out that the salary savings were drastic, but they agreed if the



positions could not be filled the savings would accrue and asked for assurance that they could receive money from the Emergency Fund if positions could be filled. The request did not win for the continuation of a specific amount.

A careful review of the comparative situation which has been made in relation to the entire budget indicated that the money saving anticipated for the Department of Agriculture will cover almost the cost of the program to be the Federal authorities recognizes the particular labor problem of agriculture and relaxes restrictions. At the present moment this does not appear to be likely as concerns the Department of Agriculture itself. Should this occur, the Department will have the opportunity of presenting the matter to the Department of Finance. It is believed that the degree of economy may exceed the estimate.

In the Governor's Budget a number of positions were eliminated. In the Bureau of Markets the positions were deleted. Three positions were vacant at the time; however, the director requested that two of these positions be retained. Subsequent to the budget having been of them were filled. One was for an intermediate stenographer clerk and the other a stenographic operator who prepares slugs for typewriters and other necessary stenographic positions machines. A review of the operation of the department indicates that these two positions are particularly essential and that it will require \$4,750 for the salaries for these positions.

Examination of the department's work, which is a recommendation for expenditures made by the department, indicates that certain services can not be rendered if this clerical staff in the Bureau of Markets is reduced. Therefore, it appears reasonable that the adjustment item should be adjusted by the Department of Finance in the sum of approximately \$10,000. This is a bookkeeping item and should be added by the Department of Finance to the general budget. I believe a reduction in emergency help of \$10,000 will mean reduction in services approximately 80 per cent of which is represented in adjustments charged for these services. This also should be adjusted by the Department of Finance, making a total adjustment in the two items of \$18,000.

### Consolidation of Special Funds

A review of the operation of the several special funds of the department indicates that considerable economy in accounting and management can be made if those funds that are run and up in small departments are consolidated into one fund. If the services of the one of these departments employed by those funds can be assumed as well for the general funds without the necessity of detail required in setting up separate considerable additional economy will result. For example, on page 112 of the Budget under the Bureau of Plant Supply, one had some independent items, not being included in the general fund, but being separate market work, machinery and glassware testing service. The annual collections range from \$4,000 to \$20,000. If these are combined the economies suggested will result. There are possibly other similar situations that will be demonstrated when a more detailed review of the management of the department is made. It is recommended that legislation be enacted making this possible.

### Accounting and Administration Should Be Reviewed

While the accounting of the department is somewhat complicated by the number of special funds and special services, and also from the fact that certain services are seasonal, it appears that a comprehensive and further detailed survey of both the accounting and the administration of the department will yield results, both for economy and improved administrative control.

### Use of Automobiles

The Department of Agriculture as far back as 1925 had established a better control of the use of automobiles than most of the departments of the State. This practice of controlling automobiles has continued in the department to a greater degree than in other departments. Economy in operation and in original capital outlay for automobiles has been secured. This procedure should be continued and extended.

The department requested \$26,800 from the General Fund for automobiles to cover 43 replacements and two new cars. From the special fund the request for this purpose was \$55,700, covering 69 replacements and one used car. All requests for automobiles, both for replacements and for additions, were stricken from the entire Budget, and for the General Fund a lump sum appropriation of \$250,000 was set up as Item 223 in the Budget Bill. This is to be expended under the written authorization of the Director of Finance, and the replacement of automobiles and the requests for new cars for the bureau will come before him for individual consideration. The general matter of purchase, use and control of State automobiles will be discussed when we consider this item. It is sufficient to say here that this is part of the program for the complete control of State automobiles, and it is believed that the procedure in eliminating them from the individual budgets of the departments at this time is desirable.

### Possible Elimination and Adjustment of Services

There are a number of adjustments in the services of the Department of Agriculture which should be considered in order to determine whether certain services should be continued or abolished because of necessity, economy, or to make the services rendered definite.

One of these matters concerns the foreign cold storage meat inspection, page 113 of the Budget. There was expended during the 1941-43 Biennium \$841.20 for this service and the proposed expenditure for the coming biennium is placed at \$602. It is questionable if this service is necessary. Consideration should be given to eliminating it.

### Agricultural Prorate Act

It was the intention that the Agricultural Prorate Act would carry itself. Experience has demonstrated that collections made when the prorate is set up do not always carry all the costs to the final conclusion of administration for any industry. This was particularly true in the case of the brandy prorate, also in the case of other prorates where legal difficulties were encountered. In one case fees were collected when the operation of the prorate was held up, and the return of these fees presents a problem. It is believed that in considering the setting up of any prorate then an estimate should be made of the entire costs so that residual costs are not left to the State.

### Bureau of Fruit and Vegetable Standards

While the establishment of certain standards for fruits and vegetables in order to protect the grower and the consumer and to develop a reputation for California products and thus help in their marketing is desirable, such standardization should be made to serve all of these purposes and not just assist in making prices higher for the consumer. They should actually be administered impartially on the basis of desirable standardization and during the time when all such agricultural products can readily be disposed of there is no purpose in enforcing standardization in such a way as to reduce the quantity of commodities going on to the market.

A review of the entire matter of standardization, so as to clarify its purpose and its enforcement, should be made.

The Bureau of Shipping Point Inspection is particularly necessary so that California shippers will have some guarantee that the agricultural products shipped will be accepted at destination.

### Duplicating Inspections

The shipper of fruits and vegetables to purely intrastate markets is sometimes annoyed and frequently suffers a financial loss through the fact that after having secured an inspection of commodities he is about to ship and which he thinks is a guarantee that he can sell these commodities when he gets them to the consuming market, he has this shipment stopped one or more times en route in one or more counties, and moreover, it sometimes occurs that after the shipment arrives in the consuming market it will again be inspected and a part or all of it declared as unsalable. The shipper has lost the cost of hauling, the time of inspection and has had the annoyance of duplicating inspections. It has furthermore been charged that the delays caused by these inspections in transit have been such as to be the real reason for the deterioration of fruits and vegetables so that they were not in a condition to pass final inspection at the place of destination.

The administrators of the Department of Agriculture could work out a plan to eliminate this situation and at the same time allow for the proper inspection necessary to protect the public and to maintain a desirable standard for California fruits and vegetables.

### Publicity Men

An examination of the budget of the Department of Agriculture, page 114, under "General Office," discloses a number of titles that are found in various departments of the State and usually cover up various promotional activities more or less for the promotion of department heads or other individuals rather than for the general welfare of the State. These are as follows: Administrative Assistant, Agricultural Information Assistant, Agricultural Exhibit Technician and Editorial Assistant. These positions have been carefully examined and we find that the Administrative Assistant was formerly the departmental accounting officer and has been in the department for a long period of time. He is familiar with the operations of the department and with his broad experience he should be able to render real administrative assistance. It is suggested however, that more of the problems of the department connected with accounting, collection of fees and administrative organization be given to him for review.

The Agricultural Information Assistant has also been in the department for a number of years and he performs a number of duties other than giving out information. He does supply the general public with information.

The Agricultural Exhibit Technician formerly functioned with county fairs. The word "exhibitor" has now been eliminated in the title set up in the Personnel Board. This is somewhat misleading but he does more than help with exhibits. With local fairs practically eliminated for the duration, this man has been assigned the job of promoting Victory gardens, and he is meeting with considerable success. It is believed that such titles should as clearly as possible indicate the work performed, and certainly should not be misleading.

Another example of a misleading title is found on pages 115 and 116 of the Budget, under the Division of Plant Industry, where three positions are set up, Associate, Assistant and Junior Systematic Entomologist. Neither the Director of Agriculture nor your committee could discover any logical reason for such terminology.

The Editorial Assistant handles in reference, market news, etc.

Since it is demonstrated that the above positions have actual functions of value to perform and not of a personal promotional nature, and since any excess time they may have can more profitably be used to assist in the more production of food, no recommendation is included for the elimination of any of these specific positions.

#### Printing

The total allotment for the Department of Agriculture for printing is approximately \$25,000. A careful control of this printing will result in a modest savings. However, if the department could get its printing done at a saving below commercial prices, which the State Printing Plant should be able to make, a savings of approximately 20 per cent or more should be realized.

#### Bureau of Rodent and Weed Control and Seed Inspection

This bureau has had two of its functions enlarged because of the war. These are the control and destruction of rodents and seed inspection. Seed inspection has been enlarged recently by the addition of grain seed. Also, due to the scarcity of seeds, closer inspection is required to prevent the sale of inferior seeds.

Rodent control and destruction has become more important due to the spread of rodents that are carriers of bubonic plague and the occurrence of at least two cases of human infection. Bubonic plague has been found on rodents in a number of additional counties during the past year and has been found adjacent to army camps. The Department of Public Health conducts surveys to determine the occurrence of infected rodents and the Department of Agriculture, through its Bureau of Rodent and Weed Control, carries on the poisoning and destruction of the rodents.

Not only has the expansion of infested areas added to the problem, but cases have increased because of the inability to buy reliable insect poisons. No lessening of this activity can be envisioned under the circumstances. The only suggestion is that a fuller cooperation be entered into between the Federal Government and an endeavor be made to secure funds for the extermination of rodents in areas that are adjacent to military camps and installations, and to points of debarkation.

#### Predatory Animal Control

This is found on page 110 of the Budget with a total appropriation of \$53,000 proposed as compared with \$47,700 for this activity for the current biennium.

Only one regular supervising hunter and trapper is employed, while \$22,550 a year is set up to employ seasonally hunters and trappers. The problem of predatory animals destroying domestic flocks and livestock has become accentuated due to the inability of farmers to secure ammunition to use in keeping down the predatory animals, also the limitation on hunting through gasoline and ammunition restrictions. Considerable demand has been made that this activity be increased so as to cut down the livestock losses and increase the production of meat for our armed forces.

Before anything is done in this matter the whole problem of the control of predatory animals should be considered and this activity should be coordinated with the same activity in the Department of Natural Resources, Fish and Game Commission.

On page 485 of the Budget of the Fish and Game Commission of the Department of Natural Resources, under "Game Conservation" are listed some 24 employees devoted to this activity. There are four supervising hunters and trappers, 16 hunters and trappers and four lion hunters. It is believed that large beneficial results and considerable economy can be secured by coordinating these activities of the two separate departments.

#### Division of Animal Husbandry

On page 121 of the Budget the Bureau of Livestock Disease Control is set up, showing 67 employees. This division had 82 employees in 1941-42. The reduction has occurred primarily in the group of veterinary livestock inspectors, for nine less persons are employed than were in 1941-42. This has resulted from the dropping off in the bovine tuberculosis control. The program started in 1931-33 and has culminated in the results desired by having a completely free State. In order to



maintain this accredited condition, reinspection periodically is necessary and a considerable force will be required to do this. It is believed, however, that the number of veterinarian inspectors can be further reduced.

There is one position earned in this budget, that of sheep disease specialist, that is now vacant through the death of the incumbent. This leaves the department without a specialist in this field. If this position is not to be filled, there should be a saving of \$6,240 a year in salary, plus traveling expenses.

The Bureau of Meat Inspection appears on page 123 of the Budget. As has been pointed out, this staff has been reduced materially due to the fact that the Federal Government has extended its inspection of meat, as previously mentioned. This over all force has declined from 20 in 1942 to 16 budgeted for 1944-45.

The Bureau of Meat Inspection supported from the special fund is found on page 142 of the Budget. These are the meat inspectors paid for by the industry for inspecting meat at the time of slaughter. In 1941-42 this bureau had 141 inspectors. In 1942-43 it was reduced to 99, while for the coming biennium the number in the Budget for each fiscal year is placed at 89. This reduction is due to the extension of Federal inspection, as previously explained.

This bureau also makes inspection of foreign cold storage meat. This is self-supporting and has never been a very large item.

The Division of Organization, Development and Arbitration is found on page 125 of the Budget. There does not appear to be any logical reason for the title given to this activity. It seems to be the catch-all for the department.

#### **Bureau of Dairy Service**

This appears on pages 122 and 123 of the Budget. This bureau, supported by the General Fund, has 23 employees. It is self evident that a total of 23 employees, including both clerical and technical staff, could not provide an adequate milk inspection service for the State.

On pages 138 to 140, inclusive, are listed the special fund Bureau of Dairy Services. These include ice cream inspection, butter grading, market milk inspection and glassware testing service. Seventeen employees are listed for these several activities. These specialized activities are paid for by the industry. Both groups, to a considerable degree, deal with the same products and with the same persons. It is not, however, a complete overlapping.

Milk inspection is carried on primarily by the cities and counties inspecting their source of supply. Different cities have different standards. The State has established a minimum standard, but municipalities may adopt stricter standards, and frequently do. Not all cities have the same requirements, nor do they maintain the standards adopted for long periods of time. This frequently results in numerous and duplicating inspections of milk supply sources by the inspectors from several cities and possibly also by the State to see if the minimum standards are maintained. The whole procedure is unbusinesslike and unnecessarily burdensome, both to the producer and to the taxpayer. A similar situation did prevail in meat inspection. This has been solved. It is recommended that the milk inspection situation be solved in a similar way. No large savings will result to the State, but the cessation of the annoyance to the producer of numerous inspections and the elimination of the costs of duplicating inspections to the local taxpayer will be achieved.

#### **Farm Debt Adjustment Commission**

This appears on page 154 of the Budget. This appropriation is eliminated for the coming biennium. The machinery for carrying on this activity remains in existence since it possibly will prove to be useful at some subsequent date.

#### **Poultry Improvement Commission**

Item 53 of Assembly Bill No. 1600 appropriates \$19,473 from the Poultry Testing Project Fund, and Item 54 appropriates \$10,000 from the Fair and Exposition Fund, while Item 55 appropriates \$1,600 from the Exposition Fund for permanent improvements.

The Poultry Improvement Commission operates a poultry testing project located at Modesto. It was established in 1939 by the California Poultry Improvement Act. Poultry producers place a specified number of hens in this establishment for official recording of production. Twenty-six bird units are the bases. The object is to encourage the breeding of poultry along the best established lines to meet all factors of commercial requirements. The services of the commission are open to any poultry producer in the State; however, only a relatively few take advantage of it. In 1942, there were only 35 entries and only 30 separate breeders, for some of them had more than one entry.

This is a service which is clearly of direct value to the industry. In other like cases for other industries the costs thereof are supported entirely by the industry involved. When this particular agency was created the sponsors, appearing before the Legislature, stated that if this activity were supported in part during the first two years, or the first biennium, the revenues derived would be sufficient to support the activity. This has not materialized. It is estimated that the income will be



approximately \$11,000 in the past two years, while expenditures for operation will be in excess of \$20,000, without including the \$1,000 allocated for capital outlay. It is clear that if this system is to continue it will have to be supported by appropriations from other than its own funds. It is approximately 50 per cent self-supporting now. The Legislature should decide whether it wishes to carry a part of this activity from State funds so to make it entirely self-supporting. If it is the desire to make it self-supporting, then a schedule of fees should be established to charge growers for the services rendered for their produce. The present fee is \$30 per entry. The present revenues are derived primarily from the sale of eggs. The total revenues from all sources estimated for the coming biennium 1943-45 is \$29,105, of which \$16,610 is derived from the sale of eggs. If it is not worth to the producer the small fee to support to make it self-supporting, then it certainly is questionable if the State should carry it on at the expense of the general taxpayer.

If this activity is carried on largely supported by State funds then the services should be available to all of the poultry producers of the State, which would require an extension into other counties and a total cost of many times the present appropriation.

The administration believes that if the State does not interfere they may have during the coming biennium as many as one hundred thousand chickens and 50 separate breeders.

There are already only 100 licensed poultry breeders in the State for whom the particular testing would be of advantage.

## 2. DEPARTMENT OF EDUCATION

This department is covered by Items 56 to 84, inclusive, pages 6 to 8, inclusive, of Assembly Bill No. 1, 1943 and pages 116 to 234, inclusive, of the Budget. This section covers the following agencies: Agricultural State Board of Education, Department of Education, California State Library, Commission for Vocational Education, The Seven State College California School for the Blind, California School for the Deaf, California Maritime Academy, California Polytechnic School, University of California, Hastings College of Law, California Historical Association. Each of these activities receives separate consideration, however, a general statement is desirable for an understanding of all of the appropriation items and the budget items as respects education. All of the items concerning education in the Budget do not appear in the Appropriation Bill. In fact, by far the largest proportion of the money expended for education does not appear in the Appropriation Bill since this is made by a constitutional provision reserving for the support of education.

Reference to pages 140 to 174, inclusive, of the Budget, under "Payments and Grants to Counties and County Units of Local Government" will give the detail of allocations to the Department of Education, High Schools, District Junior Colleges, Vocational Education, Schools, Contributions to the Teachers' Retirement Fund, and Free Textbooks. The item for the protection, purchase and shipping of free textbooks appears in the Budget Bill as Item 59.

### Apportionment to Elementary Schools

The apportionment to the elementary schools is a fixed charge prescribed by Section 6 of Article IX and Section 15 of Article XIII of the State Constitution. This money is apportioned on the basis of \$90 a year for every student in average daily attendance. All that is available from school fund revenues is automatically appropriated and the remainder is made up from the General Fund. For the current biennium, 1941-43, the sum from the General Fund was placed at \$84,087,695.28. The estimate for the 1943-45 Biennium is placed at \$88,167,000, or an automatic increase in appropriation from the General Fund of \$4,079,304.72.

The increase was brought about largely by the influx into California of war workers and their families. This has created an extreme housing problem in the areas about defense industries, such as Richmond, Vallejo, Beneta, San Diego, Sacramento, Alameda, San Bernardino and many other areas. Some local schools have had their enrollment jumped from less than 100 to in excess of 2,000 within the space of a few months.

Financing has been complicated because of the fact that money is allocated on the average daily attendance of the prior year, so while the need may occur in 1942 the apportionment based on 1941 average daily attendance will not be sufficient. Fortunately, in many instances, the Federal Government has assisted these local districts where the problem has arisen from war activity.

### Average Daily Attendance Not Audited

The reports on average daily attendance for the purposes of the appropriation of school funds, and this applies not only to the elementary schools but likewise to the high schools and junior colleges, are made to the Department of Education. There the Division of Research and Statistics goes over these reports and adjusts them where it is believed necessary, and these figures are used by the State fiscal officials for the allocation of money by constitutional appropriation. These average daily attendance figures have never been subjected to proper audit and for the past several

years have not been audited. The Department of Finance cannot certify as to whether or not the amount of money being apportioned is proper or is too much or too little. In fact, the Department of Finance never could so certify.

There seems to be some doubt as to whether or not under the law the Department of Finance is required to audit the records of the average daily attendance, and it is even questioned as to whether they have the right to do so. It is recommended that the average daily attendance records for the purpose of the appropriation of State money should be audited, and audited thoroughly, periodically by the Department of Finance, and this should be the basis of their recommendation for the appropriation of money based upon average daily attendance.

Reference to the total amount indicated above, \$88,167,000, indicates that this is a large item of appropriation and that a neglect to properly audit it and a failure to make such an audit is significant of neglect of the exercise of proper fiscal control. If the authority does not and has not existed to make such an audit it long since should have been remedied. If any doubt exists at the present time as to the authority to audit this matter it should be cleared up.

The padding of average daily attendance figures by certain questionable methods in other than the elementary schools is well known. A bill has been introduced into the Legislature for the purpose of remedying some of these abuses.

### Apportionment to High Schools

The apportionment to high schools is likewise a fixed charge prescribed by Section 6 of Article IX and Section 15 of Article XIII of the State Constitution, as is the case with the elementary schools. The actual and estimated requirement to meet this for the 1941-43 Biennium is \$69,193,806.14 and the estimate for the 1943-45 Biennium is placed at \$60,712,000, or a decrease of \$8,481,806.14.

This estimated decrease arises from a falling off in high school enrollment which has been brought about primarily from the war. The draft has caught a few of the older students. A considerable number of high school boys have volunteered for the various services and a much larger number of students have quit school to work in the war industries or to answer the demand for manpower in the labor market which has been depleted through the demand of war industries and the armed services. It is believed that this condition will maintain and will probably show an acceleration during the remaining period of the war. This will cover at least the next Biennium.

### Effect of Manpower Demand on Enrollment

The increased impact on manpower is evidenced by the following: It is estimated our armed forces in December, 1943, will reach 10,700,000 men, an increase from 6,400,000 in December, 1942, and our munitions industries will reach 10,500,000 employees in December, 1943, as compared with 8,700,000 a year earlier, and with our agricultural demand for labor continuing at 8,500,000 hands, and with other essential industries calling for at least 8,000,000 men in December, 1943, as compared with 7,700,000 a year earlier. It is self-evident that with this demand there will be fewer and fewer students in high schools, State colleges, junior colleges and our universities. The United States must boost wartime manpower by at least 6,400,000 workers by December, 1943. Fighters and workers will expand from 22,800,000 to 29,200,000 out of our total population. It is self-evident that the tendency must be for further reduction in school attendance for all ages that are capable of helping to fill the demand for labor.

The average daily attendance figures for apportionment of money to high schools should be audited by an independent agency.

### The Apportionment to the District Junior Colleges

The allocation of funds for the junior colleges is a fixed charge prescribed by Sections 4.51 to 4.56, inclusive, of the School Code. *This is controllable by the Legislature.* The total apportionment for the 1941-43 Biennium for this purpose was \$5,420,990.

The amount required by the 1943-45 Budget is \$4,273,000, or a decrease of \$1,147,990. This decrease has been caused by students going into the armed forces and to war industries and for replacement in nonwar industries.

Approximately \$1,500,000 per year is derived from the Junior College Fund. This fund is supported by oil royalties.

These accounts for apportionment should also be audited regularly.

### Vocational Education Apportionment—State's Share

Approximately two-thirds of this expenditure is a fixed charge set up by Section 4.84 of the School Code. The remainder is determined by biennial legislative appropriation in the Budget Act. The amount in the Budget for 1943-45 is \$795,404, a decrease of \$13,423. The Legislature can control this entire amount as well as the one-third found in the Budget Act, which is Item 60 on page 6, where \$300,000, in round numbers, is appropriated.

**Teachers' Retirement Contribution**

A discussion of the status of the Teachers' Retirement Fund will be found in the Second Partial Report. It is pointed out there that this fund has an actuarial deficit of approximately \$145,000,000. In this first section of the report the contribution of the State and its lack of relationship to the needs of the fund was explained.

This appropriation is in the nature of a fixed charge prescribed by Section 5853 of the *School Code*. This is, however, under the control of the Legislature. It has been since established 5 per cent of the Indebtedness Tax collections. The amount received in the biennium 1941-42 is set up as \$974,518.75. It is estimated that it will amount to \$750,000 for the coming biennium, 1943-45. This is a decrease of \$224,518. This decrease occurs at a time when other resources are yielding increased amounts and when the demand on the Teachers' Retirement Fund is increasing. This is a further demonstration that there is absolutely no relationship between the needs of the Teachers' Retirement Fund and this part of its support.

There are bills in the Legislature materially affecting the Teachers' Retirement Fund and one of them at least which changes the State support and places the liability entirely on the State. This bill, which is indirectly an appropriation, should be given most serious consideration.

**Free Textbooks**

The requirement for free textbooks is prescribed in Section 7, Article IX of the Constitution. The amount, however, is determined solely by the appropriation made by the Legislature, and it can be reduced, increased or entirely eliminated, as the Legislature determines.

This is item 50 in the Budget Bill. The amount for appropriation for 1943-45 is \$1,470,770. This is an increase of \$220,770.82 over the actual and estimated expenditures for the current biennium.

This figure was arrived at in a very practical, but most unsatisfactory procedure. The amount has no relationship to the needs of the State for textbooks for the children of the public schools. It does not cover the printing and publication of the series of books selected by the State board and approved for publication. It does not supply more than 75 per cent of the number of books that would be supplied under normal costs.

This amount of money was determined by considering what capacity the State presses and bindery could handle for the next biennium, over and above its estimated load of printing and binding for other purposes, and then the amount of the appropriation was fixed at a sum sufficient to fully take up the capacity.

The Legislative Budget Committee has considered previously the confusion which exists in the control of the printing of textbooks and the conflicting responsibility for the adoption, printing and distribution of textbooks, and this will be covered subsequently in a separate report. A summary of the constitutional and statutory provisions covering the responsibility for the adoption and publication of school textbooks as prepared by the Legislative Council is presented herewith:

STATE OF CALIFORNIA, OFFICE OF THE LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, AUGUST 14, 1942

ROLLAND A. VANDERHART, *Legislative Writer*  
State Capitol

Sacramento, California

**Responsibility for the Adoption and  
Publication of School Books—5248**

DEAR MR. VANDERHART: We have your request of August 5, 1942 for an analysis of the respective powers and duties of the State Board of Education, Department of Education, Superintendent of State Printing, Superintendent of Public Instruction and the Curriculum Commission in the adoption and publication of school textbooks.

Accordingly, we enclose a table summarizing the constitutional and statutory provisions relating to each of these departments, boards, or officers. We also enclose a memorandum analyzing the several provisions indicating the limits of each insofar as it is possible to do so in view of the uncertainties contained in the provisions.

If you have any further inquiries, we shall be happy to go into the matter further.

Very truly yours,

FRED B. WOOD, *Legislative Counsel*  
By JOSEPH L. KNOWLES, *Assistant Counsel*



**Constitutional and Statutory Provisions Relating to Duties of the State Board of Education, Superintendent of Public Instruction, Department of Education, Superintendent of State Printing, and State Curriculum Commission in the Preparation of School Textbooks**

**STATE BOARD OF EDUCATION**

*Constitution, Article IX, Sec. 7*

Provides for a State Board of Education, and that the board "shall provide, compile, or cause to be compiled, and adopt a uniform series of textbooks" for use in the elementary schools. The "board may cause the textbooks, when adopted, to be printed and published by the State Superintendent of Printing at the State Printing Office," and they shall be distributed free under such conditions as the Legislature may prescribe. No other duties are imposed upon the board by the Constitution.

*School Code.*

*Sec. 2.1321.* State Director of Education is designated as "the executive officer of the Board of Education." His duties as executive officer are not defined.

*Sec. 2.1387.* The State Board of Education is given power to have any printing required by it performed by the State Printer, subject to approval of State Board of Control (Department of Finance, Pol. Code, Sec. 542).

*Sec. 6.260.* "The State Board of Education shall adopt and may cause to be published" textbooks and teachers manuals.

*Sec. 6.262.* The cost of publishing textbooks and manuals shall be paid out of the State Schoolbook Fund.

*Sec. 6.270.* State Board of Education shall "compile in whole or in part and manufacture" textbooks; purchase books and copyright matter. It shall contract for or lease for use in compiling, printing, and publishing copyrights, plates, etc., and shall do "any and all things that may be necessary for the purpose of procuring a uniform series of textbooks for use in the elementary day and evening schools."

*Sec. 6.280.* "The Superintendent of Printing shall have supervision of all the mechanical work" connected with the printing, "subject to approval of the State Board of Education, or such representative of the State Board as may be appointed to supervise such work."

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

*Constitution, Article IX, Sec. 2*

A Superintendent of Public Instruction shall be elected and shall receive a salary equal to that of the Secretary of State. His duties are not defined.

*School Code*

*Sec. 2.1361.* "The Superintendent of Public Instruction shall be ex officio Director of Education."

*Sec. 2.1375.* He is secretary and executive officer of the State Board of Education, and shall keep a record of its proceedings.

*Sec. 2.1414.* He shall execute, under direction of the board, "the policies which have been decided upon by the board" and direct, under general rules and regulations of the board, "the work of all appointees and employees of the board."

*Sec. 2.1419.* He shall prepare, have printed, and furnish all officers charged with the administration of schools blank forms and books necessary to the discharge of their duties.

**DEPARTMENT OF EDUCATION**

No constitutional provisions.

*School Code*

*Sec. 2.1321.* The department is created, consisting of: (a) The State Board of Education which is "the governing and policy determining body of the department" and (b) The Director of Education "in whom all executive and administrative functions of the department are vested and who is the executive officer of the State Board of Education."

*Sens. 2.1330 to 2.1332.* The department is given the same powers as other State departments under the general Political Code provisions relating to departmental set-up, and to administer the various bodies to which it succeeds.



*Sec. 2127.* The department has authority to expend money appropriated for the support of the Board of Education.

*Sec. 2128.* The Director of Education is the executive officer of the department.

*Sec. 2129.* He is given powers of "head of a department," as conferred in Political Code.

#### Political Code

*Sec. 350.* Head of department shall "arrange and classify the work of the department." He has subject, rank and regulations to govern activities of the department and assign to officers and employees such duties and labor as he sees fit.

#### SUPERINTENDENT OF STATE PRINTING

*Constitution, Article IV, Sec. 7.*

State Board of Education shall cause certificates when adopted to be printed and published by Superintendent of State Printing at the State Printing Office.

#### School Code

*Sec. 6274.* He shall file with the Department of Finance a statement of what books for the year 1938, from the State Board of Education he desires to purchase (without instead of publishing them) (Sec. 6274).

*Sec. 6280.* He has supervision of all the mechanical work connected with the printing of such books as are to be composed and adopted subject to the approval of the State Board of Education or such recommendation of the State Board as may be appointed to supervise such work.

#### Political Code

*Sec. 350-61.* He shall make out order (blank) of work done for any department. He shall enter upon a book kept for and purposes, the name, quantity, and weight of paper used for each order printed. He shall also certify, under oath, that all material, work and paper furnished the other under contract, are of the quality, kind, and weight required by such contract, and no claim arising under any such contract shall be allowed or paid unless accompanied by such certificate.

*Sec. 350-62.* He "shall receive upon the state and manner of printing all laws and other State documents."

*Sec. 350-63.* He has authority to refuse, refuse, or decline to execute orders which he deems unnecessary or unauthorized by law. The board or officer for whom the printing is ordered may appeal from the decision of the Superintendent to the Board of Control (Department of Finance).

*Sec. 745.* Department or officer having printing done shall submit full information for approval of Department of Finance, and if the Department of Finance approves. It shall authorize completion of the work by the department submitting, the report and delivery of the work to the Superintendent of Printing together with such data concerning it as may be available.

#### STATE CURRICULUM COMMISSION

No constitutional provisions

#### School Code

*Sec. 745 to 6-7456.* Commission created.

*Sec. 6362 to 6364.* The commission shall recommend to the State Board of Education specifications for textbooks for uniform use in the schools so that the textbooks adopted shall conform to the minimum standard for courses of study. The commission may study the textbooks submitted to the State Board of Education for adoption and make recommendations thereon.

*Sec. 6365.* The State Board of Education must give the commission a public hearing before making any adoption of textbooks for use in the elementary schools.

#### HIGH SCHOOL TEXTBOOKS

#### School Code

*Secs. 6366 and 6367.* Publisher shall list books with the State Board of Education and file a copy of the books.

*Sec. 6364.* Publisher must furnish a bond that books are equal in quality to the filed copy.

#### Responsibility for the Adoption and Publication of School Books

We have been requested to make an analysis of the various constitutional and statutory provisions showing the respective responsibilities of the State Board of Education, Superintendent of Public Instruction, Department of

Education, State Curriculum Commission, and Superintendent of State Printing in the adoption and printing of school textbooks.

In general, it may be said that the State Board of Education adopts the textbooks after a recommendation and public hearing of the Curriculum Commission. The State Board of Education appears to be in charge of the compilation and printing. The duties of the Superintendent of Public Instruction in this connection are somewhat uncertain. The Superintendent of State Printing is in charge, under the Department of Finance, and subject to the approval of the Board of Education, of the mechanical act of printing.

The compilation and adoption of the elementary school textbooks is the function of the State Board of Education under the provisions of Article IX, Section 7 of the Constitution.

The Department of Education is not mentioned in the Constitution and is given no powers in connection with textbooks by the School Code. But the Director of Education, who is also the Superintendent of Public Instruction (Sch. C., Sec. 2.1361) is the executive officer of the State Board of Education (Sch. C., Sec. 2.1321) as well as the executive officer of the department (Sch. C., Sec. 2.1360). As head of the department, he may arrange and define the work of the department, and assign to officers and employees such duties and labors as he sees fit (Pol. C., Sec. 350).

As Superintendent of Public Instruction, he shall execute the policies of the State Board of Education, and, under rules prescribed by the board, direct the work of all appointees and employees of the board (Sch. C., Sec. 2.1414).

The Board of Education shall adopt and cause to be published textbooks and teachers' manuals (Sch. C., Sec. 6.260). It shall compile in whole or in part and manufacture textbooks, and do all things necessary for the purpose of procuring a uniform series of textbooks for use in the elementary schools (Sch. C., Sec. 6.270). The Superintendent of State Printing shall have supervision of all the mechanical work of printing, subject to the approval of the State Board of Education or the representative appointed by the board to supervise the work (Sch. C., Sec. 6.280).

From these sections, it appears clear that the Board of Education is the authority designated to adopt (subject to certain restrictions of power granted to the Curriculum Commission), compile, and cause to be printed the textbooks for use in the elementary schools. The Department of Education as such has no authority in this respect, nor has the director of the department as such.

However, as Superintendent of Public Instruction and executive officer of the board, he is to carry out its policies and direct the work of its employees. How far he may or should act in this capacity is not clear. If the board has textbooks printed, does it as a board supervise the work of printing, does it act only through the representative appointed pursuant to Sch. C., Sec. 6.280; or does the superintendent in carrying out the policies of the board and his power to direct the work of appointees and employees of the board supervise the work of printing?

The answer to these questions can not be determined by the sections. The responsibility is undoubtedly that of the board, but it may also be that of the superintendent.

There would appear to be no responsibility upon the Curriculum Commission. This commission is an advisory body with powers to recommend to the Board of Education specifications of textbooks (Sch. C., Sec. 6.263 and 6.264), and to which is given a right of public hearing before the Board of Education selects the textbooks (Sch. C., Sec. 6.265). It has no power to adopt or have books printed. Two recent cases were brought to determine whether it had the right to a public hearing before the adoption of textbooks. In *Coward v. Dexter*, L. A. No. 463, 551, the Superior Court of Los Angeles County held that the Constitution gave all power in respect to textbooks to the Board of Education. In *Fletcher v. Dexter*, San Diego County No. 102, 521, it has been reported that the decision was to the contrary. The *Coward* case was appealed, but the issue has probably become moot by the withdrawal of the Silver-Burdett Co. from their contract with the State Board of Education.

The Superintendent of State Printing is charged with printing the textbooks at the State Printing Office (Const., Art. IX, Sec. 7). He has supervision of all the mechanical work connected with the printing, subject to the approval of the Board of Education or its representative (Sch. C., Sec. 6.280). He has certain other powers of selecting style (Pol. C., Sec. 529) and modifying orders with the approval of the Department of Finance (Pol. C., Sec. 531). However, his powers appear to be merely mechanical and subject to the approval of the Board of Education. The Department of Finance authorizes the work to be done in the State Printing Office (Pol. C., Sec. 542).

In this connection, however, the Superintendent of State Printing is required to list the name, quantity and weight of paper used for the order and certify under oath that all material, stock and paper furnished to the office under

contracts are of the quality and weight required by the contracts (P. B. C. Sec. 520 (6)). They are not allowed to impose any power other than mechanical work, since the approval is in the Board of Education or its appointed representatives. There is no express provision as to the quality of paper, size of type, type of binding, etc., but in case of disagreement between the board and the Superintendent of State Printing, which would prevail is not clear.

The foregoing discussion does not apply to the selection of high school textbooks, as they are not adopted by the State Board of Education, but merely voted with the State Board and adopted by the governing board of each high school district (Sch. C. Sec. 6379).

FRED B. WOOD

By JOSEPH L. KNOWLES

The Attorney General has indicated in a recent decision that the State Board of Education is more responsible rather than the Superintendent of Public Instruction in the matter of the selection, adoption and printing of textbooks. It is doubtful if this responsibility can be extended fully with all the duties that is required in producing a textbook.

The situation of conflicting authority should be definitely cleared up so that never again can the responsibility be shifted from one to the other.

Conditions that permitted the recent contract for paper for textbooks made with an Eastern paper house which resulted in having inferior paper and without any material saving should be prevented. Likewise, the possibility of the Director of Finance interfering with normal purchasing procedure and practically negotiating this contract which will result in the children of the State of California having textbooks printed on inferior paper, should be prevented. The Director of Finance now has authority to take over any purchasing matter or any contract for purchasing and to let such contracts with or without competitive bidding. While the clauses under this provision have not been numerous there have been several of a serious nature in the last four years.

The conflicting responsibility between the Superintendent of Public Instruction and the Board of Education has resulted in the heated controversy over the Salem-Burdett Publishing Company contract which is still in the courts. It is plain that this confusion should be cleared up and several bills have been introduced into the Legislature from the committee for this purpose.

The matter of what quantity of textbooks should be printed has not been reviewed. It is doubtful if the printing plant can satisfactorily expend the amount of this appropriation. It is also questionable if this amount of money should be expended during the time of labor shortage and whether or not the material required should be diverted from war activity to school textbooks. Unless it is demonstrated that the schools will be injured and can not satisfactorily continue during the next biennium, it is believed that a lesser appropriation would make possible the carrying on of a necessary program and that the postponement of several of the books adopted can be postponed until after the war effort.

This appropriation could be reduced to \$1,250,000 or even less, or possibly to \$1,000,000 without materially injuring the program of the distribution of free textbooks, for the reason that with wartime conditions at least 25 per cent more books can be secured for the same money, and the securing of this additional quantity of books for the same expenditure would go a long way toward filling the gap that might be created by the postponement of this expenditure for a two-year period.

Concentration should be exercised in publishing those books that already have been adopted so that their supply will be sufficient and books available from other sources can be used for the next two years.

### The Use of Textbooks

We have indicated that the whole matter of free textbooks will be the subject of a separate report on some subsequent date. In this all phases of the matter will be covered. One subject affecting the possible size of an appropriation for printing free textbooks is the matter of the use of these books. It frequently happens that school districts order large quantities of the required texts but since the actual text to be used in a school district is controlled locally, the free textbooks supplied by the State may never be opened but lie unused in some storage closet. There is no compulsion that requires the use of the free textbooks supplied by the State. Either they should be used or they should not be supplied. The State Board of Education should take adequate steps to determine in advance of printing what quantity of textbooks will be used and should not base their orders for printing on the number of students enrolled in the particular grades for which textbooks are to be supplied. Such a procedure will reduce the production of a useless number of texts. It is not only wasteful but it means that needed texts for other subjects could be produced if the cost of the surplus texts not used was saved.



### State Board of Education

This appears on page 158 of the Budget and Item 56 of Assembly Bill No. 1600. In prior budgets no segregation was made of the allotment to the State Board of Education. It was included in the appropriation for the support of the department. The segregation has been made so as to set up definite accounting and budgetary control of these expenditures. The appropriation is only \$6,400, which pays for part time to an intermediate stenographer-clerk and for traveling expenses.

Clearly, if the State Board is to exercise all of the functions that have been claimed in the past, and they have all of the powers and duties as stated in the law as interpreted recently by the Attorney General, this appropriation is by far insufficient to support what will be required.

### Department of Education

This is Item 57 of Assembly Bill No. 1600, and covers pages 159 to 167, inclusive, of the Budget. The total appropriation is \$478,651, which is an increase of \$24,780. The largest single increase is in the Department of Administration in the sum of \$11,031, while the largest decrease is in schoolhouse planning in the sum of \$5,098.

Considering this appropriation includes an emergency salary adjustment of \$15 per month per employee, the increase is not out of line. It appears, however, that schoolhouse planning might possibly have been reduced further for the reason that there will be little or no construction of high schools during the war, with the exception of schools in congested areas for war defense workers.

### Employees

The department has 79 employees, as compared with 75 in the previous biennium. Four positions were dropped and they were allowed two new positions for the coming biennium, although they requested a much larger addition.

The salary of the Superintendent of Public Instruction, who heads the department, is fixed by the Constitution at \$5,000 per year. That of the deputy director is fixed by statute at \$4,500 per year. There have been numerous attempts to change the salary of the Superintendent of Public Instruction and make it more in keeping with the dignity and responsibility of the position; the people have turned this down. It appears that the position should pay more if we compare it with the salaries paid to the city superintendents in a number of our city school systems.

With the statutory salary at \$4,500 a year for the deputy director, it has been impossible to find anyone to take this position at this salary following the retirement of Mr. Sam Cohn, who occupied this position for many years. The director has requested that this salary be increased and he suggests a figure of \$6,000. The person he wishes to employ has been offered even a higher salary in local school systems in the State, and can not be expected to accept this position at too great a sacrifice.

An examination of the organization of the Department of Education at once demonstrates that department appears to be top-heavy in executives. For example, in the departmental administration, out of 32 employees there are eight administrative positions, as follows:

No.	Title	Basic salary range	95th F. Y.	96th F. Y.
1	Director -----	\$416 67	\$5,000	\$5,000
1	Deputy director -----	375 00	4,500	4,500
1	Assistant to executive secretary -----	200 (15) 260 00	3,300	3,300
1	Administrative assistant -----	300 00	3,780	3,780
1	Administrative adviser -----	300 (20) 380 00	4,740	4,740
1	Assistant Superintendent of Public Instruction -----	340 (20) 420 00	4,740	4,740
1	Assistant Superintendent of Public Instruction (one-half salary) -----	340 (20) 420 00	2,610	2,610
1	Assistant Director of Education -----	340 (20) 420 00	5,220	5,220

Further examination of the several divisions of the department indicates that they have relatively small divisions as measured by the number of employees, headed by a chief who is supposed to be an expert in his field. Some of these divisions have only six or seven employees including the executives, and not only have a chief or an assistant chief but they also have a chief of a bureau. In the case of the Division of Adult and Continuation Education, where there are just three employees, there is a chief of the division at part salary. In the Division of Health and Physical Education, with three employees, they have a chief of the division and a chief of the Bureau of Physical Education for Girls. There are several other divisions that have the same or even a more pronounced overemphasis on administrative personnel.

The truth of the matter is that these people are supposed to be specialists in their fields and frequently their principal work consists merely of contacts with the local school systems. It appears that a reorganization and regrouping of duties in the



Department of Education, with the application of definite measurement as to the responsibilities, more required and the results secured will materially reduce the overload. A job system of work process with a time analysis will at once demonstrate where unnecessary services are being provided.

### Salary Savings

The salary saving item has been included in the budget although it is felt that this can be approximately doubled or an additional saving of \$8,400 be made.

### Miscellaneous Expenses

Miscellaneous expenses consist of posting, traveling, telephone and telegraph, etc. Printing and traveling in particular, throughout the Budget are excessive. The administrative officers in the Department keep many trips for the purpose of addressing school gatherings, meetings of associations and public meetings. It is suggested that the Superintendent of Public Instruction make a review of this matter, and where any public address does not clearly forward the work of the department, the employee should not be allowed to address the meeting although it may be a school gathering or a meeting of association. It is necessary in the war effort to curtail travel, yet in every single division of the budget of Education appears an increased item for travel.

### New Services

It was the desire of the department to establish new services for the coming biennium. Some of these were not considered feasible and effort, and although these services are probably necessary or desirable, it is plain that they should not be undertaken until the war is over.

### California Historical Association

On page 166 of the Budget, the California Historical Association is included under the Department of Education. It is a separate section in the budget but is included in Item 57 in the Appropriation Bill. The total appropriation is \$5,000, to be spent primarily for the part-time salary of the director and for a part-time stenographer clerk. This is a misnomer, for it is really not a full-fledged historical association which is supported by the appropriation. The money merely goes for the support of the work done by an instructor in history employed full-time by one of the private universities of the State. It is often from an analysis of the proposed expenditures that they will not support a historical association which would be in keeping with the historical background and the population and size of this State. The appropriation is done in the way of a subsidy and it is doubtful if it can be justified on the basis of the service rendered to the people of the State.

### Restoration Requested by the Department

The department came before the Assembly Ways and Means Committee early in March, 1943, and asked for certain restorations in their budget. They stated that their original request had totalled \$474,524, which was cut in the Governor's Budget by \$25,672 to \$448,852. However, the Governor included the California Historical Association as an item in the department's budget, rather than a separate budget item as was done in the previous biennium, so that the actual cut amounted to \$410,132. The Director of the Department requested partial restorations.

In the Division of Credentials he asked for three new employees and for files and equipment to bring the handling of credentials up to date, since they are from six to eight months behind. This request would have cost \$23,800 for the biennium. He also requested a chief of the Bureau of Parent Education, with a salary range of \$290 to \$350 per month, a position that was abolished on June 30, 1940. He also requested another chief for a Bureau of Early Childhood Education, with a salary range of \$260 to \$320 per month. He requested two additional positions, educational advisors on wartime problems, salary range, \$290 to \$350 per month, and he also asked for an additional allotment for travel in the sum of \$2,200.

As respects the Division of Credentials, an examination of their situation disclosed that they were in a very bad state of confusion. The job has been poorly handled, or rather, mishandled. The filing system is not kept up to date; correspondence can not be answered for the reason that the files can not be used. In order to serve the public, the school boards and the teachers, this Division of Credentials should have its work up to the minute. It is not believed that the employment of additional personnel in the number requested will solve the problem. It appears that some method to suspend the work required while the situation is being cleared up would be preferable.

Although this division is self supporting, because each applicant for a credential is required by law to pay \$3, yielding a total of \$60,000 per year, while the cost is only about one-third of the yield, it is recommended that both as a service to the public

and to provide some slight relief on the demand on manpower that the law be amended for the duration. This can be done by providing that all valid credentials for regular teachers, or for all those except emergency temporary credentials, shall be extended automatically to June 30, 1945, or through the period of the coming biennium, and that all new full time credentials granted shall be granted for this same period of time. This procedure will relieve the work of the division so that the staff can clear up the confusion that exists. A bill has been prepared by the Legislative Budget Committee for introduction into the Legislature to make this possible.

### No New Divisions Recommended

In view of the fact that the department already seems to be overstaffed, with chiefs of bureaus and chiefs of divisions and administrative personnel and with relatively few workers and assistants under these various administrators, it appears that the Governor's decision not to approve the establishment of the two new bureaus requested was in line with rendering all assistance to the war effort. It does not appear that new divisions should be set up on a permanent basis during the extraordinary conditions resulting from the present war, which will have the effect of continuing such services indefinitely after the conflict.

### Lanham Act Administration for Schools

The request for three new employees to work out for school districts requests for Lanham money for new schools did not appear to be justified in view of the fact that the school districts could take care of this matter themselves, and also due to the fact that the Federal Government has created this situation and they so recognize it by defraying the expense of this work up to the present time.

### Educational Advisor on Wartime Problems

A review of the Department of Education indicates that the present staff should be able to divert some of its activities from a peace-time program so that they might very well cover the problems which would fall under the purview of the two requested educational advisors on wartime problems. Some of the peace-time activities, particularly the addressing of public gatherings on the theory of education, might very well be discontinued for the war and the wartime problems concentrated on in line with Senate Concurrent Resolution No. 6, passed by the Special Session of the 1941 Legislature immediately following Pearl Harbor.

The additional request for traveling could not be justified when compared with the actual expenditures of the current biennium.

### The State Library

This is Item No. 58 in Assembly Bill No. 1600, and is found on pages 148 to 170, inclusive, in the Governor's Budget. The appropriation for support is \$355,750, an increase of \$20,137 over the current biennium. Practically all of this increase is in emergency salaries and wages. No additional positions are provided for and only a small sum for normal salary adjustments.

In accessions and equipment the requests correspond with the current biennium and include the continuation of subscriptions to keep files complete and enough for binding to meet current requirements. There is one special item of \$1,000 for the California Reports which does not appear the previous year for the reason that they were not available.

The State Library has been on an economical basis, as compared with other departments, since 1931. It is possible to make some salary savings—probably 5 per cent. The only other savings that can be made in the Budget will be through reducing services or eliminating the purchase of books and subscriptions for periodicals. Considering the individual divisions of the expenditure, normal and emergency salary adjustments reflect an increase of \$20,000 so there is an actual decrease in equipment of \$1,400.

### Commission for Vocational Education

Item 60 in Appropriation Bill, Assembly Bill No. 1600 and pages 171 to 176 of the Governor's Budget. The total expenditure from the General Fund in the Budget Bill is \$300,000, which is in addition to the amounts appropriated under the provisions of Section 4.84 of the School Code.

*Federal Support.* The Federal Government, under the Smith-Hughes Act and under the George-Deen Act, provides Federal grants for vocational education. The summary of the sources of appropriations and funds are set up on page 171 of the Budget. The amount requested to meet the Federal Government allotment, under the Smith-Hughes Act, is a fixed charge provided by the School Code, Sections 3.520 and 4.84, and amounts to \$714,482 for the biennium. This is an automatic appropriation over which the Legislature sometime past gave up its normal control. Under

the Federal George Deen Act, \$200,000 a year is made available by the Federal Government provided it is passed by the State. This is under the control of the Legislature and is subject, principally, to legislative determination. This is Item No. 60 and the only appropriation made in the Budget Bill for Vocational Education and is less than half of the amount that is appropriated approximately by the sections of the School Code.

In addition, reimbursements are made to the school districts for the coming biennium as a grant in the sum of \$795,404. The only amounts included in the Budget total are the appropriations made by the Legislature and the fixed appropriations. The Federal appropriations are excluded.

The expenditures for Vocational Education are divided into two main categories: (1) Supervisors and Teacher Training, \$474,728 for the biennium, an increase of \$26,000 which comes primarily in salary adjustments, and (2) The reimbursements to school districts in the amount of \$2,384,176, an increase of \$32,000 for the biennium.

No increase was allowed for employees, there being 39 full-time and eight part-time employees.

*Salary Savings.* No salary savings have been estimated in the Budget. This is for the reason that the money expended is such that required to match available Federal funds and if there is a salary saving it would merely mean a reduction in Federal funds.

*Finance Administrative Personnel.* With 39 full-time employees we find that there are four business clerks and State supervisor, part-time, and one assistant chief of the bureau, and that there are 39 supervisors, assistant supervisors, special supervisors, district supervisors, regional supervisors, and technical supervisors.

### Vocational Rehabilitation

For the coming biennium the State is budgeting \$730,000 for vocational rehabilitation. This is in increase of \$45,000, most of which is in salaries and wages, both for emergency and normal requirements, and for the addition of two new positions. The work of this division is twofold: the training of physically handicapped so that they may be fitted for employment.

A considerable outlay is made for training supplies and equipment for use by the physically handicapped and also a large sum, \$98,500—for tuition. This is paid to both public and private educational institutions. The division also expends approximately \$30,000 a biennium for medical appliances. These are extraordinary expenditures. Better accountability for equipment should be established and an inventory procedure followed. Equipment on hand or any that will be returned should be taken into account in making the Budget. These expenditures should be audited and definite procedures established.

The Budget Committee has not had time to complete a full examination of these items. However, it is recommended that the Department of Finance make a specific review of these expenditures and if it finds that valuable equipment has been purchased for instruction purposes for use by the physically handicapped, this equipment should be returned to be used for the instruction of additional students rather than be retained by the student on the basis of a gift from the State.

*Salary Savings.* Salary savings of approximately \$15,000 are set up in the Budget. It is believed that an additional 5 per cent of the amount paid out in salaries and wages can be saved.

### The State Colleges

These appear in Items 61 to 73, inclusive, of the Appropriation Act, pages 178 to 223 inclusive, of the Budget.

Although the State Colleges have individual items of appropriation in the Appropriation Act, and each one has an individual budget set up in the Governor's Budget, the actual process of arriving at the amount to be budgeted for support was based upon a total figure and then an allocation was made through the joint agreement of the Superintendent of Public Instruction and presidents of the seven colleges.

It was quite evident from requests submitted by the State colleges and subsequently demonstrated in the Budget hearings that the presidents were endeavoring to secure as large an appropriation as possible and were making every effort to maintain the institution status quo, and in particular not to dismiss any of the faculty, despite the fact that their enrollment had fallen off drastically. It was plain that they were not yet ready to recognize that we are in a serious war, and in their budget requests they endeavored to carry on their regular program, and in certain instances were using the war as an endeavor to expand. They expressed great reluctance at making any economies that would mean the elimination of a single class, or the discharge of a single employee. They seemed to have a great fear that a budget reduction would actually mean they would have to discharge someone.



It is recognized that it requires a certain base expenditure to maintain a State college institution without reference to the number of students enrolled; however, there can be some adjustments with a material decrease in enrollment. It is self-evident that education can cost more than it is worth and that the cost of education can be held to a reasonable figure through the elimination of exceedingly small classes and by following other procedures of good management.

*Present Student Cost of Education.* Reference to the budgets for the several State colleges will yield information giving the present student cost, actual for the years 1941-42, estimated for 1942-43 and the budget amount as estimated for the coming biennium. In every single instance the present student cost shows a very decided increase. For example, the increase cost per student in Chico is \$401 in 1941 to \$533 in 1944; for Humboldt, it increases from \$371 to \$547; for San Diego, from \$314 to \$341; for San Francisco, from \$284 to \$340.

This estimate per student cost, moreover, is based on an estimated enrollment which is liberal and which we do not believe we will have, so that the actual per capita costs will undoubtedly be higher than in the Budget.

*Cost of California State Colleges, 1933-34, 1944-45.* Following is a tabulation showing the actual expenditures of the seven State colleges from 1933-34 to 1941-42, and the estimate for 1942-43 through 1944-45. This tabulation is broken down so as to show the various unit costs for the several institutions. The last two columns on each of the sheets give the costs as set up in the Governor's Budget.

The net enrollment for this Budget is placed at 6,500, while the actual enrollment at the close of the first three weeks of the 1943 term was 6,046, so that all of the present student costs will be higher than in the Budget.

*Increase in Per Student Costs.* Reference to the table under the cost per student for the years 1933-34 will show an average of \$221.79, while the same figure for 10 years later, 1943-44, shows an increase to \$358.36. The highest per student cost in 1933-34 was Humboldt, \$371.82. Because of the smallness of size it still was the highest in 1943-44, but the cost had gone up to \$548 per student. The situation at Chico was more pronounced. For 1933-34 the per student cost was \$252.59; 10 years later it was \$530.





## Operating Expenditures of California State Colleges

	Actual expenditures 1933-34	Actual expenditures 1934-35	Actual expenditures 1935-36	Actual expenditures 1936-37	Actual expenditures 1937-38	Actual expenditures 1938-39	Actual expenditures 1939-40	Actual expenditures 1940-41	Actual expenditures 1941-42	Estimated expenditures 1942-43	Governor's Budget 1943-44	Governor's Budget 1944-45
<b>Operating expenditures</b>												
Chico	\$158,373	\$173,680	\$180,611	\$187,687	\$200,353	\$211,194	\$223,073	\$242,197	\$238,066	\$241,190	\$218,372	\$219,793
Fresno	284,020	316,911	329,005	332,314	353,872	357,112	370,891	396,732	424,004	433,130	382,844	385,596
Humboldt	101,867	106,181	113,605	113,570	121,353	124,400	127,352	138,206	142,888	147,253	147,904	147,919
San Diego	245,088	266,231	287,987	311,700	317,045	354,400	437,352	460,447	441,295	432,714	388,747	394,620
San Francisco	245,680	275,181	291,620	300,540	331,043	353,013	392,593	425,413	431,771	443,779	356,103	340,772
San Jose	344,672	351,392	366,612	379,575	411,090	436,328	480,031	512,807	538,471	585,785	511,952	518,973
Santa Barbara	156,138	170,101	183,376	193,333	227,912	258,566	307,670	354,080	389,235	396,763	333,353	334,027
Total	\$1,543,238	\$1,659,653	\$1,746,320	\$1,812,843	\$1,987,940	\$2,099,894	\$2,333,657	\$2,536,535	\$2,622,666	\$2,643,994	\$2,339,335	\$2,350,670
<b>Net enrollment</b>												
Chico	627 0	642 0	673 6	653 8	628 9	694 4	771 8	762 0	594 5	438	412	412
Fresno	1,297 0	1,412 0	1,309 9	1,420 3	1,429 1	1,619 8	1,721 3	1,982 0	1,591 0	1,333	1,133	1,133
Humboldt	278 0	251 0	295 9	302 8	300 6	344 3	402 5	414 0	384 7	287	270	270
San Diego	1,191 0	1,241 0	1,289 7	1,331 8	1,615 9	1,806 1	1,950 5	1,870 0	1,491 1	1,244	1,155	1,155
San Francisco	1,342 0	1,405 0	1,384 7	1,361 6	1,483 1	1,894 6	2,197 2	2,130 0	1,517 0	1,300	1,026	1,026
San Jose	1,575 0	1,676 0	1,641 2	1,690 3	1,806 3	2,096 8	2,429 0	2,658 0	2,263 0	2,148	1,520	1,520
Santa Barbara	648 0	750 0	789 2	895 4	1,044 5	1,203 1	1,598 0	1,743 0	1,339 5	1,050	984	984
Total	6,958 0	7,377 0	7,462 2	7,706 0	8,268 4	9,769 1	11,070 3	11,559 0	9,090 8	7,700	6,500	6,500
<b>Costs per student</b>												
Chico	\$252 69	\$270 54	\$268 13	\$287 07	\$319 58	\$304 14	\$289 03	\$317 84	\$401 46	\$550 66	\$530 63	\$533 41
Fresno	218 98	224 37	232 66	229 09	245 18	226 64	215 45	200 18	266 50	351 52	347 90	340 33
Humboldt	371 82	423 06	380 53	374 09	410 40	373 92	327 88	333 95	371 42	515 09	548 01	547 85
San Diego	208 30	214 53	223 74	225 57	212 72	186 91	219 05	246 23	314 66	347 84	346 58	341 60
San Francisco	196 86	210 61	209 72	220 72	223 21	189 65	178 77	200 25	284 62	337 37	337 32	340 91
San Jose	229 06	223 38	224 74	224 74	230 25	204 30	197 63	194 99	245 16	260 13	336 81	341 43
Santa Barbara	240 85	226 88	232 36	216 14	215 28	204 66	197 53	203 14	290 58	377 81	338 77	339 46
Average cost	\$221 79	\$224 98	\$224 02	\$235 25	\$237 55	\$214 95	\$210 80	\$210 44	\$288 80	\$343 38	\$358 36	\$361 64

## Formula for Appropriation

In view of the fact that the enrollment in the State colleges has shown a decrease in excess of 45 per cent and that the proposals were for an even greater decrease, the Budget allocation was fairly arrived at by assuming a total enrollment of 6,500 and allowing an allotment of \$300 per year per student. This total sum was then allocated by the committee of college presidents and a representative of the Superintendent of Public Instruction to the several colleges on the basis of their administrative problems. This resulted in the smaller institutions receiving a larger amount per student, which is necessary for their administration. This allocation was generous in two respects. First, the sum of the enrollment figure of 6,500 was at least 500 in excess of what the enrollment will actually average. The following tabulations of the trouble it caused in the California State colleges and State spread credits to the summer of 1944-45, by Dr. Lee A. Burkman, Assistant Director of Education, prepared as of March 16, 1943, amply substantiate the contention made by the Legislative Assembly in the Budget hearings.

The second factor allowing for a generous allocation was in using per student allotment of \$300 per year. This is in excess of the actual costs of operating these institutions during their normal history. The highest average per student cost actually expended was in 1941-42 when it was \$288.50, while the estimated expenditures for 1941-42 were placed at \$345. This was calculated on a fictitious enrollment and one liberal estimate made for new adjustments were allowed for the decreased enrollment. An allotment of \$340 per pupil would have been generous. This allowance, together with an individual institution and the abolition of unnecessary classes and the concentration upon essentials and these things which would have helped the war effort, could have resulted in maintaining the institutions and would have made possible a saving of approximately \$500,000.

The representation for State colleges was based also on the argument of the increased cost of living and increased costs of commodities. Therefore, in normal times with inflation in these items, it should be possible for these institutions to maintain their present enrollment without any material increase in appropriations.

The contention that classes must be maintained for a small number of students when two or three times the number could be handled without additional costs should be applied to the sciences when the student body increases so that appropriations that were not decreased as a percentage have comparable with a decrease in enrollment should be increased as a percentage as the increase presented by the enrollment. In fact, if they are held in line with the testimony presented by the administrators of the State colleges they should be able to return to the 1940-41 enrollment without more than a 12 per cent increase in appropriations.

Table No. 1  
Enrollment in California State Colleges at Close of  
First Six Weeks of Fall Term, 1940

College	Active enrollment <sup>1</sup>			Active equivalent full-time students <sup>2</sup>		
	Males	Females	Total	Males	Females	Total
Chico	430	437	867	376.6	398.4	775.0
Fresno	1,054	1,012	2,176	1,005.9	854.1	1,860.0
Humboldt	507	208	715	484.7	234.8	719.5
San Diego	1,150	1,150	2,301	896.3	908.9	1,805.2
San Jose	848	1,540	2,388	759.4	1,294.9	2,054.2
San Francisco	1,208	1,535	2,741	1,206.2	1,476.3	2,682.5
San Jose	696	1,000	1,695	908.4	931.3	1,739.7
Santa Barbara						
Totals	5,845	6,891	12,736	5,237.5	6,158.6	11,396.1

**Table No. 2**  
**Enrollment in California State Colleges at Close of**  
**First Six Weeks of Fall Term, 1941**

College	Active enrollment <sup>1</sup>			Active equivalent full-time students <sup>2</sup>		
	Men	Women	Total	Men	Women	Total
Chico . . .	281	436	717	255 4	386 4	641 8
Fresno . . .	946	1,015	1,961	818 7	884 8	1,703 5
Humboldt . . .	184	248	432	175 7	214 8	390 5
San Diego . . .	889	1,030	1,919	745 2	831 0	1,576 2
San Francisco . . .	581	1,294	1,875	513 6	1,116 7	1,630 3
San Jose . . .	1,367	1,699	3,067	911 8	1,360 6	2,272 4
Santa Barbara . . .	745	1,040	1,785	635 1	883 5	1,520 6
Totals . . .	4,993	6,723	11,716	4,055 5	5,679 8	9,735 3

**Table No. 3**  
**Enrollment in California State Colleges at Close of**  
**First Six Weeks of Fall Term, 1942**

College	Active enrollment <sup>1</sup>			Active equivalent full-time students <sup>2</sup>		
	Men	Women	Total	Men	Women	Total
Chico . . .	173	323	496	160 5	278 7	439 2
Fresno . . .	616	770	1,386	549 6	665 5	1,215 1
Humboldt . . .	132	159	291	126 7	160 3	287 0
San Diego . . .	733	446	1,179	645 1	594 0	1,239 1
San Francisco . . .	345	931	1,276	304 0	795 9	1,099 9
San Jose . . .	932	1,310	2,242	616 4	1,014 8	1,631 2
Santa Barbara . . .	422	795	1,217	301 1	693 2	1,054 3
Totals . . .	3,353	4,934	8,287	2,763 4	4,202 4	6,965 8

<sup>1</sup> Total enrollment, less withdrawals, and with duplicates eliminated.

<sup>2</sup> Sum of all student credit hours divided by 15.

**Table No. 4**  
**Enrollment in California State Colleges at Close of**  
**First Three Weeks of Spring Term, 1943**

College	Active enrollment <sup>1</sup>			Active equivalent full-time students <sup>2</sup>			1943-45 Budget
	Men	Women	Total	Men	Women	Total	
Chico . . .	116	299	415	96 7	243 8	340 5	412
Fresno . . .	443	744	1,187	413 4	637 9	1,051 3	1,133
Humboldt . . .	95	159	254	92 2	153 7	245 9	270
San Diego . . .	500	580	1,080	482 8	538 1	1,020 9	1,155
San Francisco . . .	264	865	1,129	230 1	732 1	962 2	1,026
San Jose . . .	831	1,303	2,134	581 5	1,031 8	1,613 3	1,520
Santa Barbara . . .	242	628	870	225 7	586 8	812 5	984
Totals . . .	2,491	4,578	7,069	2,122 4	3,924 2	6,046 6	6,500

<sup>1</sup> Total enrollment, less withdrawals, and with duplicates eliminated.

<sup>2</sup> Sum of all student credit hours divided by 15.

<sup>3</sup> Budget 1943-45 estimate, 6,500.



Table No. 5  
Regular Session Annual Equivalent Full-Time Student Enrollment  
in California State Colleges

Year	Men	Women	Married	Per Thousand	Per Thousand	Per Thousand	Per Thousand	Total
1940-41 (actual)	41,700	10,400	1,000	1,000	1,000	1,000	1,000	53,100
1941-42 (actual)	42,000	10,500	1,000	1,000	1,000	1,000	1,000	53,500
1942-43 (estimated)	43,000	10,500	1,000	1,000	1,000	1,000	1,000	54,500

Table No. 6  
Number and Per Cent Decrease in Enrollment Fall 1940 to Fall 1941

College	Men						Women					
	No.		Per Cent		No.		No.		Per Cent		No.	
	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent
Chico	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Fresno	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Humboldt	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Diego	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Francisco	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Jose	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Santa Barbara	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Totals	41,700	100	42,000	100	43,000	100	10,400	100	10,500	100	10,500	100

Table No. 7  
Number and Per Cent Decrease in Enrollment Fall 1941 to Fall 1942

College	Men						Women					
	No.		Per Cent		No.		No.		Per Cent		No.	
	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent
Chico	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Fresno	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Humboldt	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Diego	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Francisco	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
San Jose	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Santa Barbara	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100	1,000	100
Totals	41,700	100	42,000	100	43,000	100	10,400	100	10,500	100	10,500	100

Total enrollment (see columns 1 and 2) 1941 figures estimated  
1942 figures estimated from columns 1 and 2

**Table No. 8**  
**Number and Per Cent Decrease in Enrollment Fall 1942 to Spring 1943**

College	Active enrollment <sup>1</sup>						Active equivalent full-time students <sup>2</sup>					
	Men		Women		Total		Men		Women		Total	
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent
Chico.....	57	33	24	7	81	16	63 8	40	34 9	13	98 7	22
Fresno.....	173	28	26	3	199	14	136 2	25	27 6	4	163 8	13
Humboldt.....	37	28			37	13	34 5	27	6 6	4	41 1	14
San Diego.....	233	32	66	10	299	22	162 3	25	55 9	9	218 2	18
San Francisco.....	81	23	66	7	147	12	73 9	24	63 8	8	137 7	13
San Jose.....	101	11	7		108	5	34 9	6	+17 0	+2	17 9	11
Santa Barbara.....	180	43	167	21	347	29	135 4	37	106 4	15	241 8	23
Totals.....	862	26	356	7	1,218	15	641 0	23	278 2	7	919 2	13

<sup>1</sup> Total enrollment, less withdrawals, and with duplicates eliminated.

<sup>2</sup> Sum of all student credit hours divided by 15.

**Table No. 9**  
**Number and Per Cent Decrease in Annual Equivalent Full-Time Enrollment  
 1940-41 to 1941-42 and 1941-42 to 1942-43**

College	1940-41 to 1941-42		1941-42 to 1942-43 <i>estimated</i>		1940-41 to 1942-43 <i>estimated</i>	
	No.	Per cent	No.	Per cent	No.	Per cent
Chico.....	149 0	20	205 1	34	354 1	48
Fresno.....	237 3	13	457 9	29	695 2	38
Humboldt.....	65 9	15	95 7	26	161 6	38
San Diego.....	351 2	20	300 1	21	651 3	37
San Francisco.....	472 7	24	486 0	32	958 7	48
San Jose.....	480 6	19	418 0	20	898 6	36
Santa Barbara.....	347 5	21	406 1	30	753 6	45
Totals.....	2,104 2	19	2,368 9	27	4,473 1	41

**Table No. 10**  
**Enrollment in California State Special Schools Midyear 1941-42 and 1942-43**

School	Midyear		Per cent difference 1941-42 to 1942-43
	1941-42	1942-43	
California Polytechnic School <sup>1</sup>			
Regular students.....	744	605	-19
Defense training students.....	1,202	1,551	+29
Full-time equivalent of defense training students.....	(381)	(337)	(-12)
Totals.....	1,946	2,156	+11
California Maritime Academy.....	132	132	0
California School for the Blind.....	127	131	+3
California School for the Deaf.....	314	311	-1
Totals.....	2,519	2,730	+8

<sup>1</sup> In addition, the California Polytechnic School is now training 600 Navy cadets at Federal expense. These are fully paid for by Navy.

**Capital Outlay Deferred.** The capital outlay program of the State colleges has been held to the bare minimum and the funds for construction, improvement and equipment are only for essential requirements and do not meet the capital outlay needs, which were deferred for a period of years.

**Used for Expenses Abroad.** In some of the institutions additional fund is needed for expenses of the students attending, some in Europe and Santa Barbara, where they are to study to meet other emergency and additional fund is required but appropriations are necessary of sufficient size in 1943 that are more or less adequate.

All studies of capital outlay have passed from the Budget because of the inability to carry on construction during the war. The needs of the State colleges should be included in the reconstruction postwar building program being considered by a special Senate committee.

#### School for the Blind at Berkeley

This is Item 74 and 75 of the Appropriation Act and is found on pages 224 to 228, inclusive, of the Appropriation Budget. The appropriation in the Budget Bill is for \$275,704, an increase of \$20,000 over the 1941-42 appropriation. The large increase is in support and subsistence, amounting to \$12,875. One item in particular, laundry expenses, dropped in cost in 1941-42 but must be carried forward for the coming biennium.

This institution is small and does not appear to increase to any very large figure. It does not, however, take care of all those who need admission. The capacity was increased by 10 during the current biennium to a total enrollment of 140. Since it is small, the per capita cost is relatively high. The actual cost for 1941-42 was \$850 per student. It is estimated that for 1944-45 the cost will be \$981.79.

**Personal.** Personal expenses at \$1 per one hundred inmates.

This institution has been budgeted rather closely since 1931 and is so small that it does not present any great possibility for adjustment.

**Postwar Building.** Construction should be given to including this institution in the postwar building program.

#### School for the Deaf

This is Item 76 to 79, inclusive, and is located on pages 229 to 234, inclusive, of the Governor's Budget. The appropriation for support is \$500,170, an increase of \$62,985. The largest item of expense is for support and subsistence—\$29,821, instruction and care—\$24,414, and for maintenance and operation of plant—\$10,760.

The enrollment is expected to increase from 324 in 1941-42 to 320 for the other year of the current biennium and for the coming 1943-44. The student cost for 1941-42 was \$775 and it is estimated that it will increase to \$922 in 1944-45. The number of employees 201 equals the same as for the current biennium or 195.

The increased allowance for operating expenses is to meet the increasing cost of food and supplies and for a special fund for laundry. This cost has shown an unprecedented increase from \$8,888 in 1941-42 to \$12,000 for 1942-43 and \$14,000 for each year of the coming biennium. This is an increase of 100 per cent increase. The laundry is done in a contract house the same as at the School for the Blind and it is not possible to secure laundry work in the near or better figure.

It is recommended that the Department of Institutions make a particular effort to solve this problem and provide opportunity of having this laundry done at some other institution or possibly by contract with San Quentin Prison.

This institution has been budgeted closely and presents no particular opportunity for material savings. In fact, it may prove to be good economy to increase the personal instruction and the supplying of hearing aids so as to accelerate the teaching results and graduate these students earlier and make them self supporting and thus relieve the State of their support in the near date.

**Building Program.** This institution should be given a high priority in the postwar building program. It has a number of antiquated buildings that present real hazards in an institution of this kind.

Item 78 of the Appropriation Act is a support item appropriating \$8,100 for the expenses of deaf graduates attending the Gallaudet College after graduating from California School for the Deaf. This shows an increase of \$5,261. This increase is brought about by an increase in the number of graduates of the California School who are attending. If the expected number does not materialize the money will not be spent.

#### California Maritime Academy

Item 80 of the Appropriation Act, pages 235 to 239, inclusive, of the Governor's Budget. The appropriation for this school from the General Fund is \$177,236. This is an increase of \$70,246. The largest increase is in subsistence—\$25,536. The other increases are in instruction—\$13,897, maintenance and operation of base—\$18,414, and maintenance and operation of ship—\$18,733. Strange enough, instruction costs at this school show a decrease of \$3,187 although the course has been shortened from three years to 16 months.

The enrollment is expected to be stabilized at 132, continuing the same number as in the current biennium throughout the coming biennium. The cost per student, which was \$733 in 1941-42, will increase to a high of \$1,091 in 1944-45. This increase is following the line predicted when the school was established and the claim was made by its proponents that the per capita cost would not go up and would never reach as high as \$1,000 per student per year.

*Federal Contributions.* It is recognized that by placing the school on a short time course, cutting it to less than half the time formerly required, that this is assisting the war effort. We find, however, that the Federal contribution still remains at \$50,000 for the biennium and that all additional costs—most of them following from increasing prices due to the war—are being borne by the State. The number of personnel increased from 28 in 1941-42 to 40 with the coming biennium, and salaries and wages increased from \$48,500 a year to \$76,300 a year for 1944-45. Personnel and administration doubled in this period and the maintenance force at the base increased from one to six. The paid maintenance and operation force of the ship doubled, increasing from three to six. The original claim that the boys would run the ship from top to bottom has been abandoned to a degree with the employment of three seamen in addition to the original complement of a carpenter, a boatswain, and an intermediate stenographer clerk. The school is also employing 10 messmen to relieve the students of waiting table and dish washing work in order that they may concentrate on their subjects. The head of the school stated that this was for the reason that the course had been reduced from 36 months to 16 months. It is therefore presumed to be a wartime procedure which can be expected to be eliminated after the war. If the course is maintained on the present 16-months basis, which is the equivalent of more than doubling the number of graduates, the increased costs are justified since this follows the furthering of the war effort. The committee feels that every reasonable assistance should be given at this time. It does seem that there should be an emphasis placed on wartime training and an adjustment should be made when the school returns to a postwar basis.

*New Shore Base.* The Maritime Academy has been in a state of confusion for some time as respects its future. The original base at Tiburon, supplied by the Federal Government without cost to the State, was taken over in the beginning of the war by the Federal Government, and the academy's ship had to be moved and a new land base secured. Quarters and berthing were provided at the Ferry Building. The Board of Managers of the Academy had internal dissension over the establishment of a base for the school and even concerning the question as to whether the school should be continued.

The location at the Ferry Building is not satisfactory for all purposes. Opportunity for physical training, exercise, recreation and sports in particular is lacking. Also, living quarters are not entirely desirable.

After considerable discussion the site at Morro Cove in Solano County, near the Carquinez bridgehead, was selected. The Legislature appropriated \$2,500,000 to build a permanent plant. Governor Olson vetoed this and the school remained at the Ferry Building. Subsequently the administration changed its mind and \$200,000 was appropriated from emergency funds for temporary facilities at the Morro Cove base, including the dock, barracks, equipment and utilities.

An inspection of shore facilities by a member of the staff of the committee disclosed that what had been provided was satisfactory for living quarters and classrooms but not adequate or complete for a shore base, even for a temporary period. Docking facilities had not been provided, and a difference existed between the officers of the school and the authorities in Washington. It was clear that if this question could not be settled satisfactorily that no further expenditure of money should be made at Morro Cove. Subsequently this matter was settled satisfactorily. It might, however, have been decided adversely. It is therefore recommended that in connection with any and all establishments of the State that no money be expended in construction or be involved in any other way when the final values to be received are involved in the determination of the question beyond the control of the State. The expenditure of money under such circumstances should be held in abeyance until a decision is made so that the investment will not be jeopardized by a possible adverse decision.

It is clear that the needed additional construction to complete the temporary establishment and to provide a shore base and facilitate the training of maritime officers by the academy should be expedited. The Governor's Budget, on page 239, suggests an additional sum of \$474,300 to be financed by an urgency appropriation immediately effective during the current biennium. A bill for this purpose has been introduced in the Legislature. A considerable proportion—well over half—of this expenditure will be expended for permanent improvements which could be delayed, at least to a considerable degree, until after the war and which are not necessary for the occupancy of the temporary buildings and the maintenance of a wartime establishment. Unless the construction of permanent buildings is to be undertaken much of the work which contemplates a permanent establishment should be postponed until after this question is decided.

A bill has been introduced in the Legislature for an appropriation for a permanent construction. The amount is blank but it is estimated that this will be for



\$1,500,000 or \$1,750,000. A close review should be made of these plans so that the most economical plan adequate for the needs of the school is secured. It should be kept in mind that the cost should be considered for if this is materially increased the amount per student cost will go up even beyond the present high figure. Conditions of employment for maritime officers will probably be adversely affected at the close of the war with the resumption of maritime activity by the world's nations that traditionally sent ships and men to sea. It is not believed that Pacific Coast shipping can absorb even 30 or 40 graduates per year under normal conditions.

Certainly the school should not be constructed on monumental lines but should be practical and conservative.

**Advantages of Constructing a Permanent Plant.** It is reported that the Maritime Academy can secure priorities so as to begin immediately the construction of a permanent plant. Since the matter of priorities is changeable and can not be considered definite upon materials now offered for delivery, it seems somewhat imprudent. However, there is a built-in savings in planning to build a permanent plant and proceeding therewith in accordance with the recommendation of the site and other construction matters stated on page 259 of the Governor's Budget and covered by the proposed appropriation for an amount of \$474,500 mentioned above. Such construction should make it possible to save some \$50,000 to \$60,000 in the program. This together with other possible economies and a small improved condition of construction in certain kinds of construction, should make it possible to build a satisfactory school house of a permanent character for considerably less than the \$1,750,000 now mentioned. Possibly a savings below this figure of a half a million dollars can be secured.

The construction cost, however, of such an institution at this time will be some 20 per cent to 30 per cent higher than under normal prices.

**Reputation and Costs.** The Maritime Academy has, through the performance of its graduates, built up a very favorable reputation with the Pacific Coast shipping interests. It is essential to secure this reputation and to be able to place all graduates. The academy must therefore continue to emphasize quality and in no way sacrifice this for quantity. With the limited number of students the per student cost will always be relatively high. It is apparent, therefore, that to continue to justify this the academy must continue to maintain its high reputation and be able to place its graduates. Therefore attention must be paid to quality and the costs.

#### California Polytechnic School

The California Polytechnic School is Item 81 in the Budget Bill, and is from pages 240 to 248 inclusive in the Budget. This support appropriation from the General Fund for the biennium is \$71,468. In the Budget this total is shown as an increase. This is a little surprising without an explanation.

The facts are that previously this school was supported by appropriations under the provisions of Section 19626 of the Business and Professions Code, whereby it secured money from the Fair and Expositions Fund which is derived from participation horse race moneys. At the annual session of the Legislature in 1941 it was necessary to make an appropriation from the General Fund since the proceeds from the horse race money were insufficient to keep the institution open.

There is no material increase in expenditures for support but rather a decrease of \$17,481, when we compare the actual expenditures made from all funds for support for the current biennium as compared with the 1943-45 Biennium.

**Cost to the General Fund During the Biennium.** Reference to the Appropriation Bill, Item 81, indicates that the actual cost to the General Fund may be noticed from two sources as provided in the Appropriation Bill itself. These are the provisions that the amount appropriated shall be reduced by any amount received during the Ninety-fifth and Ninety-sixth Fiscal Years under the provisions of Section 19626 of the Business and Professions Code, that is, from the Fair and Expositions Fund. This amount will depend upon the amount received by this State from the horse racing. Secondly, there is a provision that any moneys received by the California Polytechnic School for the training of personnel in the armed forces during the biennium shall be deposited in the State treasury in augmentation of this item. This would make it appear as if the school can spend all the money received from the Federal Government for training members in the Army or Navy. However, the actual contract and agreements concerning this service provide that after the school is reimbursed for what it has spent, there remain costs, any receipts over and above this shall be deposited in the General Fund in the State treasury. The contract with the Navy for training personnel is of such a nature that a balance covering rent and depreciation on buildings should be returned to the General Fund. An examination of the contract between the California Polytechnic School and the Navy for the training of personnel shows that it is reasonable and fair and is much more equitable than the provisions which the University of California claims that they have had to accept. If the University of California could secure as fair a contract, the appropriation for this institution from the General Fund would be offset in a considerable sum.

*Location of Plant.* The Polytechnic School now has two units. The major one is located at San Luis Obispo. The secondary unit, known as the Voorhis Unit, is near San Dimas, Los Angeles County. The Voorhis Unit was given to the State of California through the Department of Education, and its acceptance and the operation and maintenance thereof was never specifically considered by the Legislature of California. The assumption of the operation of this plant was entered into purely by an administrative department of the State. It involves the expenditure of State money and the use of appropriations. It involves the establishment of a continuing cost. It appears that all such matters should first be approved by the Legislature. If this procedure can be followed in general, to have the effect of negating the appropriations and the control thereof established by the Legislature, the fact that such a situation can be brought into existence is a further indication of how far the Legislature has gone in abdicating its authority to make and control appropriations of State funds.

It appears reasonable that the Legislature should review this whole matter and make its own determination as to the future of this particular activity. The fact that the matter has been covered in the Budget can not be considered as approval by the Legislature of the method and procedure followed in getting it into the Budget.

*Enrollment and Unit Costs.* The normal enrollment of regular students in this institution has decreased as they have in the State colleges and the cost for normal operation should be reduced accordingly. The only mitigating circumstance is the fact that the school is now training Navy personnel and has assigned to it 400 cadets for instruction.

The actual enrollment for 1941-42 was 828 and the cost per student, \$346. The estimated enrollment for 1942-43 and the two following years, or the coming biennium, is placed at 660 and the cost for student, from \$334 to \$402. The Naval personnel mentioned above will not only pay its own way but it should also help to cover the overhead so as to reduce the per capita cost for the regular students.

The institution has directed itself to assisting in the war effort to a greater degree than any other of the State educational institutions.

*Improved Accounting Desirable.* It is believed that the accounting procedure of the institution should be reorganized and a more definite control established.

In particular, there should be a segregation in the matter of the Project Fund and the expenditure of State moneys. Proper charges should be set up against the Project Fund for all expenditures made out of the State fund which go directly, and even indirectly, to the support of the projects. It might be desirable to have all operations where projects are involved completely as projects and without any possibility of expending State moneys, directly or indirectly in their support. In such instances a proper allowance for use and depreciation of State property should be made.

An audit should be made of the entire institution with the object in view of starting off anew with an adequate system designed to meet the particular problems of the institution.

#### University of California

Items 82 and 83 in the Appropriation Bill and pages 249 to 252, inclusive, of the Budget, cover the University of California. The two appropriations for support amount to \$15,790,831, yet the Budget covers this whole matter in three and one-half pages. It is quite apparent that this is not, in effect, a budget, but merely a statement for the appropriations and a recapitulation of the objects of expenditure in a summary form.

The fact is that the university is set up by a constitutional provision, that practically no control is exercised over its expenditures by the State. No full and actual budget has ever been presented by the university to the Governor for inclusion in his Budget or to the Legislature for consideration. The university presents enough to support a request, amply backed up by its great influence and its high reputation.

The Legislature, having once made its appropriation with such minor limitations as are included in the Appropriation Act, allows the university to withdraw its money from the State treasury, and in compliance with these minor restrictions, then expends it for the purposes of the institution along with the other funds which it has available.

*Biennial Appropriation Not the Entire Appropriation from the State.* The money appropriated by the Legislature under the Budget Act of \$15,790,831, mentioned above, is not the only money the university receives from the State. There are five continuing and recurrent appropriations. There is one for salaries, under Chapter 426 of the Statutes of 1919, in the sum of \$149,450 a biennium. The other four are for support; one, Chapter 427, Statutes of 1919, \$400,000; one for the Medical School, Chapter 428, Statutes of 1919, \$100,000; one for extension courses, Chapter 429, Statutes of 1919, \$100,000; one for Scripps Institute, Chapter 737, Statutes of 1921, \$45,000. The university, therefore, will receive from the State for the coming biennium by appropriation, current and recurrent, \$16,601,281. This is a decrease of \$1,792,537.

**Recurrent Appropriations Unnecessary Encumbrances.** The total sum of these five recurrent appropriations is \$310,450. This amount is insignificant and meaningless when compared with the total of \$10,901,281 in the total appropriation. It is so small as to be practically meaningless, and yet the accounting of the State in the Treasurer's Office, the Comptroller's Office, and the Department of Finance and in the university are cluttered up with these five recurrent appropriations, with five funds and accounts to be maintained, when they all could be obliterated by adopting a better budget procedure and having the appropriation for support made biennially without the recurring items. It is very doubtful if the university receives any additional funds or special considerations because of these particular amounts in recurring appropriations. It is suggested that the university itself review this matter and unless it finds some very compelling reason for maintaining these recurrent appropriations that it ask the Legislature to abolish them and to make the one appropriation from the General Fund for the support of the university.

**Decrease in Capital Outlay.** The decrease of \$2,476,000 in capital outlay resulted from the fact that properties could not be secured to construct the first unit of the teaching hospital in San Francisco and the first unit for the College of Veterinary Medicine. The university intends to ask that these be reappropriated.

**University Fund.** The decrease of \$1,792,537 in the support item of State funds is not so important to the university as if this occurred to other State departments. This for the reason that there is a surplussage fund that will yield for the next biennium \$8,514,753. This shows a decrease of only \$622,189. In other words, the university had available for the current biennium from all sources \$20,372,309. For the coming biennium, it would have available, if the capital outlay items are reappropriated, \$27,775,978, a decrease in all funds of a little over \$2,500,000.

On the other hand, the enrollment in 1941-42 was 25,452, and the enrollment for 1942-43 was 20,000, a decrease of 10,000 or 40 per cent. The expenditures per student increased from \$489 in 1941-42, to \$850 for 1943-44 and \$890 for 1944-45.

Consideration of these 1941 figures shows that the university was generously treated, for in addition the university will receive Federal assistance for those classes which are given for those in the armed services. This will provide another cushion for the university.

**Formula for Appropriation Allowance.** As in the case of the State colleges, the formula used for arriving at the appropriation for the University of California was most liberal. First of all, it was based on the liberal formula allowed in setting up the appropriations for the State colleges, for where the State colleges were allowed \$360 per student, the university was allowed in the calculation \$460 per student. This was applied to the estimated enrollment, which was placed at 15,000. This enrollment figure, therefore, was also correct for the actual enrollment at the university as of February 25, 1942, was 15,100 students, and out of those 330 were on contract with the United States Government and should not have been counted in the formula for appropriation. A net figure of 14,770 should have been considered as the base and an estimate made of the average number enrolled for the biennium. It is quite possible that when the impact of manpower becomes as pronounced as it will be with the increase in armed forces and war industries, as indicated in an earlier part of this report, the enrollment of the university will further decline so that the average enrollment possible will be not more than 12,000.

Furthermore, in applying the formula to the university to determine the cost of instruction on an enrollment basis, certain allowances were first made and then the allowances for instruction and overhead were added to this. These allowances included the entire amount required for research, extension courses, pensions, retirement, scholarships, all emergency funds, \$600,000 to be used for the retention of key personnel, \$50,000 a month or \$1,200,000 for salary adjustments, the entire cost of the Grinnell Foundation, the entire cost of special functions, such as the University Hospital, Scripps Institute, and in fact expenditures for all campuses except Berkeley, Los Angeles, and Davis.

While this procedure in a sense is a rule of the thumb method, if it erred at all it erred on the side of liberality. This is demonstrated by the fact that the actual expenditure per student for the Fiscal Year 1941-42, from all sources, was only \$483.68.

Strict economy and still allowing for the maintenance of all the essential services of the university on a wartime basis would have meant that the university would have gotten along on a budget of from \$1,500,000 to \$2,000,000 less than the appropriation, as first presented in the appropriation bill accompanying the Budget.

#### Hastings College of Law

This appears in Item 84 of the Appropriation Act, pages 253 and 254 of the Budget. The appropriation for the Hastings College of Law is \$68,132. This includes an annual appropriation of \$7,000 for interest under provisions of Section 1484 of the Political Code.



The appropriation is an increase of \$26,810 over the previous biennium. The increase is made necessary for the reason that the college funds show a decline of \$17,831.

The total actual expenditures of the college from all sources will show a decline of \$7,277. The decline in revenues are primarily due to a falling off in fees from students.

This is a poor man's law college. Most of the students work and pay their own way. It is the only place where there is an opportunity to secure a regular law course available to many of those who must work their way. If the institution is to be maintained it requires all of the appropriation requested and approved in the Budget.

#### DEPARTMENT OF EMPLOYMENT

Pages 255 to 258, inclusive, of the Governor's Budget. No item of appropriation is found in the Appropriation Bill for the reason that although the Department of Employment is listed as a State department and is operated technically as a State department, the revenues for administration come from the Federal Government.

No budget hearings were held and the matter was not considered by the Governor and although the formal budget is included in the Governor's Budget the expenditures therefor are not included in the budget totals.

For the current biennium an appropriation was made by the Legislature for support to match the Federal grant under the Wagner-Peyser Act. Only \$78,095 was expended. When the Federal State Employment Offices, then a part of the Department of Employment, were transferred to Federal jurisdiction the remainder of the funds then became surplus and will not be expended. The Budget therefore shows a decrease in expenditures in the amount of \$78,095.

Since the Department of Employment is technically a department of the State Government, and since funds collected from the employers and employees of California are expended for the unemployment insurance benefits, and since the unemployment reserve, now in excess of \$400,000,000, is part of the proceeds of this tax, we are including herewith a brief statement of the budget results for the Department of Employment. The magnitude of the operations of this office and the size of the funds involved should be known to the Legislature. This whole matter was the subject of a legislative investigating committee headed by Senator Ward. Subsequently numerous bills were introduced into the Legislature concerning it. The total expenditures for the department are \$6,719,840. This is a decrease of only \$718,467. The grant under the Social Security Act covered the total expenditures.

The department, in 1941-42, had 2,557 employees. For the coming biennium they are budgeted for 1,332. This is a considerable decrease in personnel but not as great as the decrease in benefit disbursements. However, the number of accounts and collections have increased to offset decrease in benefit payments.

#### Funds and Accounts Not Audited

The Federal Government currently checks the operations of the Department of Employment but they have made no audit of the accounts and records of the department.

Under the statutes creating the department there is a provision that the Department of Finance shall audit the Department of Employment accounts and records. The Federal Government, through the Social Security Board, are supposed to supply the necessary funds. Although they have been repeatedly requested to supply the necessary funds they have failed to do so. This matter has been brought to the attention of the Legislature at prior sessions but no effective remedy has been provided.

With an expenditure for operations in 1939-41 in excess of \$9,000,000, and with a budget for the coming biennium of almost \$7,000,000, and with benefit disbursements in prior years running into millions of dollars per month, and even in these times of minimum unemployment with benefit disbursements in excess of \$1,000,000 a month, and with a reserve fund in excess of \$400,000,000, there are sufficient and compelling reasons why these funds should be thoroughly audited and periodically audited on a continuous basis.

It will cost approximately \$200,000 to make a reasonably complete audit of these records and accounts. This should be done to protect the State and for the satisfaction of all parties concerned.

The situation demands that the Legislature should take every step possible to secure the allotment of Federal funds so as to get under way at an early date an audit of the records and accounts of the Department of Employment.

This concludes the Third Partial Report of the Legislative Budget Committee. The report does not cover all of the departments outlined for this section of the report as stated in the Senate Journal for March 20, 1943, for two reasons. First, the loss of employees of the committee's technical research staff to the Army and



Navy made impossible to get in and turn off of the material that has been collected and the running of the printing press. Secondly, the rapid pace at which the work of the Senate of the Legislature has proceeded has required such close attention and has caused such demands on the staff of the committee in supplying information around the numerous amendments of bills before the Legislature that completion of this report was delayed. It appeared that larger values would result by completing the report sooner, resulting from our previous studies for immediate use by the Legislature rather than waiting this time to the completion of a formal report.

The budgetary process, the numerous conditions of the State not included in the report has already been laid out in the printing of the Executive Budget, then in the consideration of the Budget before the Legislative Council and then in the consideration of several appropriations and bills for the reorganization of the State Government that were laid before the Senate of the Legislature. This material will be made in continuing studies of those several departments and will be used in subsequent reports.

Respectfully submitted

#### LEGISLATIVE BUDGET COMMITTEE

Senator W. F. Rife, Chairman  
 Senator Arthur H. Brod, Jr.  
 Senator T. H. DeLoe  
 Senator Joseph J. Sawell  
 Senator E. H. Peake  
 Assistant Counsel Earl D. Desmond, Vice Chairman  
 Assistant Counsel Maxwell J. Barnes  
 Assistant Counsel George A. Clarke  
 Assistant Counsel Carlton W. Lyon  
 Assistant Counsel Albert C. W. Fendberg

#### MOTION TO MAIL COPIES TO MEMBERS

Senator Hatchell moved that the Secretary of the Senate be instructed to mail copies of the complete Report of the Joint Legislative Budget Committee to the Members of the Senate.

Motion carried.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### UNFINISHED BUSINESS (RESUMED)

##### Consideration of Assembly Amendments

**Senate Bill No. 356**—An act to add Section 4015 to the Public Resources Code, relating to money received by this State pursuant to the Clarke McNary Act and other cooperative agreements with the Federal Government.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 356?

##### Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "and other cooperative agreements with the Federal Government," and insert "or under cooperative agreements or contracts".

##### Amendment No. 2

On page 1, line 7, of the printed bill, strike out "any", and insert "all".

##### Amendment No. 3

On page 1, line 10, of the printed bill, strike out the comma, and insert "or".

##### Amendment No. 4

On page 1, line 10, of the printed bill, strike out "or other".

##### Amendment No. 5

On page 1, line 11, of the printed bill, strike out "agreements and under standings".

##### Amendment No. 6

On page 1, line 13, of the printed bill, strike out "first".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 356 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 781**—An act to add Section 19532.1 to the Business and Professions Code, relating to horse racing and horse race meetings, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 781?

#### Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "shall", and insert "may".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 781 by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 710**—An act to amend Sections 13026, 13108 and 13109 of the Health and Safety Code, relating to the authority of the State Fire Marshal.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 710?

#### Amendment No. 1

On page 1, lines 10 and 11, of the printed bill, as amended, strike out "to: Fire", and insert "to fire".

#### Amendment No. 2

On page 1, line 14, of said bill, strike out the comma, and insert "in, and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 781 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Gordon, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tenney, Tickle, and Ward—30.

**NOES**—None.

Above bill ordered enrolled.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the office of director;

And appointed Messrs. Sawallisch, Call, and Burns as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules recommends the appointment of Senators Mayne, Hixon, and McLean as a Senate Committee on Conference concerning Assembly Bill No. 398 to meet in the committee of the Assembly.

## SENATE COMMITTEE ON RULES

SEAWELL, Chairman

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning

**Senate Bill No. 998**—An act to amend Section 59 of the Unemployment Insurance Act, relating to payment of benefits.  
Consisting of two unassigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on May 4, 1943, be further amended as follows:

## Amendment No. 1

On page 2, line 41, of the printed bill, as amended, strike out "three", and insert not in excess of two.

## Amendment No. 2

On page 2, line 41, of said bill, strike out "available for work", and insert employed.

WARD  
GORDON  
SHELLEY

Senate Committee on Conference

KNIGHT, T. FENTON  
SARGENT  
DOYLE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Brown, Hixon, Jones, Carter, Collier, Crittenden, Cunningham, Delap, Dunn, Dillinger, Peterson, Gorman, Harlow, Jorgensen, Judah, Keating, Mayo, McBride, McFarland, Sherry, Peterson, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the value of interest.  
Consisting of the unassigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 4, 1943, be further amended as follows:

## Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "with the advice and consent of the Senate".

DE LAP  
MIXTER

Senate Committee on Conference

SAWALISCH, Chairman  
BURNS  
CALL

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Baggett, Brown, Burns, Carter, Collier, Crittenden, Cunningham, Delap, Dunn, Dillinger, Harlow, Jorgensen, Judah, Keating, Mayo, McBride, McCormick, Mixter, Peterson, Powers, Quinn, Rich, Slater, Swan, Tenney, Tickle, and Ward—27.

**NOES**—Senator Eagle—1.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 604**—An act to add Section 5.751-1 of the School Code and to add Section 13842.1 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 3, 1943, be further amended as follows:

## Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "six hundred dollars (\$1,600)", and insert "five hundred dollars (\$1,500)".

## Amendment No. 2

On page 1, line 12, of said bill, strike out "six hundred dollars (\$1,600)", and insert "five hundred dollars (\$1,500)".

## Amendment No. 3

On page 2, lines 23 and 24, of said bill, strike out "six hundred dollars (\$1,600)", and insert "five hundred dollars (\$1,500)".

## Amendment No. 4

On page 2, line 29, of said bill, strike out "six hundred dollars (\$1,600)", and insert "five hundred dollars (\$1,500)".

## Amendment No. 5

On page 2 of said bill, strike out lines 49 to 51, inclusive; and on page 3, strike out lines 1 and 2, and insert

"Sec. 3. Section 1 of this act remains operative only until the Education Code, enacted by the Legislature at its Fifty-fifth Session, takes effect, at which time Section 5.751-1 of the School Code added by this act is hereby repealed."

## Amendment No. 6

On page 3 of the printed bill, as amended, after line 29, insert

"Sec. 6. This act shall not become effective unless an act entitled "An act to add Sections 4.1-1, 4.781-1, 4.782-1, 4.784-1, 4.791-1, 4.793-1, 4.794-1, and 4.796-1 to the School Code and to add Sections 5151.1, 6952.1, 6953.1, 6957.1, 6972.1, 6974.1, 6975.1, and 6977.1 to the Education Code, relating to the support of the public elementary schools and making an appropriation, declaring the urgency thereof, to take effect immediately," is enacted by the Fifty-fifth Session of the Legislature."

SWAN  
RICH  
DE LAP

Senate Committee on Conference

DILWORTH  
BECK  
FIELD

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—33.

NOES—None.

## REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: The Committee on Conference concerning:

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, comprising Sections 5.725 to 5.725q, inclusive, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, comprising Sections 13701 to 13718, inclusive, relating to emergency leaves of absence, declaring the urgency thereof, to take effect immediately;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:



That the amendments of the Senate be concurred in and that the bill, as amended on May 2, 1943, be further amended as follows:

**Amendment No. 1**

On page 2, line 31, of the printed bill, as amended, after "employee", insert "retained".

**Amendment No. 2**

On page 2, line 2, of said bill, strike out "in each subject field".

**Amendment No. 3**

On page 2, line 11, of said bill, strike out ", or in any district any", and strike out lines 12 to 15, inclusive, except the period.

**Amendment No. 4**

On page 3, line 39, of said bill, after "employee", insert "retained".

**Amendment No. 5**

On page 6, line 11, of said bill, strike out "in each subject field".

**Amendment No. 6**

On page 6, line 20, of said bill, strike out ", or in any district any"; and strike out lines 21 to 24, inclusive, except the period.

SWAN  
RICH  
TICKLE

MIDDOUGH  
BECK  
DOYLE

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Broad, Rye, Carter, Collier, Crittenden, Cunningham, DeLap, Dene, Dillingham, Donnelly, Dwyer, Eagle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, McElroy, Milam, Parham, Powers, Quinn, Rich, Seawell, Seawell, Shelley, Slater, Squire, Tenney, Tickle, and Ward—33.  
**NOES**—None.

**REPORT OF COMMITTEE ON CONFERENCE**

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: The Committee on Conference consisting

**Assembly Bill No. 1094**—An act to amend Section 18200 of the Health and Safety Code, relating to the enforcement of the provisions of Part 2 of said code, consisting of the undersigned members, less one, and reports that it has agreed to recommend the following:

That the amendments of the Senate be not concurred in, and that the bill, as amended on April 26, 1943, be further amended as follows:

**Amendment No. 1**

On page 1, lines 8 and 9, of the printed bill, as amended, strike out ", if authorized by the Division of Investigation and Housing."

DONNELLY  
BREID  
JUDAH

CAREY  
ROSENTHAL  
WATSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

**AYES**—Senators Biggar, Broad, Barnes, Collier, Crittenden, Cunningham, DeLap, Dene, Dillingham, Dwyer, Eagle, Gordon, Hatfield, Jespersen, Judah, Mayo, McBride, Myer, Parham, Powers, Quinn, Rich, Seawell, Slater, Tenney, Tickle, and Ward—28.

**NOES**—Senator Shelley—1.

**RESOLUTIONS**

The following resolutions were offered:

By the Committee on Rules.

**Senate Resolution No. 152**

**Resolved**, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred sixty-four dollars and forty one cents (\$264.41) in favor of the Secretary of the Senate to

pay the following bills for contingent expenses, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

Pacific Telephone and Telegraph Co.	\$86 63
Railway Express Co.	71 87
H. S. Crocker Co.	57 21
Hart's Lunch	48 70

Total ----- \$264 41

DEUEL  
TICKLE  
POWERS  
SEAWELL

### Resolution read.

The roll was called, and the resolution adopted by the following vote:

**AYES**—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Judah, Keating, McBride, McCormack, Mixter, Parkman, Powers, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—29.

**NOES**—None.

By Senator Ward:

### Senate Resolution No. 153

Relative to creating a Senate Interim Committee to Study and Investigate the State Board of Equalization and the Laws Administered by It

**WHEREAS**, The Legislature has at the Fifty-fifth Regular Session made numerous changes in the laws relating to the State Board of Equalization and those enforced by it; and

**WHEREAS**, This agency administers the very important Alcoholic Beverage Control Act, the Sales Tax Act and the Use Tax Act, and has other functions of great importance; and

**WHEREAS**, The importance of these matters is such that the Senate requires information of such a type as can best be supplied through the services of an interim committee; and now, therefore, be it

*Resolved by the Senate of the State of California*, That a committee consisting of five Members of the Senate appointed by the Rules Committee is hereby created, to be known as the Senate Interim Committee on the State Board of Equalization and Laws Administered Thereby; and be it further

*Resolved*, That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary, for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws, in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during session of this Legislature or during any recess thereof at any and all places in this State, in public or committee rooms.

(8) To act during the recess of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature.

(9) To file reports with the Senate during the Fifty-fifth Session, or at any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature.

(10) To examine and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and produce testimony; and

(11) To cooperate with and secure the cooperation of every city, town, village and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to effect the service of any counts to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and independently to carry its process, perform its duties, and accomplish the objects and purposes of this resolution.

*Resolved*, That the committee, each of its members, and any representative of the committee thereto authorized by the committee or by its chairman, is authorized and empowered to subpoena, summon, and do it further.

*Resolved*, That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Council, the Attorney General and their subordinates, and all and sundry institutions, boards, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such information and references, reports and documents as the committee or subcommittee may require for the accomplishment of the purposes for which the committee is created, and be it further.

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.054) per mile each way incurred in connection with their service upon the committee, and other actual and necessary expenses for traveling, subsistence and meals, incurred in connection with their service upon the committee, or in lieu of such expenses for accommodations and meals an allowance of ten dollars (\$10) per day; and be it further.

*Resolved*, That the sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary to honor such drafts drawn on the Chief Clerk Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and is referred to the Committee on Rules.

#### CONSIDERATION OF DAILY FILE (RESUMED)

#### THIRD READING OF ASSEMBLY BILLS (RESUMED)

**Assembly Bill No. 1127**—An act to add Section 451 to the California Irrigation District Act, and Section 26232 to the Water Code, relating to the assessment and valuation of property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggall, Reed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Jaspersen, Judah, Keating, Mayo, McRitchie, McCormack, Miller, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Ward—31.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill No. 1825**—An act to add Article 4a, comprising Sections 970 to 977, inclusive, to Chapter 15 of Division 3 of the Probate Code, relating to the payment of Federal estate taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

**AYES**—Senators Riggall, Reed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Gordon, Hatfield, Jaspersen,

Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—34.  
NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2.56 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1231** - An act to amend Sections 55, 56, 57 and 57.5 and repeal Section 58 of the Unemployment Insurance Act, relating to eligibility for benefits under said act.

Bill read third time.

**Previous Question**

Senator Seawell moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1231.

The roll was called.

**Call of the Senate**

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 2.57 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE**

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill No. 1424** - An act to add Section 1120.5 to the Probate Code, relating to the investment of trust funds.

**Motion to Strike From File**

Senator Seawell moved that Assembly Bill No. 1424 be stricken from the file.

Motion carried.

**Assembly Joint Resolution No. 51** - Relative to memorializing Congress to enact legislation creating a Federal agency to study tax structures.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Dillinger, Engle, Hatfield, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—23.

NOES—Senators Cunningham, DeLap, Deuel, Donnelly, Dorsey, Jespersen, Mayo, McBride, and Rich—9.

Resolution ordered transmitted to the Assembly.



## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 300**—An act to amend Section 2261 of the Civil Code and Section 116 of the Bank Act, relating to the investment of trust funds by trustees.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 300?

**Amendment No. 1**

In line 1 of the title of the JOINTED BILL, as amended, strike out "and", and insert a comma.

**Amendment No. 2**

In line 2 of the title of said bill strike out "relating to the investment of trust", and insert "and Section 116 of the Bank Act, relating to the investment of"

**Amendment No. 3**

In line 3 of the title of said bill, strike out "by trustees".

PRESENTER STAFF: Please hand in 7-point printed type available; the material which should appear in different type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 4**

On page 2 of said bill, after line 21, insert:

SEC. 2. Section 120 of the Probate Code is amended to read:

584. Pending the settlement of an estate, or at the time of settlement of an estate, or the payment of the indebtedness of an estate, or of any person interested in the estate, and such other sums as may, from time to time, come under any money in the hands of the executor or administrator, to be invested for the benefit of the estate or settlement of the living persons of this State, or in life insurance policies, endowment or annuity contracts, or in the purchase from an insurer admitted to do business in this State, and licensed to issue, of the full of an quantity expressly permitted to him by said act. This shall not be the portion for bearing by the court and otherwise thereof for the period and in the manner required by Section 1200 of this code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 300 by the following vote:

AYES—Senators Rogers, Bond, Barnes, Carter, Collier, Cunningham, Deane, Dillingham, Doolittle, Evans, Lewis, Howard, Thompson, French, Keating, Mayo, McConnaughey, Miller, P. Johnson, Powers, Quinn, Rick, Salsbery, Sawell, Shelley, Sutter, Swift, Tenney, Tisdale and Ward—31.

NOES—None.

Above bill ordered enrolled.

## Consideration of Assembly Amendments

**Senate Bill No. 501**—An act to amend Sections 120 and 4372 of, to repeal Sections 4101.5 and 4371 and Article 2, consisting of Sections 4406 to 4409, inclusive, of Chapter 4 of Part 7, Division 1 of, and to add Sections 4101.5 and 4372.5 to the Revenue and Taxation Code, relating to the redemption of property.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 501?

**Amendment No. 1**

In line 3 of the title of the printed bill, as amended, after "repeal", strike out "Section", and insert "Sections 4101.5 and"

**Amendment No. 2**

In line 7 of the title of said bill, strike out "Section", and insert "Sections 4101.5 and".

**Amendment No. 3**

On page 1 of said bill, between lines 6 and 7, insert

"Sec. 2. Section 4101.5 of the Revenue and Taxation Code is hereby repealed.

Sec. 3. Section 4101.5 is hereby added to the Revenue and Taxation Code, to read as follows:

4101.5. If tax sold or tax deeded property was sold to the State on or before July 6, 1942, and is redeemed on or before 90 days after this section becomes effective, the amount necessary to redeem the property is the amount of sold taxes, with interest on the amount of sold taxes at 5 per cent per year computed beginning the day the property was sold to the State to the time of redemption, but in no event computed beyond three years from the day the property was sold to the State.

No other interest, costs, delinquent penalties, or redemption penalties accruing before 90 days after this section takes effect need be paid under such redemption.

The amount necessary to redeem under this section shall not constitute the "redemption amount" within the meaning of Section 4216."

**Amendment No. 4**

On page 3, line 17, of said bill, strike out "1.5", and insert "4".

**Amendment No. 5**

On page 3, line 18, of said bill, after "Sec.", strike out "2", and insert "5".

**Amendment No. 6**

On page 3, line 24, of said bill, after "Sec.", strike out "3", and insert "6".

**Amendment No. 7**

On page 3, line 32, of said bill, after "Sec.", strike out "4", and insert "7".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 50 by the following vote:

AYES—Senators Biggar, Burns, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—29

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 580**—An act to add Section 1272 to the Fish and Game Code, relating to deer.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 580?

**Amendment No. 1**

On page 1, line 5, of the printed bill, as amended, strike out the period, and insert "; provided, the commission shall make no change in the period of the open season in any district for taking deer as now fixed by this code, unless such open season is closed under the authority of Federal emergency regulations or proclamations."

**Amendment No. 2**

On page 1, line 11, of the printed bill, as amended, strike out "or", and insert "of".

**Amendment No. 3**

On page 1, line 4, of the printed bill, as amended, strike out "60", and insert "45".

**Amendment No. 4**

On page 1, line 5, of said bill, strike out "December 31st", and insert "November 1st".

**Amendment No. 5**

On page 1, line 4, of the printed bill, as amended, strike out "60", and insert "45".

**Amendment No. 6**

On page 1, line 6, of said bill, strike out "December 31st", and insert "November 15th".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 580 by the following vote:

AYES—Senators Biggar, Burns, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo,

McBride, McCormack, Parrish, Peters, Quinn, Salmon, Sewell, Shelley, Slater, Swain, Tenney, and Ward—28.

None—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 1007**—As sent to add Chapter 25, comprising Section 8180, to Division 4 of the Education Code, relating to report cards.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1007?

##### Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "in", insert "each grade in".

##### Amendment No. 2

On page 1, line 9, of said bill strike out "and", and insert "cards".

##### Amendment No. 3

On page 1, line 9 and 10, of the printed bill, as amended, strike out "the reading, grammar, arithmetic, penmanship, and United States history", and insert "the Grades A, B, C, D or E in reading, writing, arithmetic, penmanship, and civics".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1007 by the following vote:

AYES—Senators Biggs, Bond, Burton, Carter, Collier, Cunningham, DeLap, Deuel, Dullman, Edwards, Hanson, Hays, Hildrich, Johnson, Joshi, Keating, Mason, McBride, McCormack, Parrish, Peters, Quinn, Rank, Salmon, Sewell, Shelley, Slater, Swain, Tenney, Tickle, and Ward—31.

None—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 977**—An act to amend Sections 10617 and 115, and to repeal Sections 10621 and 10622 of the Health and Safety Code, relating to registration of previously unregistered births, making an appropriation therefor, declaring the urgency hereof, providing for the transfer of such appropriation into the Public Health Fund, abolishing the Delayed Registration of Vital Statistics Fund, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 977?

##### Amendment No. 1

In line 6 of the title of the printed bill, as amended, after "10617", insert "and 115".

##### Amendment No. 2

In line 9 of the title of the printed bill, as amended, strike out "and".

##### Amendment No. 3

In line 10 of the title of the printed bill, as amended, after the coming following "thereof", insert "providing for the transfer of such appropriation into the Public Health Fund, abolishing the Delayed Registration of Vital Statistics Fund,".

##### Amendment No. 4

On page 3 of said bill, following line 29, insert  
"Sec. 2. The Delayed Registration of Vital Statistics Fund is hereby abolished. Any money remaining in such fund shall be transferred to the General Fund in the State treasury."

##### Amendment No. 5

On page 4, line 24, of said bill, strike out "2", and insert "3".

##### Amendment No. 6

On page 4, line 26, of said bill, strike out "3", and insert "4".

**Amendment No. 7**

On page 4 of the printed bill, after line 31, insert

"Sec. 5. Section 115 of the Health and Safety Code is amended to read:  
115. There is hereby created in the State treasury a special fund designated as the "Department of Public Health Fund," into which there shall be deposited:

(a) All moneys directed by law to be paid into said fund shall be paid therein and shall be expended solely for the enforcement of the act, article or law under which it is derived, and the expenditure from said fund for the enforcement of any such act, article or law shall not exceed the amount of money credited to said fund thereunder.

(b) All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Public Health.

(c) All money appropriated by the State for support of the State Department of Public Health.

The department may use the money within this subdivision for the purposes for which the money in subdivision (b) is made available by the United States for expenditure by this State. The money to be deposited in the Department of Public Health Fund under this subdivision may be transferred to the Department of Public Health Fund in such amounts as may be authorized by executive order of the Director of Finance.

The Department of Public Health shall keep a record of the classes and sources of income credited to the Department of Public Health Fund and the disbursements therefrom.

Unless otherwise expressly provided all moneys deposited in the Department of Public Health Fund under an appropriation from the General Fund by the State, shall be available for all expenditures incurred for the purposes for which it was appropriated during the period thereof, and, unless by executive order of the Director of Finance such money is directed to be retransferred to the appropriation from which it was transferred to the Department of Public Health Fund, shall be subject to the provisions of Section 435 of the Political Code."

**Amendment No. 8**

On page 4, line 32, of the printed bill, as amended, strike out "4", and insert "6".

**Amendment No. 9**

In line 1 of the title of the printed bill, as amended, strike out "Section 10617", and insert "Sections 10617 and 115,".

**Amendment No. 10**

In line 2 of the title of said bill, strike out "and 115".

**Amendment No. 11**

On page 2, lines 29 and 30, of said bill, strike out "Health. The", and insert "Health. The".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 977, by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hatfield, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—32.

**NOES**—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 307**—An act to add Sections 4.1-1, 4.781-1, 4.782-1, 4.784-1, 4.791-1, 4.793-1, 4.794-1, and 4.796-1 to the School Code and to add Sections 5151.1, 6952.1, 6953.1, 6957.1, 6972.1, 6974.1, 6975.1, and 6977.1 to the Education Code, relating to the support of the public elementary schools and making an appropriation, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 307?

**Amendment No. 1**

In line 5 of the title of the printed bill, as amended, after "schools", insert "and making an appropriation".



**Amendment No. 2**

On page 5, line 37, of said bill, strike out "become operative only if the Education Code is", and insert "are operative until the Education Code".

**Amendment No. 3**

On page 5, lines 38 and 39, of said bill, strike out " and in such case, at the same time as said code"

**Amendment No. 4**

On page 5, line 41, of said bill, strike out "amended", and insert "added".

**Amendment No. 5**

On page 5, line 47, of said bill, strike out "Thus", and insert "The sections added to the Education Code by this".

**Amendment No. 6**

On page 5 of said bill, strike out lines 48 to 50, inclusive, and insert "1945, and while they are in effect shall automatically continue in operation of law with which they are in conflict, but such provisions be not repeated in said sections and after said sections are no".

**Amendment No. 7**

On page 6, line 1, of said bill, strike out "One lot", and insert "these sections".

**Amendment No. 8**

On page 5, line 48, of the printed bill, as amended, strike out "1943", and insert "1945".

**Amendment No. 9**

On page 1, line 10, of the printed bill, as amended, strike out "five dollars (\$35)", and insert "three dollars (\$33)".

**Amendment No. 10**

On page 2, line 18, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 11**

On page 2, line 27, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 12**

On page 2, line 35, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 13**

On page 2, line 48, of said bill, strike out "thirty-five dollars (\$35)", and insert "thirty-three dollars (\$33)".

**Amendment No. 14**

On page 3, lines 4 and 5, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 15**

On page 3, lines 11 and 12, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 16**

On page 3, lines 18 and 19, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 17**

On page 3, line 38, of said bill, strike out "thirty-five dollars (\$35)", and insert "thirty-three dollars (\$33)".

**Amendment No. 18**

On page 4, line 11, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 19**

On page 4, line 20, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 20**

On page 4, lines 28 and 29, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 21**

On page 4, line 41, of said bill, strike out "five dollars (\$35)", and insert "three dollars (\$33)".

**Amendment No. 22**

On page 4, lines 50 and 51, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 23**

On page 5, lines 4 and 5, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 24**

On page 5, lines 10 and 11, of said bill, strike out "eight hundred forty-five dollars (\$845)", and insert "seven hundred eighty-five dollars (\$785)".

**Amendment No. 25**

On page 5, lines 21 and 22, of said bill, strike out "fourteen million dollars (\$14,000,000)", and insert "eight million two hundred fifty thousand dollars (\$8,250,000)".

**Amendment No. 26**

On page 5, line 33, of said bill, strike out "9, 10, 11, 12, 13, 14, 15, and 16", and insert "1, 2, 3, 4, 5, 6, 7, and 8".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 307 by the following vote:

AYES—Senators Biggar, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Donnelly, Dorsey, Engle, Hattfield, Jespersen, Judah, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shetley, Slater, Swan, Tenney, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 109**—An act to amend Sections 735.3, 735.4 and 736.3 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream, and the establishment of minimum prices thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 109?

**Amendment No. 1**

In line 1 of the title of the printed bill, as amended, strike out "Section 453", and insert "Sections 735.3, 735.4 and 736.3".

**Amendment No. 2**

In line 2 of the title of said bill, strike out "inspection and condemnation of milk," and insert "marketing of fluid milk and fluid".

**Amendment No. 3**

In line 3 of the title of said bill, strike out "products", and insert "the establishment of minimum prices".

**Amendment No. 4**

On page 1, line 1, of said bill, strike out "453", and insert "735.3".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

**Amendment No. 5**

On page 1 of said bill, between lines 2 and 3, insert:

"735.3. As used in this chapter:

(a) "Board" means any local control board created as herein authorized.

(b) "Fluid milk" means any and all whole milk that is produced in conformity with applicable health regulations for market milk of the place where such milk is consumed and for the purpose of this chapter fluid milk may be classified as follows:

Class 1. Any such milk that is supplied to consumers in the form of whole milk, which shall include "raw milk"; "pasteurized milk"; "homogenized milk"; "condensed milk," "evaporated milk," and "modified milk," that is prepared from whole fluid milk and which is not packaged in hermetically sealed containers; fluid milk containing added vitamins or flavoring; that portion of fluid milk used as whole

milk in any combination of fluid milk and fluid cream containing a milk fat content in excess of the minimum statutory requirements for fluid milk and less than the minimum statutory requirements for cream, and includes milk fat used in the standard butter of Class 1 fluid milk.

Class 2. Any milk made in the cream derived therefrom that is sold or disposed of by distributors but containing less than 40 percent of cream is defined in this code, meaning fluid milk in any combination of fluid milk and fluid cream containing a milk fat content in excess of 40 per cent and less than the minimum statutory requirements for cream.

Class 3. Any milk made in the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in solid form not included in Classes 1, 2 or 4.

Class 4. Any milk made in the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in the manufacture of butter and cheese other than cottage cheese.

In exercising the powers of the department of processing methods for designating and prescribing minimum prices to be paid by distributors to producers for Classes 2, 3 or 4 fluid milk, the director may take into consideration the market price of all milk which may be used for the same purposes set forth in each respective class. [1] provided that the director may, and upon receipt of a petition to the director, caused by his own initiative, may call or cause to be called a hearing to determine whether or not and where minimum prices for milk fat contained in all classes of fluid milk should be established to effectuate the purposes of this chapter, and if the director so finds from the evidence adduced at and hearing, that minimum minimum prices for milk fat contained in all classes of fluid milk should be established, the director may establish such prices as a part of a stabilization and marketing plan for the marketing area involved.

(c) "Fluid cream" means any and all cream defined in this code as cream and which conforms to the health and sanitary regulations of the place where such cream is to be sold or disposed of for human consumption as cream, prepared, however, that the cream derived from the separation of Class 2 fluid milk shall not be considered as fluid cream except that such cream when packaged as cream shall be subject to all of the terms and provisions of minimum of the director establishing minimum wholesale and minimum retail prices for fluid cream.

(d) Dairy products include any article manufactured from milk or any derivative or product of milk.

(e) Producer means any person who produces fluid milk or fluid cream from five or more cows or goats in conformity with the applicable health regulations of the place in which it is sold and whose fluid milk or fluid cream is received or handled by any distributor. "Producer" includes any association of producers.

(f) Distributor means any person, whether or not any person is a producer or an association of producers, who transmits or receives fluid milk or fluid cream for sale, including bulk sales, to retailers, cooperative organizations and incorporation and unincorporated associations. The definition of distributor shall not include any of the following: (1) Any retail store that is not engaged in processing and packaging fluid milk or fluid cream; (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream; (3) any person owned or controlled by one or more retail stores or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actually and directly engaged in the processing and packaging of fluid milk or fluid cream; (4) any producer who delivers fluid milk or fluid cream only to a distributor.

(ff) "Producer-distributor" means any person who is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor shall be deemed to be a producer in any transaction involving the delivery of fluid milk or fluid cream produced by him to a distributor, and shall be deemed to be a distributor in any transaction involving the delivery of fluid milk or fluid cream to a person who is not a distributor as defined in this section.

(g) "Retail store" means any person or persons owning or operating a retail grocery store, restaurant, confectionery, or other similar business, where fluid milk or fluid cream is sold to the general public for consumption off the premises.

(h) "Marketing area" is any area within this State declared to be such in the manner prescribed in this chapter.

(i) "Stabilization and marketing plan" means any plan formulated and made effective by the director within the legislative standards provided by this chapter and shall include, among other things the establishing of prices to be paid by distributors for any or all of the various classes of fluid milk or fluid cream.

(j) "Consumer" means any person who purchases fluid milk, fluid cream or dairy products for consumption.

(k) "Person" means any individual, firm, corporation, association or any other business unit.



**SEC. 2. Section 735.4 of said code is amended to read:**

735.4. (a) The director shall have and may exercise any or all the powers conferred by Section 353 of the Political Code upon the head of a department of the State with respect to hearings and investigations under this chapter.

(b) The director is hereby declared to be the instrumentality of this State for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent herein expressed, and is hereby vested with the administrative authority:

(1) To investigate any and all transactions between producers and distributors or among distributors or between distributors and retail stores or between distributors and consumers or between retail stores and consumers, and for that purpose the director or his authorized agents shall have access to and may enter at all reasonable hours all places where milk is being stored, bottled or manufactured, or where milk or milk products are being bought, sold or handled, or where the books, papers, records or documents relating to such transactions are kept, and shall have power to inspect and copy the same in any place within the State.

(2) To issue licenses to distributors and require the registration of producers.

(3) To formulate any stabilization and marketing plan as prescribed in this chapter and declare the same effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the director, affected by such plan.

(4) To prescribe minimum prices to be paid by distributors in accordance with a stabilization and marketing plan for fluid milk and classify said milk according to usage by distributors; provided, that the prices so prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above such costs incurred in producing and marketing manufacturing milk, *including the current costs of dairy feed, dairy labor, transportation and such other costs which the director finds are necessary in order to carry out the purposes of this chapter.*

(5) To prescribe minimum prices to be paid by distributors for fluid cream in accordance with a stabilization and marketing plan; provided, that the prices so prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above such costs incurred in producing and marketing manufacturing milk.

(6) (a) To amend or terminate any stabilization and marketing plan, after notice and public hearing as prescribed in Section 726.1, in the event that he finds that such plan is no longer in conformity with the standards prescribed in, or will not tend to effectuate the purposes of, this chapter. Such hearing may be held upon the motion of the director and shall be held upon receipt of a petition signed by producers representing not less than 55 per cent of the total number of all producers and not less than 55 per cent of the total production of all producers who are eligible to petition the director for the formulation of such plan.

(b) To amend, after notice and public hearing called and held in the same manner as provided in Section 736.12, any minimum wholesale and retail prices established under the provisions of Article 2a of this chapter, in the event that he finds that any such price is, or that any such prices are, no longer in conformity with the standards prescribed therefor, or will not tend to effectuate the purposes of this chapter.

(c) To terminate any such minimum wholesale and retail prices without notice or hearing at any time that there is no stabilization and marketing plan in force and effect in such marketing area.

(7) To appoint a local control board for any marketing area, in the event that he deems such board necessary or advisable.

(8) To remove any member from a local control board in the event that he finds such member, after hearing, is guilty of nonfeasance or malfeasance in office.

(9) To appoint a member to fill a vacancy on a local control board.

**SEC. 3. Section 736.3 of said code is amended to read:**

736.3. Any stabilization and marketing plan shall contain the following provisions:

(a) Provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(1) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(2) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream business of any customer.

(3) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream of like quantity under like terms and conditions.

(4) The false or misleading advertising of fluid milk or fluid cream as defined in Section 654a of the Penal Code.



(5) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or combination of producers under a written contract has been entered into with such producer or combination of producers stating the amount of fluid milk to be purchased for any month, the quantity of such milk to be paid for as Class 1, and the price to be paid for all other classes, but no such marketing area where an equivalent or part is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class. The contract shall also state the date and method of payment for such fluid milk, which shall not be later than the last day of the month following the month during which the fluid milk was purchased, the charges for transportation to be paid by the contributor, and may contain such other provisions as may not be in conflict with this chapter, and shall contain a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at the minimum price for fluid milk that is used for Class 1, as said class is defined in Section 741.2 of this code. A signed copy of such contract shall be filed by the producer with the director within five days from the date of its execution.

(6) The processing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream which is to be or is sold or otherwise disposed of in such distribution at any place in the geographical area within the market, outside and excepted territories or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum minimum and maximum prices established in such marketing area.

(7) The payment of a bonus price to any producer for fluid milk or fluid cream which is distributed to any person, including agencies of the Federal, State or local government, created upon property within the geographical limits of such marketing area, for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk or fluid cream for said marketing area.

(8) The processing or marketing of any fluid milk or fluid cream by distributors from producers within a marketing area where a stabilization and marketing plan is in effect for less than the minimum prices established in such plan, regardless of whether such milk or cream is subsequently sold or distributed within or without such marketing area, or whether or within the jurisdiction of the State of California; provided, however, that if such fluid milk or fluid cream is subsequently sold or distributed in a marketing area within the State of California where a stabilization and marketing plan is in effect, then the distributor shall pay the producer thereof not less than the minimum prices established in such plan in the marketing area where such milk or cream is sold or distributed; and provided further, that in the event such fluid milk or fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such milk or cream may be paid for by the distributor to the producer thereof at not less than the average price paid by distributors in the marketing area for such milk or cream of similar grade and quality at the plants in the vicinity where such milk or cream is sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to this section.

(9) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers, for fluid milk in one or more of the various classes; provided, however, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into account the additional costs incurred in producing and marketing fluid milk over and above costs incurred in producing and marketing manufacturing milk, including the normal costs of manufacturing and labor transportation, and such other costs which the director finds are necessary in order to carry out the purposes of this chapter; and provided further, the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome milk.

Any stabilization and marketing plan may contain the following provisions:

(c) Provisions whereby distributors shall report to each producer from whom fluid milk is secured, the volume of fluid milk received from such producer in pounds of milk, the milk fat test of such milk and the amount of fluid milk in milk fat pounds paid for in the several classes and the prices paid for the various classes for each month.

(d) Provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers for fluid cream; provided, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid cream for the marketing area involved in the price of manufacturing cream, taking into consideration the additional costs incurred in producing and marketing fluid cream over and above

costs incurred in producing and marketing manufacturing milk; and provided further, that the director finds that such prices will tend to effectuate the purposes and policy of this chapter and will insure consumers a sufficient quantity of pure and wholesome cream.

(e) Provisions whereby the director designates or prescribes methods to provide uniform prices to be paid to all producers supplying fluid milk to distributors for pasteurization purposes in the marketing area involved by pooling the returns of all such fluid milk; provided, that no equalization pool shall be established unless the director, after hearing, determines that producers who supply distributors with not less than sixty-five (65) per cent of the total volume of fluid milk used for pasteurization purposes and who represent not less than sixty-five (65) per cent of the total number of such producers desire the establishment of such pool, but no hearing shall be necessary if said sixty-five (65) per cent, by volume and production, of such producers petition the director in writing to establish such equalization pool as a part of the plan. If the director finds that an equalization pool is necessary to carry out the provisions of this chapter he shall make provision therefor. The director may designate the local control board for the marketing area as his agency to operate the equalization pool and may permit such local board to employ a pool manager and such other necessary personnel and to incur such expenses incidental to the operation of the pool as the director finds are necessary. The director is hereby empowered to require distributors to make reports to the pool manager at such intervals and in such detail as he finds is necessary for the operation of the pool which reports shall be kept confidential as to any individual distributor but shall be available to the director or his agents and the pool manager, and such employees of the pool as are necessary to the operation of the equalization pool.

No provision of any pooling program shall prevent any distributor from paying premiums for quality; provided, all producers supplying fluid milk of like quality to such distributor are paid similar premiums, nor shall any provision prohibit the paying of different prices to producers based on differentials in transportation, adjustments or deductions made by a cooperative association of producers to its members, including the blending of proceeds received from the sale of fluid milk by such cooperative in other markets. Distributors who purchase fluid milk from producers for pasteurization purposes shall deduct from payments due such producers at such time and in such manner such sums as the director determines are sufficient to insure uniform prices to all producers subject to the provisions of the equalization pool, irrespective of the usage of such fluid milk by the distributors. Distributors shall make, in addition to the deductions herein prescribed, such additional deductions per pound milk fat as the director finds necessary to pay all expenses incidental to the operation of the equalization pool, including the establishment of a reserve account to insure prompt payments to producers. The deductions herein prescribed are in addition to any other deductions prescribed by this chapter.

(f) Provision whereby sales stimulation or consumer educational programs may be formulated and administered to increase the consumption of fluid milk and fluid cream, or other dairy products; provided, that such programs shall be carried on without reference to a particular brand or trade name; and provided further, that no such sales stimulation or consumer educational program shall be carried on which shall make use of false or unwarranted claims on behalf of such products or which disparages the quality, value, sale or use of any fluid milk or fluid cream or any other agricultural commodity authorized by law to be marketed within such marketing area.

Before any stabilization and marketing plan may provide for sales stimulation and consumer educational programs, not less than 65 per cent of the producers and who produce not less than 65 per cent of the total volume of fluid milk consumed in any marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan. If such a program is requested by distributors it shall be necessary that not less than 65 per cent of the total number of distributors and who distribute not less than 65 per cent of the total volume of fluid milk for consumption in the marketing area shall petition the director in writing for the inclusion of such a program as part of the stabilization and marketing plan.

The petition shall bear the signatures of petitioners, their addresses and the approximate daily volume of fluid milk handled in gallons and milk fat pounds and the type of product distributed, together with the estimated cost of the program each month and the number of months the program is to continue in operation.

A sales stimulation and consumer educational program instituted by producers shall be financed by all producers supplying fluid milk to the marketing area. Such program, if instituted by distributors, shall be financed by all distributors supplying fluid milk to the marketing area. If such program is instituted by both producers and distributors, both producers and distributors shall finance the program equally.

If the program is instituted by producers the director is hereby empowered to require producers to pay assessments of not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.007) for each 10 gallons of fluid milk received by distributor, including the production of distributors who are also producers.

If the program is instituted by producers, the director is hereby empowered to require distributors to pay assessments of not more than two mills (\$.002) per pound milk fat, or 10 cents per gallon of fluid milk, upon a gallonage basis not more than seven cents (\$.007) per gallon, 10 gallons of fluid milk received by distributors, including the production of producers and dairy producers.

If the program is instituted by both producers and distributors, the director is hereby empowered to require both producers and distributors to pay assessments for the purpose of paying the expenses of instituting, administering, and carrying on such program. The assessments to be paid by distributors shall not exceed two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than 10 cents per gallon of fluid milk received by distributors; the producers of distribution who are dairy producers. Assessments of not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven cents (\$.007) per gallon of fluid milk produced by producers and received by distributors, shall likewise be paid by producers. If no funds shall the assessments assessed four mills (\$.004) per pound milk fat, or if the program is instituted upon a gallonage basis not more than 14 cents per gallon of fluid milk received from producers and produced by distributors for distribution in the marketing area in the form of actual milk, fluid milk, cream, condensed milk, and other products derived from fluid milk.

Before a program may be instituted a public hearing shall be held by the director, the purpose of which shall be to determine if in the name as that required for the institution of a marketing and marketing area for fluid milk. At such public hearing, testimony shall be taken and taken as to the necessity of such a program, the estimated costs of the program, the estimated expenses of the program to be constructed, and such other matters as are necessary to the institution of the program.

If after public hearing the director is of the opinion that the public hearing and consumer educational program will tend to effectuate the purposes of this chapter, he shall issue an order instituting such program, and such order shall specify the number of months the program shall continue by distributors. The per cent assessments pay per pound milk fat or per gallon of fluid milk to those instituting the program, the names and addresses and business locations of the persons instituting the program, the program and such other may contain other provisions which are necessary and incidental to the operation of the program.

The person named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name five representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name five representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name three representative producers from nominations made at the public hearing by the producers and producers and three representative distributors from nominations made at the public hearing by petitioning distributors.

(d) Distributors who are also producers shall be eligible to nomination for service and may be named by the director to serve on the committee to administer and administer, who (through) be required to pay assessments, and at least one of the persons named in the director to serve on any committee to administer any program for which distributors who are also producers will be required to pay assessments shall be a distributor who is also a producer.

All payments shall be collected by the persons named in the order of the director instituting the program, and shall be administered subject to the approval of the director. All amounts payable to be paid to the director under this section by producers or distributors shall be paid to such director on or before the fifteenth day of the month following the month during which such fluid milk was produced by distributors and all distributors receiving milk from producers in any area where the provisions of this section are in effect whereby the director is empowered to require payments from producers shall deduct and pay to the director such payments payable for under this section from the payments due for such distributors to such producers for fluid milk.

Upon the termination of the program if there are any obligations arising thereunder, the petitioners or administrator of which requires further acts by any producer or distributor as by the persons appointed to administer the program or by the director. The power of only to perform such further acts shall continue, notwithstanding such termination.

All monies received by the director pursuant to this section shall be deposited in the Department of Agriculture Fund in the State treasury allocated to each separate marketing area from which they are collected and disbursed only for the purposes specified subject to the approval of the director.



Any money received by the director in excess of the amount required for any program shall be returned at such time as the director may determine on a pro rata basis to the persons from whom such funds were collected."

#### Amendment No. 6

On page 1 of said bill, strike out lines 3 to 23, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 109 by the following vote:

**AYES**—Senators Biggar, Breed, Burns, Carter, Crittenden, DeLap, Dillinger, Dorsey, Engle, Hatfield, Jepsen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Quinn, Rich, Salsman, Seawell, Shelley, Slater, Swan, Tenney, Tickle, and Ward—28.

**NOES**—None.

Above bill ordered enrolled.

#### Consideration of Assembly Amendments

**Senate Bill No. 509**—An act relating to the forest situation in California and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 509?

#### Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to add Article 6, comprising Sections 4421 to 4432,"; and strike out lines 2, 3, and 4 of said title, and insert "relating to the forest situation in California and making an appropriation."

#### Amendment No. 2

On page 4, line 1, of said bill, after "by", insert "a committee which is hereby created and whose members shall consist of two Members of the Senate to be appointed by the Rules Committee of the Senate, two Members of the Assembly, to be appointed by the Speaker thereof, the Chairman of the State Board of Forestry, and".

#### Amendment No. 3

On page 4, line 15, of said bill, strike out "Director of Natural Resources", and insert "committee".

#### Amendment No. 4

On page 4, line 16, of said bill, strike out "his", and insert "its".

#### Amendment No. 5

On page 4, line 17, of said bill, strike out "he", and insert "it".

#### Amendment No. 6

On page 4 of said bill, after line 21, insert

"The members of the committee shall serve without compensation, but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) each way, incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of expenses for accommodations and meals, an allowance of ten dollars (\$10) per day."

#### Amendment No. 7

On page 1, line 2, of the printed bill, as amended, after "appropriated", as it appears the second time in said line, insert "to the Department of Natural Resources".

#### Amendment No. 8

On page 1, line 3, of said bill, after "used", insert "during the Ninety-fifth and Ninety-sixth Fiscal Years".

#### Amendment No. 9

On page 1, line 3, of said bill, strike out "fifty thousand dollars (\$50,000)", and insert "\$25,000".

#### Amendment No. 10

On page 1, line 4, of the printed bill, as amended, strike out "twenty-five thousand dollars (\$25,000)", and insert "fifteen thousand dollars (\$15,000)".

#### Amendment No. 11

On page 2, line 18, of the printed bill, as amended, after the period, insert "The appropriation made by this act is exempt from the provisions of Sections 664 and 669 of the Political Code."



The roll was called and the Senate concurred in Assembly amendments to Senate Bill No. 509 by the following vote:

**AYES.** Senators Bagley, Board, Board, Collier, Crittenden, Cunningham, DeLap, Deuel, DeLong, Doolan, Harbo, Jorgensen, Judah, Keating, Mayo, McBride, McCarron, Miller, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tamm, Tickle and Ward—29.

**NOES.** Senator Engert—1.

Above bill ordered enrolled.

**Senate Bill No. 11.** An act to add Section 8821.1 to the Education Code, relating to admission of students to junior colleges, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 11?

**Amendment No. 1**

On page 2 (line 51) of the printed bill, as amended, after "college", insert "in a city unified school district."

**Amendment No. 2**

On page 3 of said bill, strike off lines 1 and 2, and insert "in his judgment are capable of passing from the instruction offered in the junior college."

**Amendment No. 3**

On page 1 of the printed bill, as amended, strike out lines 3 to 8, inclusive, and insert:

"8821.1. The board of a unified school district may permit a high school pupil who has attained the age of 17 years and who has not completed his last year of high school and who has difficulty finding the procedure to attend a junior college and, in addition to money being so high school graduation, take junior college courses and receive credit for the courses in credits.

The principal of a junior college may direct such high school pupils."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 11 by the following vote:

**AYES.** Senators Bagley, Board, Board, Collier, Crittenden, Cunningham, DeLap, Deuel, DeLong, Doolan, Harbo, Jorgensen, Judah, Keating, Mayo, McBride, McCarron, Miller, Parkman, Powers, Quinn, Rich, Salsman, Seawell, Slater, Swan, Tamm, Tickle and Ward—32.

**NOES.** None.

Above bill ordered enrolled.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 153

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: AYES 4; absent 1.

SEAWELL, Chairman  
DEUEL  
TICKLE  
POWERS

Above reported resolution ordered to third reading.

## THIRD READING OF SENATE BILLS (OUT OF ORDER)

### Senate Resolution No. 153

Relative to creating a Senate Interim Committee to Study and Investigate the State Board of Equalization and the laws administered by it

WHEREAS, The Legislature has at the Fifty-fifth Regular Session made numerous changes in the laws relating to the State Board of Equalization and those enforced by it; and

WHEREAS, This agency administers the very important Alcoholic Beverage Control Act, the Sales Tax Act and the Use Tax Act, and has other functions of great importance; and

WHEREAS, The importance of these matters is such that the Senate requires information of such a type as can best be supplied through the services of an Interim Committee; and now, therefore, be it

*Resolved by the Senate of the State of California,* That a committee consisting of five Members of the Senate appointed by the Rules Committee is hereby created, to be known as the Senate Interim Committee on the State Board of Equalization and Laws Administered Thereby; and be it further

*Resolved,* That the committee hereby created in exercising the powers and performing the functions vested in it by this resolution shall have: (i) All the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) and Sections 9400 to 9412, inclusive, of the Government Code, except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet either during sessions of this Legislature or during any recess thereof at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature including any recess thereof, and until the convening of the Fifty-sixth Legislature;

(9) To file reports with the Senate during the Fifty-fifth Session thereof or any special extraordinary session thereof, and to file its final report with the Fifty-sixth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony; and

(11) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution, and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee; and

(12) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution;

*Resolved,* That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and be it further

*Resolved,* That every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

*Resolved*, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of two and one-half cents (\$.054) per mile each when required to participate with their services upon the committee and other actual and necessary expenses for being accommodations and meals, incurred in connection with their service upon the committee, or 14 per cent of such expenses for accommodations and meals as allowance of ten cents (\$.10) per day; and be it further

*Resolved*, That the sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary to make funds available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims of any kind under this resolution, to be paid and disbursed after certification by the members of the committee, upon warrants drawn by the State Comptroller upon the State Treasurer.

#### Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Bagley, Bland, Barron, Carter, Collier, Cottonson, Cunningham, Delap, Dummer, Donnell, Denny, Evans, Gorman, Harshbarger, Jorgensen, Judah, Keating, May, McHugh, McQuinn, Miller, Friedman, Pearce, Quinn, Rich, Salmon, Schwall, Stallen, Storer, Swan, Tamm, Tilden, and Ward, 33.

NOES: None.

### RESOLUTIONS

The following resolution was offered:

By Senator Slater

#### Senate Resolution No. 154

Relative to the commemoration of "Mother's Day," May 9, 1943

Sunday, May 9, 1943, and every commemoration "Mother's Day," in tribute to the mothers of America, by annual taking of hour and appreciation involved in a most tender and touching battle.

Mother's Day, 1943, and every commemorative posture, but contrasting her Soldier and Sailor sons and daughters to a perpetuation of the spirit and love which from its inception have been the hallmark of the American home, in what will be a conquering of the enemies of civilization now arrayed in war against our beloved land and its allies.

Mother's Day, 1943, and every commemorative posture, in American homes, something always present in the progress of life. Fortunate indeed are the children who have Mother with them. In every Mother is an infinite memory but nevertheless, that in most appreciation with the vision of "Mother's Day."

In accordance with annual custom at the approval of "Mother's Day," the Senate of the State of California officially and most willingly joins in high tribute to the Mothers of America by with its to mothers everywhere, reiterating the time-honored sentiment, "The hand that rocks the cradle rules the world." Mother, "sweetest name on mortal tongue."

Resolution read and unanimously adopted

### REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to have the following statement printed in the Journal:

#### Statement by Senator John F. Shelley

When Assembly Bill No. 582 came on for a vote, I was attending a meeting of a Conference Committee in which I was a member. This committee was at this precise time meeting with a few members of the Assembly in the Assembly Chamber. If I had been on the Senate floor, I would have voted against this bill for the following reasons:

This bill is an attempt, by an amendment to the present law, to outlaw political parties which would otherwise have the right to keep their names on the ballot. I believe this attempt to prevent any party, regardless of its political beliefs, from openly advocating its ideas in a free way is contrary to all we are now fighting for. This Country was established on the basis of free speech and the rights of minorities. Let us not destroy those rights, but us preserve them. That is America.

Respectfully submitted.

JOHN F. SHELLEY



## Statement Regarding Assembly Bill No. 839

Although Assembly Bill No. 839 by Messrs. Hawkins and Pelletier came out of the Senate Committee on Labor with a favorable recommendation, it was re-referred to this committee at the request of Assemblyman Hawkins on the ground that the bill was now unsatisfactory to himself as author.

If it were not for the above stated situation, the undersigned would have supported the bill to final enactment into law.

Respectfully,

E. H. TICKLE  
R. R. CUNNINGHAM  
JESS R. DORSEY  
OLIVER J. CARTER  
H. J. POWERS  
THOMAS F. KEATING  
JOHN HAROLD SWAN  
JOHN F. SHELLEY  
CHRIS N. JESPERSEN  
H. R. JUDAH  
JAMES J. MCBRIDE  
JERROLD L. SEAWELL  
ARTHUR H. BREED, JR.  
BYRL R. SALSMAN

HERBERT SLATER  
CETTENDEN  
H. E. DILLINGER  
HUGH M. BURNS  
JACK B. TENNEY  
T. H. DELAP  
GEO. J. HATFIELD  
THOS. MCCORMACK  
IRWIN T. QUINN  
G. M. BIGGAR  
FRANK W. MIXTER  
CHARLES H. DEUEL  
RANDOLPH COLLIER

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

## Appointment of Interim Committees

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators to serve on Interim Committees as follows:

1. Senate Committee on Public Education, pursuant to Senate Resolution No. 52 (five members): Biggar, Slater, Quinn, Swan, and Jespersen.
2. Senate Committee on Japanese Resettlement, pursuant to Senate Resolution No. 122 (five members): Donnelly, Hatfield, Dorsey, Quinn, and Slater.
3. Senate Committee on Postwar Construction Program, pursuant to Senate Resolution No. 125 (nine members): Mayo, Luckey, Mixter, Swing, Engle, Keating, Brown, Breed, and Tenney.
4. Senate Committee on Governmental Efficiency, pursuant to Senate Resolution No. 137 (five members): Salsman, McCormack, McBride, DeLap, and Jespersen.
5. Senate Committee on Homes and Institutions for the Aged, pursuant to Senate Resolution No. 134 (six members): Shelley, McBride, Mayo, Brown, Gordon, and Dorsey.
6. Senate Committee on the Colorado River, pursuant to Senate Resolution No. 138 (three members): Swing, Luckey, and Fletcher.
7. Senate Committee on Unemployment Insurance, pursuant to Senate Resolution No. 143 (five members): Shelley, Dillinger, Judah, Powers, and Cunningham.
8. Senate Committee on State Subventions to Counties, pursuant to Senate Resolution No. 145 (five members): Deuel, Tickle, Salsman, Parkman, and Ward.
9. Senate Committee on the Motor Vehicle Department, pursuant to Senate Resolution No. 150 (five members): Seawell, Parkman, Collier, McCormack, and Keating.
10. Senate Committee on the State Board of Equalization, pursuant to Senate Resolution No. 153 (five members): Ward, Powers, Carter, Mixter, and Rich.
11. Joint Committee on Tax Structure of the State, pursuant to Senate Concurrent Resolution No. 10 (three Senate members): Dillinger, Collier, and DeLap.
12. Joint Committee on Old Age Pension Promoters, pursuant to Assembly Concurrent Resolution No. 45 (two Senate members): Burns and Donnelly.
13. Joint Committee on Fish and Game Problems, pursuant to Assembly Concurrent Resolution No. 46 (two Senate members): Gordon and Engle.
14. Joint Committee on California Centennial Year, pursuant to Assembly Concurrent Resolution No. 50 (two Senate members): Tickle and Swan.
15. Joint Committee on Un-American Activities, pursuant to Assembly Concurrent Resolution No. 59 (two Senate members): Burns and Tenney.
16. Commission on Forest Preservation, pursuant to Senate Bill No. 509 (two Senate members): Biggar and Carter.
17. Senate Committee on Agricultural Labor, pursuant to Senate Resolution No. 147 (three members): Shelley, Seawell, and Mayo.

COMMITTEE ON RULES

SEAWELL, Chairman



**APPOINTMENTS OF SENATORS BY LIEUTENANT GOVERNOR TO  
PRESENT AFFIRMATIVE AND NEGATIVE ARGUMENTS  
ON CONSTITUTIONAL AMENDMENTS  
SUBMITTED BY THE SENATE**

**Senate Constitutional Amendment No. 10—**

Senator Hatfield—affirmative argument.

Senator Salsman—affirmative argument.

No "no" votes, therefore no Senator named for negative argument.

**Senate Constitutional Amendment No. 24—**

Senator Rich—affirmative argument.

Senator Breed—affirmative argument.

Senator Carter—negative argument.

**Senate Constitutional Amendment No. 25—**

Senator Tickle—affirmative argument.

Senator Fletcher—affirmative argument.

Senator Engle—negative argument.

**Senate Constitutional Amendment No. 29—**

Senator Hatfield—affirmative argument.

Senator DeLap—affirmative argument.

Senator Gordon—negative argument.

**RESOLUTIONS**

The following resolutions were offered:

By Senator McCormack:

**Senate Resolution No. 155**

*Resolved*, That a Committee of Three be appointed to notify the Governor that the Senate is ready to receive his message, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator McCormack, adopted.

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators Mayo, Shelley, and Breed.

By Senator Salsman:

**Senate Resolution No. 156**

*Resolved*, That a Committee of Three be appointed to notify the Assembly that the Senate is ready to receive its message, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Salsman, adopted.

**Appointment of Special Committee**

The President announced, in accordance with the above resolution, the appointment of Senators DeLap, Rich, and Tenney.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH**

At 2:58 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1231 refused passage by the following vote:

**AYES**—Senators Deuel, Gordon, Hatfield, Judah, Keating, Parkman, Rich, and Ward—8.

**NOES**—Senators Biggar, Breed, Burns, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Donnelly, Dorsey, Engle, Jaspersen, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Salsman, Seawell, Shelley, Slater, Swan, Tenney, and Tickle—26.

### COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

SAN JOSE, CALIF., May 8, 1943

*Joseph A. Beek, Secretary of the Senate  
Senate Chambers, State Capitol*

DEAR MR. BEEK: Will you please extend to the Members of the Senate, before final adjournment, my sincere appreciation for the many favors and courtesies extended to me during my term in the Senate and in particular their action in adopting Senate Concurrent Resolution No. 13, January 14, 1942, relative to my appointment to the superior court.

I received a beautiful engraved copy of the resolution which I prize greatly. I expected even to this last moment to have been able to convey these sentiments personally, but, since adjournment is only a few hours away, I hope this message will partially at least answer the purpose.

It was indeed a privilege to have been a Member of the Senate, and the memory of my association with its members, officers, and attaches will ever be cherished by me. With kindest regards and best wishes,

Gratefully and sincerely,

JOHN D. FOLEY

### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Senate Bill No. 1061**—An act to amend Sections 8703, 8705, 9151 and 9174 of the Revenue and Taxation Code, relating to use fuel tax permits and refunds of the use fuel tax.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 604**—An act to amend Section 5.751 of the School Code and to amend Section 13842 of the Education Code, relating to salaries of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 866**—An act to amend Sections 1177 and 1203.6 of the Fish and Game Code, relating to pheasants.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption to:

**Senate Constitutional Amendment No. 6**

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from the file:

Senate Bill No. 278

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1011

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By J. L. G. ROSS, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 961

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1777

Amendment Bill No. 1000

Assembly Concurrent Resolution No. 64

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Commerce and Marine:

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item 73 of the Budget Act of 1943, relating to the repair and maintenance of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Commerce concerning:

**Senate Bill No. 998**—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Commerce concerning:

**Senate Bill No. 902**—An act to add Sections 6259.5 and 6265 to the Revenue and Taxation Code, relating to the sales and use taxes and exemptions therefrom.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1265**—An act to add Article 9 to Chapter 7 of Part 3 of Division 5 of the School Code, comprising Sections 5.725 to 5.725 $\frac{1}{2}$ , inclusive, and to add Article 8 to Chapter 11 of Division 7 of the Education Code, comprising Sections 13701 to 13718, inclusive, relating to emergency leaves of absence, declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1414**—An act to add Section 471.5 to the Agricultural Code, relating to cream.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

**Assembly Bill No. 1705**—An act to amend Section 105 of the Vehicle Code, relating to the office of director.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 961  
Assembly Bill No. 1582  
Assembly Bill No. 1322  
Assembly Bill No. 1560  
Assembly Bill No. 1975  
Assembly Bill No. 1953  
Assembly Bill No. 487  
Assembly Bill No. 1045

Assembly Bill No. 1047  
Assembly Bill No. 1555  
Assembly Bill No. 1983  
Assembly Bill No. 929  
Assembly Bill No. 1190  
Assembly Bill No. 1191  
Assembly Bill No. 1623  
Assembly Bill No. 1712

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 664

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from the file:

Senate Bill No. 232

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 652

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day tabled:

Senate Bill No. 856  
Senate Bill No. 999

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACK G. ROSSI, Assistant Clerk



## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to

Senate Bill No. 515

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JACOB C. ROBERT, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to

Senate Bill No. 1040

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action

Senate Bill No. 864

Senate Bill No. 966

Senate Bill No. 1004

Senate Bill No. 910

Senate Bill No. 990

Senate Bill No. 905

Senate Bill No. 796

Senate Bill No. 647

Senate Bill No. 367

Senate Bill No. 620

Senate Bill No. 365

Senate Bill No. 240

Senate Bill No. 126

Senate Bill No. 82

Senate Bill No. 90

Senate Bill No. 35

Senate Bill No. 767

Senate Bill No. 882

Senate Bill No. 1103

Senate Joint Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEVY, Assistant Clerk

## ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 771

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By HAROLD F. LEVY, Assistant Clerk

## MESSAGES FROM THE ASSEMBLY

At 2:59 p.m., a committee from the Assembly, consisting of Messrs. McCollister, Evans, and Lyons, appeared at the bar of the Senate, and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn sine die.

## REPORTS OF SPECIAL COMMITTEES

Senator DeLay, as Chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die in accordance with the provisions of Senate Concurrent Resolution No. 32, reported that the committee had delivered the message to the Assembly, and had been requested by the Assembly to inform the Senate that the Assembly had no further communication to transmit as they were prepared to adjourn sine die.

Senator McBride, as Chairman of the Special Committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die as provided in Senate Concurrent Resolution No. 32, reported that they had performed their duty.

## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 153—An act to amend Section 4277 of the Political Code, relating to compensation for public services in counties of the forty-eighth class;

**Senate Bill No. 168**—An act to amend Section 3661 of, and to add Section 3661.1 to, the Education Code, relating to the formation of union or joint union high school districts;

**Senate Bill No. 198**—An act to amend Section 4803 of, and add Sections 4807.2, 4807.3, 4812.5 and 4814 to, the Penal Code, relating to commutations, pardons, and the Advisory Pardon Board;

**Senate Bill No. 231**—An act to add Section 4350.1 to the School Code and to add Section 6114 to the Education Code, relating to the payment of school district employees, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 362**—An act to make an appropriation to carry into effect Article 4 of Chapter 8 of Title 1 of Part 3 of the Penal Code;

**Senate Bill No. 431**—An act appropriating money for construction, improvement, and equipment for the California Maritime Academy; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 448**—An act to repeal an act entitled "An act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States over the proprietary lands of this State," approved May 18, 1921, and Section 8451 of the Public Resources Code, making a statement of legislative intent and defining certain terms, declaring the urgency hereof to take effect immediately;

**Senate Bill No. 489**—An act making an appropriation from the State Park Maintenance Fund to repay a loan made from the Emergency Fund, to take effect immediately;

**Senate Bill No. 502**—An act to amend Sections 1071, 2422, 2423, 2481, 2502, 2561, 2584, 2802, 2833, 2893, 2922, 2962, 3431, 3462, 3591, 3691, 3722, 3742, 3743, 3761, 3825, 3841, 3851, 3962, 4281, 4341, 18461 and 18478, and to repeal Section 3403 of, and to amend the article heading of Article 14, of Chapter 11, Division 2 of the Education Code, relating to the public school system;

**Senate Bill No. 577**—An act to amend Section 255 of the Probate Code, relating to inheritance by illegitimate children;

**Senate Bill No. 614**—An act to amend Section 675.1 of the Political Code, relating to the approval of salaries by the Department of Finance;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 630**—An act to amend Sections 1300.15, 1300.16 and 1300.19 of the Agricultural Code, relating to the marketing of agricultural commodities;

**Senate Bill No. 656**—An act to amend Sections 5014 and 6816 and to repeal Section 6817 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund, creating the State Beach Fund, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 731**—An act to amend Section 5003.5, and to add Section 5014.1 to, the Public Resources Code, abolishing the State Park Maintenance and Acquisition Fund and creating the State Park Fund, relating to State parks, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 752**—An act to add Article 7.5 consisting of Sections 20490 to 20493, inclusive, to Chapter 2 of Division 10 of the Education Code, relating to the granting of degrees to vocational teachers;

**Senate Bill No. 819**—An act to regulate the employment of publicists employed by State departments and agencies, and prescribing penalties for the violation hereof; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 820**—An act to add Section 408.5 to the Political Code, relating to the filing of contracts made by or on behalf of the State, providing for the examination of such contracts;

**Senate Bill No. 852**—An act to amend Section 1223 of the Probate Code and Section 2009 of the Code of Civil Procedure, relating to rules of pleading and practice in judicial proceedings, declaring the urgency thereof, to take effect immediately.

**Senate Bill No. 897**—An act to amend Section 7067 of the Insurance Code, relating to contribution.

**Senate Bill No. 987**—An act to amend Section 19004 of the Water Code, relating to dams, and to amend Section 2 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of insuring the life and property, defining powers and duties concerning the supervision of dams, controlling for the subsegment of said supervision and providing penalties for violations thereof and nothing an appropriation therefor," approved June 10, 1939, as amended, relating to dams.

**Senate Bill No. 1089**—An act to amend Sections 14084 and 14200 of the Health and Safety Code, relating to weed abatement and removal of fire hazards in fire protection districts in unincorporated areas, declaring the urgency thereof, to take effect immediately.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1092**—An act to amend Section 757p of the Political Code, relating to the salary of the superior judge of the County of Kings:

**Senate Concurrent Resolution No. 10**—Relative to the creation of a Joint Committee on the Tax Structure of the State to study, investigate, and report on the subject of taxation in the State.

**Senate Concurrent Resolution No. 40**—Relative to continuing in existence the First Policy Committee created by Senate Concurrent Resolution No. 13 of the Fifty-fifth Session, and authorizing the study of insurance pooling.

**Senate Concurrent Resolution No. 44**—Providing for the continuance of the Joint Committee on Water Problems created by Senate Concurrent Resolution No. 11 (1941 Res. Ch. 1391).

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 76**—An act to provide for the use of property belonging to public agencies for horseback riding.

**Senate Bill No. 77**—An act to authorize the Bureau of Criminal Identification and Investigation to lease the teletype system maintained to and by the County of Mendocino for the purpose of connecting the system with the telephone typewriter system of communication maintained under the direction of the bureau between counties and cities and counties of this State, and to make an appropriation therefor.

**Senate Bill No. 145**—An act making an appropriation to the California Polytechnic School for the cultivation of herbs, declaring the urgency thereof, to take effect immediately.

**Senate Bill No. 270**—An act making an appropriation for the acquisition of real property for the Humboldt State College.

**Senate Bill No. 288**—An act making appropriation of money to be used by the Attorney General in the payment of expenses in the proceeding brought by the Attorney General in the Court of Claims of the United States in behalf of the Indians of the State of California, in accordance with an act of the Legislature of 1927, Statutes of 1927, Chapter 843.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 308**—An act to provide for the printing and sale of legislative publications by the State Printer.

**Senate Bill No. 319**—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme



Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges;

**Senate Bill No. 359**—An act to add Section 128 to the Welfare and Institutions Code, relating to moneys appropriated for public assistance, and providing for audits by the Director of Finance of records pertaining to the receipt and expenditure thereof;

**Senate Bill No. 406**—An act making an appropriation to the Department of Agriculture for the construction, maintenance and operation of a highway inspection station for the purpose of enforcing certain provisions of the Agricultural Code;

**Senate Bill No. 410**—An act making an appropriation for the acquisition for State park purposes of certain lands in San Mateo County to be incorporated in the State Park System;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 414**—An act to amend Sections 507, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2253, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2266, 2267, 2271, 2274 and 2275 of, and to add Section 2005 to the Public Resources Code, to increase the membership of the State Mining Board and to provide for its powers and duties and for the powers and duties of employees and officers of the Division of Mines, to declare the intent of the Legislature in regard thereto, and to abolish the Ore Buyer's License Fund;

**Senate Bill No. 423**—An act to amend Sections 26457, 26472, 26490, 26491, 26492, 26493, 26494, 26495, 26496, 26510, 26511, 26512, 26518, 26520, 26522, 26526, 26527, 26541, 26548, 26549, 26560, 26561, 26562, 26566, 26567, 26583, 26584, 26586, 26587, 26588, 26600, 26617, 26621, and 26622 of, and to add Section 26463 to, the Health and Safety Code, relating to adulterating, misbranding, false advertising, and sale of foods and the powers of the State Department of Public Health in relation thereto;

**Senate Bill No. 602**—An act to amend Section 120 of, and to add Section 120.5 to, the Welfare and Institutions Code, relating to the State Department of Social Welfare;

**Senate Bill No. 612**—An act to amend Section 696 of the Political Code, relating to the Revolving Fund for State Purchases;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 830**—An act to amend Section 10055 of the Business and Professions Code, relating to the Real Estate Commissioner;

**Senate Bill No. 965**—An act to add Section 395.1 to the Code of Civil Procedure, relating to the venue of actions;

**Senate Bill No. 1008**—An act to add Section 11181.1 to the Education Code, relating to school textbooks;

**Senate Bill No. 1026**—An act to add Section 7.3 to the Unemployment Insurance Act, relating to exemptions;

**Senate Bill No. 1075**—An act to add 160.5 to the Military and Veterans Code, relating to the powers and duties of The Adjutant General, and providing for supervision and direction by him of the members of the California Highway Patrol and of fish and game wardens and other enforcing officers employed by the Division of Fish and Game;

**Senate Bill No. 1081**—An act making an appropriation for the acquisition of real property for the Preston School of Industry;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 1091**—An act to amend Section 8202 of the Government Code, relating to eligibility to and performing the duties of the office of notary public;

**Senate Bill No. 1108**—An act to add Section 8 to an act entitled "An act to authorize the county judge of Tehama County to distribute town lots held by him in



trust for the conveyance of the Titles of Real Estate and to issue certificates of title to the instruments of such trusts in accordance with their respective intents," approved March 6, 1943, as amended and promulgated, relating to the conveyance of certain streets and alleys.

**Senate Bill No. 1119**—An act to add Article 25 to Chapter 5 of Division 9 of the Education Code, relating to the leasing of real property by school districts, declaring the urgency thereof, to take effect immediately.  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 224**—An act to amend an act approved by the State Department of Education for the conveying of real property to the San Jose State College.

**Senate Bill No. 529**—An act to amend an act approved by the State Department of Health relating to the conveyance of real property to the County of Inyo.

**Senate Bill No. 661**—An act to amend Sections 1620, 1621, 1622, 1623, 1625, 1626, 1627, 1628, and 1629 of the Education Code and to amend the Education Code, relating to the conveying of real property to the State Department of Education, to add Chapter 2 of Division 9 of the Education Code, and to add Chapter 2 of Division 9 of the Education Code, relating to the conveying of real property to the State Department of Education, and to amend the Education Code, relating to the conveying of real property to the State Department of Education, and to amend the Education Code, relating to the conveying of real property to the State Department of Education.

**Senate Bill No. 678**—An act to add Section 10141 to the School Code and to add Section 10142 to the Education Code, relating to the conveying of real property to the State Department of Education, and to amend the Education Code, relating to the conveying of real property to the State Department of Education.

**Senate Bill No. 686**—An act to add Section 10141 to the Education Code, relating to the conveying of real property to the State Department of Education, and to amend the Education Code, relating to the conveying of real property to the State Department of Education.  
And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 672**—An act to add Section 603 to the Alcoholic Beverage Control Act, relating to Alcoholic Beverages.

**Senate Bill No. 1116**—An act to amend the State, and city, county, city and county, or district having jurisdiction of properties to make agreements with the United States Government for the leasing or use of such properties during the war and in connection therewith, relating to the leasing of properties during the war and in connection therewith, relating to the leasing of properties during the war and in connection therewith.

**Senate Concurrent Resolution No. 47**—Relative to investigating committees.

**Senate Concurrent Resolution No. 51**—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

**Senate Joint Resolution No. 25**—Relative to deferral of earnings from agricultural labor from old age assistance.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 136**—An act to add a new chapter to Title 14 of Part 4 of Division 4 of the Civil Code to be known as Chapter 14, relating to the assignment of accounts receivable and pertaining to the giving of notice thereof.

**Senate Bill No. 356**—An act to add Section 4015 to the Public Resources Code, relating to money received by the State pursuant to the Clarke-McNary Act or under cooperative agreements or contracts.

**Senate Bill No. 475**—An act to add Section 4284 to the School Code and to add Section 5067 to the Education Code, relating to the investment of funds of school districts in bonds issued by the United States of America, declaring the urgency thereof, to take effect immediately.

**Senate Bill No. 508**—An act to add Sections 1294 and 1295 to the School Code and to add Sections 16276 and 16277 to the Education Code, relating to the lease of busses owned by, or under lease to, school districts, declaring the urgency thereof, to take effect immediately.

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 548**—An act to add Section 16424 to the Education Code and to amend Sections 1679 and 11512 of the Insurance Code and to add Section 11512.4 to the Insurance Code, all relating to the insurance of pupils of the public schools.

**Senate Bill No. 552**—An act to add Article 4, comprising Sections 990 to 991.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of bonds, notes, or other negotiable instrument or creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943; creating a Veterans' Finance Committee of 1943; defining the powers and duties of said committee and of the Veterans' Welfare Board and other State officers in respect to the administration of the provisions hereof; providing wages and salaries, exclusive of bonus, for the payment of the interest of such debt or debts, liability or liabilities, on such interest fully paid, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1944.

**Senate Bill No. 559**—An act to amend Section 691 of the Military and Veterans Code, relating to the Veterans' Welfare Board; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 560**—An act to add Chapter 6, comprising Sections 980 to 981.7, inclusive, to Division 4 of the Military and Veterans Code, relating to the education of veterans, and making an appropriation therefor;

**Senate Bill No. 561**—An act to add Article 5, comprising Sections 985 to 988.3, inclusive, to Chapter 6 of Division 4 of the Military and Veterans Code, relating to farm and home aid for veterans and defining the powers and duties of the Veterans' Welfare Board in respect thereto, and making an appropriation therefor;

**Senate Bill No. 797**—An act to amend Sections 3418 and 3723 of the Public Resources Code, relating to the record of assessments and charges for the Petroleum and Gas Fund and the imposition of a tax lien and the enforcement, release or subordination thereof;

**Senate Bill No. 1013**—An act to add Section 13654 to the Education Code, relating to reappointment rights of permanent employees;

**Senate Constitutional Amendment No. 25**—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules has examined:

**Senate Bill No. 727**—An act making an appropriation to the emergency fund specified in Item 221 of the Budget Act of 1943, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, declaring the urgency of this act, to take effect immediately;

**Senate Bill No. 449**—An act making an appropriation for landscaping and auto parking at Marshall's Monument grounds;

**Senate Bill No. 503**—An act to add Sections 5127.1 and 5141.1 to the School Code and to add 12008.1 and 12042.1 to the Education Code, relating to emergency credentials authorizing service in the public school system, declaring the urgency thereof, to take effect immediately;

**Senate Bill No. 511**—An act to amend Section 12751 of the Education Code, relating to the suspension of credentials issued by the State Board of Education;

**Senate Bill No. 581**—An act to amend Section 3493 of the Political Code, relating to reclamation districts; And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Blood Pressure: \_\_\_\_\_

And second, that the United States Government should be authorized to give assistance to the Government of the Republic of China for the acquisition, development and maintenance of a fleet of 11 aircraft carriers.

STAWPIL, C. 1990.

MR. PRESIDENT. Your Committee on Rules has examined:

Senate Bill No. 200—has an in-print photograph and title of the President of the printing is submitted to the State Government in Albany from other State members.

Senate Bill No. 791—A bill to amend Section 10532.1 to the Business and Professions Code, relating to social workers and juvenile court facilities, and to the appointment of the same to public child care facilities.

Senate Bill No. 877—As it is again Section 21412 of our School Code and its amendments, 21412 of the Education Code, relating to the Official Statement of Public Instruction.)

Add before the last word "and" (which has recently modified), and proceed to the Commission of the State of May, 1943, at 2 p.m.

SEAWELL, Chairman

[illegible]

**Senate Bill No. 807.**—A bill to amend an act entitled "An act prescribing the State Election Law of the State of Tennessee," and prescribing the powers, duties, and jurisdiction thereof," approved by the Governor, June 14, 1900, to read as follows: The State Reconstruction and Reemployment Commission, and vesting in its powers and duties, authorizing the State Reconstruction and Reemployment Commission to make investigations, reports, recommendations and plans for a program for the economic development, stimulation and utilization of the human, material, and economic resources of the State, making an appropriation, and to transfer the duties of the State Reconstruction and Reemployment Commission, and the State Planning Board to the State Reconstruction and Reemployment Commission;

**Senate Bill No. 866**—An act to add Sections 5015.5, 5016, 5017, and 5018 to the Public Resources Code relating to parks and benches:

**Senate Bill No. 902**—An act to add Sections 6040.5 and 6045 to the Revenue and Excise Code, relating to the sales and use taxes and exemptions therefrom.

**Senate Bill No. 1011**—An act to add Section 12756 to the Education Code, relating to the issuance of transcripts, certificates, credentials and other documents:

And reports that the same have been properly considered, and presented to the Governor on the fifth day of May, 1943, at 2 p.m.

SEAWELL, Chairman

SEAWELL, Chairman

## Mr. PETERS. Your Committee on Rules has examined:

**Senate Bill No. 993.** Amending and repealing Sections 6 and 90, and to repeal Sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, and 88 of, and to add Sections 75, 76, 77, 78, 79, 80, 81, 82 and 83, to the Unemployment Insurance Act, relating to the administration of the said Act, amending the California Employment Stabilization Commission and the California Unemployment Insurance Appeals Board and abolishing the California Employment Commission;





## Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT, Your Committee on Agriculture, to which were referred:

Senate Bill No. 188

Senate Bill No. 189

Senate Bill No. 190

Senate Bill No. 394

Senate Bill No. 395

Senate Bill No. 396

Senate Bill No. 400

Senate Bill No. 447

Senate Joint Resolution No. 3

Senate Joint Resolution No. 14

Senate Joint Resolution No. 31

Senate Bill No. 474

Senate Bill No. 582

Senate Bill No. 792

Senate Bill No. 625

Senate Bill No. 626

Senate Bill No. 764

Senate Bill No. 828

Senate Bill No. 1028

Senate Bill No. 1047

Assembly Bill No. 481

Assembly Bill No. 822

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CRITTENDEN, Chairman

## Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT, Your Committee on Business and Professions, to which were referred:

Senate Bill No. 70

Senate Bill No. 112

Senate Bill No. 180

Senate Bill No. 396

Senate Bill No. 598

Senate Bill No. 40

Senate Bill No. 387

Senate Bill No. 396

Senate Bill No. 609

Senate Bill No. 667

Senate Bill No. 662

Senate Bill No. 663

Senate Bill No. 794

Senate Bill No. 769

Senate Bill No. 786

Senate Bill No. 829

Senate Bill No. 906

Senate Bill No. 909

Assembly Bill No. 313

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SHIPLEY, Chairman

## Committee on Education

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT, Your Committee on Education, to which were referred:

Senate Bill No. 32

Senate Bill No. 271

Senate Bill No. 422

Senate Bill No. 436

Senate Bill No. 470

Senate Bill No. 486

Senate Bill No. 487

Senate Bill No. 488

Senate Bill No. 520

Senate Bill No. 521

Assembly Constitutional Amendment No. 40

Assembly Concurrent Resolution No. 16

Senate Bill No. 529

Senate Bill No. 532

Senate Bill No. 536

Senate Bill No. 539

Senate Bill No. 568

Senate Bill No. 605

Senate Bill No. 610

Assembly Bill No. 1310

Assembly Bill No. 1500

Assembly Bill No. 1909

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SLATER, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT, Your Committee on Education, to which were referred:

Senate Bill No. 622

Senate Bill No. 653

Senate Bill No. 654

Senate Bill No. 684

Senate Bill No. 693

Senate Bill No. 719

Senate Bill No. 740

Senate Bill No. 757

Senate Bill No. 762

Senate Bill No. 768

Senate Bill No. 826

Senate Bill No. 831

Senate Bill No. 832

Senate Bill No. 834

Senate Bill No. 867

Senate Bill No. 872

Senate Bill No. 1009

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SLATER, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 1012

Senate Bill No. 1029

Senate Bill No. 1034

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SLATER, Chairman

## Committee on Elections

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 3

Senate Bill No. 12

Senate Bill No. 54

Senate Bill No. 183

Senate Bill No. 869

Senate Constitutional Amendment No. 4

Senate Joint Resolution No. 11

Senate Bill No. 1016

Senate Bill No. 1069

Assembly Bill No. 1253

Assembly Bill No. 1276

Assembly Bill No. 1803

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BREED, Chairman

## Committee on Governmental Efficiency

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 36

Senate Bill No. 38

Senate Bill No. 47

Senate Bill No. 137

Senate Bill No. 138

Senate Bill No. 213

Senate Bill No. 258

Senate Bill No. 259

Senate Bill No. 260

Senate Bill No. 261

Senate Bill No. 263

Senate Bill No. 354

Senate Bill No. 358

Senate Bill No. 368

Senate Bill No. 372

Senate Bill No. 425

Senate Bill No. 476

Assembly Bill No. 83

Assembly Bill No. 946

Assembly Bill No. 1345

Assembly Bill No. 1411

Assembly Concurrent Resolution No. 55

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 700

Senate Bill No. 749

Senate Bill No. 778

Senate Bill No. 782

Senate Bill No. 783

Senate Bill No. 802

Senate Bill No. 810

Senate Bill No. 811

Senate Bill No. 814

Senate Bill No. 815

Senate Bill No. 816

Senate Bill No. 817

Senate Bill No. 823

Senate Bill No. 854

Senate Bill No. 871

Senate Bill No. 874

Senate Bill No. 875

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 477

Senate Bill No. 483

Senate Bill No. 484

Senate Bill No. 531

Senate Bill No. 544

Senate Bill No. 574

Senate Bill No. 578

Senate Bill No. 600

Senate Bill No. 604

Senate Bill No. 619

Senate Bill No. 680

Senate Bill No. 681

Senate Bill No. 683

Senate Bill No. 694

Senate Bill No. 695

Senate Bill No. 696

Senate Bill No. 697

Senate Bill No. 720

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1070	Senate Bill No. 1062
Senate Bill No. 1071	Senate Bill No. 1065
Senate Bill No. 1072	Senate Bill No. 1072
Senate Bill No. 1073	Senate Bill No. 1075
Senate Committee on Governmental Efficiency No. 3	
Senate Committee on Governmental Efficiency No. 5	
Senate Committee on Governmental Efficiency No. 7	
Senate Committee on Governmental Efficiency No. 14	
Senate Committee on Governmental Efficiency No. 18	
Senate Committee on Governmental Efficiency No. 20	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

## Committee on Finance

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 50	Senate Bill No. 109
Senate Bill No. 14	Senate Bill No. 261
Senate Bill No. 118	Senate Bill No. 291
Senate Bill No. 200	Senate Bill No. 302
Senate Bill No. 201	Senate Bill No. 307
Senate Bill No. 202	Senate Bill No. 341
Senate Bill No. 203	Senate Bill No. 346
Senate Bill No. 204	Senate Bill No. 350

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MINTER, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 170	Assembly Bill No. 1070
Assembly Bill No. 600	Assembly Bill No. 1081
Assembly Bill No. 601	Assembly Bill No. 1010
Assembly Bill No. 1101	
Assembly Committee on Finance No. 24	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MINTER, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 571	Senate Bill No. 891
Senate Bill No. 601	Senate Bill No. 995
Senate Bill No. 601	Senate Bill No. 1024
Senate Bill No. 605	Senate Bill No. 1047
Senate Bill No. 715	Senate Bill No. 1048
Senate Bill No. 708	Senate Bill No. 1049
Senate Bill No. 800	Senate Bill No. 1050
Senate Bill No. 842	Senate Bill No. 1051
Senate Bill No. 880	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MINTER, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1052	Senate Bill No. 1062
Senate Bill No. 1053	Senate Bill No. 1087
Senate Bill No. 1054	Senate Bill No. 1094
Senate Bill No. 1055	Senate Bill No. 1105

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

MINTER, Chairman

## Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 42	Senate Bill No. 409
Senate Bill No. 43	Senate Bill No. 415
Senate Bill No. 45	Senate Bill No. 416
Senate Bill No. 174	Senate Bill No. 417
Senate Bill No. 175	Senate Bill No. 462
Senate Bill No. 176	Senate Bill No. 492
Senate Bill No. 177	Assembly Bill No. 548
Senate Bill No. 277	Assembly Bill No. 927
Senate Bill No. 334	Assembly Bill No. 1037
Senate Bill No. 336	Assembly Bill No. 1038
Senate Bill No. 408	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McBRIDE, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 493	Senate Bill No. 836
Senate Bill No. 494	Senate Bill No. 899
Senate Bill No. 495	Senate Bill No. 1020
Senate Bill No. 496	Senate Bill No. 1021
Senate Bill No. 573	Senate Bill No. 1101
Senate Bill No. 665	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McBRIDE, Chairman

## Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 10	Senate Bill No. 377
Senate Bill No. 19	Senate Bill No. 378
Senate Bill No. 88	Senate Bill No. 379
Senate Bill No. 144	Senate Bill No. 380
Senate Bill No. 190	Senate Bill No. 553
Senate Bill No. 230	Senate Bill No. 594
Senate Bill No. 236	Senate Bill No. 627
Senate Bill No. 286	Assembly Bill No. 173
Senate Bill No. 349	Assembly Bill No. 872
Senate Bill No. 352	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

GORDON, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 628	Senate Bill No. 905
Senate Bill No. 730	Senate Bill No. 1035
Senate Bill No. 743	Senate Bill No. 1074
Senate Bill No. 773	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

GORDON, Chairman

## Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 764	Assembly Bill No. 1918
Assembly Bill No. 1312	Assembly Bill No. 1997
Assembly Bill No. 1829	Assembly Bill No. 2000
Assembly Bill No. 1844	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DELAP, Chairman



## SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 66	Assembly Bill No. 457
Assembly Bill No. 209	Assembly Bill No. 621
Assembly Bill No. 273	Assembly Bill No. 630
Assembly Bill No. 316	Assembly Bill No. 668
Assembly Bill No. 327	Assembly Bill No. 717
Assembly Bill No. 330	Assembly Bill No. 720
Assembly Bill No. 336	Assembly Bill No. 754
Assembly Bill No. 439	Assembly Bill No. 764

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DeLAP, Chairman

## SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 74	Senate Bill No. 67
Senate Bill No. 75	Senate Bill No. 68
Senate Bill No. 76	Senate Bill No. 69
Senate Bill No. 77	Senate Bill No. 71
Senate Bill No. 78	Senate Bill No. 99
Senate Bill No. 81	Senate Bill No. 101
Senate Bill No. 40	Senate Bill No. 106
Senate Bill No. 46	Senate Joint Resolution No. 2
Senate Bill No. 55	Senate Joint Resolution No. 3
Senate Bill No. 61	
Senate Bill No. 66	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DeLAP, Chairman

## SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 115	Senate Bill No. 206
Senate Bill No. 132	Senate Bill No. 207
Senate Bill No. 199	Senate Bill No. 208
Senate Bill No. 200	Senate Bill No. 209
Senate Bill No. 201	Senate Bill No. 210
Senate Bill No. 202	Senate Bill No. 211
Senate Bill No. 203	Senate Bill No. 225
Senate Bill No. 204	Senate Bill No. 242
Senate Bill No. 206	
Senate Constitutional Amendment No. 17	
Senate Concurrent Resolution No. 31	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DeLAP, Chairman

## SENATE CHAMBER, SACRAMENTO, MAY 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 252	Senate Bill No. 293
Senate Bill No. 253	Senate Bill No. 311
Senate Bill No. 254	Senate Bill No. 316
Senate Bill No. 255	Senate Bill No. 317
Senate Bill No. 256	Senate Bill No. 388
Senate Bill No. 257	Senate Bill No. 389
Senate Bill No. 264	Senate Bill No. 394
Senate Bill No. 285	Senate Bill No. 395
Senate Bill No. 292	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DeLAP, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 450	Senate Bill No. 607
Senate Bill No. 453	Senate Bill No. 585
Senate Bill No. 457	Senate Bill No. 616
Senate Bill No. 491	Senate Bill No. 674
Senate Bill No. 537	Senate Bill No. 675
Senate Bill No. 586	Senate Bill No. 686
Senate Bill No. 572	Senate Bill No. 687
Senate Bill No. 582	Senate Bill No. 716
Senate Bill No. 606	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DE LAP, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 755	Senate Bill No. 973
Senate Bill No. 766	Senate Bill No. 979
Senate Bill No. 784	Senate Bill No. 1014
Senate Bill No. 835	Senate Bill No. 1015
Senate Bill No. 861	Senate Bill No. 1018
Senate Bill No. 895	Senate Bill No. 1038
Senate Bill No. 901	Senate Bill No. 1064
Senate Bill No. 911	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DE LAP, Chairman

## Committee on Local Government

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 8	Senate Bill No. 247
Senate Bill No. 21	Senate Bill No. 284
Senate Bill No. 22	Senate Bill No. 297
Senate Bill No. 64	Senate Bill No. 321
Senate Bill No. 72	Senate Bill No. 326
Senate Bill No. 73	Senate Bill No. 327
Senate Bill No. 85	Senate Bill No. 343
Senate Bill No. 86	Assembly Bill No. 759
Senate Bill No. 87	Assembly Bill No. 1902
Senate Bill No. 89	
Senate Constitutional Amendment No. 19	
Senate Constitutional Amendment No. 26	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 345	Senate Bill No. 523
Senate Bill No. 346	Senate Bill No. 753
Senate Bill No. 440	Senate Bill No. 772
Senate Bill No. 441	Senate Bill No. 1031
Senate Bill No. 442	Senate Bill No. 1046
Senate Bill No. 443	Senate Bill No. 1056
Senate Bill No. 479	Senate Bill No. 1060
Senate Bill No. 485	Senate Bill No. 1063
Senate Bill No. 517	Senate Bill No. 1073
Senate Bill No. 518	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

## Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 1	Senate Bill No. 172
Senate Bill No. 2	Senate Bill No. 290
Senate Bill No. 3	Senate Bill No. 393
Senate Bill No. 4	Senate Bill No. 375
Senate Bill No. 5	Senate Bill No. 376
Senate Bill No. 41	Senate Bill No. 579
Senate Bill No. 97	Senate Bill No. 735
Senate Bill No. 98	Assembly Bill No. 409
Senate Bill No. 99	Assembly Joint Resolution No. 17

Has had the bills favorably considered, and reports the same back without action by the Committee.

Committee membership: 7; committee vote: Ayes 7.

BIGGAR, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 792	Senate Bill No. 792
Senate Bill No. 793	Senate Bill No. 793
Senate Bill No. 794	Senate Bill No. 794
Senate Bill No. 795	Senate Bill No. 795
Senate Bill No. 796	Senate Bill No. 796
Senate Bill No. 797	Senate Bill No. 797
Senate Bill No. 798	Senate Bill No. 798
Senate Bill No. 799	Senate Bill No. 799
Senate Bill No. 800	Senate Bill No. 800
Senate Bill No. 801	Senate Bill No. 801

Has had the bills favorably considered, and reports the same back without recommendation by the Committee.

Committee membership: 7; committee vote: Ayes 7.

BIGGAR, Chairman

## Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 1042	Senate Bill No. 1042
Senate Bill No. 1043	Senate Bill No. 1043
Senate Bill No. 1044	Senate Bill No. 1044
Senate Bill No. 1045	Senate Bill No. 1045
Senate Bill No. 1046	Senate Bill No. 1046
Senate Bill No. 1047	Senate Bill No. 1047
Senate Bill No. 1048	Senate Bill No. 1048
Senate Bill No. 1049	Senate Bill No. 1049
Senate Bill No. 1050	Senate Bill No. 1050
Senate Bill No. 1051	Senate Bill No. 1051

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

QUINN, Chairman

## Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 351	Senate Bill No. 775
Senate Bill No. 352	Senate Bill No. 829
Senate Bill No. 467	Senate Bill No. 840
Senate Bill No. 555	Senate Bill No. 841
Senate Bill No. 760	Assembly Bill No. 1409

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

FLETCHER, Chairman

## Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 712
Senate Bill No. 713
Senate Bill No. 761

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

PARKMAN, Chairman

## Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 7	Senate Bill No. 682
Senate Bill No. 328	Senate Bill No. 702
Senate Bill No. 329	Senate Bill No. 709
Senate Bill No. 330	Senate Bill No. 711
Senate Bill No. 331	Senate Bill No. 892
Senate Bill No. 332	Senate Bill No. 894
Senate Bill No. 522	Senate Bill No. 1032
Senate Bill No. 593	Assembly Bill No. 198
Senate Bill No. 609	Assembly Bill No. 665
Senate Bill No. 617	Assembly Bill No. 1093

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

KEATING, Chairman

## Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Resolution No. 42	Senate Concurrent Resolution No. 7
Senate Resolution No. 39	Senate Concurrent Resolution No. 45
Senate Resolution No. 22	Senate Concurrent Resolution No. 43
Senate Joint Resolution No. 22	Senate Concurrent Resolution No. 28
Senate Constitutional Amendment No. 8	Senate Concurrent Resolution No. 26
Senate Constitutional Amendment No. 22	Senate Concurrent Resolution No. 9
Assembly Bill No. 2009	Senate Concurrent Resolution No. 11
Assembly Concurrent Resolution No. 44	Senate Concurrent Resolution No. 50
Assembly Concurrent Resolution No. 49	
Assembly Constitutional Amendment No. 39	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SEAWELL, Chairman

## Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 44	Senate Bill No. 549
Senate Bill No. 102	Senate Bill No. 569
Senate Bill No. 114	Assembly Bill No. 100
Senate Bill No. 250	Assembly Bill No. 344
Senate Bill No. 281	Assembly Bill No. 601
Senate Bill No. 282	Assembly Bill No. 606
Senate Bill No. 283	Assembly Bill No. 691
Senate Bill No. 314	Assembly Bill No. 854
Senate Bill No. 373	Assembly Bill No. 896
Senate Bill No. 426	Assembly Bill No. 901
Senate Bill No. 434	Assembly Bill No. 1010
Senate Bill No. 435	Assembly Bill No. 1064
Senate Bill No. 446	Assembly Bill No. 1068
Senate Bill No. 455	Assembly Bill No. 1072
Senate Bill No. 530	Assembly Bill No. 1104
Senate Resolution No. 32	Assembly Bill No. 1702

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McCORMACK, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 595	Senate Bill No. 887
Senate Bill No. 597	Senate Bill No. 888
Senate Bill No. 703	Senate Bill No. 966
Senate Bill No. 728	Senate Bill No. 967
Senate Bill No. 763	Senate Bill No. 968
Senate Bill No. 857	Senate Bill No. 969
Senate Bill No. 870	Senate Bill No. 971
Senate Bill No. 883	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McCORMACK, Chairman





## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 505  
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Senate Bill No. 557  
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Senate Bill No. 648  
Senate Bill No. 659  
Senate Bill No. 670  
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Senate Bill No. 707  
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Senate Bill No. 758  
Senate Bill No. 862  
Senate Bill No. 893  
Senate Bill No. 900  
Senate Bill No. 974  
Senate Bill No. 1005

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

## SENATE CHAMBER, SACRAMENTO, May 5, 1943

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 1030  
Senate Constitutional Amendment No. 2  
Senate Constitutional Amendment No. 9  
Senate Constitutional Amendment No. 11  
Senate Constitutional Amendment No. 15  
Senate Constitutional Amendment No. 16  
Senate Constitutional Amendment No. 20  
Assembly Concurrent Resolution No. 17  
Assembly Joint Resolution No. 18

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

RICH, Chairman

## APPROVAL OF JOURNALS

The Senate Journals of Monday, May 3, 1943, and Tuesday, May 4, 1943, were, on motion of Senator Seawell, approved as corrected by the Journal Clerk and Minute Clerk.

## APPROVAL OF MINUTES

The minutes of this day, May 5, 1943, were read, and, on motion of Senator Seawell, approved as read.

## FINAL ADJOURNMENT

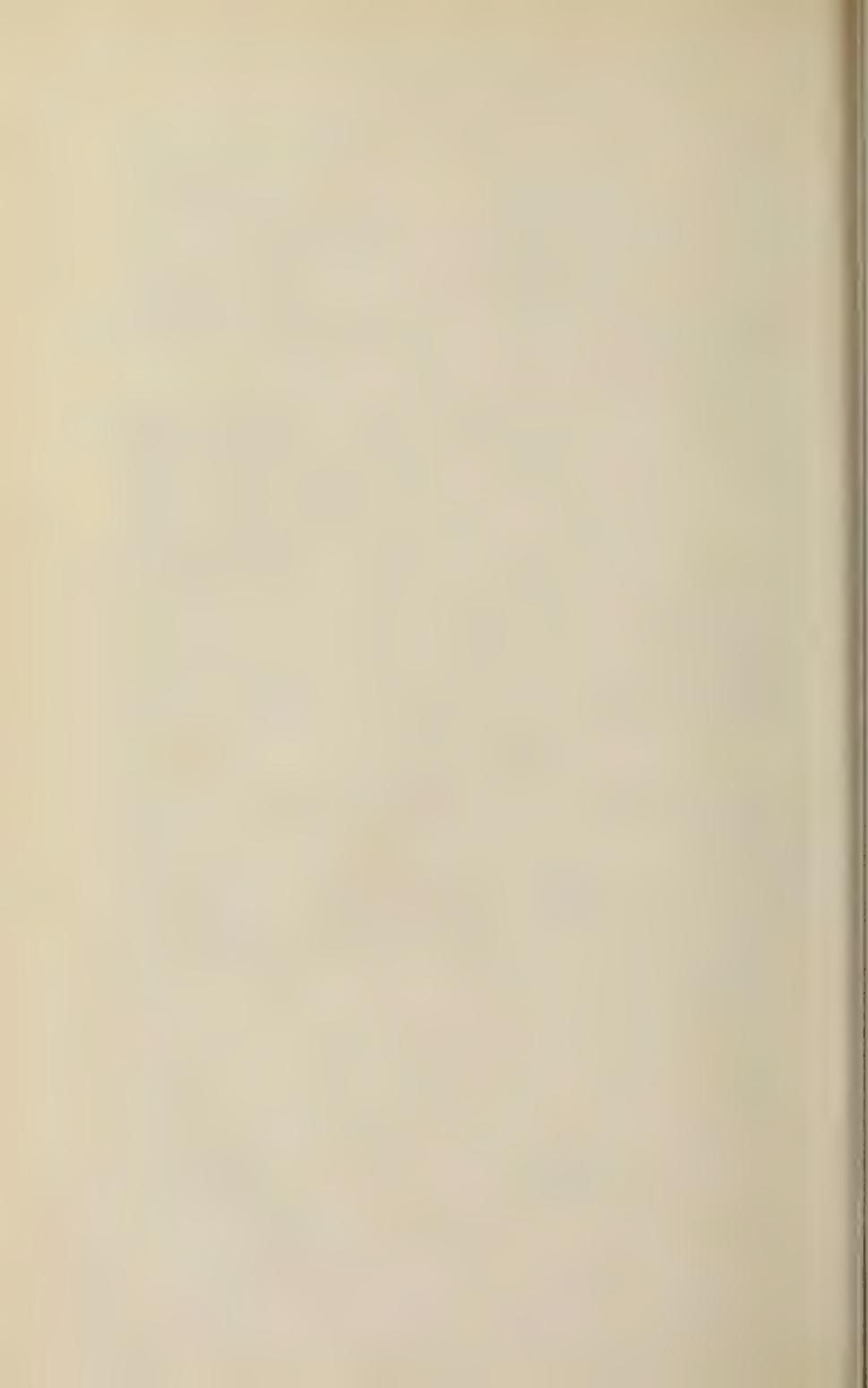
Whereupon, at 3 p.m., on motion of Senator Seawell, in accordance with the provisions of Senate Concurrent Resolution No. 32, the President of the Senate declared the Fifty-fifth Session of the Senate of the State of California adjourned sine die.

JOHN F. LEA, Minute Clerk

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ASSUMPTIONS: 1. The population is normally distributed. 2. The population variance is unknown. 3. The sample size is small ( $n < 30$ ).

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